

Justice Committee

Community Justice (Scotland) Bill

Supplementary written submission from Aberdeenshire Council Criminal Justice Social Work Service

Aberdeenshire Council Social Work and Housing Committee met on 3rd September 2015. The Director of Communities has been instructed to send additional comments with regards to the response to the Community Justice Redesign Consultation submitted on 12th August 2015, to fully reflect the views of the Committee.

1. *Will the proposals in the Bill transform the community justice system in the way envisaged by the Commission on Women Offenders in its 2012 report, such as addressing the weaknesses identified in the current model, tackling reoffending and reducing the prison population?*

The Committee advised it is difficult undertake an accurate assessment of the operational impact of the proposed legislation prior to the impact of allocated resources becoming apparent. The Commission on Women Offenders Report has the potential to be a keystone criminal justice policy document. However, the outcomes focussed, multi - partnership model of work envisaged by the Report has to be supported by comprehensive funding. If there is a deficit in the funding provided, it is anticipated that the Scottish Government will address this with the required extra funding.

To effectively address re-offending and reduction of the use of custody, these issues need to be considered in the wider context of social justice and entrenched inequalities.

2. *Are you content that the definition of 'community justice' in the Bill is appropriate?*

As stated in the response of 12th August 2015, the Bill's definition does not reflect the significant element of preventative activity undertaken across agencies. Prior discussion with partners regarding the definition of community justice would have been desirable.

Accountability of all parties and needs to be answered how individual organisations are going to be embedded in collective responsibility for reducing reoffending.

3. *Will the proposals for a new national body (Community Justice Scotland) lead to improvements in areas such as leadership, oversight, identification of best practice and the commissioning of services?*

If the above is to be successfully achieved, the Committee advised that the new national body should have a supportive, as opposed to prescriptive role. It is hoped

that development work with partners in the lead up to CJS becoming operational will result in an appropriately collaborative culture.

As stated in the Aberdeenshire Consultation response, achieving scope for locally based solutions to local issues is a prerequisite if CJS is to provide a meaningful contribution.

The Aberdeenshire Consultation response also commented on the importance of adequate resourcing for improvement activity. This is not a cost neutral area and the initial allocated funding will not provide an ongoing resource for the future.

A national commissioning strategy has potential for economies of scale and consistency but its sphere of operation requires clarity to avoid imposing on the proposed roles of local Community Justice Partnerships. However, there must be support for a diverse third sector with the capacity to provide community based responses to local issues.

4. *Taking into account the reforms set out in the Community Empowerment (Scotland) Bill relating to Community Planning Partnerships, will Community Justice Partners have the powers, duties and structures required to effectively perform their proposed role in relation to community justice?*

The importance of local democratic accountability remains a central concern. The potentially burdensome reporting requirements of a national performance framework, especially on smaller partner organisations also require clarification as it is highly likely that local authorities will have to provide support and resource re the above. The relevant framework requires the flexibility to enable local priorities to remain visible.

5. *Does the Bill achieve the right balance between national and local responsibility?*

Please also see the response at Question 4. The use of CPPs indicates a locally based model, yet the Bill emphasises national developments given CJS and the national commissioning strategy. There is a lack of long term funding to support the above and the national performance framework has the potential to be undesirably onerous, while also leading to a dilution of local priorities. Therefore further work is required to enable a positive answer to the above.

6. *Will the proposed reforms support improvement in terms of: (a) leadership, strategic direction and planning? (b) Consultation and accountability? (c) Partnership and collaboration? (d) Commissioning of services and achieving best value for money?*

Please see the response to Question 3. As stated previously, improvement activity must be adequately resourced and the allocated funding is for a limited amount and timescale. National developments, such as the CJ strategy, will hopefully provide

positive direction, with the caveat that local priorities also need to be adequately reflected.

7. *Are the resources, as set out in the Financial Memorandum, sufficient to transform the community justice system in the way envisaged by the Commission on Women Offenders in its 2012 report?*

Please see responses to the other questions. The listed resources are not seen as adequate due to:

- The cost attached to the dissolution of the Community Justice Authorities
- The cost attached to the transition of responsibility from the CJA to the Community Planning Partnership. Although there is initial transitional funding for up to three years, this will not cover:
 - The additional performance reporting that will be required of the local authority.
 - The support required by other partners to enable them to meet their reporting requirements effectively
 - The need for a sustainable resource to drive the implementation of the Community Justice strategy by partners
- There is also the query of whether CJ moneys will continue to be ring fenced in the longer term.
- The national distribution of resources and the impact of the rural nature of Aberdeenshire require consideration.

8. *Is the timetable for moving to the new arrangements by 1 April 2017 achievable?*

It is to be hoped this is the case. The timeline is somewhat ambitious and significant levels of support on a national basis will be required.

9. *Could the proposals in the Bill be improved and if so, how?*

Suggested areas for consideration are:

- Further definition of the role of the national body
- Clarification of longer term funding
- Inclusion of prevention with the definition of Community Justice
- Clarification of reporting duties and the need to reflect local priorities.

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 30 October 2015