

Justice Committee

Community Justice (Scotland) Bill

Written submission from Highland Council

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 National Strategy is welcomed and it should provide strategic direction.

Likewise, the national performance framework should also set a clear framework within which community justice agencies can work with common outcomes.

The role of Community Justice Scotland (CJS) is less clear in how it will influence the 32 Community Planning Partnerships (CPPs) given its role is primarily to promote the national strategy, offer guidance to CPPs and advise ministers. This does help to ensure local autonomy and accountability, which is welcomed, but the question of responsibility nationally for the delivery of community justice outcomes is not addressed. For a 'light-touch' agency, with limited power and authority, CJS is significantly resourced.

Although the landscape remains cluttered, with a lack of clarity as to how the coordination of all the various agencies and national bodies, including, e.g. the Risk Management Authority (RMA) will be achieved (, from The Highland Council perspective the focus on delivering community justice locally in Highland, rather than being part of the Northern Community Justice Authority, with its significant challenges in terms of diversity and geography, is welcomed.

However, it is hoped the national strategy, linked, and developed in parallel with the performance framework (the emphasis on outcomes is welcomed) – it is imperative they are not developed in isolation – will be sufficiently broad to avoid the possible discord between national outcomes and priorities and what is relevant and required locally.

Notwithstanding the above, there is a common agreement to retain operational and strategic links between the 7 local authorities in the north where there is value; many of these were in place prior to CJAs, e.g. performance and practice and the delivery of the joint sex offender project.

The Bill's definition of offenders (those convicted) is limited; for example, it does not cover early intervention or prevention.

The role of the Risk Management Authority (RMA) requires to be outlined and how it will relate effectively to CJS.

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

The definition of community justice is limited. Consideration should be given to widening this to encompass early intervention and prevention.

The definition of offender is too narrow and risks setting offenders in isolation of their communities. Individuals that have committed crime have a responsibility to their community; but so, too, do communities to take responsibility for their own and contributing to reducing re-offending and increasing desistance.

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?*

Given the limitations imposed upon CJS as referred to in (1) above, it is unclear how it will deliver improvements in a coherent and systematic way.

It is unclear what is meant by 'leadership'.

It is unclear what is meant by the provision for Ministers to "confer additional functions on, or transfer another person's functions to CJS". Clarification would be welcomed. Linked to this is the reference to the "ability of CJS to develop and arrange services".

There is reference to CJS' role to monitor the performance of community justice partners and make recommendations to ministers, including joint inspections; but it is unclear how this relates to, for example, the function and responsibilities of the Care Inspectorate regarding criminal justice social work.

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?*

There is very limited reference to CPPs. It is understood this is because they are not a statutory body.

Within Highland, the CPP operates strategically at a very senior level and broadly it is felt community justice partners will be able to perform their role.

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

There is limited reference to MAPPA in the Bill and resources relating to this and clarification would be welcomed. The proposal that MAPPA annual reports are submitted to CJS runs counter to the local delivery and accountability for delivering community justice.

The establishment of a hub for innovation, learning etc. presents an opportunity – e.g. a coordinated and strategic approach to training for criminal justice social work – but there is a concern that delivery of training, especially accredited training (e.g. LS/CMI), will become centralised to the detriment of northern areas. The current Training & Development Officer model with TDOs located regionally ensures local responsiveness. There is repeated reference to ‘few if any’ financial implications for local authorities but, again, there are concerns that authorities located in the north will incur greater expenses than those in the central belt, particularly regarding training, and provision must be made to compensate for this, e.g. overnight accommodation (for up to 5 nights for LS/CMI), travel etc.

6. *Will the proposed reforms support improvement in terms of:*
 (a) *Leadership, strategic direction and planning?*

Refer to comments above.

- (b) *Consultation and accountability?*

The National Strategy is welcomed; but there requires to be widespread consultation regarding the content and there is limited evidence of this at a local level. The tight timescale is acknowledged but this will not help buy-in to the new arrangements.

- (c) *Partnership and collaboration?*

Within Highland, this is already broadly effective; however, the opportunity to, in essence, replicate the NCJA model at a much more local level will be an opportunity for community justice agencies to develop, own and implement a local plan affecting the lives of people and communities in Highland in a more tangible and meaningful way than hitherto – this is not a criticism of the NCJA, more a reflection of the impossibility of delivering community justice across such a large and diverse area.

- (d) *Commissioning of services and achieving best value for money?*

There are benefits to the national commissioning of services, e.g. electronic monitoring; and also for specific programmes (such as the wilderness-based programme currently delivered by Venture Trust) providing these are centrally funded and the resources are not taken from s27 funding – this ensures local areas remain free to determine their suitability for local needs. There should also be a requirement for any strategic commissioning of national services to be developed in consultation and collaboration with CPPs.

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?*

No. The limited 3-year transitional funding (£50,000 – at £1,600,000 p.a. for 32 CPPs, this is less than the total annual budget for the light-touch CJS v. £2,209,000) is welcomed but the Bill is silent on funding the administration and management of the structures required to deliver community justice beyond that.

CJAs were provided with permanent, recurring funding to co-ordinate, manage and oversee the development and implementation of local plans – why are CPPs expected to do this without similar financial support? As already referenced, the assumption that there are ‘few if any’ financial implications for local authorities is questionable, e.g. in coordinating and ensuring the delivery of the local plan and monitoring performance.

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

Yes, this is considered possible and desirable given the direction agreed nationally.

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

- Clarity of expectation around elected members.
- There is no reference to the Third Sector.
- What is the expectation on national organisations, e.g. Scottish Prison Service, to engage with 32 CPPs?

Highland Council
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