

Justice Committee

Community Justice (Scotland) Bill

Written submission from East Ayrshire Community Planning Partnership

1. East Ayrshire Community Planning Partnership has considered developments related to the Community Justice (Scotland) Bill since the initial consultation on 'Redesigning the Community Justice System' in December 2012. This submission is in keeping with Community Planning Partners ongoing interest in community justice and its critical role in East Ayrshire's Community Plan 2015-2030 and the key Delivery Plan priority of Safer Communities.

Q1. 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?

2. There has been significant collaborative effort across Ayrshire to deliver improved outcomes in relation to community justice over the last decade. This has been productive when measured against key indicators of performance with re-offending and reconviction rates declining markedly. East Ayrshire Community Planning Partnership firmly believes that these outcomes have in large part been achieved through Ayrshire-wide partnership working focused on a strong shared vision among partner agencies. Transformation requires ownership at a local level, partnership working and improvement support where required. There are concerns about the scale of the national body as set out in the Bill to achieve this balance and support transformation across the community justice system.

3. The Bill presents an opportunity to emphasise the outcome-focused, transformational approach required to redesign the entire community justice system. The Audit Scotland (2011) report highlighted that "it is difficult for the criminal justice process to be managed as a whole system because of the number of bodies involved and their differing accountabilities". While the need for a range of agencies to be involved is recognised, it will be essential that all are involved in creating a future vision for Scotland's community justice system, underpinned by shared values, and accountable for their agency's part in delivering required changes. This includes the Scottish Prison Service, the Scottish Court service and the Crown Office and Procurator Fiscal Service. The appropriate involvement of the judiciary will also be key to change.

4. Partnership working involving all Community Planning Partners will be central to improving community justice. However, the Bill in its present form does not adequately codify the role of Community Planning Partners in respect of local community justice matters. There is also a need for clarity on the role of national bodies in respect of involvement and contribution to local community planning partnerships. The introduction of a list of partners named community justice partners as opposed to community planning partners is an unhelpful and misleading separation.

5. The Commission on Women Offenders argued that services had developed historically to meet the needs of male offenders and that they required “to be tailored to the multiple and complex needs of women offenders. They should also reflect the realities of their difficult life circumstances and support the development of trusted relationships. Services that women are able to, and want to, engage with are more likely to achieve positive outcomes and reduce reoffending’ (2012, p23).

Q2. Are you content that the definition of ‘community justice’ in the Bill is appropriate?

6. No. The definition of ‘community justice’ should be outcomes-focused and centred on definitions for people and communities rather than on a wide definition of ‘offenders’. This is important for underlining a positive ethos and culture which is focused on inclusion and citizenship rather than ‘offenders’.

7. This redesign offers an opportunity to introduce an asset based approach to community justice, recognising that there are people in the justice system with many skills and talents, which are not identified and encouraged, at a significant opportunity cost to Scotland. Our current system is focused on processing the system as opposed to reducing reoffending. There is increasing evidence about the effectiveness of community based approaches to supporting people to change their lives, and there is significant improvement in partnership working, however agencies are constrained by the current system, which is focused on processes / systems rather than people / outcomes.

Q3. 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?

8. The relationship between Community Justice Scotland and Community Planning Partnerships appears to be framed in terms of accountability (local to national), but with no focus on improvement activity or support. In this regard, it is difficult to envisage how the creation of the new national body would achieve the improvements outlined.

9. Leadership, oversight and the promotion of good practice are critically important within community justice. However, transformation of the system requires local ownership and drive as well as positive relationships between partners at a local level. There is concern within the Community Planning Partnership that the costs and benefits of establishing an arms-length national body have not been fully appraised. Alternative options, including a continued direct role for the Scottish Government, regulatory and academic institutions should be further explored and potential efficiencies in that option made available to support local delivery. Alternatively, the national body could be smaller, with a focus on improvement and support to local partners.

10. Strategic commissioning does not come through as a key theme in the Bill and supporting memoranda. It is unclear as to the role between specialist development and centralised national commissioning. It will be important to ensure that strategic commissioning takes place at a local level to ensure that community

strengths and needs are fully assessed and responded to. In addition, there is a need to ensure that resources are effectively used, which may not be achieved if services are also to be commissioned at a national level.

Q4. 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?

11. No. The role of Community Planning Partners should be much clearer rather than the limited 'Community Justice Partners' introduced in the Bill. Other partners, for example the Crown Office and Procurator Fiscal Service, the courts and judiciary should be explicitly mentioned. There are strong partnership linkages with education services, employers and the Third Sector which are not adequately reflected in the Bill as introduced. Transparency around the respective roles of partners could be strengthened.

12. The overarching leadership and governance role of Community Planning Partnerships within local areas does not appear to be fully appreciated in the narrative of the Bill. In addition, this extends beyond the key stakeholders within justice services, for example housing services, education services, further education, employment and the Third Sector. This is one of the key benefits of the Community Planning Partnership having oversight of community justice.

Q5. Does the Bill achieve the right balance between national and local responsibility?

13. No. The relationship between local and national levels should be more tightly defined in terms of role and accountability, e.g., the requirement for localities to send reports to the national body should be replaced by a requirement to publish for the purposes of local accountability. Certain requirements within the Bill cannot be assessed at this stage given that the strategic planning and performance frameworks are under development. As framed, there is clear potential for the role of the national body to be extended and for this to have a consequent impact on the balance between local and national. Any planning and performance framework should focus on outcomes and local accountability for delivery against these with proportionate assurance at a national level.

Q6. 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?

14. This remains unclear. The proposed reforms in the Bill as introduced would be expected to have limited impact on improving leadership, partnership and commissioning. In several respects, e.g., the role of Elected Members, Third Sector partners and duties to include stakeholders, would require to be strengthened in the Bill to support improvement.

Q7. 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?

15. No. Resources as set out in the Financial Memorandum do not reflect the balance of responsibilities in the justice system. In addition there are significant set-up, recruitment and ongoing accommodation costs associated with the proposed new national body which seem high. The resources for the new national body are recurring while community justice delivery costs are expected to be absorbed by Community Planning Partners after a three year transition period. This does not seem to be equitable or in line with the vision of the Commission on Women Offenders report.

Q8. Is the timetable for moving to the new arrangements by 1 April 2017 achievable?

16. Yes. The redesign of community justice has been a prolonged process and has resulted in some uncertainty among partners in relation to future models. Community Planning Partners would wish to see final arrangements being implemented without further delay.

Q9. Could the proposals in the Bill be improved and, if so, how?

17. The definition of community justice should be reframed in terms of outcomes for people and communities, Community Planning Partners should be given full legal status, the involvement of key stakeholders should be included as a duty and equity of funding ensured.

East Ayrshire Community Planning Partnership
11 August 2015