

## Justice Committee

### Community Justice (Scotland) Bill

#### Written submission from Argyll, Bute and Dunbartonshire Criminal Justice Social Work Partnership

Criminal Justice Social Work Services are delivered within a formal partnership arrangement between West Dunbartonshire, East Dunbartonshire and Argyll and Bute. Governance arrangements include responsibility for the overall strategic management of the service resting with a Partnership Manager and a single Partnership budget.

**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 focus on local planning and delivery of services supported by the Bill affords an opportunity for a more coherent approach to the local delivery of national strategic outcomes.

However, the Bill as it stands does not address the issue of the cluttered strategic landscape and its impact on the delivery of services referred to in the above reports. In this respect the role of Community Justice Scotland may prove vital and constructive if enabling and supportive of Community Justice Partnerships in their efforts to engage in constructive strategic relationships with duty to co-operate and other relevant organisations/agencies.

The absence of a reference to reducing re-offending, other than in the rather narrow definition of community justice (see below), or prevention in the sections referring to the national strategy, national performance framework and community justice outcome improvement plans may weaken the intended impact of efforts to strengthen local partnerships. It is appreciated that work is being undertaken in relation to a National Strategy for community justice in which we might safely anticipate clarity with regard to these matters, nonetheless care may need to be taken to ensure that the permissive and enabling qualities of the legislation has clear read across in terms of the underpinning aspirations.

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

The definition within the Bill refers exclusively to the statutory functions of local authority criminal justice social work services in relation to offenders, which though important is not the entirety of the community justice landscape. The definition should include reference to prevention and early intervention and to the contribution of services within and out-with the Criminal Justice system and to the role of communities in both the response to crime but also in supporting preventative measures.

Given the evidence in relation to the prevalence and nature of crime and by extension victimisation, a definition which confines itself to the offender is inadequate and might weaken the constructive intentions behind the Bill.

**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?**

The proposal relating to the creation of a national body has the potential to improve and support leadership etc. To do so effectively it must have the space and resources to engage constructively with community justice partnerships and support local leadership. There is a concern that the Bill at present suggests a relationship between the national and local body which places responsibilities on the latter in relation to the former but does not balance this in the other direction. This could be remedied by a stronger requirement on the part of the national body to consult and have regard to the views and circumstances of CJPs.

It is appropriate that the national body have a role in the commissioning of services as it is recognised that there are services which it is desirable on the grounds of equity, efficiency and capacity, to commission on a national or regional basis. However, this function should take account of local knowledge and circumstance and should not disadvantage CJPs in terms of commissioning services to address specific local needs either individually or in collaboration with other authorities. The compatibility of a national strategic approach to commissioning with that developed locally by CJPs is a significant challenge.

**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?**

I refer to the comments above regarding the cluttered strategic landscape, in which context care will have to be taken that the planning and consequent reporting and review arrangements do not place additional burdens of complexity on partners for instance in relation to their relationship to Local Outcomes Improvement Plans. The effort required to create and sustain a planning, service delivery and improvement structure which brings together the various strategic threads should not be underestimated in terms of the capacity of CJPs.

Much will depend on the realisation of the aspirations and assumptions regarding the collective contribution of duty to co-operate bodies and other partners and the ability of the new structures to create a culture of community as opposed to criminal justice. The definition of community justice as it presently stands risks an exclusive identification with the local authority's statutory functions and could inhibit this development.

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

There is a concern that the national body could assume a directive rather than supportive role and over time develop a centralising agenda. The Bill should reflect an intention to affect a balance; recognising that there is a need for a clearly articulated national strategy linked to a performance framework with sufficient space for the development of local plans and services. It should be noted that notwithstanding statements elsewhere over the consultation process the Bill is predicated upon a single local authority /CPP ,model and does not reflect the existence of cross authority service delivery, commissioning and in this authorities case accountability and budgetary arrangements.

**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?**

a) The proposed reforms have the potential to support improvement in leadership etc. However, these aspirations will depend on the national community justice strategy, its relationship with the national performance framework and how this is mediated through the relationship between the national body and community justice partnerships. There is a concern that leadership may be perceived as residing entirely at the centre when in fact the constructive intentions of the changes will require leadership at local level, supported by the centre.

b) There are three main concerns regarding consultation and accountability, the first is the need to ensure meaningful consultation and consideration of the views of partners in the preparation of the national strategy. The second is to ensure that partners within CJPs have the capacity to engage and contribute to consultation on a local level. The third is in relation to continuing concerns regarding the relationship between the national body and local authorities.

c) As with leadership etc. the Bill has the potential to support partnership and collaboration. However, it should be recognised that in some areas there are existing effective collaborative/partnership arrangements which subject to continuing value in relation to the effective delivery of services, should continue.

d) The potential benefits from national commissioning of services are noted above as is the importance of having the autonomy and capacity to commission locally in relation to the specific needs and circumstances of a CJP area.

**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?**

The financial memorandum makes a number of assumptions regarding the capacity of local authorities, and partner organisations, to accommodate the costs from within current resources, which themselves are subject to change over the period of transition. It is concerning that the only reference to financial resources relates to Sect 27 funding, which in many areas, is fully committed to supporting statutory

functions The development, and strengthening of partnerships within and across local authority boundaries, with statutory and third sector partners is immensely rewarding in terms of positive outcomes but is critically predicated upon having the capacity to analyse, identify and plan with partners in relation to local need. The opportunity presented by the Bill to take this forward could be lost if the resources required to undertake this work are not available.

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

The timescales are achievable, conditional on certain information being available to support transition. It is essential that authorities have sight of indicative section 27 grant levels based on the revised funding formula currently under discussion at the earliest possible date. It is also important that sufficient time is allowed in the shadow year for the National Strategy and performance frameworks to inform local planning activity and accountability arrangements.

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

The Bill is constructive in its intentions but could be improved. The definition of community justice requires to be expanded to embrace a wider range of services relevant to community justice and in particular to reducing reoffending and prevention.

A clear link between the national strategy and performance framework needs to be established.

Argyll, Bute and Dunbartonshire Criminal Justice Social Work Partnership  
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