

Justice Committee

Community Justice (Scotland) Bill

Written submission from Edinburgh Cyrenian Trust

Edinburgh Cyrenian Trust serves those on the edge, working with the homeless and vulnerable to transform their lives by beginning with their story, helping them believe that they can change their lives, and walking with them as they lead their own transformation. Our Vision is an inclusive society in which we all have the opportunities to live valued and fulfilled lives. We work to make that vision a reality by our Mission to support people excluded from family, home, work or community on their life journey.

In the last year Cyrenians provided support to over 4,430 people. For some this was a brief time together such advice or the provision of food; and others we journeyed with for much longer. Engaging the wider community in our mission, we also engaged 630 volunteers who provided over 77,000 hours of help across our projects. Our key achievements this year include:

- 163 people with a history of offences were helped to rebuild their lives and received help in gaining qualifications for employment.
- 1,651 people including patients, carers, community groups and schools visited our community gardens, with a further 114 people regularly giving their time to support the development and maintenance of the gardens.
- 1,295 people were assisted to move into or towards employment, including 113 young people who were at risk of leaving school without qualifications
- 656 number of people were supported to turn their back on drugs and alcohol and build a life away from addiction
- 171 young people and families were supported to resolve conflict, keeping the young person and home and family together
- 19 extremely vulnerable young people stayed within our residential services, all of whom gained skills and confidence on the way to realising their full potential.
- 637 people received the practical help they needed to avoid losing their home.
- 295 tonnes of short dated or surplus food was diverted from landfill and provided in the region of 650,000 meals. We also delivered 179 cooking classes to people looking to develop independent living skills.

Summary of key points

- The omission of the third sector as a formal partner in the Bill weakens its potential to transform Community Justice Provision. If it is not possible to recognise this within the Bill for legal reasons then it must be explicit within the statutory guidance. The third sector should be formally involved in the oversight of the delivery of the strategy and national outcomes.
- There is no explicit instruction as to the engagement of those using Community Justice Services in the planning, design, or review of the strategy or performance outcomes; therefore a risk that this will be a top down approach to transformation.

- The remit of the national body brings the risk that local focus is diminished in favour of national commissioning. In our experience, services are most effective when tailored to local need.
- The definition of Community Justice in the Bill is not accurate or appropriate, with a poor choice of language which lacks inclusion of early intervention or preventative work and does not recognise the role in supporting victims, victims family's and those who witness crime.

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?

We would welcome a view on this from members of the Angiolini Commission but the Bill in itself will not address current weaknesses in tackling reoffending.

In terms of the structural aspects of the community justice system, The Angiolini Commission recommended a single correctional agency which Edinburgh Cyrenians would not have supported. To that end, the local basis of the new model is welcome. If the local focus of the model is fully delivered on and the third sector are involved in planning at a local and national level, we believe this will lay the foundations for the improvements required.

If meaningful steps are to be taken to reduce the prison population, this will not happen through structural change alone. A more progressive approach to (and increase in) community disposals, is needed along with the increased ability for community based organisations to shape service delivery.

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

The meaning of community justice as described in the Bill is not satisfactory. The description does not encompass the preventative and early intervention aspects of community justice. The term 'offenders' could be viewed as a negative label which contributes to the stigma faced by those who have committed offences. It also precludes the inclusion of preventative and early intervention elements of community justice as highlighted above. A more positive and accurate language would be 'those who have committed, or are at risk of committing offences'. The description also fails to recognise the victims or witnesses to crime or the families of victims or perpetrators of crime.

There is a risk that the narrow definition will enable key agencies (such as Health and Police Scotland) and departments of local government (such as housing) to exempt themselves from meaningful involvement in community justice.

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?

There is a risk that the benefits of local services may be lost if CJS proliferate national level commissioning beyond what is required. It is our view that the national body should proactively support a local approach commissioning and planning.

We have positive experience in the development and delivery of community justice services which respond to local need and do so effectively. Examples include;

- The development of a Women's Peer Mentoring service in the Falkirk area. Supporting and training women with a lived experience of the criminal justice system to provide peer mentoring to women entering the community justice setting. The benefits of this project being its dual purpose in providing a potential employment pathway for women with a history of offences, while at the same time supporting other women to navigate their community justice experience effectively and take advantage of the support and opportunities which are available to them to limit re-offending.
- The development and delivery of an Employability service for people who have offended. This provides SQA accredited qualifications to those on unpaid work orders and was developed in response to the low level of educational attainment and core work skills of those being supervised. This was developed to meet a particular gap within the local employability pipeline for this group.
- Edinburgh Peer Support Project which employs paid peer support workers to provide practical outreach support to those using community justice services. This provides very credible and well received support as well as paid employment to people who otherwise might have been disadvantaged on account of their own background.

Key features of all of the above is their fast response to locally identified need, strong links to, and complimentary relationship with, other local service provision, and the flexibility to adapt to changing or emerging needs.

Whether the introduction of CJS will lead to improvements is dependent on the strength of the strategy and the skills and ability of staffing deployed. How they relate to local partners will be key to development and sharing of best practice. Improvements in commissioning of services will be dependent on how they exercise their duty to 'have regard to the desirability of services.... of working in collaboration... and consult with each of the community justice partners'. The last point extending to the effective engagement of service providers and those using services as an early part of the commissioning process.

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?

Community Planning Partnerships are not explicitly mentioned in the Bill and this has caused some confusion. Without statutory duty on community justice partners to engage with the third sector, there is a risk it does not happen or is inconsistent across localities. It is felt that the Community Empowerment Bill was a missed opportunity to make the community planning partnership more robust. There can also be a tendency towards consultation as opposed to service user involvement, particularly where no expectations are stipulated. A far more explicit requirement to engage meaningfully with third sector and those using services is required as is a mechanism for reviewing how this has been done.

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

The Bill does not provide enough local focus with the national strategy and performance framework at risk of being developed through a top down approach with a lack of engagement and recognition of experience at a local level as described by both those delivering and those using services.

Q6. Will the proposed reforms support improvement in terms of:

(a) leadership, strategic direction and planning?

Improvements in leadership and strategic direction will only be achieved if the national body (CJS) is able to bring local partnerships and small and medium third sector organisations on board. We hope that the local planning aspect of the model can bring improvements to services, making them more responsive to local need.

(b) consultation and accountability?

The Bill should be amended to include service users, victims and the third sector in the consultation process at a local and national level. There are currently no guarantees that local partnerships will meaningful involve the third sector even though the Scottish Government have previously spoken of the importance of this.

It is unclear how accountability will be improved given the confused relationship of community justice partners with the CPP. Accountability at a local and national level should be clear.

(c) partnership and collaboration?

It is difficult to see how partnership and collaboration will be improved given the omission of the third sector in the legislation and the fact that the Bill appears to separate community justice from wider, more integrated and established Community Planning arrangements.

(d) commissioning of services and achieving best value for money?

There is nothing in the Bill to demonstrate improved best value will be achieved and we would be concerned if the commissioning of services was to routinely happen at a national level, ignoring local need.

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?

This will be dependent on both how resources will be allocated between the national body and local justice partners, and what funding mechanism will be in place for service providers. For example, short term funding, framework agreements and outcomes based funding all have potential to negatively impact on how services are delivered and their efficacy in transforming the community justice system in the way envisaged.

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

The timeline is clear and achievable as a standalone system change however may be a challenge when set against significant structural change, most notably the current integration of health and social care. There is also a requirement to ensure that the new arrangements does not result in extended periods of uncertainty around current service provision.

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

The Bill neglects to recognise the broader issues which impact on outcomes for those who have offended or are at risk of doing so, such as housing, health and employment. The Bill could be strengthened by stronger indication of how these areas will be addressed within the new structure such as required representation within community justice partnerships. We fully support the evidence provided by Shelter in relation to housing in particular.

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