

## Justice Committee

### Community Justice (Scotland) Bill

#### Written submission from Renfrewshire 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 Bill has the capacity to meet some of these objectives but not in isolation. In order for the system to be transformed and increase coherence between partners and stakeholders in community justice the Bill requires to be part of a coherent strategy which is underpinned by a “whole systems” approach to community justice. This approach would optimise the value expected of bringing planning /performance for community justice into the community planning arrangements and would lead to greater and improved engagement between the partners engaged in delivering community justice.

There requires to be ongoing investment in sustainable funding in community services that have been proven to be effective to deliver on the identified objectives of the Bill and as such this may require greater resource transfer from the Scottish Prison Service to community based resources to reflect the increased demand for these services. It needs to be recognised that annual S27 funding limits the capacity for innovation and commissioning within criminal justice.

The existing proposals do little to clear the cluttered landscape referred to by the Commission on Women Offenders, however a one size fits all national approach whilst appropriate for some provision will not always address local need.

The intentions of the Bill are recognised however in the absence of a strategy that brings together policy, funding, performance management within the proposed operating model it is too early to say, with confidence, the Bill will achieve its desired objectives.

The role of the Risk Management Authority requires further clarification, as does how they, the new national body, LA's and the Scottish Government will co-operate to achieve the desired aims.

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

The term community justice is appropriate, however the definition primarily relates to criminal justice and not community justice. The use of the term offender continues to label individuals, when does someone stop becoming an offender?

There is no reference to community responsibilities towards the individual who has been involved in offending behaviour and their crucial role in assisting the change

process. Or indeed, to the wider community e.g. the media and their role in changing the narrative about crime, the justice system and those involved in it.

Measure to tackle the causes of crime require to be referenced as does how Criminal Justice services work with and engage communities?

There is a focus on compulsion and minimal reference to early intervention and prevention.

**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?**

Potentially, the characteristics of effective leadership and oversight are identified, there is a framework for performance improvement and the commissioning of services, and both national and local outcomes will be required. The capacity for the identification of a strategy for innovation, learning and development is welcomed and the requirement for consultation with partners should ensure that practice which is developed and tested locally can be shared with other authorities where appropriate.

The Bill enables CJS to commission services nationally, where an issue is national there is a need to ensure that individuals have access to interventions irrespective of their local authority, or whether they reside in an urban or rural location. It is important to ensure that local areas have the capacity to commission locally and that this may be over more than one community justice authority area.

There remains a lack of clarity regarding its purpose, its relationship with Criminal Justice Social Work and the Risk Management Authority. There needs to be role clarity for all participants within community justice.

**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?**

Not all community justice partners who have duties under the Bill are community planning partners, therefore new relationships require to be forged.

There are opportunities for CPPs to recognise and tackle the preventative agenda through work focussing on improving outcomes for children and families.

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

Whilst national and local outcomes are required, there remains the capacity for ministerial direction and for the national body to assume additional powers and responsibilities. Local flexibility needs to remain, including the ability to develop local partnership arrangements, which in many cases have been established over many years and work effectively.

There remain concerns in relation to MAPPA structures and resources within the Bill which are not mentioned. Work is required to consider the implications of maintaining the CJA boundaries for such 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) It is difficult to comment on whether the legislation alone will support improvement in leadership. More information is required regarding the community justice strategy, the funding for community justice and the type and form of performance objectives.

b) It is important to gain early sight of the national strategy to facilitate adequate consultation.

There remains uncertainty and potentially confusion about the nature of this relationship between LA's and the new national body.

c) As indicated previously this depends on commitment and available resource, and the capacity to build upon existing positive working relationships and partnerships.

d) Whilst there are benefits and economies to national commissioning of services, local areas require to be able to commission services to meet localised needs. Existing LA's structures could be utilised for this.

**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?**

Whilst these reforms provide an opportunity to change how we plan and fund services, as stated they require a whole systems approach. The only reference to finance is S27 monies, albeit the expectation is that partners also commit resources. Whilst S27 funding remains ring-fenced at this time should this be opened then the capacity for local authorities to continue to provide their statutory services could be a challenge. The formula for the allocation of the S27 budget is awaited, thus it remains unclear whether there will be movement to longer term allocation which would allow greater innovation and strategic planning and commissioning.

There are no plans identified to divert money from the custodial estate to community services.

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

Timescales are considered appropriate, although communication and finalisation of the national strategy and performance framework as early as possible would be of assistance. The requirement for a shadow year allows for transition arrangements i.e. understanding of requirements, establishment of individual and combined governance arrangements, and establishments of Community Justice Scotland in preparation for full implementation.

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

While welcoming the Bill and reforms in general it is strongly felt that improvements are required in order to maximise the potential impact that the community justice reforms can facilitate. The definition and scope of community justice requires to be expanded as identified previously.

Reforms need to be set in the wider context of what the reforms will mean to those involved in community justice, from those involved in offending behaviour, to victims and agencies including Criminal Justice Social Work.

The required documentation on strategy, outcomes and funding require to be made available for a more informed debate. For example what will the journey look like for those who commit offences and what are the roles of those who are involved in the change process.

In addition the crucial professional role of Criminal Justice Social Work also requires to be preserved within the Bill, as does the values inherent in the Social work Scotland Act.

Renfrewshire Council  
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