

Justice Committee

Community Justice (Scotland) Bill

Written submission from The Robertson Trust

1. The Robertson Trust

1.1 The Robertson Trust is the largest independent grant-making Trust in Scotland. Every year the Trust funds a wide range of charitable projects across Scotland with our priority areas including Alcohol Misuse, Care, Community Art, Community Sport, Criminal Justice, Education and Training and Health. We aim to improve life and realise potential of people and communities in Scotland, inspired by the legacy of our founders, the Robertson sisters. In 2014/15, the Trust awarded over £18.3M to recognised charities across the country.

1.2 The Trust funds a wide range of third sector organisations that work with offenders and families affected by imprisonment. We also play an active role in developing the capacity of the criminal justice sector by helping to improve partnership working between agencies and by sharing best practice from criminal justice projects in order to improve service delivery. The Trust has also contributed £2M to the Reducing Reoffending Change Fund and over the last 3 years, has been responsible for project managing all of the Reducing Reoffending Change Fund projects on behalf of the funding partnership. Through our long term investment in criminal justice, we have gained considerable knowledge and expertise about 'what works' to reduce reoffending.

1.3 Having previously submitted responses to the Scottish Government's two consultations on the redesign of the community justice system, The Robertson Trust welcomes the opportunity to provide evidence to the Justice Committee's review of the Community Justice (Scotland) Bill.

2. *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?*

2.1 As indicated in our previous responses to the Scottish Government's consultations on the new community justice system, we do not believe that any structural changes to the community justice system will in themselves tackle reoffending or reduce the prison population. There will need to be strong leadership at a local and national level and recognition of the contribution that different partners make towards reducing reoffending. A commitment to move resources towards those approaches that the evidence-base suggests are most likely to be effective will also be needed if the Bill is to have its intended impact.

2.2 We are particularly disappointed by the lack of focus that the Bill gives to preventing people from entering the justice system in the first place. As the Angiolini Commission's report recognises, "intervening in the early years of life will have

significantly more impact on rates of reoffending than intervening later in life¹". The international evidence-base² highlights the following as integral to reducing crime:

- Reducing School Exclusion and ensuring young people have a positive experience at school,
- Investing in parenting interventions to ensure children receive a high level of care, and
- Tackling poverty and creating strong communities,

2.3 In order to be successful, we believe it is essential that the new community justice system recognises the integral role that preventative services play in tackling reoffending and where possible, direct their resources towards these services instead of waiting until people are already entrenched in the justice system to intervene. Funding allocations are currently based on numbers already being processed in the criminal justice system with no incentive provided to shift resources towards preventing people entering the system in the first place.

2.4 As an evidence-informed funder The Trust is increasingly adopting this approach in our own work, with an example being the development of our 'Vulnerable Women and Girls' programme. In response to the evidence-base that effective services build on women's strengths and aspirations while also responding to their needs, we are currently working to develop two asset-based, community-led Women Centres in Scotland.

3. *Is the definition of 'community justice' in the Bill appropriate?*

3.1 The Bill defines 'Community Justice' as:

- *Giving effect to community disposals and post-release control requirements*
- *Managing and supporting offenders in the community with a view to reducing reoffending by them*
- *Arranging general services in ways which facilitate offenders in the community accessing and using them*
- *Preparing offenders for release from imprisonment or detention in a penal institution.*

3.2 While the Trust welcomes the Bill's clarity in listing the different activities that fall under the heading of 'community justice', we believe that the definition of community justice included in the Scottish Government's 2014 consultation paper 'Future model for community justice services in Scotland'³ is more useful as it places the focus on outcomes rather than activities and also recognises that there are a wide range of agencies involved in managing, reducing and preventing (re)offending. It also emphasises positive outcomes such as promoting social inclusion and citizenship rather than fixating on negative outcomes.

¹ Angiolini et al. (2012), *Commission on Women Offenders: Final Report*, p.6

² The Scottish Government (2015), *What Works to Reduce Crime: A Summary of the Evidence*

³ "the collection of agencies and services in Scotland that individually and in partnership work to manage offenders, prevent offending and reduce re-offending and the harm it causes, to promote social inclusion, citizenship and desistance."

3.3 The Bill also lists the ‘community justice partners’ who will be responsible for delivering and overseeing these activities. This list includes each local authority, each health board, the chief constable of the Police Service of Scotland, the Scottish Fire and Rescue Service, Skills Development Scotland, an integration joint board, the Scottish Courts and Tribunals Service and Scottish Ministers.

3.4 In addition to the above agencies, we believe it would be helpful if the Bill also identified some of the other key organisations who contribute to these outcomes. Our learning to date highlights that the Third Sector plays a critical role in reducing re-offending. Across Scotland, a significant number of third sector organisations currently work with offenders and their families, both while they are in and after they leave prison. These organisations provide offenders with information on, and support with, the issues widely recognised as affecting their likelihood of reoffending. Our evidence⁴ highlights that key factors in the third sector’s success in this area are its:

- responsiveness and flexibility
- capacity to develop innovative approaches to working with offenders and their families
- strong roots in local communities and ability to maximise resources by mobilising volunteers and leveraging in additional funding
- focus on partnership working and ability to bring different agencies together
- commitment to developing strong relationships with offenders built on mutual respect and trust
- skilled and experienced staff

3.5 In order to ensure that the maximum use is made of the Third Sector’s skills, knowledge and resources in the new community justice system, we believe it is vital that Third Sector Organisations are recognised as ‘community justice partners’ in the Bill. Our learning also highlights the key role that universal services such as education, housing and the Department of Work and Pensions play in this agenda so we suggest the appropriate agencies should also be listed as partners.

4. 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?

4.1 We welcome the proposed creation of Community Justice Scotland and believe that a strong national hub will help ensure there is the necessary strategic leadership and oversight for community justice in Scotland.

4.2 We particularly welcome the fact that Community Justice Scotland will have strategic powers to commission those elements of the community justice system that are better undertaken at a national level. Through our project management of the two national mentoring Public Social Partnerships funded through the Reducing Reoffending Change Fund over the last 3 years, we are aware that there can be significant benefits of having consistent, Scotland-wide services for offenders. These

⁴ The Robertson Trust (2012), *Why Involve the Third Sector in Reducing Reoffending*

benefits include providing a minimum level of services for offenders regardless of their geography and the sharing of resources and expertise across organisations. Such national services would be extremely difficult to commission and sustain if negotiation had to be undertaken with each of the 32 Community Planning Partnerships. We therefore believe it is vital that Community Justice Scotland has strategic commissioning powers, providing that account can still be taken of local needs.

4.3 We would also recommend that Community Justice Scotland should also have the ability to commission regional services, as there may be times when services are best delivered across multiple neighbouring CPP areas. An example of this would be a Throughcare Service serving a regional prison, such as HMP Low Moss.

4.4 As an outcome-based funder, we welcome the plans to create a performance framework which will clearly identify the nationally and locally agreed outcomes and indicators that all community justice partners will report against. As the national body, we believe Community Justice Scotland is well placed to ensure that local partners are collecting the correct data to monitor, understand and demonstrate the impact that they are making towards these outcomes. However, we would welcome more clarity in the Bill on how local partners will be held to account if they fail to meet these outcomes.

4.5 We also believe Community Justice Scotland will be well placed to develop the evidence base on 'what works' to reduce reoffending and identify and share best practice across Scotland and further afield. Community Justice Scotland will also be well placed to identify areas where improvements are needed. Again, we would welcome more clarity in the Bill on how local partners will be held accountable for ensuring that any areas for improvement that are identified, are adequately addressed.

4.6 We also suggest that Community Justice Partners should have a responsibility to facilitate the engagement of individuals and families who have experience of the justice system and are in a place to contribute to positive outcomes for others.

5. *Taking into account the reforms set out in the Community Empowerment (Scotland) Bill relating to Community Planning Partnerships, will Community Justice Partners have the power, duties and structures required to effectively perform their proposed role in relation to community justice?*

5.1 Through our long term investment within criminal justice, we are aware that community justice is currently a very fragmented system with the Scottish Prison Service, police, judiciary, public sector partners and Third Sector organisations often working in isolation from one another. While all CCPs were required to make reducing reoffending one of their strategic outcomes in their most recent Single Outcome Agreements, there has been little indication of more collaborative working between these agencies or a move towards evidence-informed solutions in recent years.

5.2 While the recently passed Community Empowerment (Scotland) Bill is to be welcomed in that it again stresses the importance of public sector partners and other key stakeholders working together to improve outcomes within their community, we believe it is unlikely to have a significant difference unless it places a duty on all partners to work more collaboratively and holds them accountable if they fail to do so.

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

6.1 We welcome the responsibility that the Bill places on both local community justice partners and Community Justice Scotland to report on their performance against agreed outcomes. We believe this relationship needs to be closely monitored to ensure that this balance is right and that all partners have the necessary powers to achieve their outcomes and are held accountable for ensuring they do so.

6.2 We believe that CPPs have a key role to play in building an infrastructure of support that prevents people from going into the criminal justice system. However, we do have concerns about how appropriate or cost-effective it will be for each CPP area to be responsible for designing, funding and providing high quality services that adequately respond to offenders needs given the relatively low numbers of offenders there are in some CPP areas. We believe in many cases these responsibilities would better sit with the national body to ensure that all offenders receive a minimum standard of care regardless of the area in which they live.

7. *Will the proposed reforms support improvement in terms of:*

7.1 *Leadership, strategic direction and planning?*

7.1.1 As discussed in response to 'question 4', we very much welcome the requirement for Community Justice Scotland and the local community justice partners to produce and report against a performance framework. If implemented as planned, we believe this will help to improve leadership, strategic direction and planning at both a local and national level.

7.1.2 Over the last 18 months, we have been working closely with Scottish Government Justice Analytical Services (JAS), the Criminal Justice Voluntary Sector Forum (CJVVSF) and other partners to promote the use of JAS's '[5 Step Approach to Designing and Evaluating Interventions to Reduce Crime and Reoffending](#)' amongst service providers, policy-makers and commissioners. The guide provides easy to follow steps on designing and evaluating community justice interventions including:

- Identifying the specific problem to be addressed
- Reviewing the existing evidence base about 'what works' in reducing reoffending;
- Drawing a logic model describing how a service will work and showing the links between its inputs, outputs and outcomes;
- Identifying appropriate indicators and collecting relevant monitoring data that will progress towards the intended outcomes; and

- Analysing the data to understand if the inputs, outputs and outcomes have taken place as planned.

7.1.2 We believe this could be a valuable resource in the new community justice model which if adopted, could help the sector to move towards a consistent, evidence-based approach to planning, commissioning, delivering and evaluating community justice services going forward. A logic model approach also has the added benefit of recognising the roles and values that different organisations and sectors have in helping to improve community justice outcomes. It can clearly identify the specific activities that each organisation will need to deliver and the short and medium term outcomes they will need to achieve, if the ultimate long term outcome of reducing reoffending and producing safer communities is to be realised. Moreover, where outcomes are not being achieved as planned this model will help to identify and address the reasons behind this at an early stage.

7.2 *Partnership and collaboration?*

7.2.1 As noted in our response to ‘question 3’ we believe that the Third Sector plays a key role in improving outcomes for offenders, their families and the communities in which they live and should formally be recognised as community justice partners in the Bill. We note that the explanatory notes accompanying the Bill state that there will be a requirement for community justice partners to work with the Third Sector in preparing their outcomes-focussed plans and very much welcome the funding that has been allocated to the Criminal Justice Voluntary Sector Forum to support some of this work to take place.

7.2.2 However, we believe it is important to be aware that there is currently an uneven relationship between Third Sector and Public Sector agencies working within the justice system. Third Sector Organisations are often not consulted and involved in designing policies and service provision models for offenders and as a result the significant knowledge and expertise they have in working with offenders is not utilised. This is particularly challenging for small Third Sector Organisations who often struggle to find a voice within CPPs and as a result, the close links that these organisations have with local communities may be lost. Consequently, there is a need for the Bill to put in place clear processes to enable Third Sector Organisations – regardless of their size - to be involved in designing and implementing the outcome-focussed plans in a meaningful way and to hold CPPs accountable for ensuring this happens. We believe there also needs to be meaningful opportunities for people with convictions to be involved with this process. An increased use of Public Social Partnerships (PSPs) may be one way of addressing this challenge, as it offers a model whereby service users, Third Sector providers and public sector agencies can come together to co-design services that achieve shared outcomes.

7.3 *Consultation and accountability?*

7.3.1 As noted above we welcome the requirement on local and national community justice partners to report back on their performance against agreed outcomes but we believe the Bill could be clearer in how partners will be held accountable for both:

- ensuring that they consult with the third sector and other key stakeholders – including people with convictions - in a meaningful way and that the outcome-plan accurately reflects their contributions, and

- meeting the outcomes identified in their plans and sharing learning about what hasn't worked as well as what has.

7.4 *Commissioning of services and achieving best value for money?*

7.4.1 Through discussions with third sector service providers, we know that one of the weaknesses with the current CJA model is that because CJAs are not legal entities, they have not had the necessary powers to commission services or make the changes required in the community justice system. We are concerned that CPPs may be in the same position in the new model and we would therefore welcome some clarity within the Bill on which agency within each CPP will have the power and budget to commission local community justice services going forward.

7.4.2 We welcome the Scottish Government's plans to include an innovation fund as part of the section 27 funding, to enable community justice partners to bid for monies to drive forward improvement at a local level. We believe that it is vital that the sustainability of any services commissioned through this fund is considered from the outset. This is a significant issue for the current Reducing Reoffending Change Fund Public Social Partnerships as there is currently a lack of clarity over whether or not any public sector body will have the responsibility and funds to commission a mentoring service post March 2017.

7.4.3 We are aware that under the current system, the funding each local authority is allocated is based on the workload of its criminal justice social work department. This does not offer any incentive for agencies to adopt a preventative approach. To have the maximum impact we believe that the innovation fund should prioritise preventative services wherever possible. We also believe that best value for money can often be achieved by adopting a regional approach to addressing community justice outcomes and therefore believe that this fund should be able to support local community justice partners to come together to share their resources to achieve this aim.

8. *Are the resources set out in the Financial Memorandum sufficient to transform the community justice system in the way envisaged by the Commission on Women Offenders?*

8.1 While the Financial Memorandum includes a budget for Community Justice Scotland to commission research and hold conferences, we note that it does not include a budget to commission national or regional services. While we recognise that it will be difficult to anticipate the cost of such services, we believe it is important that the Financial Memorandum notes the need for Community Justice Scotland to hold such a budget. In light of the concerns raised in para 7.4.3 we would also welcome more clarity in the Financial Memorandum on how resources will be allocated to the 32 CPP areas.

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

9.1 We do not feel we are able to comment on the proposed timetable as we are not directly involved in this work. However, from conversations with colleagues in the Third Sector and Public Sector we are aware that many CPPs have had little

involvement with justice to date so may need significant time and support to move towards the new system.

10. *How can the proposals be improved?*

10.1 While we welcome the aims of the Bill, we believe it could be improved by:

- Formally recognising the key role that third sector organisations play in working with offenders and their families and name them as a ‘community justice partner’ in the Bill so they are seen as an equal partner,
- Clarifying the process through which Third Sector organisations can inform the development and implementation of community justice plans at a local and national level and how public sector agencies will be held accountable for ensuring their knowledge and expertise is meaningfully utilised,
- Providing more clarity on how community justice partners will be held accountable for ensuring that they achieve their intended outcomes at a local and national level,
- Identifying ‘preventing people from entering the justice system’ as a key activity of the new community justice system and identifying a budget for preventative work,
- Clarifying that Community Justice Scotland will have the power and budget to commission national and regional services,
- Placing a requirement on commissioners to consider sustainability from the outset when they are designing and funding new services.
- Ensuring that a meaningful and relevant performance measurement system is put in place to ensure that a consistent, evidence-based approach is taken to planning, commissioning, delivering and evaluating community justice services.

10.2 The Robertson Trust appreciates the opportunity to comment on the Community Justice (Scotland) Bill and would be happy to provide any additional information should the Justice Committee require it.

The Robertson Trust
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