

Justice Committee

Community Justice (Scotland) Bill

Written submission from Perth and Kinross 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 development of a national body to assist local community justice partners to reduce offending and provide better outcomes is supported. However the requirement of how the community justice partners plan, report and deliver on community justice outcomes remains unclear. The Bill varies between burdensome and a “light touch” approach. We are clear that the leadership and holding to account of partners currently carried out by the local Community Justice Authority could be successfully replicated within the Community Planning process in this area. The Bill however fails to clearly place Community Justice within local Community Planning. Whilst there will be links to local community planning processes each of the Community Justice Partners will be responsible for their performance to their own governance arrangements (e.g. Police Scotland to the SPA, Council Services to Council Committees) with little or no collective responsibility. Without clearly placing Community Justice within local Community Planning there will be an additional tier of planning and governance with the potential of creating additional “clutter” and confusion. There is also a lack of clarity in respect of the role of the Risk Management Authority and its role within the new national setup.

In Perth and Kinross the model suggested by the Commission on Women Offenders has been implemented with variations to suit local circumstances. An initial assessment of the model has indicated that by using local resources in a manner that meets the needs of the women involved there has been a significant reduction in offending. In Perth and Kinross there has always been a strong ethos of early intervention and prevention, and this has been reflected in our success at reducing reoffending in this area.

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

We would support the use of the term “Community Justice”. However the definition only appears to be targeted at “offenders” (giving effect to the disposals and management of offenders) which does not reflect the preventative; outcomes focussed approach supported by this local authority. A more holistic definition should be considered, giving due recognition to the preventative aspects of reducing reoffending in which all partners have a role to play and allowing for local flexibility.

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?*

We would welcome the development of a national vision for community justice which could be achieved through Community Justice Scotland (CJS). We are concerned

that the Bill does not restrict the powers of the CJS and that sections 3 and 4 of the Bill could easily be seen as an “enabling” clause for CJS to expand its role and remit. They could allow the formation of a national (rather than local) community justice service. Section 36 allows CJS to develop and arrange services – there is a significant danger that services arranged and commissioned nationally on a “one size fits all” basis will not suit local circumstances and not provide the desired outcomes and best value.

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?*

As the Bill has failed to firmly clarify that Community Justice is within the remit of Community Planning there will be concerns as to how community justice plans will play a role within local Single Outcome Agreements (SOA's) and the new local outcomes improvement plans. There would seem to be a clear rationale for these to be combined but this is not expressed in the Bill. As stated in the response to question 1. Community Justice Partners will be responsible for their performance to their own governance arrangements (e.g. Police Scotland to the SPA, Council Services to Council Committees) with little or no apparent collective responsibility. If CJS commission services nationally, to be delivered at a local level, it is not clear how communities could hold them to account.

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

The lack of a duty to cooperate between all involved in community justice is disappointing. Whilst we are confident that local partnership and community planning arrangements in our area are robust they may be areas where these arrangements are weaker which may lead to poorer outcomes. There is no clear link between national and local responsibility. Already it can be difficult for local partners to influence national bodies. The issue of direct commissioning for services by CJS for local delivery could also be an area of conflict. All the funding being saved by scrapping the current Community Justice Authorities is being used to establish CJS. In a time of decreasing budgets and staff in local authorities no consideration has been given to how local responsibility will be managed and paid for. The disparity between financing of bodies at a national and local level may well cause a lack of balance between them.

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?*

As stated we have a number of concerns in respect of these areas and it is not clear how these will be improved.

- (a) It is not clear how CJS will support local leadership direction and planning.
- (b) It is not clear how national bodies will be accountable to local communities.

- (c) There is a natural but unfortunate reaction for organisations during a period of financial restriction to retreat to being “silo” minded.
- (d) There are concerns in respect of national commissioning and its impact at a local level.

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 devotes much of its attention to the anticipated running costs of the new Community Justice Scotland entity. Very little attention is paid to the expectations of Local Authorities in relation to the development of a Community Justice strategy; connecting this to the existing Community Safety Strategy; developing an appropriate local Performance Framework – and ensuring effective oversight and co-ordination of the whole.

There are significant opportunities for synergy between existing Community Safety Strategies and the successors to Community Justice Area Plans, but the time involved in realising these opportunities and meeting these challenges should not be underestimated. This local authority has already amalgamated existing Policy Officer posts in response to reduced levels of funding. It would consequently, be extremely difficult to discharge this new strategic and performance reporting requirements of the new Community Justice partnerships without additional, recurring funding.

The current level of provision, £50k for the next three years, is sufficient to get the Partnership up and running but thereafter, we would anticipate recurring costs of around 45k per annum to employ a Planning Officer with specific responsibility for ensuring the continuing connection between the Reducing Reoffending and the wider Community Safety agendas, the production of an annual Community Safety Plan (to include the Reducing Reoffending agenda), and the development, maintenance and oversight of a comprehensive Performance Framework covering both national outcomes and outcomes agreed through the local Single Outcome Agreement.

In relation to projected costs for local authorities, in order to discharge both their statutory and performance oversight functions I believe that the assumptions at paragraphs 60, 66 and 72 are very optimistic. Local authorities have already achieved significant savings over the last 4 years and are on track to make even greater savings in the next 4 years. These will make it extremely difficult for them to provide that level of oversight, co-ordination and strategic leadership, from within their remaining staff group, which will be necessary if the new Community Justice Partnerships are to be effective.

There appears to be a considerable mismatch between the planned investment in that central authority charged with oversight of Community Justice Planning & Performance Monitoring and those Community Justice Partnerships charged with local strategic planning and service delivery. The assumption that local authorities are sufficiently resourced to discharge these additional responsibilities is at some odds with the available evidence. It is, further, regrettable that the amount of space devoted within the Memorandum to the function of CJ Scotland appears to convey the impression that this will be the paramount body entrusted with the planning and delivery of services/support required to continue to reduce the level of reoffending. In

practice, the key functions in relation to Community Justice will be discharged at a local level by Community Justice Partners.

It is the development, maintenance and delivery of an expanded Community Safety/Justice Plan incorporating key elements of the current CJA Area Plan which provides a more enduring challenge. The time-limited funding offered by Government to support the development of detailed Community Justice Plans with Local Performance Frameworks (reporting key national and local outcomes) is welcomed. The job, however, will not simply be completed in 3 years. If the local economies of scale available through the creation of strong locality-based Community Safety Partnerships are to be realised, it will be an essential continuing requirement to deliver strategic coherence, effective monitoring of service delivery and reporting on outcomes. This, it is submitted, was previously a function of CJAs which now falls to Community Justice Partners. Accordingly, funding to support an Administration, Strategic – oversight and performance reporting should be allocated to each Community Justice Partnership.

There is a strong appetite to use the opportunity afforded by the Community Justice Bill to build on our history of strong partnership working which has seen a steady decline in our Offending and Reoffending rates over the last 10 years. It would be most regrettable were this opportunity to be lost through failure to target the available resources effectively.

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

Yes. In Perth and Kinross planning is underway with the relevant partners to look at how this can be achieved through our Community Planning process. Progress however could be jeopardised by a lack of resourcing and commitment from partners due to financial restrictions.

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

- Community Justice should be firmly placed within the established community planning processes in local areas
- A “duty to cooperate” requirement should be made of all community justice partners
- There should be clear links and lines of responsibility between Community Justice Scotland and local arrangements
- There should be a recognition that there will be financial costs on (primarily) local authorities in respect of the ongoing management of local strategies and performance frameworks.

Perth and Kinross Council
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