

Justice Committee

Community Justice (Scotland) Bill

Written submission from the Outer Hebrides Community Planning Partnership

The Justice Committee is particularly interested in your views on the following areas of the Bill:

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, (“the CWO Report”), such as addressing the weaknesses identified in the current model, tackling reoffending and reducing the prison population?*

Will the proposals in the Bill address weaknesses of the current model as identified by the CWO?

The OHCPP recognises that the proposals in the Bill will play a role in addressing the identified weakness of a lack of shared vision in community justice in requiring a national strategy for community justice. Another weakness identified in the CWO report related to a lack of systemic outcomes measurement and the OHCPP hopes that this will be addressed within the proposals of the Bill. It is unlikely that the Bill is likely to have any direct effect on the short-term nature of funding in its current form. The potential for legislation to have an effect on reducing prison numbers is unknown, especially if taken in context that prison numbers have risen against a backdrop of reduced reoffending statistics. It is hoped that this will eventually be reflected within the prison estate however there is no specific mechanism within the Bill to address this specific issue.

The Christie Commission found that a weakness in the current system was that there is a “cluttered landscape” of services. It is unclear to the OHCPP how the Bill will address this issue in the long-term and how the Scottish Government / Community Justice Scotland will liaise with 32 CPP’s remains to be evidenced over time.

The OHCPP is concerned particularly that there is minimal mention in the Bill of early identification / diversion from prosecution / or prevention - areas that CPP’s nationally have a much more vested interest in. There is also concern about the minimal mention of Community Planning Partnerships at all in regards to the Bill other than for them to have regard to the local outcomes improvement plan in the area. The 2012 Guidance for CPPs with regards to Single Outcome Agreements stated that “new SOAs should promote early intervention and preventative approaches in reducing outcome inequalities” and it does not appear at this stage that the Bill reflects that. Without specific reference within the Bill there is no role for CPP partner’s to play.

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

The definition provided in the Bill appears appropriate in the whole other than identifying and defining “offenders” as “persons who have at any time been convicted

of an offence". This again highlights against the potential for diversion or prevention work that would mean an individual would not accrue an actual conviction. The OHCPP would like to see the Bill address more in the area of prevention and diversion from prosecution.

The list of defined partners also appears appropriate however there is clear concern about how an area such as the OHCPP covers could engage with the Scottish Prison Service, COPFS as key partners or other national third sector community justice partners (Apex, Sacro, VSS) whom do not have a presence in the area.

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 OHCPP recognises that the development of a national body would be expected to provide a coherent structure to underpin all community justice services. The communication strategy of the national body will be key in gauging how the OHCPP can exchange effectively with it, given it will be one voice out of 32.

The concern for any island CPP will be for the potential of a national board focusing on the areas of higher population without the geographic challenges facing this area. An example of such is the rolling out of Moving Forward: Making Changes programme nationally – this programme is identified as national best practice; is delivered in a groupwork setting on a whole; the training has been delivered wholly on the mainland (3 week training) and a pre-requisite for entering the training is completing a groupwork course – when the programme will never be delivered in such a format in the OHCPP area. If this example was to be repeated in other areas of community justice then the ability for the OHCPP to influence the national body through effective communication is vital.

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?

The Bill appears to address this area effectively in naming the partners to be involved in Community Justice which combined with the Community Empowerment (Scotland) Bill also identifying Community Planning Partners in law, is considered likely to confer the duties and powers appropriately.

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

The OHCPP believes that the Bill adequately achieves a balance between local and national responsibilities and it is expected that only through time will the relationship between local OHCPP and national body be evidenced in practice.

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?

It is expected that the proposed reforms will enable these factors to be addressed appropriately. The OHCPP welcomes that there is no suggestion within the Bill to change the financial arrangements that section 27 monies for statutory criminal justice social work would lose the ring-fenced status it has benefitted from since 1991. The improvement in commissioning nationally again can only be achieved within the OHCPP area if the specific challenges facing rural and geographically spread areas are taken into account in advance. – For example the commissioning of mentoring services throughout Scotland gave little to no consideration through the PSP's on how to deliver an equitable service in island authorities.

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 CWO report specifically discussed a proposal for a national agency to provide criminal justice services and therefore what is proposed there is no longer relevant. The proposals for the CPP's transition appear to reflect the resources required to undertake the Bill's recommendations and proposals. The transitional funding is particularly welcome however the OHCPP would seek future discussion about funding continuing past the transitional stage in order to ensure effective delivery of community justice as proposed in the Bill.

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

The OHCPP expect that this timetable is achievable.

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

As mentioned CPPs are not referenced in the bill and this is of concern. It is also anticipated that the main partner that can adequately effect change within sentencing and in reducing prison populations are the Judiciary, and any means through the Bill to engage the Judiciary in the strategic direction and investment of preventative services would be welcomed.

Outer Hebrides Community Planning Partnership
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