

Justice Committee

Community Justice (Scotland) Bill

Written submission from Glasgow Health and Social Care Partnership

Glasgow has provided two other responses, one on behalf of the Community Planning Partnership, and one from Glasgow CJA Board. This response draws heavily from these other responses, but also incorporates issues highlighted by NHS GG&C, and the GHSCP

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?

In the Audit Scotland Report Reducing Reoffending in Scotland (2012) Audit Scotland referred to a “complex landscape” being part of the problem. We would suggest that the landscape envisaged in the Bill is no simpler than the current one. It is not clear how the proposals as currently framed in the Bill will improve existing joint working to tackle reoffending. More effective partnership working, integration of services and alignment and pooling of resources are the approaches most likely to deliver improvement. As indicated below we are concerned that there is a risk that the changes as currently framed in the Bill may actually create a more disjointed approach and fail to achieve the objectives set for it.

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

The Bill identifies a very limited definition of community justice. As an NHS/HSCP body we have concern for preventing offending, the well-being of prisoners, the victims and families of offenders, the impact on communities and reducing re-offending and therefore we agree with the wider definition offered in the policy memorandum.

“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 that it causes, to promote social inclusion, citizenship and desistance”

There are broader implications of such a limited definition for the named community justice partners. The National Health Service Scotland Act (1978) does not give territorial NHS Boards the powers to respond to many of the requirements contained in the draft Bill and therefore, although the NHS are a named community justice partner, there would be very little that the NHS could be held accountable for. With the broader definition above, the NHS has a more significant contribution to make.

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?

There are concerns regarding the reporting structure from local partners to CJS which appear to envisage individual partners reporting to CJS separately rather than collectively. What is the case for having a local plan jointly agreed and submitted to

CJS but then CJ S looking at individual partner performance? This is not only inconsistent but creates an unnecessarily cumbersome process. As indicated below we would suggest a much closer alignment of Community Justice to Community Planning which already has structures and processes which allow scrutiny of Police and Fire and Rescue Services to be located within CPP structures while allowing the local authority to fulfil its statutory functions .

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?

We would suggest that the Bill as currently framed is a missed opportunity to effectively link Community Justice to Community Planning. The Community Empowerment Bill gives us a new definition of “Community Planning “ It is now to be

“ planning that is carried out with a view to improving the achievement of outcomes in relation to the area of a local authority resulting from, or contributed to by, the provision of services delivered by or on behalf of the community planning partners. “

Community Planning, post Community Empowerment Bill therefore, appears to offer a new home for Community Justice. However, as below, the Bill does not currently offer such an option.

In fact, the Bill as drafted does **not** envisage the migration of Community Justice to Community Planning. This is surprising given previous Scottish Government statements including specifically the “Future Model for Community Justice in Scotland” published on 15 December 2014 which stated that “ Local strategic planning and delivery of services through Community Planning Partnerships (CPPs) is central to the new arrangements “(Executive Summary p.3) . The actual phrase Community Planning Partnership does not appear in the Bill although it does in the Policy Memorandum in the section on “Community Justice Planning- a collaborative approach.

Rather than Community Planning being the vehicle for local strategic planning of Community Justice, the Bill refers to “Community Justice Partners “as being individually responsible for this. The Bill seems to overlook the fact that with the abolition of Community Justice Authorities in the absence of a transfer to Community Planning structures, there is no local structure for partners to meet and discuss issues relating to Community Justice. Paras 74-76 of the Policy Memorandum accompanying the Bill make it clear that while the approach to be adopted by CPPs is a “similar collaborative approach “it is not the same. It is not one integrated process. Para 76 states “It is expected that CPPs and Community Justice partners will consult each other when preparing their respective outcome improvement plans”. That makes it explicit that “Community Justice planning “and Community Planning remain separate processes. That contradicts the above statement in the “Future Model for Community Justice in Scotland”.

This view is reinforced by the provision which indicates that the obligations on the part of Community Justice Scotland to consult on the CJS plan is with individual Community Justice partners and not with the CPPs.

A Local Community Justice Plan is to be separate from but must "have regard to" the Local Outcome Improvement Plan produced by the CPP (in terms of the Community Empowerment Bill) (see S. 18(2)(3) of the Community Justice Bill). This is a relatively weak linkage. We would suggest amendments be made to the Bill to indicate that Community Justice partners must work with Community Planning partners including joint planning and co-ordination of services, with the option of CPPs inviting all Community Justice partners to formally join the CPP. It is submitted that, at minimum, Community Justice Partners should require to co-operate with each other, and CPP partners in planning and implementation. Our preference would be to go further and require formal links between CPP and Community Justice partners, with an option to allow full integration of Community Justice into Community Planning if the CPP is in a position to adapt its structures and process to meet the requirements of an amended Community Justice Bill.

As explained above, it is hard to see how the model outlined in the Bill represents the transition of Community Justice to Community Planning. Rather it creates a parallel set of relationships between local "Community Justice Partners", Criminal Justice Scotland and the Scottish Government sitting outside Community Planning.

If we are to make a success of developing an integrated approach to community justice it needs to be within the established framework of community planning. It is therefore proposed that local CPPs should be asked to encourage all "Community Justice" partners in their area to agree to work within the community planning framework.

Territorial NHS Boards are listed as community justice partners 'collectively and individually accountable'. Each community justice partner listed already has a legislative framework that they work within which the Community Justice Bill **will not supersede**. As such the ability of the listed partners to be held to account through this new legislation is not clear. Clarity is required to enable the legislation to be

GGC NHS would be a community justice partner in six LA's, and manages (through Glasgow NHS services/HSCP) the NHS provision in the three prisons in its geography and manages the health care provision in police custody suites. Reading the draft Bill there is no cognisance of 'regional' responsibilities or services which impact on community justice delivery. This becomes a significant issue when considering through-care and re-offending and prisoner release services. Do we connect regional issues into CJ Scotland or through all the LA based community justice partners?

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

It is submitted that the Bill, as it stands, does not achieve the right balance between local and national, and that the model proposed is too centralised. Community Justice Scotland is described as having a "duty to monitor the performance of community justice partners against the national performance framework for

Community Justice” (yet to developed) and must report individually on their performance.

The Bill outlines the requirements of the proposed CJS to produce a national strategy and indicated that community justice partners would need to be engaged and consulted in this. The wording of the Bill does not give confidence that local issues (Local Authority) will help to form the strategy (a two way process), which is what you would hope for.

The Bill fails to take up the opportunity of utilising Community Planning structures, which already have agreed joint priorities through the Single Outcome Agreement and will have enhanced joint responsibility through the Local Outcome Improvement Plans(replacing SOAs) envisaged in the Community Empowerment (Scotland) Bill.

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?

We do not think that the reforms in the Bill, as drafted will help to support improvement in leadership, strategic direction and planning, nor partnership and collaboration. We would need more detail to comment on commissioning and best value.

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 we acknowledge the importance of the Commission on Women Offenders 2012 report, we do not agree that is the sole criteria against which resource allocation should be considered. It is clear from the Financial Memorandum that all financial resources currently allocated to the local CJAs will in future be utilised by Community Justice Scotland, after a transition period ending in March 2018- one year after abolition of CJAs. This budget is approx. £2.2 mil per year. Local Community Justice Partners will require to meet costs of local Community Justice planning, co-ordination and reporting functions themselves, with no Scottish Government assistance In addition, despite assurances that funds would be ring fenced, Para 108 of the Policy Memorandum makes it clear that Scottish Ministers will be able to direct the usage of S.27 Social Work (Scotland) Act 1968 funds to “drive improvement”. These are the funds allocated for the delivery of Criminal Justice Social Work Services which will come directly to local authorities. It is not clear in what circumstances this power would be used. As above, there is no opportunity for local partners to resolve the issue first.

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

Whilst we would not wish to see delays, it is hard to be certain about the timescale until the issues we suggest further consideration have been addressed.

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

- As set out above we are suggesting revisiting the proposed relationship between Community Justice partners and Community Planning at the local level. We believe this is essential if the Bill is going to make genuine improvements to the current arrangements.
- The absence of **any** reference to the new arrangements for integrated Health and Social Care is noticeable. Given that in Glasgow, Criminal Justice Social Work services will be located in the HSCP, the production of a Community Justice plan for the city will need to reflect this. The references in the Bill to Community Justice Outcome Improvement Planning (S.21) suggest guidance will be issued on this. In the meantime Community Justice services will work to existing plans. However, in the meantime, the HSCP will have developed their Strategies based on Health Improvement Outcomes already published. It is also possible that CPPs will have started work on their Local Outcome Improvement Plans.
- It would be helpful if some overall synchronised timetable for production of these plans could be agreed. If this doesn't happen there is a risk that Plans will be contradictory and require revision.
- There is also an absence of reference to Housing in the Bill. Whilst local authorities are the strategic housing bodies, in many areas eg Glasgow they have no housing stock. The need to link housing providers into delivery of community justice at a local level reinforces the case for closer links to Community Planning structures where housing associations are at the table as partners.
- There is lack of recognition of the crucial role of the Third Sector in the delivery of Community Justice Services. In Glasgow the Third Sector are partners in Community Planning. The Third Sector play a crucial role in key Community Justice work, including the innovative PSP models and the One Glasgow Reoffending initiative. Again linking Community Justice to Community Planning would fill this gap.
- Policy Connectivity. There is no policy connectivity provided. Even working with the more limited definition of community justice provided in the draft Bill the connectivity with Alcohol and Drug Partnerships (ADP's) and Children's Services Planning are significant omissions when considering offending issues in Scotland. Any CJ Strategy for Scotland would need to connect with GIRFEC and Children's Services Planning and ADP's in its formation. Community Planning Partnerships provide a mechanism to connect these inter-related policy drivers and local action plans.