

Justice Committee

Community Justice (Scotland) Bill

Written submission from the Risk Management Authority

Introduction

1. The Risk Management Authority (RMA) is a non-departmental public body (NDPB), established in 2005 by the Criminal Justice (Scotland) Act 2003 to set standards for and promote effective practice in the risk assessment and management of offenders. Within this remit, the RMA is in particular charged with practice in relation to serious violent and sexual offenders, and has specific responsibility to administer and oversee a number of practices and processes relating to the Order for Lifelong Restriction (OLR).

2. Regardless of the nature or seriousness of offending, there is an intrinsic link between the aims of reducing reoffending and reducing risk. As such there is a natural overlap between the remit and functions of the RMA and the proposed body, Community Justice Scotland; and common interests in arrangements to improve outcomes in reducing reoffending as therein there is potential for collaboration and synergy.

3. Therefore, we welcome the opportunity to provide evidence to the Justice Committee on the Community Justice (Scotland) Bill on the questions on which we have experience.

Evidence

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?

4. We re-inforce an important point that has been made throughout the policy consultation stages: evidence does not exist to suggest that a particular model of organisational structure leads to reduced re-offending. However, evidence does exist to suggest that certain types and quality of services improve outcomes in terms of reduced reoffending, and that certain organisational factors support the delivery of such services. Therefore, the extent to which the arrangements in the current Bill achieve the aim of reducing reoffending depends on the extent to which they facilitate the delivery of high-quality, accessible, evidence based services.

5. The importance of the rationale underpinning this Bill lies in its aspiration to facilitate leadership, collaboration and well planned and delivered services at the local level, with national leadership, oversight, support and guidance. The systematic and dependable provision of general services would provide a sound foundation for the delivery of more specialist services. Community justice partners will have the sound work of the CJAs to build upon.

6. It is our understanding that the Commission on Women Offenders reported concerns in terms of complexity of the landscape, inconsistency of service delivery, accountability, and lack of evidence to demonstrate impact.

7. The Bill does not address those issues *in the way envisaged* by the Commission but following extensive consultation presents a means that is attentive to the issues, and has potential to address them despite inherent challenges: the complexity of the landscape is somewhat reduced by the abolition of the CJAs, although there is a need for the focus on and expertise in community justice to be transferred to the local planning partnerships; lines of accountability are articulated but remain complex; the establishment of the new body provides for national leadership and support to local services that has the potential to promote consistency of service delivery; and importantly there is a commitment to a common performance management framework.

Are you content that the definition of 'community justice' in the Bill is appropriate?

8. The definition of 'community justice' is important; it has become a commonly used term, but without a shared meaning to date. The definition of 'community justice' in the Bill provides clarification and limits, by focusing on those with a conviction. Such parameters will assist community justice partners and Community Justice Scotland in meeting their obligations, but may attract comment that it is 'criminal justice' by a new name. However, Section 1 (1) (c) and (d) provide distinctiveness in the proposed arrangements, by requiring that general services are arranged in ways that facilitate access, and by bringing those serving short term prison sentences into the frame.

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?

9. The establishment of Community Justice Scotland (CJS) has the potential to lead to improvements in leadership, oversight, identification of best practice and the commissioning of services. The achievement of such will take time and the challenges facing CJS should be realised at the outset; CJS' early work will involve establishing its own governance processes and procedures, concurrently developing its methodology and arrangements for reviewing local plans and a strategy for innovation, learning and development.

10. We have mentioned the definition of 'community justice' and the benefits to be achieved under the new arrangements through the building of a sound foundation for the delivery of general and services from which rehabilitation/reintegration efforts will be supported. However, the scope of this challenge for community justice partners and CJS should not be underestimated. We think therein lies the need for realistic expectations, and clear delineation of roles and responsibilities with existing bodies who also have functions in relation to identifying and promoting effective practice.

11. For example, The Scottish Advisory Panel on Offender Rehabilitation (SAPOR) has a role to advise Scottish Government on best practice in relation to rehabilitation services.

12. The RMA's discrete remit in relation to risk assessment and management has clear commonalities with the subject matter of the Community Justice Bill, and parallels with the functions of CJS. Herein, lies potential for collaboration and partnership working that we look forward to taking forward with new colleagues in CJS. However, there is a need to ensure that there is a clear delineation between the remits of the two bodies to avoid duplication and confusion. We believe that this is entirely possible through clarity that CJS' remit focuses on the general community justice arena, while RMA continues to focus on risk of serious harm, and promoting effective risk assessment and management practice generally.

13. We note from the policy memorandum that the geographical boundaries of the 11 MAPPA areas will remain in the absence of the Community Justice Authorities, and that the annual MAPPA reports will be submitted to CJS. It is unclear to us whether this arrangement is intended to provide a level of oversight, support and guidance similar to that proposed in relation to community justice plans and reports. If so, there may be benefit in clearer articulation of this; and if not, it would appear that there would be a lower level of oversight, support and guidance in relation to the management of persons subject to MAPPA.

14. The RMA has statutory responsibility for setting standards for risk assessment and management practice and others have a duty to regard those standards. The relevant standards are embraced in the MAPPA guidance and associated documents. This has implications for the development of the national performance framework given its stated scope of covering the management of all offenders in the community.

15. While acknowledging the potential for consistency and improvement through collaboration, we urge recognition that the management of more serious violent and sexual offenders requires particular priority and specific attention, in terms of research, practice, learning development and policy.

16. We offer our full support in taking forward the proposed arrangements.

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