

Justice Committee

Community Justice (Scotland) Bill

Written submission from the Scottish Directors of Public Health

1 *Will the proposals in the Bill transform the community justice system in the way envisaged by the Commission on Women Offenders (CWO) in its 2012 report, such as addressing the weaknesses identified in the current model, tackling reoffending and reducing the prison population?*

1.1 The health of those in contact with the criminal justice system is known to be significantly worse than that of the general population.^{1,2,3} Our reading of the ethos behind this Bill is that it plans to reduce re-offending by promoting factors such as improved health, access to housing, employability and positive relationships. The Bill reinforces the pressing need to address the wider determinants of re-offending which should in turn help address health and social inequalities. We support this approach.

1.2 The CWO highlighted structural complexities and funding deficiencies inherent in existing Community Justice Authority (CJA) arrangements which compromised their ability to achieve progress on reducing reoffending. The opportunity for local partnerships to tailor approaches to community justice has potential benefits (see section 5 below). We are mindful that the transition from 8 CJAs to one lead agency and 32 local community justice partnerships has the potential to compound structural complexities. Likewise, while the introduction of a single national body (Community Justice Scotland – CJS) has the potential to facilitate efficiencies, there is a risk that duplication of effort across 32 partnerships may confound efforts to combat funding deficiencies.

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

¹ <http://www.ohrn.nhs.uk/resource/policy/ScottishPrisonHealthNeeds.pdf>

² <http://www.scotpho.org.uk/population-groups/prisoners/data/prisoner-health>

³ <http://www.magcloud.com/browse/issue/769275>

2.1 The current definition is clear but limits the potential for community justice to incorporate preventative and anticipatory support elements within its scope. The definition would benefit from acknowledging the importance of both the prevention of offending and early intervention/diversion to avoid incarceration and the negative impact this often has for the wellbeing of individuals and their communities.

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?*

3.1 The plans outlined in the Bill give CJS the opportunity to develop strong strategic leadership and advocacy for community justice in Scotland. It is encouraging that CJS will have responsibility for research and 'promoting innovation, learning and development' in the field. This, combined with CJS's duty to monitor Community Justice Partners (CJPs) and report to each individually on its assessment of their performance, should see CJS well placed to support the identification and sharing of best practice.

3.2 In terms of oversight and commissioning: CJPs will not be accountable to CJS and Criminal Justice Social Work funding will pass directly to Local Authorities. There will be limited additional funding for CJPs to deliver local improvement plans. Other than providing CJPs with recommendations for future action, CJS would seem to have no other levers (e.g. budgetary and or legal powers), to drive change. Also, while the wide scope of the Bill is welcomed, with limited additional resources it is hard to see how CJPs would be able to innovate when resource is tied up with existing statutory duties.

3.3 Furthermore, at the CJP level, there is no stipulated leader or lead agency upon whom accountability for delivering on local actions or driving local change will rest. We recognise that there may be a desire to avoid identification in statute, of any given partner as the strategic lead. However there may be mechanisms, such as through guidance, where leadership could be ensured. Consideration might also be given to moving this leadership role between partners over time, to encourage engagement. This would mitigate the risk that community justice becomes both everybody and nobody's responsibility and that delivering change might otherwise depend largely on the will, motivation and creative means of CJPs.

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?*

4.1 The legislative duty for CJPs to co-operate and be responsible for strategic planning and monitoring of community justice services is welcome. However, in addition to the challenges identified above, the working arrangements between Health and Social Care Integration Joint Boards (IJBs) and Community Planning Partnerships are still emerging. The environment within which CJPs perform their roles are likely to vary across Scotland (e.g. differing between those areas where elements of Community Justice are delegated to IJBs versus those where they are not). Guidance associated with the Bill and the subsequent National Strategy would benefit from considering the local challenges for CJPs in working within this evolving and varied landscape.

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

5.1 If successful, the local partnership approach outlined in the Bill has the potential to mould local approaches, proportional to the needs of the local population. The usual trade-offs of localism exist with a more complex structural landscape with greater potential for: duplication of effort, inconsistency of approaches and/or a focus on geographies rather than vulnerable groups.

5.2 The creation of CJS with dedicated resource and the development of a national strategy and performance framework for community justice generate ideal conditions to: develop national leadership, co-ordinate research and support a focus on quality improvement.

5.3 As presently described, the absence of direct fiscal or other influence over local CJPs risks leaving CJS disconnected from local partnerships. CJPs are not accountable to CJS. In the Bill it is difficult to identify what true responsibility CJS would have and what it would be accountable for. It would be helpful to have more clarity around the function of this new national agency and its proposed activities.

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?*

6.1 Well selected and co-ordinated national measures with consistent national reporting could help drive a culture of learning with a focus upon quality improvement in Scottish community justice. Such measures could be used to monitor progress towards short, medium and long term outcomes; providing opportunities for surveillance and benchmarking between areas, nationally and (potentially) internationally.

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?*

7.1 As mentioned above, the CWO identified that funding deficiencies were amongst the factors compromising the ability of CJAs to achieve progress. From the overview provided in the Bill and associated documents it is difficult to identify the net contribution of proposed changes towards improving resource for community justice.

7.2 We would hope that the final version of these reforms would incorporate the flexibility for CJPs to reallocate funding towards more preventative measures and to avoid the situation where all funding is utilised solely for the fulfilment of existing statutory duties. In order to support this aspiration we would suggest consideration is given to how these reforms ensure that there will be a commitment (including budgetary commitment) by CJPs towards reducing offending and reoffending, in their areas.

7.3 Timely introduction of any new resource will be important to best support the development of, and transition towards, these new arrangements.

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

8.1 In order to best assess the effectiveness of new arrangements, it would be helpful to ensure timescales include sufficient time to measure existing needs, service provision and outcomes.

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

9.1 Please see above comments.

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