

Justice Committee

Community Justice (Scotland) Bill

Written submission from South Lanarkshire Community Justice Authority

South Lanarkshire Community Justice Authority would wish to thank the Scottish Parliament Justice Committee for the opportunity to offer views on the Community Justice (Scotland) Bill which was introduced in the Scottish Parliament on the 7 May 2015.

We note that the Justice Committee is interested in particular aspects of the Bill and has asked respondents to address nine specific questions. Overall, I feel that the Bill is fairly comprehensive but as part of the consultation I would wish to bring a few matters to your attention for consideration. The following is our response to your particular questions:

Question 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 Bill rightly emphasises the importance of universal services and early intervention if we are to tackle issues such as poverty, addictions and homelessness which characterise the majority of those who make up the 7,800 individuals, which is the average prison population in Scotland.

The Bill gives local councils and Community Planning Partnerships (CPPs) the opportunity to best tackle the challenges within their own community, develop services and better linkage between services, which in turn should address the number of issues and weaknesses outlined by the Commission of Women Offenders Report 2012, by Dame Angiolini.

Given the importance of the National Strategy and the indication that the Bill indicates that the new National Strategy will be published by April 2018, it should perhaps be considered to bring this timescale forward to complement the date when the New Model for Community Justice will be fully operational, in April 2017. The current National Strategy for the Management of Offenders published by the Government in May 2006 already addresses many of the areas that the new National Strategy will have to include such as: setting priorities; working together; supporting the workforce and performance.

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

The definition makes no specific mention of risk assessment or risk management. This is a major flaw given the importance of community justice’s role in protecting the public though the effective implementation of MAPPA arrangements for sex offenders, the substantial resources involved in preparing risk assessment reports for the Courts and Parole Board and also that Justice teams view that one of their

main roles is managing and reducing risk. I would suggest that the definition needs to expand to include the key role of risk assessment and the duty of justice services to contribute to Council's wider Community Safety Strategy.

Question 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 main functions of Community Justice Scotland (CJS) are stated in Section 3 of the Bill, which includes:

- To promote the National Strategy (which I have commented on above).
- To oversee performance in the provision of community justice. In order to carry out this function implementation of the proposed National Performance Framework will be essential. Until the 'framework' is produced and assessed it is not possible to say if the current proposal will lead to improvement.

I acknowledge that there is still developmental work to be completed regarding Community Justice Scotland. However, I would suggest that there needs to be more detail about governance arrangements and in particular the relationship between CJS, Local Authorities, the Government and Community Planning Partnerships before this question can be fully answered.

Question 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?

There is no specific reference to Community Planning Partnerships (CPPs) within the Bill. Instead it is "Community Justice Partners for the area of a Local Authority" that must publish a plan in relation to community justice for the area. This is viewed as a significant change in terminology and it would be important to give clarification about the specific role of CPPs in order to ensure that everyone is clear about this key aspect of the new arrangements.

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

Whether the Bill achieves the right balance will be dependent on the detailed governance arrangements and in particular between CJS and CPPs before this question can be fully answered. Overall, the Bill indicates that CJS will have an oversight role which includes providing assurance to the Cabinet Secretary regarding quality of service.

In order to carry out this oversight role the relationship between CJS and 32 local delivery areas will require greater clarification for example what services will be commissioned nationally by CJS as opposed to locally? Secondly, if CJS does not have a hierarchical relationship with the 32 service delivery areas what will be the

mechanism for dealing with poor practice or highly publicised mistakes? Again, I acknowledge that this detail is perhaps still to be defined but I felt that it would be important to bring this to your attention for consideration.

Question 6: Will the proposed reforms support improvement in terms of:

- **leadership, strategic direction and planning?**
- **consultation and accountability?**
- **partnership and collaboration?**
- **commissioning of services and achieving best value for money?**

The current arrangements in relation to leadership, accountability, collaboration and achieving best value include a pivotal role for locally Elected Members. There is no specific mention about the role of local Councillors contained within the Bill. The active participation of locally Elected Members has been key to the provision of successful community justice services and of accountability since the implementation of the Social Work Scotland Act 1968. This participation was strengthened by the Management of Offenders etc. (Scotland) Act 2005 which established Community Justice Authorities.

Given one of the themes of the New Model is aimed at increasing local democracy for services, local Councillors influence and take ownership for their local communities they serve; which in turn impacts on the resources that Justice staff use in their day to day work...

Question 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?

There are no new resources indicated and 90% of current community justice resources are currently and will continue to be spent on statutory services required by legislation. This situation is untouched by the Bill.

Clarity will also be required regarding commissioning i.e. nationally by CJS and what will be commissioned by CPPs/Community Justice Partners. These commissioning arrangements will be pivotal if services are to be effective and complementary existing and justice and universal services in the community.

The Bill does not address how resources will be used to reward and encourage success such as the completion of Community Payback Orders and reducing the numbers in prison. It will therefore be important that the current review of the "funding formula" does not continue to reward failure by simply paying for the generation of more business. Reducing the reoffending will be the measure of success and hence clarity and a mechanism is required to inform an intention to move resources towards prevention and early intervention.

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

I feel that this is achievable.

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

In summary the proposals in the Bill could be improved through the following:

- Publication of the National Strategy should be brought forward.
- Definition of “Community Justice” should be revisited to recognise its contribution to public protection and the Council’s wider Community Safety Strategy.
- More information is needed about the proposed National Performance Framework.
- Governance arrangements between all agencies require clarification to ensure clear accountability.
- The specific role of CPPs/Community Justice Partners requires clarification
- National and local responsibilities regarding commissioning and accountability require more clarity.
- Clarity regarding the roles of locally Elected Members would be helpful.
- More information is needed about how resources will be distributed to allow prevention and early intervention.

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