

Justice Committee
Community Justice (Scotland) Bill

Written submission from North Ayrshire Health and Social Care Partnership

Introduction:

North, East and South Ayrshire are part of the South West Scotland Community Justice Authority (SWSCJA) along with Dumfries and Galloway. Over the last nine years of available data, SWSCJA has moved from having one of the highest reconviction rates in Scotland to being amongst the lowest.

The responsibility for Criminal Justice Social Work Services sits within the Health and Social Care Partnerships (HSCP) of North, East and South Ayrshire. A Criminal Justice Joint Committee, with Elected Member representation, is the overview body for Criminal Justice Social Work Services across the three Ayrshire local authority areas.

Criminal Justice Social Work Services in North, East and South Ayrshire have jointly planned and developed a range of services which are shared across the three HSCP's.

1. Will the proposals of 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?

1.1 We feel that it is not entirely accurate to refer to the Commission on Women Offenders as providing a justification for the Bill's proposals. The Commission on Women Offenders does not recommend any structural reform at all. There is also no mention in the Commission on Women Offenders of a new national improvement and assurance body being established such as Community Justice Scotland.

1.2 The structural reforms proposed by the Bill are no guarantee of realising the improvements sought by the Commission on Women Offenders in terms of governance, accountability, leadership, reducing offending and reducing the prison population.

1.3 Reference has already been made to the success of the SWSCJA in contributing to the reduction of reoffending rates over the last nine years. It is our view that this has been achieved more by building positive working relationships and a shared vision among partners and stakeholders rather than by implementing a particular structure.

1.4 Criminal Justice Social Work Services across Ayrshire have demonstrated a commitment to partnership working in terms of vision, governance and the planning and development of shared services. We would be concerned that a structural reform may threaten the progress that we have made due to the uncertainty that this may create in terms of local planning, leadership and accountability. In particular, there are concerns about the role and powers of the proposed Community Justice Scotland and how this will impact on local leadership. In Ayrshire, it could be argued that we we have been guided by the principal of “form follows function” in that we have shaped our structures, governance, planning and services according to the specific needs and aspirations of our stakeholders across Ayrshire.

2. Are you content that the definition “community justice” in the Bill is appropriate?

2.1 No. The definition of “community justice” in the Bill focuses on agencies, services and the management of offenders. This is contrary to the focus in Ayrshire which is on the outcomes for people. The definition also does not appear to cover key areas such as early intervention and prevention.

3. Will the proposals for a new national body (Community Justice Scotland) lead to improvements in such areas as leadership, oversight, identification of best practice and the commissioning of services?

3.1 As has already been suggested, the creation of new structures does not guarantee improvements. We have concerns about the role of Community Justice Scotland and about the cost of establishing and running this agency, of around £2.2 million per year. It is our view that the Scottish Government could carry out the national functions envisaged for Community Justice Scotland, with additional support in order to provide oversight and assurance for the Cabinet Secretary. This would be a preferable approach to creating Community Justice Scotland at significant cost but with no guarantee of delivering improvements.

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, duty and structures required to effectively perform their proposed role in relation to community justice?

4.1 The Bill draws a distinction between the “Community Justice Partners” and “Community Planning Partnerships (CPP)”. The Scottish Government has suggested that CPP’s cannot be mentioned specifically in the Bill as they cannot be legally accountable for delivering outcomes. However CPP’s are mentioned in other legislation such as the recently passed Community Empowerment (Scotland) Bill.

The failure to specifically name CPP's in the Bill will not help provide a mandate to bring partners together in a new way to tackle community justice issues.

4.2 CPP's are at the centre of local strategic planning from the Single Outcome Agreement to economic development and health improvement. It would appear that the Bill dilutes the role of the CPP's whereby the named Community Justice Partners can do as they wish so long as they are seen to consult the CPP as a stakeholder.

4.3 This proposed arrangement between the CPP's and the Community Justice Partners will result in the CPP's not having clear accountability or responsibility for delivering community justice outcomes. The Bill should make it clear that the CPP's are the lead in terms of leadership, governance and accountability for planning and delivery of shared outcomes in their areas.

4.4 There is concern that there has been a serious omission in that there is no explicit mention of the Crown Office and Procurator Fiscal Service in the Bill. They are essential partners and this omission should be rectified.

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

5.1 No. The proposals are not clear enough about national and local responsibility. There is potential for the new national body, Community Justice Scotland, to create performance and reporting requirements which cut across the existing Single Outcome Agreement resulting in duplication of effort and creating a diversion from the focus of developing and delivering improvements in community justice. The Single Outcome Agreement is designed to be the single reporting system for community planning partnerships to communicate with communities and the Scottish Government. There is concern that with the creation of Community Justice Scotland community planning partnerships will be asked for a range of additional information and reports despite the national body having no governance role over local arrangements.

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 There is concern about the absence in the proposed reforms of a role for Elected Members. In the SWSCJA, Elected Members have provided strong community leadership, good governance and clear accountability. Elected Members also sit on the Criminal Justice Joint Committee which is the overview body for criminal justice social work services across the three Ayrshire local authority areas.

As stated above, structural reform does not guarantee improvements and we would be concerned that the proposed reforms create an unwelcome diversion from our focus on developing and delivering improvements in community justice.

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 of Women Offenders in its 2012 report?

7.1 No. There have been long standing concerns about the under resourcing of the community justice system when compared to the Scottish Prison Service. Currently the Scottish Prison Service is receiving three and a half times more funding than community justice.

7.2 We need to establish a fair and transparent process to move funding from the Scottish Prison Service to community justice that takes into account the fact that currently there are 29% more community than custodial sentences being made by the courts. The establishment of a joint board for community justice and prisons, as proposed by the Commission on Women Offenders, could take on this function.

7.3 There are three staff in the SWSCJA who are currently funded with a role to support our partnership working around reducing reoffending. We would argue that with the proposed introduction of Community Justice Scotland, which will be funded at a higher level than all the CJA's put together, that additional funding should be made available to retain these staff. They would play a key role in supporting the three CPP's across Ayrshire and in liaising and helping the CPP's respond to the requirements of Community Justice Scotland. Although interim funding has been made available to prepare for the new arrangements, it is our view that this funding should be made permanent.

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

8.1 We consider that the timescale is realistic. All stakeholders have been aware of the changes and the transitional arrangements for a significant time.

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

9.1 Improvements are noted throughout this response.

North Ayrshire Health and Social Care Partnership
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