

## Justice Committee

### Community Justice (Scotland) Bill

#### Written submission from Turning Point Scotland

#### About Turning Point Scotland

Turning Point Scotland is a national provider of social care services for adults with a range of complex needs. Our experience of service provision includes criminal justice services such as 218 in Glasgow, Turnaround (providing residential and community based support across North Strathclyde and South West Scotland CJA areas), as the lead partner in the Low Moss Public Social Partnership and as a delivery partner in both the Shine and New Routes mentoring PSPs. In addition many of the people we support in our substance misuse, housing and homelessness and mental health services have experience of the criminal justice system.

Turning Point Scotland is a member of the Criminal Justice Voluntary Sector Forum and as such we have contributed to discussions which have informed their response to this consultation. Previously we have participated in and contributed written submissions to Scottish Government consultations on the redesign of community justice.

We have been active participants in the Community Justice Authority structures and we anticipate working with colleagues across the statutory and third sectors in order that the new model for community justice delivers improved outcomes for people involved in the criminal justice system, victims, families and communities.

#### Summary of Key Issues

We believe that there are three key issues which our response seeks to address:

- A lack of clarity around the governance, accountability and relationships between Community Justice Scotland, local community justice partnerships and the wider community planning process.
- Related to this a concern about future commissioning arrangements.
- The need for meaningful involvement of third sector organisations, victim's organisations, people with lived experience of the criminal justice system and their families in the planning, design, delivery and evaluation of community justice services.

**Q1 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?**

1. We understand that the Scottish Government Publication "Renewing Scotland's Public Services – Priorities in response to the Christie Commission" sets a template for public service reform (such as the redesign of community justice) which is based around four pillars:

- a decisive shift towards prevention;

- greater integration of public services at a local level driven by better partnership, collaboration and effective local delivery;
- greater investment in the people who deliver services through enhanced workforce development and effective leadership; and
- a sharp focus on improving performance, through greater transparency, innovation and use of digital technology.

2. It is our view that by considering these pillars alongside the weaknesses identified in the Report of the Commission on Women Offenders we can better assess if the proposals in the Bill will bring about the transformation which is envisaged.

3. The delivery of community justice (and indeed imprisonment) are often viewed as services of last resort however it is our experience that there continue to be opportunities for effective interventions with individuals with considerable offending histories. It is also apparent that earlier opportunities to intervene in that individual's life may have been missed.

4. It is therefore disappointing that the Bill does not explicitly direct planning at both national and local levels to consider prevention especially within the wider context of the community planning process.

5. By abolishing the Community Justice Authorities and seeking to integrate local community justice planning arrangements within the wider community planning process there is an opportunity for that greater integration at a local level. We would highlight improved planning with health, housing and benefits as key areas to be addressed.

6. Christie's emphasis on partnership and collaboration is crucial and we believe that meaningful involvement of third sector organisations, victim's organisations, people with lived experience of the criminal justice system and their families in the planning, design, delivery and evaluation of community justice services would enhance the bill.

7. We acknowledge however that this level of local integration will place an additional burden on a number of national organisations (in both the statutory and third sectors) and will create challenges around engaging meaningfully across 32 local authority areas rather than eight community justice authority areas.

8. We would like to see greater clarity on the roles, functions and relationships between local community justice partnerships, community planning partnerships and Community Justice Scotland to better consider whether the arrangements for accountability and leadership are sufficiently robust to drive forward improved outcomes.

9. Similarly we require greater clarity around the funding and commissioning functions. It is our experience that practice currently varies from area to area. We believe that the effective engagement of the third sector within Community Justice Authorities has enhanced our role in service design and delivery. At a strategic level we have demonstrated our ability to work together as a sector alongside statutory

organisations to develop and deliver innovative new services. However the redesign of community justice process and the lack of certainty around the new arrangements has limited that innovation and development.

10. We are also concerned that the move to local planning may put at risk the many examples of joint working across local authority areas with the potential for duplication of services and infrastructure or inconsistency of provision between local authority areas.

11. The Bill provides the potential for Community Justice Scotland to strategically commission service delivery (in consultation with local community justice partners). We believe that this is an essential role which may provide sustainability for existing services and a vehicle for the delivery of national policy objectives.

12. We believe that effective partnership working at national, regional and local levels has contributed significantly to the reduction in re-offending which we have seen in recent years. It is vital that in the transition to the new arrangements that these partnerships and relationships provide a foundation to build on and continue to tackle re-offending.

13. Reducing the prison population is a complex issue which cannot solely be addressed through community justice approaches. International evidence would suggest that there is an important role for government lead policy and legislation to address this issue. Nevertheless it is our experience that effective interventions with individuals on community orders or leaving prison can break the cycle of offending and prevent future admission to prison.

**Q2 Are you content that the definition of ‘community justice’ in the Bill is appropriate?**

14. We would suggest that the definition of “community justice” is too narrowly focused on the process and requirements around statutory orders imposed by the courts, release from imprisonment and statutory supervision.

15. We believe that for these services to be successful in reducing reoffending they need to be person centred. The definition would therefore be enhanced by adopting this language (which is in common use in other aspects of social care) rather than the current tone which suggests processes ‘being done’ to people.

16. We think it is important that general services are also arranged in such a way that they support preparation for release from imprisonment (housing, benefits and prescribing would be three good examples). It might therefore be helpful to reverse the order in which 1c and 1d are presented and expand the definition of “in the community” to include those individuals preparing for release from imprisonment.

17. In addition the definition of “general services” as “services and support provided to people generally” is unhelpful and would benefit considerably from some clarification.

18. The use of the word “offenders” and its definition introduces an element of labelling and stigmatisation which is unhelpful and does not help individuals to

develop a new identify as part of their journey to desistance. “People with convictions” is suggested as an alternative although we are aware that work is ongoing to look at the issue of labels and terminology.

**Q3 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?**

19. While we welcome the introduction of the national strategy for community justice and the associated outcomes and performance framework which we anticipate will inform and direct planning and service delivery at a local level we do not believe there is sufficient clarity about the role, functions and responsibilities of Community Justice Scotland nor the extent to which it can ensure that national policy and strategy decisions are implemented locally.

20. We would welcome proposals for Community Justice Scotland to commit resources to the identification, evaluation and dissemination of best practice and to working closely with providers in both statutory and third sectors along with academics to achieve this. It is essential however that the planning, accountability and funding arrangements ensure that best practice influences local service delivery and is rolled out in a consistent and coordinated way which avoids the patchwork of delivery which currently exists and was criticised by Angiolini.

21. We are concerned that the lack of clarity around the commissioning of services and in particular the responsibilities of the national and local bodies has stifled innovation and risks the sustainability of current service provision. Some recent developments have demonstrated the ability of the third sector to work closely with public sector partners to deliver services in a consistent way across multiple local authority areas. It is essential the Community Justice Scotland can continue to develop and commission services at a strategic level and that both Community Justice Scotland and local community justice partnerships continue to commission the third sector to deliver services on their behalf.

**Q4 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?**

22. That the Bill refers only to the Community Empowerment (Scotland) Act 2015 and to local community justice partnerships without setting them in the context of community planning and without placing duties and responsibilities on community planning partnerships is somewhat confusing (especially in light of the emphasis on community planning throughout the redesign of community justice and the transition planning process which is already underway).

23. It is important for local planning and accountability that the new arrangements for community justice are embedded in community planning structures – only *having regard to* local outcome improvement plans and *consulting with appropriate bodies*

risk continuing the current situation where planning for community justice makes consideration of community planning but is not integrated into the process.

24. That the Bill and the Community Empowerment Act seek wider involvement of community bodies is to be welcomed and has the potential to realise an undelivered aspiration of the Community Justice Authorities for greater community engagement. That said we believe that meaningful involvement of community bodies (along with third sector organisations, victim's organisations, people with lived experience of the criminal justice system and their families in the planning the planning, design, delivery and evaluation of community justice services would enhance the bill and its implementation.

**Q5 Does the Bill achieve the right balance between national and local responsibility?**

25. We are generally supportive of the drive towards better integration at a local level of community justice with mainstream planning and service delivery. Our experience is that mainstream services play an important part in integrating individuals into a community but are often unaware of their potential to contribute to the wider reducing reoffending agenda.

26. It also appears that, while greater clarity is required, the role of Community Justice Scotland and local community justice partnerships appear to be complementary rather than overlapping.

27. However clear lines of accountability and the ability to ensure that policy, strategy and plans are in fact implemented and improve practice and outcomes at an operational level are essential to transforming community justice. We do not believe that the accountability as outlined is sufficiently clear to achieve this aim or to demonstrate a significant improvement on the current arrangements.

**Q6 Will the proposed reforms support improvement in terms of:**

**(a) leadership, strategic direction and planning?**

28. At a national level we welcome the introduction of the national strategy for community justice and the associated outcomes and performance framework which we anticipate will inform and direct planning and service delivery at a local level.

29. Community Justice Scotland has the potential to become a hub for research, best practice and the development of policy and strategy. However it is important that the relationships and accountability between Community Justice Scotland, local community justice partnerships and Scottish Ministers are clearly defined and ensure that the leadership, strategic direction and planning lead to implementation and improvement at an operational level.

30. We believe that the new arrangements will lead to better integrated strategic direction and planning through the community planning process

**(b) consultation and accountability?**

31. We do not believe that the requirement for 'consultation' is sufficient rather the bill should require local community justice partnerships to actively involve third sector

organisations, victim's organisations, people with lived experience of the criminal justice system and their families in the planning the planning, design, delivery and evaluation of community justice services.

32. The accountability arrangements for both Community Justice Scotland and local community justice partnerships could be much clearer and do not appear to significantly address the issues identified within the current arrangements.

**(c) partnership and collaboration?**

33. The existing arrangements for community justice have been effective in building up a wide partnership of interest and importantly in engaging third sector organisations, victim's organisations, people with lived experience of the criminal justice system and their families in the planning the planning, design, delivery and evaluation of community justice. We believe it is important that the process of reform does not lose or diminish this involvement.

34. We believe that the new arrangements should provide improved collaboration at a local level and particularly across important, mainstream service provision such as housing, health, benefits etc. However we are concerned as to how national public sector organisations will engage and be involved in the work of local community justice partnerships in a meaningful way having, at times, struggled to engage across only eight Community Justice Authorities.

**(d) commissioning of services and achieving best value for money?**

35. We believe that, at least in the short term, the reforms pose risks to commissioning arrangements and to achieving value for money. The lack of clarity around who will commission and what type of services they will commission has limited innovation and threatens the sustainability of existing services.

36. A great number of services are currently delivered across several local authority areas and nationally in some cases which provides better value for money however these arrangements could be threatened as the local planning and commissioning arrangements become established.

37. In particular we believe that, in their current form, the proposals put at risk the involvement of the Third Sector in the planning and design of services locally and the potential to focus resources on 'in-house' provision at the expense of third sector service provision.

**Q7 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?**

38. The resources outlined in the Financial Memorandum appear to be sufficient for the size of organisation described, however given our concerns regarding the lack of clarity regarding the role and function of Community Justice Scotland it is not clear if an organisation of the size and scale outlined is required nor whether it will be able to address the weakness identified in the current community justice structures and transform the system in the way envisaged by the Commission on Women Offenders.

39. We also note that the Financial Memorandum does not anticipate any significant additional costs to local authorities, however we are aware that criminal justice social work budgets have been under pressure for a number of years and our experience is that the (unintended) consequence of this has been to focus resources on 'in-house' provision at the expense of third sector service provision.

40. We believe that the Third Sector has a significant contribution to make to the work of the sector, that this should be encouraged explicitly in the Bill and that resources should be allocated to local authorities with the expectation of further commissioning of third sector providers.

**Q8 Is the timetable for moving to the new arrangements by 1 April 2017 achievable?**

41. We believe that, given the additional clarity which is still required in terms of the roles and responsibilities of both Community Justice Scotland and the local community justice partnerships and some concerns over the readiness of some Community Planning Partnerships to take on these additional responsibilities (particularly when resources are already stretched and health and social care integration is taking effect) the proposed timetable for moving to the new arrangements by 1 April 2017 is challenging.

42. That said it is already three years since the publication of the Report of the Commission on Women Offenders and Audit Scotland's Overview of the Criminal Justice System which lead to the redesign of the community justice system. The focus on changing structures has limited innovation and improvement and has impacted on sustainability discussions around both the Reducing Reoffending Change Fund PSPs and the Low Moss PSP. It is our view therefore that while challenging any further delays in the implementation of the new arrangement would not be helpful to the sector as a whole.

**Q9 Could the proposals in the Bill be improved and, if so, how?**

43. We believe that the proposals in the bill along with the associated guidance could be improved by addressing the following issues:

A specific requirement to include:

- third sector organisations
- victims organisations
- people with lived experience of the criminal justice system and
- their families

in the planning the planning, design, delivery and evaluation of community justice services and that this should include an explicit expectation of commissioning third sector providers and others to deliver services.

44. We welcome and have been encouraged by recent guidance issued by Scottish Government which addresses this point however it is sufficiently important to merit legislative imperative.

45. Further clarity and guidance on the role and function of Community Justice Scotland is required particularly in terms of its governance, accountability to Scottish Ministers and its ability to effectively hold local community justice partnerships to account.

46. In addition it would be extremely helpful to clarify the commissioning role of Community Justice Scotland and in particular if there is an expectation that it will commission frontline service delivery where that service is of strategic significance, or operates over multiple local authority areas.

47. Similarly we would hope to see greater clarity on the governance arrangements for local community justice partnerships and how they will be held accountable for delivery of their plans.

Turning Point Scotland  
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