

Justice Committee

Community Justice (Scotland) Bill

Written submission from Aberdeen City Council

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?

Aberdeen City welcomes the Community Justice Bill and looks forward to building on the Community Justice Partnerships already established by the Northern Community Justice Authority. The proposals in the Bill will not necessarily transform the Community Justice System in the way envisaged by the Commission on Women Offenders but they were only recommendations and thinking and practice has moved on.

In considering this Bill it has become apparent that it is difficult to do so without a strategy in place. In order to best meet the needs of offenders and communities we firstly require a clear, concise National Strategy. A strategy, which not only sets out its aims, but is also clear on the meaning of Community Justice and the implications for CPPs. The planning and delivering of Community Justice requires a shared vision and real engagement between partners. Whilst not doubting the Government's commitment to the Bill, it is somewhat concerning that a consultation is being held before a National Strategy has been agreed as congruence is required if we are to achieve agreement and buy in by all Community Justice partners at both national and local level.

The role and remit of the Risk Management Authority and how it fits with the national body, community partners and local authorities requires clarification. There is neither reference to MAPPAs nor to the management of high risk offenders in the Bill both of which require both national and local direction if we are to meet our responsibilities in relation to public protection.

It is important to note that, whilst offending rates have been reducing, the prison population is rising. It would appear that, with the introduction of CPOs, more offenders are being drawn into the system by means of statutory orders at an earlier stage and that this has had an impact on the increased use of custody. It is unclear exactly how much influence on sentencing practice the proposed new partnerships will have.

2. Are you content that the definition of 'Community Justice' in the Bill is appropriate?

- There is an issue about the use of language throughout the Bill starting with the term 'Community Justice', the definition of which would seem to be the functions of Criminal Justice Social Work by another name. Where Community Justice Partners fit into this model of Community Justice is unclear.

- While 'Community Justice' apparently only encompasses Criminal Justice Social Work statutory functions, there is no acknowledgement of the role of Social Work within the proposed legislation.
- The term 'Community Justice' seems not to apply to prevention, early intervention, Direct Measures etc which seems a little unfair on the community. Should the 'community' not have more of a responsibility for tackling the underlying contributory factors to offending and supporting individuals to change their behaviour?
- Overall there is insufficient emphasis on the role of Community Justice in preventing offending rather than tackling reoffending. It would have been helpful if the Bill emphasised the importance of engagement of the Judiciary with Community Justice Partners and the terms of reference of such engagement.
- The definition of 'offenders' is persons who have at any time been convicted of an offence. That would encompass a fairly high percentage of the population and not be consistent with the Rehabilitation of Offenders Act. Nor would it include those diverted from prosecution or subject to Direct Measures, all of which we would seek to promote. It is not clear where early intervention and prevention sit within this model. There is a risk that this gets lost if it is not the priority in the local plan?
- The use of the term 'post release control requirements' is concerning and has a totally different meaning to 'post release supervision'. If only 'control' was required then why would we provide supervision, offence focused work, drug/alcohol interventions, employability, housing, mental health or another intervention which helps to move people away from offending? The word 'control' in this context is contradictory to the outcomes of research in relation to what works with offenders ie holistic/desistance focused etc and incompatible with the nine offender outcomes. Post release supervision is so much more than 'control'!

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?

Whilst the legislation provides a performance framework, further clarification is required as to how this will be developed and delivered at national and local levels both strategically and operationally. There is as much cross-cutting required between Government departments as there is between local partners so national buy in is required to make Community Justice work and deliver on the ground. The relationships between CJS and Criminal Justice Social Work, Community Partners, the Risk Management Authority, local authorities and CPPs are still not clear enough. Are we equal partners? Are some partners more equal than others?

In addition to this there also requires to be clarity around the commissioning of both national and local services to respond to need, ensure balance and use resources effectively.

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?

They will as long as partners have a shared vision, are considered to be equal partners and do not lose sight of the outcomes. This may prove difficult in a culture of cost-cutting and vying for funding or it may not if the legislation is more specific about funding.

There will be a challenge to ensure that all CPP and CP partners have the knowledge required to perform their roles. We need the correct people from the partners to make appropriate evidence based decisions.

There is apparent confusion between Community Justice and the targeted delivery of a statutory service to the Courts and the Parole Board.

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

At the present time the Bill does not have sufficient flesh on it to assess this. It is vital that local authorities do not get lost among a National Strategy. They must continue to have the flexibility to continue and develop local partnership arrangements to meet local need. It is unclear how much scope there might be for variations in practice and delivery across the country, with the potential of disadvantaging people on the basis of where they live. Exactly how the balance between responsiveness, local accountability and the requirement to reduce reoffending will be achieved is not clear.

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?

Leadership – there is considerable potential for confusion and dilution, with responsibility for delivery of CJSW services apparently devolved to 32 different local arrangements. The role of the proposed CJS is unclear in this respect.

Consultation and accountability – unclear, in the absence of a national strategy.

Commissioning and BV – this raises the issue of continued funding for CJSW services, which is as yet to be resolved.

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 is no mention in either the Bill or the Financial Memorandum of the potential for the reallocation of funding between Partners to realise overall savings through prevention/early intervention/community penalties to reduce the prison population and associated costs.

Without clarity and further detail it is not possible to fully respond to this question

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

Timescales are considered appropriate although support is needed for Community Planning Partnerships to plan and deliver their strategy. It is hoped that the National Strategy will be completed soon to further guide in the transition.

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

The definition of Community Justice requires to be expanded to enable Community Planning Partnerships to have a clear understanding of what this means. Lines of accountability appear to be direct to Scottish Government, via the CPP. It is therefore not clear exactly how the proposed CJS will be of benefit.

Aberdeen City Council
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