

Justice Committee

Community Justice (Scotland) Bill

Written submission from officers of West Lothian 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?

This response is written in the context of our developing local practice in West Lothian; we do not feel able to make significant comment on these proposals in a wider context, as we are aware that different areas of Scotland face varying challenges. We acknowledge that one of the potential strengths of the model is the space and opportunity it offers to local authorities to plan services in the way that both best fits their structures and offers the most opportunities for effective shared delivery of services.

As noted in our response to the previous phase of consultation on Community Justice Redesign, we consider these proposals are in broad terms aligned with the option supported from the outset by West Lothian justice and planning partners. We made our previous submissions in the context of trying to achieve the best outcomes both for communities and for people who offend, and consider that in general terms, the proposed legislation meets those aspirations.

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

While we accept that the terms of the definition are accurate, they are limited in scope; we would suggest that ‘community justice’ encompasses far more. Community Justice includes among other concepts such things as participative and safer communities, and public protection, and is inextricably linked with other activities, such as early and effective interventions. All of these are key responsibilities for various of the ‘Community Justice Partners’ in any area, and each contributes to or benefits from implementation of reducing re-offending strategies. Acknowledgement within legislation of the diversity of the elements of Community Justice would reinforce the need for joined-up planning.

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?

While acknowledging that legislation will not necessarily define the responsibilities of Community Justice (Scotland) (CJS) or other participants in the broader justice system, we consider these proposals may support achievement of the stated aims. We accept that there is benefit in most of these functions being managed nationally, in the interests of consistency and effective information-sharing.

However, we would wish to see reconsideration of the wording of Section 3 (1) (c) (relating to Functions of Community Justice Scotland): '(ii) making the best use of the facilities, people and other resources available to provide community justice'. This appears to suggest a potential degree of centralised control over local delivery of services that was not part of earlier consultations, and seems to offer a partial redefinition of the relationship between Community Justice Scotland and CPPs with which we would not agree. We are concerned that the lack of definition about the range of powers of CJS in the Bill would allow the possibility of CJS taking on responsibilities and powers that have potential to undermine planning and service delivery carried out by CPPs.

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?

In general, we now believe this to be the case. The passing by the Scottish Parliament of the Community Empowerment (Scotland) Bill has addressed many of our previous concerns about developing the powers and responsibilities of Community Planning Partnerships in relation to the Community Justice agenda.

While welcoming the inclusion of the Scottish Courts and Tribunals Service in the list of partners, we note the continuing omission of COPFS and the judiciary from this category. Each was included in the Scottish Government document 'Future Model for Community Justice in Scotland: Response to Consultation' (published in December 2014) as an organisation with a particular contribution to make. Given that these are each significant participants in the justice process, we would suggest the Bill should formally acknowledge their potential role in local partnerships, and that this should be supported by detailed guidance.

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

While we accept that West Lothian will be supported in building on our developmental work over the past three years, we consider that the Bill offers a different view of the balance of responsibilities between national and local bodies from that outlined in earlier consultations. We consider it focuses resources and power towards CJS that could have been better devoted to enhancing and emphasising local planning and delivery.

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?

The creation of a formal framework supporting each of these areas is welcome; West Lothian has been working towards achieving this, and we see these reforms as supporting our direction of travel.

Nevertheless, we are concerned that the balance of significant power will apparently be held by CJS rather than by CPPs, which is at odds with the promoted philosophy of localism in service planning and delivery.

In particular we welcome the consolidation of an approach to national service commissioning, given past experiences in engagement in this that have been of varying quality.

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?

It is reassuring to note that there are no proposed reductions to the S27 Grant. We also welcome the move towards paying the grant directly to local authorities which we believe will allow for greater accountability for the funding.

We do however question the annual investment of £2.2m in establishing Community Justice Scotland and feel that this money could also have been invested in supporting delivery of outcomes at a local level which have received no inflationary increase for many years.

We also note the potential for significantly increased workloads in coming years - increased reporting requirements and the requirement to service the needs of Community Justice Scotland will all add to the workload at a local level without additional resource.

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

We consider that this is practicable, and are currently considering detailed local governance arrangements. However, we would welcome publication of the guidance previously proposed, to assist us in this process, and to ensure that our development and planning activity is appropriately focused.

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

It would appear that the proposals in this Bill, when combined with the new provisions of the Community Empowerment (Scotland) Bill, provide justice partners with the potential to achieve most of the improvements suggested by the Commission on Women Offenders, and endorsed by subsequent Scottish Government documents. However, neither it nor the preceding Scottish Government papers fully address the overall issue of the "grossly cluttered landscape" of Scottish justice services, originally highlighted in the Commission on Women Offenders report.

While this problem is of varying levels of significance in different parts of Scotland, it remains the case that a number of third sector organisations are in essence in competition for a role in service delivery, and it is questionable whether all are

equally prepared for the proposed changes. Such organisations have varying degrees of geographical spread and a range of styles of interaction with statutory justice services. It is to be hoped that formal guidance will help all current and future partners contribute to the Community Justice agenda.

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