

Justice Committee

Community Justice (Scotland) Bill

Written submission from Lanarkshire Community Justice Authority

Lanarkshire Community Justice Authority wishes 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. We are content to address these questions in the order they were presented.

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 citizens who are locked up daily in Scotland.

The details of how universal services will contribute more effectively than they currently do are not yet clear. This detail may be included in the "The National Strategy" which we hope will be completed and published well in advance of the new arrangements coming into force.

Lanarkshire CJA is also of the view that 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. The current strategy is capable of making a significant contribution to the new proposed strategy.

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 and the substantial resources involved in preparing risk assessment reports for the Courts and Parole Board. The definition needs to expand to include the key role of risk assessment and the duty of justice services to contribute to community safety.

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. This includes:

- To promote the National Strategy – as already noted, this strategy is not yet published.
- 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.

Overall we are of the view that there needs to be much 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. For example, there is no mention within the Bill of how the CJS oversight role will operate alongside the legislative responsibilities for ‘probation services’ of the 32 Chief Social Work Officers in Scotland.

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 significant change in terminology has resulted in confusion and clarification about the specific role of CPPs is now required in order to ensure that everyone is clear about this key aspect of the new arrangements.

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 incidents?

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 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.

It is concerning that this Bill may be continuing a trend of moving away from local democratic accountability to national bodies such as Police Scotland and Scottish Fire and Rescue Service operating without locally elected oversight and direction. In other words there is a danger that this Bill continues to diminish local democracy for services which cannot operate without the support and ownership of the local communities they serve.

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?

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

Secondly, we do not at this stage know what will be commissioned nationally by CJS and what will be commissioned by CPPs/Community Justice Partners. These commissioning arrangements will be key if services are to be effective and complementary existing and justice and universal services in the community.

Thirdly 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.

Until these issues are dealt with, it is impossible to state with any confidence that the system will be transformed in any meaningful way. In summary it is not enough to state an intention to move resources towards prevention and early intervention - a mechanism to achieve this is needed.

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

Given that the process has already taken three years to date and given that there will be little change, in that the same workers in the same locations will be delivering the same services (these Criminal Justice Social Work Services account for over 90% of resources) the question is why so long?

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 prioritised.
- Definition of “Community Justice” should be revisited to recognise its contribution to public protection.
- 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 need to be clearer.
- Diminishing the role of locally Elected Members will be detrimental to services.
- More information is needed about how resources will be distributed before we can be confident the ambitions of the Commission on Women Offenders will be realised.

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