

Justice Committee

Community Justice (Scotland) Bill

Written submission from East Dunbartonshire Health and Social Care Partnership

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 re-offending and reducing the prison population?

We believe that the Bill is an important step forward and we welcome the Scottish Government's commitment to a joint approach with Local Authorities, Health Boards, Integrated Joint Boards, and other local planning partners. We strongly support the principle of collective responsibility through a partnership approach, and local decision-making. Whilst accepting the main principles of the Bill, we are alert to the dangers of a tension between centralized authority and local accountability. The resource requirements, both in terms of start-up and of ongoing additional burdens to Community Planning Partnerships need to be dealt with realistically.

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

We have some concern that that the definition only appears to be targeted at "offenders" (giving effect to disposals and management of offenders) which does not reflect a wider, preventative, outcomes-focused approach. A more holistic definition should be considered, giving due recognition to the preventative aspects of reducing re-offending in which all partners have a role to play and allowing for local flexibility. We would support a more specific reference to the role played by drugs and alcohol in offending.

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?

We are broadly in favour of the creation of a national body for the purposes of supporting community justice outcomes at a local level, however, a clear rationale should be given for Community Justice Scotland's being created rather than its functions being performed by Scottish Government. Community Justice Scotland's scope of powers are not sufficiently limited. There is a level of concern about the regulations set out in Section 3 and 4 which could be seen as an 'enabling' clause for Community Justice Scotland to expand its functions. We share the widespread belief that Section 3 which makes provision for Ministers to 'confer additional functions on, or transfer another person's functions to Community Justice Scotland' is deeply concerning. This appears to lay the foundations for the national body to take on functions without limit. Similarly Section 4 grants the national body "general powers" with no defined restrictions.

Local authorities, Health Boards, Integrated Joint Boards and the other community justice partners should be involved in designing the initial role, remit and functions of Community Justice Scotland. These partners also should be statutory consultees on any expansion of powers granted to the national body.

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?

We are clear that the new community planning arrangements for Community Justice will not require a single model for delivery, and Community Planning Partnerships will instead be free to decide the approach that fits their local circumstances, and the infrastructure they need to deliver this. It will be important in this regard to ensure that all community planning partners make an active and equitable contribution of perspectives and resources towards the new model. Consideration should be given to whether the Community Justice priorities locally could more easily be incorporated into Local Outcomes Improvement Plans rather than as stand-alone plans, particularly if the overall aim is to mainstream community justice. Section 17 which sets out the requirements for preparing a community justice outcomes improvement plan is a potential concern. The requirement to “set out the community justice partners’ assessment of the extent to which each nationally determined outcome has been achieved...[and]...specify whether each outcome should be a priority in light of that assessment...[and]...detail what action the partners will take” gives the impression of local accountability to national imperatives, and runs directly contrary to the notion of “a model with local delivery”.

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

We support a focus on outcomes rather than inputs and therefore welcome the performance management approach. However, while we recognize the need for national outcomes data to be gathered, each local partnership should not need to plan and report against numerous national outcomes which are not a local priority. As per para. 4 above, if ongoing developments see Community Justice Scotland becoming a directive force this will run contrary to the empowerment of local democracy and will be a centralising force rather than one which encourages integration.

6. Will the proposed reforms support improvement in terms of:

(a) leadership, strategic direction and planning?

The nature of requirements on partners to plan, report and deliver on community justice outcomes remains unclear. In various parts of the Bill these requirements appear to be light touch while in others they seem burdensome and could be interpreted as the national body holding partners to account.

(b) consultation and accountability?

(b) The definition of community justice set out in the Bill has not been clearly consulted upon. In particular we would seek assurance from partners such as Scottish Prison Service, Social Work Scotland and COPFS that this definition is in keeping with their own definitions and practices. In general, the sections on the community justice outcomes, improvements plans and performance reporting are overly prescriptive and not in keeping with the protection of local choice and accountability. We would support a focus on a very small number of national outcomes with a suite of outcomes indicators being made available for partnerships to plan on and report against as they see fit.

(c) partnership and collaboration?

(c) It is vital that an imbalance of authority and accountability is not allowed to develop between local partnerships and Community Justice Scotland. A genuine commitment to learn from good practice and a focus upon outcomes should work both ways. This approach should be effectively supported by the proposed National Hub for Innovation, Learning and Development. The community justice national performance framework and the strategy should encourage (rather than merely allow for) flexibility at a local level. National outcomes should be kept to a minimum.

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

(d) The “ability of Community Justice Scotland to develop and arrange services” as set out in Section 26 should be clarified as it seems inconsistent with the functions of the national body described in Section 3. In broad terms we support the national body being able to facilitate a strategic, collaborative approach to commissioning services at a national or regional level, it should be made clear, however, within the Bill that this function will not be unilaterally performed by Community Justice Scotland and will, instead bring together all relevant partners.

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?

While an annual budget of over £2m will be available to the new national body, Community Justice Scotland, the legislation makes no recurring additional resource available at a local level. This is a potentially significant omission given the long list of reporting and planning requirements placed on local community justice partners by the Bill, and the obligation on community justice partners to provide information, advice and assistance to Community Justice Scotland. All of these requirements are likely to have resource requirements which are not currently specified or accounted for. The costs of delivering the new national body must not come at the expense of resources that could fund local partnerships, which are very unlikely to be able to simply absorb the cost of new partnerships within the current activity already being undertaken by Community Planning Partnerships.

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

The scale and complexity of the changes and associated legislative processes required to be undertaken and completed in advance of the anticipated implementation date of August 2017 set a timetable that is very challenging. The disestablishment of the current Criminal Justice Authorities and the 'bringing up to speed' of Community Planning Partnerships to the range and import of their new duties and responsibilities will require dedicated and resourced change management.

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

More specific references to local connectivity across the Community Planning Partnership spectrum, i.e. to Public Protection arrangements and to Alcohol & Drug Partnerships, would enhance the profile of the commitment to empowering local communities to take responsibility to deliver better local-oriented outcomes.

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