

Justice Committee

Community Justice (Scotland) Bill

Written submission from Positive Prison? Positive Futures

Introduction

We appreciate the invitation to submit written evidence to the above bill. We trust you will find our response of use and interest but if you have any queries or wish to discuss anything further please do not hesitate to contact us.

1 Will the proposals in the Bill transform the community justice system?

1.1 The proposals within the Bill would make it possible for the community justice system to change for the better but it depends on all the organisations, agencies, partners and individuals involved recognising the opportunities and need to develop their work practices and partnerships to deliver the changes for the benefit of the people with convictions in, or returning to, the community.

1.2 To bring about reductions in the prison population it will be necessary to ensure that robust community based alternatives to custodial sentences are not only developed but also utilised by courts. Although the Scottish Courts and Tribunals Service are identified as Community Justice Partners it may not be within the scope of this Bill to ensure that the judiciary embrace the opportunity provided to make greater use of non-custodial sentences.

2 The definition of 'Community Justice'

2.1 In general terms the definition in the Bill is adequate although the use of the term 'offenders' is in our opinion both negative and unacceptable. We would seek the replacement of the term 'offenders' in the Bill (and elsewhere) with one which is more accurate and constructive.

2.2 In section 3 'offenders' are defined as 'persons who have at any time been convicted of an offence'. This is at odds with the Rehabilitation of Offenders Act and it applies a negative label to people with convictions who have rebuilt their lives without further offending. Given that over a third of adult males and a tenth of adult women in Scotland have at least one conviction this brings a far wider population into the scope of the Bill than may have been intended.

2.3 The term 'offender' could apply to someone suspected of having committed an offence as well as to people who have offended but not been caught. People who are convicted in court and imprisoned are 'prisoners' not 'offenders'.

2.4 It has already been agreed with the Community Justice Division that the terms 'person with conviction(s)' or 'people with convictions' are more appropriate.

2.5 Preparing people for release from imprisonment will, amongst others, involve the Scottish Prison Service. Whilst it is understood their role is covered by mention of

Scottish Ministers it would be helpful, for the avoidance of doubt, if they could be named as one of the Community Justice Partners.

3 Will the proposals for Community Justice Scotland lead to improvements?

3.1 There is great scope for improvements being brought about and shared by Community Justice Scotland.

3.2 We consider that Community Justice Scotland is fulfilling more of a co-ordinating role rather than one of leadership. If it were involved in 'leadership' this would be detrimental at a local level.

3.3 The proposed 'over-arching' role of the new national body will make it possible for the work of each Community Planning Partnership to be seen within the national context whilst addressing local issues and opportunities. It will also make it possible for good practice to be recognised and shared across the country.

3.4 The commissioning of services by Community Justice Scotland requires very careful consideration given that the proposed model is one based on localism.

4 Will Community Justice Partners have the powers, duties and structures required?

4.1 To effectively perform their proposed role the Community Justice Partners will require to develop new joint working practices with each other at a local as well as at a national level. This may take some time to become effective given that some working practices were established under a different structure.

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

5.1 Subject to the National Strategy for Community Justice Scotland being framed appropriately we consider that the right balance is achievable.

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

6.1 *Leadership, strategic direction and planning?* see 5.1 above

6.2 *Consultation and accountability?* Much will depend on the manner in which consultations are designed and facilitated. There may be a role for Community Justice Scotland to fulfil to support appropriate consultation processes that suit different Community Planning Partnership areas.

6.3 *Partnership & collaboration?:* The support for partnerships and collaborations is sufficient in the Bill but this depends on national and local organisations committing sufficient resources, training and support to address local issues and opportunities (see 4.1 above).

6.4 *Commissioning of services and achieving best value for money?:* It is hard to know at this stage if the proposed reforms will support improvement given that the Bill does not make any reference to the existence of the voluntary sector which will, out of necessity, be heavily involved in the provision of services. If, as it is currently

understood, the voluntary sector is not mentioned for a legal reason this should be resolved to recognise their vital role.

7 Are the resources set out in the Financial Memorandum sufficient?

7.1 Probably not but we are not competent to assess this issue.

8 Is the timetable achievable?

8.1 In general terms it is probably achievable but maybe not to the same extent across the country.

9 Could the proposals in the Bill be improved?

9.1 Much depends on the development and content of the National Strategy for Community Justice Scotland. Subject to this being agreed by all involved the proposals will evolve to allow Community Planning Partnerships to take responsibility for designing and delivering services and support to address local issues and make the most of local opportunities.

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