

Justice Committee
Community Justice (Scotland) Bill

**Written submission from the National Society for the Prevention of Cruelty to
Children Scotland**

Introduction

NSPCC Scotland supports the main objectives of the Bill: “to help create a stronger community justice system based on local collaborative strategic planning and delivery, with national leadership, support and assurance”. We agree it is important that the content of the CPP plans for community justice-related National Outcomes are aligned with the community justice partners’ wider plan for the local area, to ensure the achievement of common outcomes.

NSPCC Scotland would like to emphasise the importance of this with respect to Integrated Children’s Services Planning and the need for CJ-related outcomes to be aligned with family support and children’s services locally.

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 principle aim of the Bill is to improve rates of desistance.

Whether the proposals in the bill can transform the system in the way envisaged by the Commission on Women Offenders will depend upon the strategic focus adopted by Community Justice Scotland and how this is translated at a local level. As indicated by the Bill, a key to this is how effectively community justice planning by CPPs is integrated into other community planning processes, for example, children’s services.

Our concerns as an organisation lie with the children who are affected by the offending of family members, and particularly by parental imprisonment. As the Commission reported¹this affect is especially adverse when a mother is in custody. A high proportion of these children will develop physical and mental health problems and there is a higher risk of these children also ending up in prison in later life. However with the right type of support it is possible to improve outcomes for these children while simultaneously strengthening the family relationships that are known to support desistance.²A Ministry of Justice report states that family ties have been shown to reduce the likelihood of reoffending by 39 per cent.³

The final concluding observation of the Commission on Women Offenders referred to the “overwhelming evidence” that, to reduce rates of reoffending, we need to

¹ Commission on Women Offenders (2012:3)

² Where there are child protection concerns this is clearly not appropriate; this needs to be assessed case by case.

³ Ministry of Justice (2009) Reducing re-offending: supporting families, creating better futures. The Stationery Office, London.

intervene in the early years of life, rather than later on, and that this is best achieved by focusing help on mothers with young children:

“Parenting programmes and intensive family support have been shown to reduce conduct disorders in children, and reduce the likelihood that such children will experience future problems with offending behaviour. Prevention and early years intervention were not part of the Commission’s remit, but we strongly support prioritisation of evidence-based support for parents and young children.”

This population of mothers and fathers are amongst the most vulnerable in the country. Large numbers have had difficult childhood experiences of being parented. A significant proportion of women in prison have experienced abuse and victimisation beginning in childhood, and many have been looked after and accommodated as children.

Parenting is a strategic priority for the Scottish Government.⁴ It is already one of the pillars of health strategy for prisoners.⁵ It now needs to become a priority within community justice.

With notable exceptions, this issue, and these types of services were not a priority for most of Scotland’s Criminal Justice Authorities. One of the strengths of the new arrangements is the opportunity to integrate better with the planning of services at community level and to close the gaps where they exist between community justice and other service areas, and to apply the Christie Commission focus on early intervention.

CPPs can draw upon good practice from across the UK in developing strong local pathways between community justice services (including gender-specific services) and children and families services. One such is the Bristol city-wide multi-agency strategy for supporting children and families of offenders.⁶ NSPCC and Barnardo’s have also published some useful research and practical guidance advocating the development of multi-agency protocols and pathways based upon pilot work at local level.⁷

The passing of the Children and Young People’s Act adds impetus to this within community justice. The key community planning partners involved also have duties with respect to Getting It Right for Every Child (GIRFEC). The multi-agency, multi-disciplinary training around GIRFEC that is taking place at local level will be stimulating thoughts and actions around what these duties mean for practitioners within community justice. When parents, siblings or other significant persons are

⁴ <http://www.gov.scot/Publications/2012/10/4789>

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⁶ https://www.i-hop.org.uk/app/answers/detail/a_id/119/kw/health

⁷ Barnardo’s (2013) Developing pathways into children and families service for mothers involved in the criminal justice system Barnardo’s, Essex.

http://www.barnardos.org.uk/developing_pathways_into_children_family_services.pdf

S Galloway et al (2014) An Unfair Sentence. All Babies Count: Spotlight on the Criminal Justice System, NSPCC & Barnardo’s <http://www.nspcc.org.uk/services-and-resources/research-and-resources/all-babies-count-unfair-sentence/>

involved in offending, the impact of this on a child should be taken into account as part of GIRFEC, needs assessed and provided for.

How do we provide for a child or family's needs once they are identified? We have developed in Scotland many examples of good practice in parenting support in prison and in the community, much of it in partnership with the third sector, and with the commitment of the SPS. The current reducing reoffending mentoring PSPs contain excellent examples. The difficulty is this parenting and family support tends to be short term, and is not universally available.

As the new Universal Pathway for health visiting is rolled out, we need to think about the interface with community justice, and make sure that enhanced support is available where it is needed to ensure a secure attachment in the early months and years of a child's life. We would like to see this part of the thinking and design of any new community based alternatives to custody for women.

We are encouraged by the inclusion within Community Justice Scotland of a Hub responsible for learning and improvement. We would suggest that leveraging change in desistance through applying evidence based knowledge around parenting and family relationships of offenders is an area deserving of attention.

Robust accountability and driving improvement will also be important aspects of the new model. Enhanced opportunities for innovation, learning and development will be provided. The model also recognises stakeholder views that community justice services should be person-centred, evidence-based and make best use of resources.

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?

The Financial Memorandum is focused upon process and sets out anticipated organisational costs during the transition period and the first year of the new NDPB. It was drafted in advance of the May 2015 Budget, and therefore does not take into account updated budget projections for Scotland. The assumption is for the status quo in the resources of community planning partners. Transforming the community justice system within the current financial climate, with significant local government budget cuts pending, is optimistic.

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