

## Justice Committee

### Community Justice (Scotland) Bill

#### Written submission from Audit Scotland

#### Introduction

1. Audit Scotland supports the work of the Auditor General and the Accounts Commission. The Auditor General is an independent crown appointment and is responsible for auditing the Scottish Government and its public bodies. The Accounts Commission is an independent public body appointed by Scottish Ministers to hold local government to account.

2. This submission focuses primarily on the proposed future governance and accountability arrangements for community justice and the capacity of community planning partnerships. It draws on our July 2014 response to the Scottish Government's consultation on the new model for community justice, the findings of our 2012 audit on reducing reoffending and our more recent work on the audit of community planning partnerships.<sup>1</sup>

#### Roles of Community Justice Scotland and Community Planning Partnerships

3. One of the key findings from our Reducing Reoffending report was that "*there is a mismatch between what is currently being delivered and what is known to be effective. There is an urgent need for a more strategic approach to planning, designing and delivering services at both a national and CJA level*". The proposed establishment of Community Justice Scotland as a national non-departmental public body accountable to Scottish Ministers provides an opportunity for there to be a focal point for leadership in delivering community justice and a more strategic approach to the planning, designing and delivery of community justice services.

4. Whether this opportunity is realised will be dependent on Community Justice Scotland's ability and capacity to:

- support, influence and challenge 32 community planning partnerships, which are not accountable to it;
- influence individual community planning partners at a local level who, may or may not, be accountable to Scottish Ministers; and
- ensure that community justice is given sufficient profile and attention in the context of community planning partnerships' other priorities and responsibilities, their own governance arrangements and the continuing challenge presented by pressures on public sector finances and increasing demand for public services.

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<sup>1</sup> [Reducing Reoffending in Scotland](#), Audit Scotland, November 2012 and [Community Planning: Turning Ambition into Action](#), Audit Scotland, December 2014.

5. The abolition of the eight community justice authorities reduces some of the “clutter” in the institutional landscape supporting community justice.<sup>2</sup> However, the transfer of responsibility for the delivery of community justice to community planning partnerships and the establishment of Community Justice Scotland introduces different complexities and challenges.

6. These stem from the establishment of a single national body to provide assurance to Scottish Ministers for the work of 32 local community planning partnerships for whom community justice will be just one element of a large and complex network of responsibilities and who have no formal accountability to Scottish Ministers. Individual community planning partners have to balance their own priorities and governance and accountability arrangements with the requirement in the Community Empowerment (Scotland) Act to participate in community planning and the requirements of this bill.

7. We reported on community planning partnerships in November 2014.<sup>3</sup> That report concluded that there is an “[...] *ambiguity both nationally and locally about the extent to which the focus of community planning should be on local needs or about delivering national priorities.*” This is the crux of the challenge facing the proposed new arrangements for community justice – whether Community Justice Scotland and the 32 community planning partnerships will be able to reconcile the delivery of national priorities for community justice with diverse local needs.

8. In addition, while there is “[...] *renewed energy nationally and locally to improving community planning*”, our report concluded that: “*Many CPPs are still not clear about what they are expected to achieve*” and “*little evidence that CPP boards are yet demonstrating the levels of leadership and challenge set out in the Statement of Ambition*”. The report recommended that CPPs “[...] *strengthen the effectiveness of the leadership, challenge and scrutiny role at CPP board level*”.

### **Performance reporting**

9. Our *Reducing Reoffending* report noted that “[...] *there are no nationally-agreed measures to assess their [CJAs] performance.*” We welcome the proposal in the bill to establish a national performance framework for community justice against which CPPs can report. This will provide a mechanism for Community Justice Scotland to report at a national level and benchmarking to be done between CPPs. To give community justice traction at a local level, it will be important that CPPs include it in their single outcome agreements and detail, as recommended in our December 2014 report “[...] *who is responsible for allocating resources and*

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<sup>2</sup> [Commission on Women Offenders](#), Scottish Government, April 2012.

<sup>3</sup> Our conclusions were based on audit work in eight community planning partnerships: Aberdeen, Falkirk, Glasgow, Moray, North Ayrshire, Orkney, Scottish Borders and West Lothian. Of these, two (Falkirk and West Lothian) identify reducing reoffending as one of their priorities in their single outcome agreement.

*coordinating activity; implementing activity; [and] scrutinising performance and holding partners and others to account for their performance”.*

10. Although not directly relevant to the provisions of the bill, we would encourage the national performance framework for community justice to include financial indicators that enable assessment of value for money to be made.

### **Preparation for new arrangements**

11. We welcome the proposal that Community Justice Scotland operates in shadow form for the six months prior to starting full operation on 1 April 2017. This complies with the recommendation contained in our report on *Learning the lessons of public body mergers*.<sup>4</sup> It is critical that senior positions are filled as early as possible.

Audit Scotland  
24 August 2015

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<sup>4</sup> [Learning the lessons of public body mergers](#). Audit Scotland, June 2012.