

Justice Committee

Community Justice (Scotland) Bill

Written submission from Falkirk Council Criminal Justice Service

1) Will the proposals in the Bill transform the Community Justice system in the way envisaged by the commission on women offenders, such as addressing the weaknesses identified in the current model, tackling reoffending and reducing the prison population?

There are inherent tensions in any system which includes national and local government, independent bodies such as the RMA and soon Community Justice Scotland, interested third sector and commercial groups, the media and communities, and more so when offenders have needs which impact on a range of mainstream services needing support from Criminal Justice to engage and maintain them in those services.

There is also the tension between protecting our citizens and taking risks and providing support and supervision to offenders.

Of itself the Bill cannot do all the things suggested in this question, but has to be seen in the light of complimentary legislation such as the Community Empowerment Act supporting the work of CPP's, and policy and guidance re such matters as getting it right for every child, the whole system approach and the recovery principles for addictions.

2) Are you content that the definition of 'Community Justice' in the Bill is appropriate?

Falkirk would prefer that the definition echoed more of the duties set out in Section 27 of the Social Work Scotland act 1968. In particular the definition of Community Justice does not make specific reference to diversion from prosecution and voluntary aftercare following custody. The Community Planning Partnership will want to consider where it can pool preventative services to stop further offending with these groups. It is also the case that many people within these groups have specialist needs and risks which require a level of specialist intervention.

Falkirk therefore believes the current definition is too narrow.

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 commissioning of services?

There is a definite need for a National Body which can provide a central voice for Community Justice. It should also prove a useful advisory role for Community Planning Partnerships, support best practice and interface between national government and CPP's.

Falkirk would have reservations however about the proposal for Criminal Justice Services to commission services nationally without Local Authorities having the opportunity to opt in/out.

In practice the commissioning of services is undertaken locally either via the Council's procurement department or via another organisation taking the lead on procurement and Falkirk Criminal Justice Service being a partner to the service level agreement and providing a financial contribution. This has led to services being run for offenders, but in partnership with Employability and Alcohol Drug Partnerships that could not have been run in isolation by Criminal Justice. Falkirk would be keen to ensure that these type of commissioning arrangements continued under the CPP.

Falkirk Council also has a generic contract for the provision of key worker support to people which the Criminal Justice can use and does not always require to contract separately for. This is an advantage of being within a local authority.

Another aspect which deserves careful consideration is the deployment of the current training and development officer group. There can be tensions between the need for national training to be delivered on risk assessment, "Moving forward Making changes" and Caledonian for example and the need to engage with local authorities to deliver other training, whether formal or informal to benefit staff. Examples include times where the TDO spends a half day at the Criminal Justice office discussing the actual cases in the light of training delivered. There are also a large number of staff who are not professionally Social Work trained and focusing training time on increasing skills and effective practice with this group is vital.

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?

The Community Empowerment Act provides the legislative framework for CPP's to operate on a more robust basis than they have been able hitherto. It will be up to each individual CPP to decide its structure, pertinent to the local area.

In Falkirk a Chief Officers group for Public Protection has been created which will sit under the CPP bringing together the strands from Child/Adult protection, Mappa, domestic violence and Community Justice. Each of these themed areas will have a strategic committee reporting to the chief officers. This should help ensure the CPP fulfils its duties of protecting its citizens as its resources allow.

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

Falkirk believes that as far as possible the operational and commissioning aspects of Community Justice require being under the remit of the CPP. There may be commissioning that requires to be undertaken on a national scale such as electronic monitoring but any national commissioning should require the assent of the CPP's.

Falkirk is concerned at sections 3, 4 and 26 where parliament can extend the powers and duties of the National Body without further primary legislation. Falkirk does not consider this necessary and as offending comes from local communities it is those communities and local services which require the greatest input into the governance of Community Justice locally.

An example of national commissioning recently is male and female mentoring, provided by a range of third sector organisations on a national basis and funded by the Robertson Trust and Scottish Government. While the provision of professional mentors has complemented other support available to persons leaving custody, there may be a more holistic approach led by CPP's locally which could afford a more integrated approach. In the Falkirk area we have the national scheme, a regional scheme, a Falkirk Criminal Justice funded scheme for peer mentors rather than professional mentors and an Alcohol and Drug Partnership scheme. The CPP should be able to fashion economies of scale from the various schemes and promote the best scheme in partnership with the ADP and others. The other element re mentoring is that as more offenders are dealt with via alternatives to custody the people that are left are likely to be the ones with more entrenched needs. It is arguable whether what we actually need is a multi-agency specialist service for the core of such hard to reach individuals with support from peer mentors that have come through the system and want and are able to support their peers further back in the system.

6) *Will the proposed reforms support improvement in terms of:*

A) *Leadership, Strategic Direction and Planning?*

Leadership does not simply come from a new Bill and what the system requires is a leader for Community Justice Scotland to help unify the disparate elements of the system and speak up for rehabilitation and social integration as just as valid aims as management of risk, as well as local leaders of CPP's and Criminal Justice services.

This Bill and the Community Empowerment Act provide the framework for the strategic direction and planning that is required. As long as the duties are fairly distributed upon the partners in the CPP and it does not fall solely to the local authority.

The duty to cooperate on partners vis a vis Community Justice should be strengthened to include the words 'reduce reoffending'. There are still some partners who will take time to become reconciled with the fact that offenders are everyone's business rather than someone else's.

B) *Consultation and Accountability?*

It is right that organisations, communities and individuals have a voice in consultation and the Bill provides for that. Many of the areas where offenders reside suffer from multi-dimensional deprivation and representation from community councils and other local groups in those areas can be sparse or intermittent. For consultation and local accountability to be more real the CPP's will need to be proactive in attempting to sustain community councils and other fora.

C) *Partnership and Collaboration?*

The framework is provided within the Bill and Community Empowerment Act to collaborate and this should act as a spur to enhance what already happens. In particular collaboration with ADP'S; Integration Joint Boards and Police.

The Bill appears more silent on the position of COPFS. COPFS has a big role to play in diversion from prosecution and fiscal work orders and there may be an opportunity, if COPFS cannot be a duty to cooperate partner, that a representative from the CPP has a seat at the Criminal Justice board for the area.

D) *Commissioning of Services and Achieving Best Value for Money?*

Of itself the resources available to Criminal Justice are limited in what they can achieve and national commissioning may not be able to tap so easily into other more local monies.

Resources such as Supporting People monies; ADP'S, Integration Joint Boards, employability etc are all pertinent to putting services together to meet common goals. It is also preferable that local services pool resources as it gives them a buy in and shared responsibility, which perhaps a nationally commissioned service may not have. At the same time the public sector is facing huge cuts on all fronts and we need to be realistic about what we can achieve with the resources available.

It is evident from the costs provided by organisations when tendering for services that there can be great differences. However we also need to remember that many of the people Community Justice Services works with have entrenched and severe problems of various kinds. This requires staff with excellent people skills, well trained and resourceful. Simply paying the lowest price on offer does not always equate to the best service and can be counter-productive.

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 resources almost wholly relate to the disestablishment of CJA'S, the setting up and running of Community Justice Scotland and the transitional expenses relating to three years transitional assistance to local authorities.

When running a Criminal Justice service the important tasks of community engagement, planning and reporting, liaising with Community Justice Scotland etc, service user consultation can become urgent and done when a deadline is imminent. To some extent the CPP will require the resources to support its functions under this Bill and the Community Empowerment Act to make these tasks less onerous. For that reason Falkirk suggests that the 3 year additional support should be continued if at all possible.

The Bill is also silent on how, if prison and remand population falls, resources will be transferred to community Criminal Justice. As an example HM Polmont YOI has seen a steep fall in the number of under 21's in custody and approximately 100 inmates are remanded/sentenced over 21's. It is difficult to see how the work of the

whole systems approach and community Criminal Justice for young people has benefited financially from this drop in numbers via a transfer of resources.

8) *Is the timetable for moving to the new arrangements by 1/4/17 achievable?*

The reality is that local authority Criminal Justice services have continued to deliver operational Criminal Justice services since national standards were implemented in 1991. This has been the case from regional councils, local authority partnerships and currently Community Justice authorities. The staff, teams and managers of those services and the contracts for commissioned services are not going to change overnight and are probably the most stable part of the system.

When compared to Health and Social Care Integration the timetable is probably quite slow.

The change in governance arrangements via the CPP's and Community Justice Scotland can evolve over time as organisations and staff grow accustomed to the new arrangements and Falkirk would not expect a sudden 'big bang' on the 1 April 2017.

The most critical potential impact is the regional services that developed under the previous local authority partnerships and continued under the CJA'S. In Forth Valley Falkirk has responsibility for delivering programmes while Stirling hosts DTTO'S. Falkirk Council would suggest that funding for shared regional services should continue to go to the agreed host authority until the Scottish Government obtained a joint minute from the local authorities agreeing that the funding could be disbursed in a different way and not to the detriment of service delivery.

9) *Could the proposals in the Bill be improved and how?*

- a) Reconsider the scope of Community Justice in line with s.27 of the social work Scotland act and consider whether a statement of principles would assist.
- b) Reconsider the need for CPP's resources to plan and report on their responsibilities in the longer term.
- c) Reconsider the apparent open door to a National Service delivered by Community Justice Scotland, which sections 3 and 4 seem to permit.
- d) Strengthen the duty to cooperate to include 'reduce reoffending' in Section 30.
- e) Reconsider the need for such a strongly worded Section 26 regarding National Commissioning.

Falkirk Council Criminal Justice Service
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