

Justice Committee

Community Justice (Scotland) Bill

Written submission from Dumfries and Galloway Council Criminal Justice Social Work Service

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?*

1.1 In relation to the weaknesses identified in the current model the Bill does not effectively address the “cluttered” landscape highlighted in the Commission on Women Offenders Report and continues the confusion around governance and accountability. The roles, responsibilities and authority of each of the component parts of the new Community Justice model and how they most effectively link with each other could be better set out in the Bill.

1.2 The consultation prior to the Bill indicated that the ‘duty to co-operate’ extended to ‘reducing re-offending’. This duty is now simply to ‘co-operate with community justice functions’. This appears to water down the obligation on the partners. It also does not overtly require the partners to share responsibility for planning and reporting on services shared or provided to reduce re-offending. This may place the primary burden on Criminal Justice Social Work for planning and reporting on what should be a shared Community Planning Partnership responsibility.

1.3 In relation to reducing the prison population the Bill could be bolder and more ambitious in the intention to reduce custodial options in favour of community alternatives. A broader definition of Community Justice to encompass early and effective interventions and communities taking ownership of the justice agenda could help to make better links with other strategic initiatives

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

2.1 The definition of community justice is disappointingly narrow. Its focus is on convicted individuals with little reference to prevention and early intervention which is a significant recommendation in the Commission on Women Offenders Report. Definitions from elsewhere suggest that Community Justice broadly refers to all variants of crime prevention and justice activities that explicitly include the community in their processes and set the enhancement of community quality of life as a goal.

2.2 In alternative definitions the concept of community justice can be seen as a challenge to traditional criminal justice practices and concepts that draw distinct boundaries between the role of the State and the role of communities in the justice process. In these community justice models, priority is given to the community,

enhancing its responsibility for social control while building its capacity to achieve this and other outcomes relevant to the quality of community life.

A more broad definition of community justice might help clarify the role envisioned for the wider community in the Community Empowerment (Scotland) Bill in community ownership of justice issues.

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?*

3.1 The extensive consultation prior to publication of the draft Bill showed there was an accepted view that the national body should only provide for services where the local community planning partnerships were in agreement. The draft bill appears to give the national body a less curtailed approach to the exercise of service provision powers.

3.2 The relationship between the national body and community planning partnerships and the defined list of community justice partners' relationship with community planning partnerships is too ambiguous in the current draft of the Bill.

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?*

4.1 There is a lack of detail in the Bill and associated documents regarding community justice partners' responsibilities – particularly in relation to national partners whose governance processes don't operate along local authority boundary lines. This raises a concern that there could be a significant risk that outcome planning activities could simply default back to local authorities with resultant resource implications.

4.2 Reliance on the reforms set out in the Community Empowerment (S) Bill is insufficient to provide the required clarity, guidance and direction to partners in relation to perform their proposed role. Their needs to be more detail in the Bill to better define the role of Community Planning Partnerships and their role in relation to the defined list of Community Justice Partners.

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

5.1 There is a tension between local democratic accountability and centralised provision. The Bill appears to pave the way for the National Body to take on an increasingly direct role in the provision of services over time. There is a need for a National Body to assist with strategic planning, training, continuous improvement and with appropriate local and national agreement overseeing services, such as electronic monitoring, however the Bill as drafted does not appear to give local planning partnerships and COSLA enough say in the future development of the National Body.

5.2 There is an inconsistency in how partners are expected to plan, report and deliver on community justice outcomes. There is concern that as currently worded it suggests the national body, Community Justice Scotland, would be holding partners to account and greater clarity needs to be given to show greater collective responsibility alongside individual responsibility of partners.

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

- (a) leadership, strategic direction and planning?*
- (b) consultation and accountability?*
- (c) partnership and collaboration?*
- (d) commissioning of services and achieving best value for money?*

6.1 The Bill and associated documents do not make clear what the role of local Elected Members is in the new arrangements which creates an ambiguity in terms of political accountability

6.2 There is a lack of clarity in relation to commissioning of services in relation to national and local need. Our experience of the national approach to mentoring services for example, created a situation where the sub-contracting of work from one third sector organisation to others meant that staff on the ground had to relate to 3 different management systems which was confusing for them and inefficient for the organisations concerned. Greater consideration needs to be given to how achieving economies of scale in relation to commissioned services meets local service user need rather than service provider convenience. The role of Community Planning Partnerships in identifying and agreeing commissioned services with the national body needs to be more clearly defined.

6.3 The role of the Third sector needs to be more clearly defined. Again, the narrow definition of community justice in the Bill limits the opportunity to assist in the definition of the role of the Third sector particularly in relation to prevention and early intervention

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?*

7.1 Resources as set out are not sufficient. The identified resources may cover the cost of most areas identified in the transitional period but in terms of the current context of change within wider public service provision and the broader vision of shift from custody to community resources seem inadequate.

7.2 To bring about the kind of transformational change envisaged by the Commission on Women Offenders there needs to be a clearer and bolder commitment to shift resources from the custodial estate to community based alternatives – the kind of bold commitment shown in the 1980's by Strathclyde Regional Council in its Care Strategy for Young People in Trouble with its closure of residential schools and assessment centres, with resources directly channelled into community alternatives.

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

8.1 the Timetable could be tight. The complexity of the changes will take some time for all relevant players to assimilate and comprehend. When considered in the context of the other changes affecting public services, like Health & Social Care integration, the capacity required for partners to sustain focus on the structural changes of community justice could be diminished.

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

- Broader definition of Community Justice to better encompass prevention and early intervention and the essential role the community has to play in taking ownership of justice matters.
- Clearer definition of roles and responsibilities and lines of accountability in relation to the component parts of the new model, particularly in relation to political accountability and the role of Elected Members
- Clarification of role of Community Justice Partners in relation to Community Planning Partnerships.
- Clarify the role of the Crown Office and Procurator Fiscal Service in the new model
- Clearer direction in terms of expectations on partners in terms of resources i.e. that partners are expected to bring resources and not just ideas, expectations and demands to the table

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6 August 2015