

Community Justice (Scotland) Bill

2nd Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- a list of any amendments already debated;
- the text of amendments to be debated on the second day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Role of third sector bodies and community bodies in relation to functions under Act

29, 30, 31, 31A, 32, 33, 34, 35, 36, 37, 40, 41, 42, 98, 47, 51, 55, 56, 58, 59, 63

Notes on amendments in this group

Amendment 56 is pre-empted by amendment 91 in group “Ability of Community Justice Scotland to develop and arrange services”

Local authority involvement in monitoring performance

70, 71, 87, 92

Local co-operation in relation to community justice

72, 93, 99

National strategy and performance framework: things to be addressed

97, 73, 75

Notes on amendments in this group

Amendment 75 is pre-empted by amendment 74 in group “Outcomes and performance in relation to community justice” (debated on Day 1)

Ability of Community Justice Scotland to develop and arrange services

88, 89, 90, 91, 57

Notes on amendments in this group

Amendment 91 pre-empted amendment 56 in group “Role of third sector bodies and community bodies in relation to functions under Act”

Innovation, learning and development activity

60, 61, 62

Review of arrangements established under section 10 of Management of Offenders etc. (Scotland) Act 2005: reporting

64, 65

Amendments already debated

Outcomes and performance in relation to community justice

With 21 - 74, 76, 77, 78, 79, 80, 38, 39, 43, 81, 44, 82, 45, 46, 83, 84, 48, 85, 86, 49, 50, 52, 53, 54

Notes on amendments in this group

Amendment 74 pre-empts amendment 75 in group “National Strategy and performance framework: things to be addressed”

Amendment 82 pre-empts amendments 45 and 46

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Amendments in debating order

Role of third sector bodies and community bodies in relation to functions under Act

Paul Wheelhouse

- 29** In section 9, page 4, line 24, after <partners,> insert—
- <() such third sector bodies involved in community justice (see section (*Third sector bodies involved in community justice*)(1)) as it considers appropriate,>

Paul Wheelhouse

- 30** In section 10, page 5, line 16, after <partners,> insert—
- <() such third sector bodies involved in community justice as it considers appropriate,>

Paul Wheelhouse

- 31** After section 12, insert—
- <Third sector bodies involved in community justice*
- Third sector bodies involved in community justice**
- (1) A third sector body is involved in community justice for the purposes of this Act if it—
- (a) provides a service in relation to community justice, or
 - (b) represents or promotes the interests of—
 - (i) persons mentioned in subsection (2), or
 - (ii) other persons who are or may be affected by community justice.
- (2) The persons referred to in subsection (1)(b)(i) are persons who—
- (a) fall within section 1(2A), (2D) or (2E), or
 - (b) are being prepared for release, having been convicted of offences and sentenced to imprisonment or detention in penal institutions.
- (3) A third sector body is involved in community justice in relation to the area of a local authority for the purposes of this Act if it does a thing mentioned in subsection (1) in, or in relation to, the area.>

Margaret McDougall

- 31A** As an amendment to amendment 31, line 8, after <justice> insert <, including victims of offences and their families>

Paul Wheelhouse

- 32** In section 13, page 6, line 32, after <partners,> insert—
- <() such third sector bodies involved in community justice as they consider appropriate,>

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Paul Wheelhouse

- 33 In section 14, page 7, line 11, after <partners,> insert—
<() such third sector bodies involved in community justice as they consider appropriate,>

Paul Wheelhouse

- 34 In section 15, page 7, line 38, after <partners,> insert—
<() such third sector bodies involved in community justice as they consider appropriate,>

Paul Wheelhouse

- 35 In section 16, page 8, line 14, after <Ministers),> insert—
<() such third sector bodies involved in community justice as it considers appropriate,>

Paul Wheelhouse

- 36 In section 18, page 9, line 26, leave out subsection (1) and insert—
<(1A) This section applies in relation to preparing the plan for the area of a local authority under section 17.
(1B) The community justice partners for the area must have regard to—
(a) the national strategy,
(b) the national performance framework, and
(c) the local outcomes improvement plan in relation to the area.>

Paul Wheelhouse

- 37 In section 18, page 9, line 37, leave out <(1)(a)(iii)> and insert <(1B)(c)>

Paul Wheelhouse

- 40 In section 18, page 10, line 3, after <partners> insert <for the area>

Paul Wheelhouse

- 41 In section 18, page 10, line 4, leave out <community bodies> insert <bodies falling within subsection (4)>

Paul Wheelhouse

- 42 In section 18, page 10, line 9, at end insert—
<(4) A body falls within this subsection if it is—
(a) a third sector body involved in community justice in relation to the area, or
(b) a community body in relation to the area.
(5) The community justice partners for the area must consult—
(a) Community Justice Scotland,

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- (b) each body falling within subsection (4) which is not participating in the preparation of the plan by virtue of subsection (3), and
- (c) such other persons as they consider appropriate.>

Margaret McDougall

98 After section 18, insert—

Report on engagement with third sector bodies in preparation of plan

- (1) The community justice partners for the area of a local authority must, as soon as reasonably practicable after the publication of the plan for the area under section 17(1), provide a report to Community Justice Scotland on the matters mentioned in subsection (2).
- (2) Those matters are—
 - (a) how the community justice partners for the area of the local authority identified the third sector bodies likely to be able to contribute to the preparation of the plan,
 - (b) the reasonable efforts made to secure the participation of those third sector bodies in the preparation of the plan,
 - (c) the steps that were reasonably taken to enable those third sector bodies wishing to participate in the preparation of the plan to do so,
 - (d) the third sector bodies which contributed to the preparation of the plan,
 - (e) how and to what extent the participation of those third sector bodies influenced the process of preparation and the content of the final plan,
 - (f) where no third sector bodies were able to participate in the preparation of the plan, the reasons why,
 - (g) the third sector bodies that did not participate in the preparation of the plan which were consulted under section 18(5)(b).
- (3) The community justice partners for the area of the local authority must publish the report provided to Community Justice Scotland under subsection (1).
- (4) The Scottish Ministers may by regulations make further provision about reports provided under subsection (1), including the information (in addition to that required under that subsection) that reports must contain.
- (5) Regulations under subsection (4) are subject to the negative procedure.>

Paul Wheelhouse

47 In section 20, page 11, line 15, at end insert—

<() each third sector body involved in community justice in relation to the area,>

Paul Wheelhouse

51 In section 25, page 13, line 24, after <partners,> insert—

<() such third sector bodies involved in community justice as it considers appropriate,>

Paul Wheelhouse

55 In section 26, page 14, line 10, after <partners,> insert—

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<() such third sector bodies involved in community justice as it considers appropriate,>

Paul Wheelhouse

56 In section 26, page 14, line 19, after <partners,> insert—

<() such third sector bodies involved in community justice as they consider appropriate,>

Paul Wheelhouse

58 In section 27, page 15, line 1, after <partners,> insert—

<() such third sector bodies involved in community justice as it considers appropriate,>

Paul Wheelhouse

59 In section 28, page 15, line 18, after <partners,> insert—

<() such third sector bodies involved in community justice as it considers appropriate,>

Paul Wheelhouse

63 In section 32, page 18, line 13, at end insert—

<“third sector body” means a body (whether or not formally constituted) established for purposes which consist of, or consist mainly of, providing benefits for society (but does not include a body established under an enactment).>

Local authority involvement in monitoring performance

Elaine Murray

70 In section 10, page 5, line 12, after <to> insert <—

(i)>

Elaine Murray

71 In section 10, page 5, line 12, at end insert—

<(ii) each local authority.>

Elaine Murray

87 In section 25, page 13, line 27, at end insert—

<(6) The Scottish Ministers must, from time to time, convene a meeting of the persons falling within subsection (7) to consider the most recent report published under subsection (1) and the assessment made by Community Justice Scotland of the performance in Scotland as a whole in relation to the achievement of nationally determined outcomes.

(7) Those persons are—

(a) any person who appears to the Scottish Ministers to be representative of the interests of local authorities,

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- (b) such others persons as they consider appropriate. >

Elaine Murray

92 After section 28, insert—

<Report on strategy for innovation, learning and development

Community Justice Scotland must, from time to time, report on the delivery of the strategy published under section 27(1) to—

- (a) the Scottish Ministers,
- (b) each local authority,
- (c) such others persons as it considers appropriate.>

Local co-operation in relation to community justice

Elaine Murray

72 After section 12, insert—

<Local community justice partnerships

- (1) Each of the community justice partners for the area of a local authority must collectively establish a local community justice partnership.
- (2) Each local community justice partnership must—
 - (a) prepare a community justice outcomes improvement plan in accordance with sections 17 to 22,
 - (b) collectively plan and co-ordinate the delivery of community justice services in relation to the area of the local authority.
- (3) A local community justice partnership may co-opt other partners into the partnership according to the needs of the area.
- (4) The Scottish Ministers may by regulations make further provision about the constitution and governance arrangements of local community justice partnerships, including—
 - (a) the status of such partnerships in relation to—
 - (i) community planning arrangements,
 - (ii) other governance structures,
 - (b) the appointment of a person—
 - (i) to chair meetings of the partnership,
 - (ii) to act as a primary contact in relation to Community Justice Scotland.
- (5) Regulations under subsection (4) are subject to the affirmative procedure.>

Elaine Murray

93 In section 30, page 16, line 34, at end insert—

- <() Each community justice partner for the area of a local authority must be able to demonstrate such co-operation with each other community justice partner for that area.>

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Alison McInnes

99 After section 30, insert—

<Duty of co-operation: community planning partnership

- (1) The community justice partners for the area of a local authority must co-operate, in the exercise of their functions in relation to community justice, with the community planning partnership for the area.
- (2) Such co-operation may include—
 - (a) sharing information,
 - (b) providing advice and assistance,
 - (c) co-ordinating activities (and seeking to prevent unnecessary duplication),
 - (d) funding activities together.
- (3) In this section, “community planning partnership” has the same meaning as in section 4 of the Community Empowerment (Scotland) Act 2015.>

National strategy and performance framework: things to be addressed

Alison McInnes

97 In section 13, page 6, line 30, at end insert—

<() information about the action that the Scottish Ministers are taking, or propose to take, or consider that others should take in relation to—

- (i) early intervention to prevent offending,
- (ii) diversion from prosecution,
- (iii) youth offending,

which supports, or co-ordinates with, the achievement of those aims.>

Alison McInnes

73 In section 13, page 6, line 30, at end insert—

<() action that the Scottish Ministers consider that others should take to facilitate access to housing services by persons who have been convicted of an offence following the release of such persons from imprisonment or detention in a penal institution.>

Alison McInnes

75 In section 15, page 7, line 32, at end insert <including indicators in relation to access to and use of housing services,>

Ability of Community Justice Scotland to develop and arrange services

Elaine Murray

88 In section 26, page 13, line 37, leave out <encouraging or assisting, or>

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Elaine Murray

- 89 In section 26, page 14, line 3, at end insert <, with the agreement of those local authorities.>

Elaine Murray

- 90 In section 26, page 14, line 8, after <with> insert <—
A. the local authority for the area,
B.>

Elaine Murray

- 91 In section 26, page 14, line 14, leave out subsections (6) and (7)

Paul Wheelhouse

- 57 In section 26, page 14, line 22, leave out <itself> and insert <(either itself or in collaboration with others)>

Innovation, learning and development activity

Paul Wheelhouse

- 60 In section 29, page 16, line 12, leave out <materials>

Paul Wheelhouse

- 61 In section 29, page 16, line 13, after <provided> insert <by it>

Paul Wheelhouse

- 62 In section 29, page 16, line 24, at end insert—
<() the references to education include educational materials,
() the references to training include training materials.>

Review of arrangements established under section 10 of Management of Offenders etc. (Scotland) Act 2005: reporting

Paul Wheelhouse

- 64 In schedule 2, page 25, line 26, leave out from second <in> to end of line 28 and insert <paragraph (c) is repealed,>

Paul Wheelhouse

- 65 In schedule 2, page 26, leave out lines 4 to 6

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