

Justice Committee

Community Justice (Scotland) Bill

Written submission from South Ayrshire Community Planning Partnership

Introductory Comments and Executive Summary

0.1 South Ayrshire Community Planning Partnership (the CPP) welcomes the opportunity to submit a response to the call for evidence by the Justice Committee on the Community Justice Bill (the Bill), as introduced in May 2015.

0.2 The CPP oversees community planning in South Ayrshire and values the excellent partnership working relationship with the South West Scotland Community Justice Authority (SWSCJA).

0.3 Over the last nine years of available data, the SWSCJA has moved from having one of the highest reconviction rates in Scotland to being amongst the lowest, from 33.9% of people convicted being reconvicted within a year to 27.5% - a reduction of almost a fifth. This is a very positive trend which is also reflected in the reconviction frequency rate (the average number of reconvictions per person convicted). The SWSCJA area now has the second lowest reconviction frequency rate in Scotland, at 0.46 reconvictions per person convicted compared to 0.65 per person when this data was first made available in 2007 – demonstrating a decrease of around 30%, or 0.19 offences per person.¹

0.4 Building on this sustained improvement in reconviction rates, the partnership continues to be forward looking and ambitious, and is strongly committed to building on our collaborative achievements to date and increasing the rate of improvement in reducing reoffending. However there is no evidence that the Bill's proposals will deliver an enhanced rate of local progress in the future. Indeed there is a risk that the rate of progress will slow down, due to the lengthy transitions process followed by a considerable settling in period for the new arrangements.

0.5 The SWSCJA is submitting its own response, which largely reflects the views of South Ayrshire CPP, but there are a number of elements that the CPP would wish to highlight in relation to the Bill.

0.6 Some specific recommendations in relation to the Bill are as follows:

- Redefine 'community justice' around outcomes for people.
- Consider whether there is sufficient added value in the proposals for Community Justice Scotland or whether these are more appropriate functions for the Scottish Government, supported by a joint community justice/ prisons board, and complemented by existing assurance, improvement, inspection and academic bodies.

¹ Reconviction Rates in Scotland (March 2015) <http://www.gov.scot/Publications/2015/03/9783>

- Articulate (within the Bill itself) a clear commitment to Community Planning Partnerships by giving them the leadership, governance and accountability functions for local community justice matters. This should replace the list of essentially free-floating 'Community Justice Partners'. Ensure CPPs have the local flexibility to organise themselves as appropriate around these functions, including working across CPP boundaries and involving relevant local partners.
- Include a stated role for Elected Members and the Third Sector, including placing a statutory duty on those charged with leadership and governance to include the third sector as equal partners.
- Ensure local partnership support and development for community justice within community planning is equitably funded.
- Expand the proposed list of potential Community Justice partners

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 The CPP supports the view of the SWSCJA that impending structural reform may in fact threaten the good progress made by the SWSCJA to date, for example by introducing an element of uncertainty amongst partners in terms of current longer term planning; introducing a national oversight body which undermines confident local leadership in community justice; and diluting the potential to build stronger links with Community Planning Partnerships by introducing a parallel process around a list of named 'Community Justice Partners', most of whom are national bodies governed from the centre.

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

2.1 The view of the CPP is that the definition used in the Bill leans more towards the Criminal Justice Social Work side with a focus on agencies and services to the detriment of a focus on outcomes for people and the wider community justice agenda.

2.2 The current SWSCJA Area Plan 2014-17 ('Working in Partnership to Reduce Reoffending') is based on six Local Outcomes, as agreed by the local CPPs following consultation, which articulate our local definition of community justice:

- The use of *community approaches* to reducing reoffending is promoted and increased.
- *Perpetrators of domestic abuse* address their offending behaviour.
- *Community integration* is improved.
- *Families* are respected, supported and included.
- *Victims' voices* are heard in the criminal justice system.

- The value of a *partnership-based approach* to reducing reoffending is maximised.

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 CPP did not advocate the establishment of a new national body and is of the opinion that there is no guarantee that this body will deliver the proposed improvements. Indeed the minimal improvement and assurance role of Community Justice Scotland, which rightly includes no accountability for, or governance over, local performance is considered to be sufficiently limiting that it is questionable as to whether this body actually adds any value

3.2 The CPP suggests that the national functions of Community Justice Scotland could more effectively and efficiently be retained within Scottish Government, supported by a Community Justice Board and is of the opinion that the costs of £2.2 million per year to support a national agency do not offer value for money in comparison with the current costs of £1.8 million to support the local CJAs. Using these resources to effectively deliver more effective community justice outcomes in local CPPs would be considered a more viable alternative. This could be complemented by existing assurance and improvement bodies such as Audit Scotland, the Improvement Service, relevant Inspectorates and existing academic centres of excellence.

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 The CPP is concerned that there is no mention whatsoever of Community Planning Partnerships in the body of the Bill and that CPPs are barely referred to in the accompanying documents. It was understood that CPPs were to become the central mechanism for more localised and extended partnership working in relation to delivering improved local outcomes for Community Justice and the Bill does not reflect this in any way.

4.2 Almost every policy area which involves joint local strategic planning is the clear responsibility of CPPs through the local Single Outcome Agreement/ Local Outcomes Improvement Plan process, from economic development to health improvement to safer communities and beyond. Other legislation – including the recently passed Community Empowerment Bill – has no difficulty in articulating a clear commitment to, and responsibilities for, CPPs.

4.3 The Bill also makes a distinction between ‘Community Justice Partners’ and ‘Community Planning Partnerships’. The CPP would suggest that the list of Community Justice partners is expanded so that each CPP can engage with relevant organisations as appropriate.

4.4 The wording in the Bill and accompanying documentation suggests a complete lack of understanding by the authors of the 'sovereign' local role of CPPs in terms of leadership, governance and accountability for the planning and delivery of shared outcomes in their area. Given that CJAs were to be disestablished in any case, SWSCJA supported the proposal for CJAs' local strategic planning and reporting functions to move into CPPs. However the Bill establishes an unacceptable and confusing parallel process, whereby the named Community Justice Partners (the majority of whom are in fact national organisations governed centrally) can essentially do as they wish, as long as they 'consult' the CPP as a stakeholder.

4.5 This arrangement will ensure that the many advantages of locating community justice in CPPs and most notably the links across all policy areas, will be lost, as CPPs will have neither clear ownership of, nor accountability for, community justice outcomes, nor responsibility for governance around planning and service delivery.

4.6 CPPs should be specified as having the leadership, governance and accountability function for local community justice matters, as was communicated and indeed agreed throughout the earlier consultation process. It will then be up to each individual CPP to decide how it wishes to organise itself in relation to the Community Justice agenda, including which partners to involve in the governance arrangements and the potential to work across CPP boundaries which are a matter for local determination.

4.7 There is no explicit mention in any of the documents of the Crown Office and Procurator Fiscal Service (COPFS) who are *essential* partners in delivering better community justice outcomes. Whilst our understanding is that they are included under 'Scottish Ministers' along with the Scottish Prison Service, this is not clarified in any of the accompanying documents. This is a serious omission which should be rectified.

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

5.1 The CPP is of the opinion that the proposals risk the creation of a new, competing local and national 'industry', involving a raft of performance and reporting requirements around community justice, duplicating and cutting across existing Single Outcome Agreement/ Local Outcomes Improvement Plan processes for CPPs. This will not only divert effort and resource from actually developing and delivering improvements in community justice, but will also lead to a heightening of local versus national tensions around who is responsible for what.

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 CPP is concerned that no specific role in terms of leadership, strategic planning and governance has been assigned to Community Planning Partnerships in the Bill.

6.2 The CPP has particular concerns around the absence in the proposed reforms of any stated role for Elected Members or the Third Sector. CJA Elected Members and their Substitute Elected Members have provided SWSCJA with strong community leadership, good governance and clear accountability for almost a decade. The Third Sector have been active and effective SWSCJA partners at all levels, contributing significantly to delivering better outcomes as equal partners with our statutory and private sector partners. Although statutory responsibilities cannot be placed on the third sector, statutory responsibilities *can* be placed on those charged with leadership and governance to involve the third sector as equal partners.

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 The community justice system remains significantly under-resourced in comparison to the custodial system (i.e. the part which the Christie Commission would describe as ‘failure demand’). As noted in the national CJA response, community justice funding in 2015-16 is three and a half times lower than funding for the Scottish Prison Service, despite 29% more community than custodial sentences being imposed by the courts. The CPP would like to see a shift in resources towards prevention and early intervention work and greater support for non- custodial, community based sentences

7.2 It is not clear what resourcing, if any, will be made available at the local level for the improvement of community justice outcomes and the CPP is concerned at the proposed amount of resource allocated to the national body.

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

8.1 The CPP is currently undertaking work with CJA colleagues and partners to progress the transition and it is thought that although the timescale is tight, that it is achievable. The Bill however does not reflect the new responsibilities that were expected to be assumed by CPPs and is now unclear in relation to its role in delivering community justice outcomes.

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

From a CPP perspective the following is proposed to:

9.1 Redefine ‘community justice’ around outcomes for people,

9.2 Consider whether there is sufficient added value in the proposals for a national body, Community Justice Scotland, or whether these are more appropriate functions for Scottish Government, supported by a joint community justice/ prisons

board, and complemented by existing assurance, improvement, inspection and academic bodies.

9.3 Articulate within the Bill itself a clear commitment to Community Planning Partnerships by giving them the leadership, governance and accountability functions for local community justice matters. This should replace the list of essentially free-floating 'Community Justice Partners' and should be reflected in the appropriate sections throughout the Bill.

9.4 Ensure CPPs have the local flexibility to organise themselves as appropriate around these functions, including working across CPP boundaries and involving relevant local partners as deemed appropriate by each CPP.

9.5 Include a stated role for Elected Members and the Third Sector, including placing a statutory duty on those charged with leadership and governance to include the third sector as equal partners.

9.6 Ensure local partnership support and development for community justice within community planning is equitably funded.

South Ayrshire Community Planning Partnership
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