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Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Thursday 19 November 2015

Session 4

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Scottish Parliament

Thursday 19 November 2015

[The Presiding Officer opened the meeting at 11:40]

General Question Time

Racial Discrimination

1. Hanzala Malik (Glasgow) (Lab): To ask the Scottish Government what steps it is taking to tackle racial discrimination and what is believed to be the underreporting of cases. (S4O-04815)

The Minister for Local Government and Community Empowerment (Marco Biagi): Any form of racism is unacceptable. The Scottish Government is committed to tackling racial discrimination and all forms of hate crime. We are renewing our approach to promoting race equality by developing a new race equality framework for Scotland, which will run between 2016 and 2030.

Hanzala Malik: It is all very well to say how welcoming we Scots are—this week, Glasgow welcomed the first refugees from Syria—but that does not mean that we Scots are immune from racism or discrimination. In a study on discrimination in Scotland, Dr Nasar Meer from the University of Strathclyde found that around a third of the ethnic minority people who were surveyed said that they had experienced discrimination in the past five years and that 60 per cent of those people did not report it to anyone. It is therefore obvious that what the Government is currently doing is not working.

What practical steps are being taken to address what minority communities are experiencing? I would like the minister to write to me to demonstrate the Scottish National Party Government's commitment to tackling racial discrimination and to show what is being done to address the issues that are being experienced in the community out there.

Marco Biagi: I am aware of the research to which the member refers. It also found that 82 per cent of everyone who was surveyed would encourage a friend or family member to make a formal complaint if they had encountered discrimination. Therefore, there is a strong feeling that people will urge one another to report discrimination.

We recognise that the level of reporting is not high enough. Throughout the summer, we engaged widely to ensure that we take on board the views of everyone with an interest in the issue, so that we can develop a really effective strategy. I

would be happy to write to the member with the list that I have in front of me of the many concrete steps that we are taking, so that he can be reassured that we are taking action to increase reporting and to ensure that hate crime is tackled.

Whitehill Incinerator (Planning)

2. James Kelly (Rutherglen) (Lab): To ask the Scottish Government what consideration it has given to calling in the planning application relating to the Whitehill incinerator. (S4O-04816)

The Cabinet Secretary for Social Justice, Communities and Pensioners' Rights (Alex Neil): The appeal was decided on 14 August 2015 by an independent reporter appointed by the Scottish ministers. I note the concerns that have been raised in the local area, and I recently met local representatives to discuss the process.

I wrote to South Lanarkshire Council on 3 November to invite it to confirm whether it proposes to take steps to revoke the permission by using its powers under section 65 of the Town and Country Planning (Scotland) Act 1997. The council has advised that it does not propose to revoke the consent.

James Kelly: As the cabinet secretary said, he is aware of the local concern, particularly in Blantyre in my constituency. There was anger when, after South Lanarkshire Council turned down the original application, the Scottish Government stepped in and ruled that the application could go ahead. Treating local people with such contempt has really undermined their confidence in the Scottish Government's handling of the issue. Will the cabinet secretary take responsibility for calling in the application and showing respect for local people's views?

Alex Neil: The decision was taken by an independent reporter, not directly by ministers. I cannot legally call in the application, because it has already been decided. The council and many of the councillors have said that they want the decision to be revoked, so I gave the council the opportunity to say whether it would revoke the consent. It has written back to me to say that it has no intention of revoking the application. I therefore take it that the likes of Councillor Monica Lennon were, in some of their comments on the matter, just paying lip service and playing to the gallery, given that, when the council had the opportunity to do something about the application, it refused to do anything.

Margaret Mitchell (Central Scotland) (Con): Will the cabinet secretary confirm that all future planning decisions regarding incinerators will automatically be referred to the Scottish Government, as I think he has suggested? If that is the case, will he also confirm that using the

revocation provisions to overturn the Whitehill application would not set a precedent?

Alex Neil: I do not think that one point follows from the other, but I have clearly and publicly stated that I have made it a rule in my department that in the future all such projects will come to me, as the minister responsible for planning, for a final decision.

As far as setting precedents for revocation is concerned, the powers exist under planning legislation, although they have never been used. I gave the council the opportunity, because it would still have required my permission, to decide whether it wanted to revoke the application, but the council has firmly ruled out any possibility of doing so.

Gender Discrimination (Workplace)

3. Richard Lyle (Central Scotland) (SNP): To ask the Scottish Government what action it is taking toward ending the gender pay gap and tackling gender discrimination in the workplace. (S4O-04817)

The Cabinet Secretary for Fair Work, Skills and Training (Roseanna Cunningham): I am greatly encouraged by the figures that the Office for National Statistics published yesterday, as they show that the gender pay gap in Scotland has decreased from 9.1 per cent in 2014 to 7.3 per cent in 2015. That is very welcome news and demonstrates the progress that Scotland is making in closing the gap, particularly in comparison with the rest of the United Kingdom.

We are working with the Equality and Human Rights Commission to tackle pregnancy-related and maternity-related discrimination; we are tackling the underrepresentation of women in senior management roles and in the boardroom; we are strengthening our commitment to pay transparency by reducing the threshold at which public authorities must report on their pay gap; and we continue to promote fair work practices and extend childcare. As the First Minister announced last week, we will if re-elected introduce legislation in the first year of the new session of Parliament to require gender balance on the boards of our public bodies.

Richard Lyle: I am glad that the cabinet secretary shares my belief in the importance of continuing to tackle gender discrimination in the workplace and ending the gender pay gap. How important does the Scottish Government believe organisations such as Engender are in working to deliver changes on those important issues?

Roseanna Cunningham: We believe that organisations such as Engender are crucial in helping us to deliver change on issues such as the gender pay gap, both by raising awareness of the

issues and by lending us their expertise to enable us to consider how we can make meaningful change, which is of immense value. I am delighted to have an opportunity to thank Engender and our other partners—the close the gap project and Equate Scotland—which also work directly on the issues that are associated with the gender pay gap.

Linda Fabiani (East Kilbride) (SNP): The cabinet secretary may remember how robust the First Minister was last week about some local authorities dragging their feet on long-outstanding equal pay claims. I know that the Government has written to local authorities about that, and I would be interested to know about the responses that have been received.

Roseanna Cunningham: The Minister for Local Government and Community Empowerment, Marco Biagi, wrote to all 32 Scottish local authorities on 28 October to reiterate the Scottish Government's desire to see progress. He asked them to respond by tomorrow—20 November. So far, we have heard from 10 councils in response to the letter.

I can confirm to Linda Fabiani that South Lanarkshire Council is one of those that have responded. I advise her that the council has so far resolved and settled 3,035 claims, with a further 3,637 in progress.

The Presiding Officer (Tricia Marwick): Question 4, in the name of Alex Johnstone, has not been lodged. This is the second week in a row that Mr Johnstone has not lodged a question, and the second week in a row that I have had no explanation. I will be seeking a meeting with him to discuss the matter.

Fife College (Halbeath Campus)

5. Cara Hilton (Dunfermline) (Lab): To ask the Scottish Government what discussions it has had with Fife College regarding the relocation of its Halbeath campus. (S4O-04819)

The Cabinet Secretary for Education and Lifelong Learning (Angela Constance): Scottish Government officials met senior representatives from Fife College on 4 September to discuss future plans for its estate. I understand that Fife College has also been having regular discussions with the Scottish Further and Higher Education Funding Council on the matter.

Cara Hilton: Given that we are celebrating Scotland's towns week—the national campaign to help communities to unite, inspire and support our town centres—and given the Scottish Government's commitment to the town centre first principle, does the cabinet secretary agree that the proposal to locate the new Fife College campus in Dunfermline town centre is a once-in-a-lifetime

opportunity to create a future-proofed development right in the heart of Dunfermline, and to inject real vibrancy into the town centre, thereby giving a much-needed boost to the High Street, local businesses and the economy in Dunfermline?

Angela Constance: I am aware of the campaign for the new campus development to be in the town centre of Dunfermline. The Government is indeed committed to the town centre first principle, and we expect colleges and other stakeholders to pay due regard to that. It is important to bear it in mind that town-centre locations are not always possible, but transparency of process is absolutely crucial. I am sure that the college will continue to give careful thought to the location of the campus as it develops the business case. The business case is important and must be developed and approved before any announcement can be made on decisions with regard to location.

The Presiding Officer: Question 6, in the name of Neil Findlay, has been withdrawn. The member has provided me with a satisfactory explanation.

Tenant Farming Law

7. Iain Gray (East Lothian) (Lab): To ask the Scottish Government what action it is taking to protect tenant farmers who are affected by the *Salvesen v Riddell* case and subsequent remedial order. (S4O-04821)

The Cabinet Secretary for Rural Affairs, Food and Environment (Richard Lochhead): The Scottish Government brought forward the remedial order in 2014 to put right a defect that the Supreme Court had found in section 72(10) of the Agricultural Holdings (Scotland) Act 2003, which of course was introduced by the previous Administration. The remedial order, which sought to balance the respective rights of landlords and tenants under the European convention on human rights, came into force on 3 April 2014.

Since then, in about 300 cases, affected tenants have agreed private arrangements with their respective landlords. However, seven cases remain in which agreement has not been reached, and the tenants are now taking action against the Scottish Government for alleged "loss, injury and damage" sustained as a result of the order. Meanwhile, the Scottish Government has offered to facilitate, fund and participate in mediation to assist those tenants and landlords to reach agreement.

Iain Gray: This is less a question and more a last-minute heartfelt plea. The cabinet secretary knows that my constituent Andrew Stoddart, his family and his employees face eviction from their farm without proper compensation in less than 10

days. I simply ask the cabinet secretary, please, even at this 11th hour, to find it in his heart to intervene to prevent that from happening.

Richard Lochhead: As Iain Gray and other members may be aware, I have taken a close interest in that case. I have spoken directly to Andrew Stoddart and communicated directly with the trustees who are involved. The difficulty that we face is that the landlord and tenant at Colstoun Mains farm signed and lodged an agreement with the court in March 2015 to confirm that the tenancy would end on 28 November 2015, and the Government does not have any power to amend that agreement. A further issue is that the Colstoun Trust has now signed a contract for Colstoun Mains to be farmed by somebody else after the end of the current lease.

We share the concerns of Iain Gray and other members about the fate of Mr Stoddart and his family. I have asked, and I ask again today—I hope that I have the support of Parliament in this—for the trustees, Turcan Connell, to extend the current lease at Colstoun Mains farm for at least a short time to allow alternatives to be considered. The Scottish Government has actively been looking for alternative farmland for Mr Stoddart. So far, nothing appropriate has turned up, but we will continue that search. We have also urged the landlord to reach agreement with the tenant on waygo compensation as soon as possible.

The case is very complex—I am sure that Mr Gray, who is aware of local intelligence, knows that—but we will do all that we can to try to ensure that it reaches a satisfactory conclusion.

Type 26 Frigates (Funding)

8. Bill Kidd (Glasgow Anniesland) (SNP): To ask the Scottish Government what assessment it has made of the potential impact on jobs and Scotland's economy of the reported Ministry of Defence plan to reduce the number of type 26 frigates being built in order to pay for the replacement of Trident. (S4O-04822)

The Cabinet Secretary for Infrastructure, Investment and Cities (Keith Brown): The Scottish Government and its agencies are working closely with BAE Systems to support investment in the long-term future of shipbuilding capability on the Clyde. BAE was awarded the £860 million demonstration phase contract by the MOD in February 2015, which included provision for ordering of long-lead items for the first three type 26 frigates. We are informed by BAE that negotiations with the MOD in relation to the manufacturing phase contract for the type 26 frigates are scheduled to conclude by the end of March 2016 at the latest. We have further meetings planned with the company in the coming

months with a view to supporting the company to maximise the potential of the Clyde operations

Scottish ministers are firmly opposed to the possession, threat and use of nuclear weapons and are committed to securing the safe and complete withdrawal of Trident from Scotland.

Bill Kidd: I thank the cabinet secretary for that response. I am concerned that, following the claims that the Scotstoun yard in my Glasgow Anniesland constituency and the Govan yard would close should Scotland vote yes in last year's referendum, the approach of playing fast and loose with shipyard workers' jobs in order to waste billions of pounds on an expensive weapon of mass destruction seems to fly in the face of that idea.

Keith Brown: I agree that the United Kingdom Government has its defence spending priorities all wrong. It is indefensible for the UK Government to contemplate spending £167 billion on a new generation of nuclear weapons; to do so at the expense of planned surface-ship programmes and jobs in Scotland would be doubly wrong.

In the meantime, Scottish Enterprise has been working closely with BAE Systems Surface Ships Ltd to support its SFM—shipbuilding facilities modernisation—programme. The programme would future proof the yards at Govan and Scotstoun and allow BAE to pursue potential international export opportunities as well as further MOD contracts, including the type 26 work. Our support is independent of the precise outcome of BAE's negotiations with the MOD on the type 26 contract.

I took the opportunity to raise the issue of the type 26 contract with the United Kingdom Minister of State for Defence Procurement when I met him earlier this week. The message from this Parliament should be that we do not want to see Scottish jobs being sold down the river to pay for nuclear weapons in the future.

Tenant Support (Lorne)

9. Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): To ask the Scottish Government what support it will provide to the tenants in the Lorne area of Leith who are seeking an alternative to eviction by a charitable trust that owns the properties. (S4O-04823)

The Minister for Housing and Welfare (Margaret Burgess): The community ownership support service, which we fund through our empowering communities fund, has been giving the tenants of Lorne Street in Leith practical advice on community ownership options. I understand that Malcolm Chisholm attended a meeting between COSS and representatives of the tenants on 4 November.

COSS is keeping in touch with the situation and stands ready to offer further advice. The Scottish Government welcomes the recent decision by the Agnes Hunter Trust to impose a moratorium on its plans to sell off its houses to allow tenants the time to explore alternatives to eviction, including some form of community ownership. We hope that the tenants and the Agnes Hunter Trust can agree an approach that will work successfully for it and the Lorne Street community.

Malcolm Chisholm: The minister will remember that in yesterday's housebuilding debate I called the Lorne tenants the community of the year because of their magnificent campaign to preserve their community and stay in their homes. What support can the Scottish Government give them—moral support in the first instance, but ideally some sort of financial support—to enable them to stay together as part of a housing association or co-operative?

Margaret Burgess: I accept what Malcolm Chisholm says about the Lorne Street community and the way in which they have got together to try to maintain their tenancies. I am sure that he knows that the Scottish Government's affordable housing supply is channelled through the City of Edinburgh Council. The council is in discussion with a number of organisations to consider solutions for the tenants. Scottish Government officials are ready to provide all the practical assistance and support that they can to any organisation that comes up with a viable solution for the tenants of Lorne Street. We are talking about real people and families and we are well aware of that.

First Minister's Question Time

11:59

Engagements

1. Kezia Dugdale (Lothian) (Lab): To ask the First Minister what engagements she has planned for the rest of the day. (S4F-03068)

The First Minister (Nicola Sturgeon): Engagements to take forward the Government's programme for Scotland.

Kezia Dugdale: Today marks one year since the First Minister took office. She has also been a senior Government minister for more than eight years, including five in charge of the national health service. The First Minister wants us to judge the Scottish National Party Government on its record, and today of all days we should do exactly that.

Everybody in this chamber knows somebody who has been affected by cancer. It is a horrible disease, and perhaps the most common perception is that money is no defence against it. New statistics published this week show that that is not the case. Can the First Minister tell me whether someone living in Scotland is more likely to get cancer if they are richer or poorer?

The First Minister: It has been a long-standing situation that people in our most deprived communities are more likely to die younger from illnesses such as cancer, from stroke and from heart disease. That did not start when the SNP came to Government; it has been true for generations.

What is equally true is that this Government has been working hard—as, I think that it is fair to say, previous Governments did—to close that gap, to see rates of cancer decrease and to see survival rates from cancer increase.

That is why we have policies not just about getting people access to the best cancer treatment. One of the things that we have done in the past year, since I have been First Minister, is to double the fund for new cancer medicines—a step in the right direction—but we have also put a great priority on innovative and ambitious public health measures: to improve people's diets, to cut the incidence of alcohol misuse and to reduce smoking.

Those are the kinds of policy that, frankly, should not involve party politics. Every single member of this chamber should get behind those things so that far, far fewer people in all parts of our country die from cancer.

Kezia Dugdale: Nicola Sturgeon has been responsible for our NHS in one way or another for six out of the last eight years. The reality is that, in Scotland today, the likelihood of someone getting cancer too often depends on how much money they have. The new statistics show that people living in the poorest areas are 32 per cent more likely to have cancer than those from the wealthier areas, and they are 68 per cent more likely to die from it. That is just not right; this is 21st century Scotland, not the Victorian times.

I have never doubted the First Minister's sincerity, but the job needs a bit more than that. The Government's cancer strategy was due to be published at the start of this year, but it has been repeatedly delayed. Can the First Minister confirm when her Government's cancer strategy will be published?

The First Minister: The cancer strategy will be published in the spring of next year. We are working with stakeholders across the NHS, including some of the best cancer clinicians in the world, who we are lucky to have here in Scotland, to make sure that we get that strategy right, such is the importance of the issue.

Kezia Dugdale said that the fact that people in our poorest communities are more likely to die from cancer is not right—I absolutely agree. It was not right when Labour was in office; it is not right now. That is why we are working so hard to reduce deaths from cancer. We saw figures published this week that show that, overall, cancer death rates have dropped by 11 per cent in the past 10 years. Overall, cancer mortality in 2014 was the lowest, and rates for breast, lung, stomach and colorectal cancer are dropping as well. Those are things that all of us should take great optimism from, but the job is not done.

That is why we are working to lower cancer waiting times. Interestingly, it was Labour that set some of the current cancer waiting times—they were never once met when Labour was in Government. We are working to reduce cancer waiting times, and we are working to make sure that we get more people into screening programmes. That is why we are investing £30 million in detect cancer early programmes, so that people come forward earlier when they have symptoms and they are diagnosed earlier. The earlier people are diagnosed, of course, the more chance they have of surviving.

I say to Kezia Dugdale in all seriousness that this is far too important for party political arguments. Let all of us unite to say that we want to see an end to the situation in which the people in our most deprived communities are more likely to die of cancer. I think that that is something worth uniting around.

Kezia Dugdale: There is no doubt that we welcome that progress, but the reality is that it is largely in the richer parts of Scotland.

That is why we need a cancer strategy. The English NHS has a widely recognised and welcome plan to fight the disease; we need the same here. In Scotland the system is failing those who are most in need. Some 66 per cent of eligible people in the wealthiest areas are taking up bowel cancer screening, but the rate is just 45 per cent in the poorest areas. The most recent figures show a decline in the number of women in poorer communities who get screened for breast cancer. Those lower rates of screening are a key reason why people from the poorest backgrounds are more likely to die from cancer.

Does the First Minister agree that without dramatic Government action we could be in danger of seeing cancer as a deprivation disease in Scotland?

The First Minister: I agree that serious Government action is needed to improve early diagnosis of cancer. That is important for anyone who has cancer, and given the statistics that Kezia Dugdale quoted it is even more important that we get people from our most deprived communities into a diagnosis as quickly as possible.

That is why this Government is investing £39 million in our detect cancer early programme, which has already resulted in a 4.7 per cent increase in early-stage diagnosis of cancer, alongside a 50 per cent increase in women consulting their general practitioner with breast symptoms and increased uptake of the national bowel screening programme. That is the kind of serious, concerted action that we need from Government.

Over the year that I have been First Minister, I have said on many occasions that, if any member has suggestions to make about things that they think this Government should be doing to further improve, I am happy to listen. However, in all of what I have just heard from Kezia Dugdale, I have heard not one specific suggestion about what she thinks this Government should do—

Dr Richard Simpson (Mid Scotland and Fife) (Lab): Nonsense!

The Presiding Officer (Tricia Marwick): Mr Simpson!

The First Minister: We will continue to do the work to get people diagnosed early, to encourage people to come forward, to ensure that we are giving people access to the best technologies and the best drugs, to ensure that we are lowering cancer waiting times and to ensure that we are doing all the things we need to do to improve the

public health of people in Scotland in every single part of our country.

Kezia Dugdale: With respect, Presiding Officer, Dr Richard Simpson has been coming into this chamber for years to push this Government to be more ambitious when it comes to the cancer strategy.

We need an NHS that is fit for the future. That means an NHS that is ready to tackle the challenges of the 2040s, not the 1940s. We need bold action, but that is just not happening.

Let us look at the First Minister's record. She has spent 16 years as a member of the Scottish Parliament, eight years as a minister, seven years as Deputy First Minister and five years in charge of our NHS, and this morning she had the cheek to say that she is only just getting started. *[Interruption.]*

The Presiding Officer: Order.

Kezia Dugdale: Week after week, whatever the issue and whatever the failings of her Government, the First Minister always tells me about her opinion poll ratings. Clearly she thinks that that answers the question, but I think that it leads us to pose a question: given her opinion poll ratings, her majority and all her power, what exactly is she waiting for?

The First Minister: I am not sure that opinion polls are the strongest suit for a party that is now in a scrap with the Conservative Party for second place in Scotland. However, given that Kezia Dugdale raised the issue, I will say that opinion polls show that people trust the Scottish National Party more with the national health service than they trust the Labour Party or any other party in Scotland with the national health service.

We will continue to get on with the job— *[Interruption.]*

The Presiding Officer: Order.

The First Minister: We have seen cancer death rates fall by 11 per cent. We have seen an increase in early-stage diagnosis of cancer, as I said. We are seeing an increase in the number of people who come forward for diagnosis by their GP and for screening. We are working hard to ensure that we have the best cancer centres—we have five state-of-the-art cancer centres in Scotland, and we are investing in state-of-the-art radiotherapy equipment in every single one of them.

We will continue, with the consent of the Scottish people, to get on with the job, and we will leave Labour to do what it has been doing for so many years now—carping on the sidelines and slowly but surely getting beaten in Scotland, not by the SNP but by the Tories.

Secretary of State for Scotland (Meetings)

2. Ruth Davidson (Glasgow) (Con): I thank the First Minister for her electoral endorsement.

To ask the First Minister when she will next meet the Secretary of State for Scotland. (S4F-03060)

The First Minister (Nicola Sturgeon): I have no plans in the near future.

I have a thank you to make to Ruth Davidson. I thank her for making sure that I got a copy of the internal Tory lines to take for the day. They have nothing to say about David Cameron's new taxpayer-funded private jet, but nevertheless they were very helpful. I will take it as a wee anniversary present.

Ruth Davidson: On Tuesday, a parents group called fair funding for our kids met the Cabinet Secretary for Education and Lifelong Learning to ask for basic details about how the Scottish National Party Government plans to meet its pledge to double nursery entitlement. The parents left that meeting so frustrated that they decided to speak out because Angela Constance was unable to provide even ballpark figures on how that pledge could possibly be met.

The parents wanted to know, if the Government is to double childcare by 2020, how many extra places that will take, how many extra staff will need to be hired, how many apprenticeships will be needed to train new staff, how many more nurseries will need to be built, how much money it will all cost, and where that money will come from? They say that Angela Constance could not answer a single one of those questions. Can the First Minister?

The First Minister: It will cost £880 million and where that will come from will be set out in our budget. It will take 20,000 additional staff, which will be a mixture of college places and apprenticeships. We are working with local authorities to determine the expansion of capacity that will be required. That will be a mixture of new build and extension of current local authority capacity.

I noted with interest yesterday's press release from fair funding for our kids. That group of parents is to be commended for its determination over the issue. The group says that there are not enough places now to deliver our policy of doubling childcare and that is the case. That is why we have committed to doubling childcare during the next five years and investing more than £800 million in delivering that. That is a commitment that parents in Scotland will want to get behind.

We know where the SNP stands. We are going to double free childcare during the next

parliamentary session. The question is: what is the Tory policy?

Ruth Davidson: More flexibility, and we would love the First Minister to take it up now.

I thank the First Minister for giving everyone the answers that her education secretary seemed to be unable to find yesterday. The mums asked the questions because they have gone to what might be the biggest childcare provider, Glasgow City Council, and they have been told that the Scottish Government's plans are "impossible". The First Minister knows that because the mums wrote to her on 23 September to tell her that. I have the letter here.

We spoke to the parents group yesterday. It believed the Government a year ago when it said that it wanted to help, but the parents now feel utterly disillusioned and have lost all trust. For the past year, the First Minister has enjoyed the headlines but eventually she will have to start delivering. Those parents no longer believe that she will. What is the First Minister going to physically do to restore that trust?

The First Minister: I am physically going to invest £800 million to build the capacity in our system to double the provision of free childcare.

Ruth Davidson would give more flexibility. She might have heard me say a few weeks ago that flexibility will be built into our policy so that parents can take their eligible hours not just during term time but during school holidays. They can have more flexibility to fit in with their working patterns. Those are the ambitious plans that this Government has.

Ruth Davidson might want to listen to what the chief executive of Early Years Scotland said today:

"Early Years Scotland welcomes the Scottish Government's commitment".

She said that there are challenges, but that she is

"sure that, with our exceptionally dedicated workforce and downright determination to give every child the best start in life ... we will all work together to ensure that this laudable ambition becomes an everyday reality."

Double childcare provision is the everyday reality that this Government will deliver.

Cabinet (Meetings)

3. Willie Rennie (Mid Scotland and Fife) (LD): To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S4F-03061)

The First Minister (Nicola Sturgeon): Matters of importance to the people of Scotland.

Willie Rennie: The timetable for the Government's national testing for schools has

slipped. The Government now expects MSPs to scrap the existing system before details for the new tests are even published. We have seen a cost estimate of £12.5 million. That money could be used for 400 teachers instead. The First Minister told us that she was against crude league tables, but the Educational Institute of Scotland warned this week that, if she carries on, league tables will be back. For a flagship policy, that is a shambles, is it not?

The First Minister: No, it is not. There is disagreement between Willie Rennie and me—there are disagreements between us on many things—but I want to ensure that we are raising standards in our schools, that we continue to close the attainment gap in our schools between children in our least and most deprived areas, that parents have the information that they want about their children's progress and that I have the information that I need as First Minister to assure the country that we are making progress on those aims.

I am not interested in the return of league tables; I am not interested in high-stakes testing that has teachers teaching to the test. However, it is not acceptable that we cannot have that information in primary schools and in early secondary to know whether the actions that we are taking, such as the £100 million attainment fund, are working to deliver the objectives that we have set.

Willie Rennie and I will continue, no doubt, to debate the issue. I am on the side of making sure not only that we are driving up standards in our schools and closing the attainment gap, but that we are able to evidence that we are doing so. I make no apology for that.

Willie Rennie: The First Minister says repeatedly that she is not interested in crude league tables, but she will not do a single thing to stop them happening. Information requests gathered by common space have shown that the Scottish Government had only four emails with advice on national testing from only two people and they both had reservations. Therefore, it is quite right to say that the policy is a shambles. It is poorly informed, badly led, set to divert money from teaching and will bring back crude league tables. Opposition is growing from parents, teachers and unions. The First Minister said that she is consulting, but are there any circumstances in which she would abandon the plans?

The First Minister: No. I am not going to abandon the plans, because they are right. I want to see us raise standards, close the attainment gap and have the ability to evidence that we are doing that. We are talking to teachers and parents as we develop the national improvement framework. If Willie Rennie has taken the time to

read it, he will know that the proposal for assessments, which are carried out in 30 out of 32 local authorities, is part of the national improvement framework.

We are talking to teachers and others about the timing of the assessments to avoid the high-stakes teach-to-the-test approach that many people, including me, are against. We are talking carefully about how we use the information, so that we can avoid a return to league tables that no one wants to see. I will not apologise for wanting to make sure that I can stand up in this chamber and tell other members and the country at large what is happening in our schools, and give parents access to the information about the progress of their children in schools.

The assessments are not to replace teacher judgment, which is at the core of curriculum for excellence, but to inform teacher judgment. It is the right thing to do. We will continue to talk to others about it, but we will get on with the job of making sure that we are raising standards in our schools. That is what people across the country expect us to do.

HIV Testing

4. Jim Eadie (Edinburgh Southern) (SNP): To ask the First Minister what steps the Scottish Government is taking to promote early HIV testing. (S4F-03070)

The First Minister (Nicola Sturgeon): It is vital that those who are at risk of having contracted HIV are tested promptly. We have reiterated our commitment to promote early HIV testing in the revised framework that was published in September. The Government is providing more than £28 million this year to support national health service boards and third sector organisations to deliver the framework across Scotland. Importantly, that includes funding to tackle the stigma associated with HIV infection, because that stigma is still one of the greatest barriers to people getting tested early.

Jim Eadie: The First Minister will be aware that Waverley Care, HIV Scotland and the Terrence Higgins Trust have stated that the barriers to HIV testing do, indeed, include stigma, fear and lack of awareness. Looking ahead to European HIV-hepatitis testing week, does the First Minister agree that having postal testing initiatives such as the fast test service from the Terrence Higgins Trust can help to overcome those barriers, raise awareness of early HIV testing, ensure that those who have tested positive receive the treatment that they need as soon as possible and, ultimately, help to prevent needless deaths?

The First Minister: I agree with that, and I hope that members across the chamber agree with it.

HIV postal tests are available to any adult living in Scotland, through the Terrence Higgins Trust website. Confidential testing is also provided by Waverley Care in some parts of the country, and we have changed the law so that the sale of instant-result self-testing kits is now legal. Those arrangements complement national health service provision, but they can be particularly helpful for individuals who are nervous about approaching their general practitioner or sexual health clinic for a test.

Jim Eadie is right to raise the issue, and it is absolutely vital that we do everything that we can to deal with and allay the stigma that is associated with HIV so that people are encouraged to come forward for prompt testing.

Welfare Powers (Devolution)

5. Jackie Baillie (Dumbarton) (Lab): To ask the First Minister what discussions the Scottish Government has had with the United Kingdom Government regarding using the new welfare top-up powers that are being devolved. (S4F-03078)

The First Minister (Nicola Sturgeon): The Scottish Government has continued to have regular discussions with the UK Government about the devolution of social security. Those discussions have been pursued through the joint ministerial working group on welfare, and the issue has been a key element of discussions at the joint exchequer committee. There are also regular discussions between officials.

The Deputy First Minister has written to the UK Government, asking for confirmation that any additional or increased benefits that are provided by the Scottish Government will not result in the UK Government simply reducing reserved benefits and, in effect, clawing back the funds that are provided.

Jackie Baillie: I hope that the First Minister will eventually agree with Labour about the need to restore what has been lost through cuts to tax credits and that she will raise that issue in face-to-face meetings. In the meantime, other new powers are coming to the Scottish Parliament in respect of the cold weather payment, which is worth £25 a week, winter fuel payments for pensioner households, which are worth £100 to £300, and implementation of the energy company obligation.

I hope that the First Minister agrees that it is a national scandal that fuel poverty affects a staggering 940,000 households—some 2 million people—in Scotland. With all due respect, when will she get on with her job? Fuel poverty has increased on her watch. Will the First Minister admit that she will not meet the pledge of ending fuel poverty by November 2016, and will she tell us what she will do with the new powers to help

families and pensioners who have to choose between heating and eating this winter?

The First Minister: We will produce plans to use all our new powers in the interests of people in Scotland. Some of the powers that Jackie Baillie has listed—for example, over the winter fuel payments—give us the opportunity to look at what we do overall to tackle fuel poverty.

Jackie Baillie stands there as the representative of a party that, two weeks ago, had the opportunity to vote not just for sticking-plaster powers but for the devolution of tax credits and the budget for tax credits. Did Labour vote with the SNP for that? No. Labour members trooped through the lobbies of the House of Commons with the Tories to keep those powers in the hands of the Conservatives. That is the action of Labour politicians that people in Scotland are judging day in and day out.

Let us not forget that while others on the Labour benches—to their credit—were voting for £167 billion to be spent on things that matter, not on nuclear weapons, Jackie Baillie was voting with the Tories to renew the Trident nuclear weapons programme.

Jackie Baillie's credibility on such issues before today was pretty ropey, but she probably ended any credibility that she had when she attended the Finance Committee yesterday and said, "My maths is shaky." That sums it up.

Linda Fabiani (East Kilbride) (SNP): I draw the First Minister's attention to comments that were made by the general secretary of the Scottish Trades Union Congress, which recognise the importance of the financial framework to any additional powers. He said:

"it would be completely wrong for the Deputy First Minister to sign up to a mechanism for block grant adjustment which would structurally disadvantage Scotland."

Does the First Minister agree that Jackie Baillie and her group should heed the advice of the STUC, stop mouthing some of the UK Tory party's words and stand up for Scotland?

The First Minister: Jackie Baillie and Labour stopped listening to the STUC on the day that they decided to go into an alliance with the Tory party in Scotland on the referendum.

I saw the comments of the STUC yesterday. Indeed, I saw the comments today of Professor Anton Muscatelli, the principal of the University of Glasgow, who is also warning about the dangers of an unfair fiscal framework.

Those are credible, independent voices that should be listened to, not just by Labour, but right across the chamber. Indeed, Professor Muscatelli was a member of the Calman commission.

We have made it clear that we will support a legislative consent motion on the Scotland Bill only if a satisfactory and fair fiscal framework is agreed between the Scottish and United Kingdom Governments. Nobody, absolutely nobody—not even Labour—could reasonably expect any Government to say anything else.

Patrick Harvie (Glasgow) (Green): If the new welfare powers are to be used successfully to tackle fuel poverty, as Jackie Baillie was asking for, they are going to have to work in concert with the money that the Government is spending on energy efficiency in the home, yet committee witnesses working in that sector do not appear to have had any opportunity to discuss with Government how that will work ahead of the budget or ahead of the national infrastructure project. Why have they not, and when will we hear the details?

The First Minister: We will discuss those things as the powers are implemented.

I know that Patrick Harvie is a supporter on this and we agree on many of the issues, but even he must concede that the new powers on winter fuel payments, for example, are not going to be in place in the next financial year. We will work with stakeholders as we take over the powers to look at how we use them effectively.

Patrick Harvie is absolutely right to say that as all of the powers come to Scotland, it is vital that we integrate them effectively with the powers and resources that we already have.

I look forward to Patrick Harvie being a key member of the discussion as we take forward those plans in the months and years to come.

NHS 24 (Winter Resilience)

6. Liz Smith (Mid Scotland and Fife) (Con): To ask the First Minister what discussions the Scottish Government has had with NHS 24 regarding the provision of winter resilience measures. (S4F-03064)

The First Minister (Nicola Sturgeon): NHS 24 published its winter plans last month. Those build on the excellent service provided to patients last winter, when over 75,000 calls were received during the festive period. More than nine in 10 of those were answered within 30 seconds.

To ensure the integrity of the winter plan, NHS 24 took the decision last week to pause the introduction of its new patient contact system. A full review is under way into the issues with the new system. I expect an initial report in December and a full and detailed report in January.

Liz Smith: Last month, in its update on the management of the information technology contract for NHS 24, Audit Scotland said that the

total cost of the future programme had risen by 55 per cent on the original cost predicted more than two years ago. That increase was mainly due to the costs of delayed implementation.

As the First Minister has just said, a further delay to the new IT system was announced last Friday. Can the First Minister tell the Parliament what the cost to the taxpayer of this mismanaged project will now be, and can she give a categorical assurance that patient care will not be put in jeopardy over the winter?

The First Minister: Liz Smith raises very important issues, and it is right that they are raised in the Parliament.

It was disappointing—very disappointing—that the decision to pause introduction had to be taken last week. It was taken in the interests of patient safety, which is the issue that Liz Smith raises. Clearly, it was the right decision to take.

The new system has not been abandoned—it is important to stress that. The implementation has been paused to enable issues to be resolved.

The full review that I referred to in my earlier answer is under way. In itself, that will answer many of the questions that Liz Smith has raised today. We will get the initial report of that review in December, and the full report in January. In addition to that, the Cabinet Secretary for Health, Wellbeing and Sport has asked the chief nursing officer to provide reassurance about the plans for reintroduction.

The issue of the costs being higher than was originally projected has already been discussed in detail in the public domain. NHS 24 still considers that, over time, the new system will allow it to save costs every year, and it is important to bear that in mind.

I will be happy to ensure that—as is incumbent on us—the findings of the review are shared in full with Parliament.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): I am slightly surprised that the problems with a large project of this sort were not solved at the beta testing level, and I welcome the fact that, in the interests of patient safety, the project has been suspended. However, there have now been two Audit Scotland reports—in 2012 and 2015—that have been highly critical of the Government's management of large information and communication technology projects. I ask the First Minister to look very carefully at the new structure that the Government has set up, because it is the most shambolic system that I have ever seen. No business would run its information technology system on the structure that the Government has set up in response to Audit Scotland, and I ask the First Minister now to undertake to relook at it.

The First Minister: As Richard Simpson will have heard me say, a full review is under way. These issues are serious. Detailed plans were in place to manage the transition to the new system, including the contingency of reverting to the legacy system if that was required. Initially, some of the issues impacting on performance, including issues with the wider telecommunications network, were outwith NHS 24's control, but NHS 24 has apologised to patients who were affected by delays.

It is a priority to ensure that the new system is in place and working as quickly as possible, but that must be done in a way that is consistent with patient safety, particularly given that we are now going into the winter and festive period. NHS 24 has taken the right decision in the circumstances, but all of the issues that have been raised by Liz Smith and Richard Simpson will be looked at in the review and of course, the findings will, as I have said, be shared with Parliament.

The Presiding Officer: That ends First Minister's questions.

National Third Sector GIRFEC Project

The Deputy Presiding Officer (Elaine Smith): The next item of business is a members' business debate on motion S4M-13954, in the name of George Adam, on the national third sector getting it right for every child project. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes the role of the public social partnership, the National Third Sector GIRFEC Project, which includes Barnardo's Scotland, Voluntary Action Scotland and Improvement Service, in supporting third sector organisations in Paisley and across Scotland to be full partners in the commissioning and planning of children's services; recognises the role that it considers organisations, large and small, have in providing vital services to children, young people and their families; expresses concern that further reductions to the welfare budget and social security at UK level could mean that public services will be required to support increasing numbers of children and families in need; welcomes the role that the third sector has in working hand-in-hand with the public sector to reduce growing inequalities, and recognises the importance of having a well-resourced and supported third sector that is able to be involved at the strategic level.

12:33

George Adam (Paisley) (SNP): I am only too glad to bring this debate to the chamber and to discuss the many good third sector projects that are working in all our communities. Tonight, we will celebrate that work at an event in the Parliament, but this afternoon I want to speak in support of the national third sector GIRFEC project, which is a public social partnership involving Barnardo's Scotland, the Improvement Service and Voluntary Action Scotland.

The project's aim is to reduce inequalities for children, young people and their families by creating, nurturing and enabling partnerships within the third sector and between the third sector and the statutory sector to ensure the best use of resources. There are many examples of these organisations making a difference in all our constituencies; indeed, I have been profoundly affected by the work of a number of third sector organisations. For example, the Barnardo's threads family support project offers young mothers throughout Paisley, the rest of Renfrewshire and Inverclyde help and support, including for simple things such as housing forms or health and nutrition for mum and baby, and many young women have gained from that.

Third sector organisations are able to do that sort of thing because, unlike statutory organisations, they are seen as friends to individuals and as part of the solution rather than

part of the problem. Local authorities can find it extremely challenging to have that type of relationship not just with a young mum but with anyone who is in that position.

The threads project offers services such as one-to-one pre-tenancy and tenancy support, prenatal groupwork and new baby groupwork. Pre-tenancy groupwork is particularly good, because the issue is not just about ensuring that we can get young families into houses but about ensuring that they stay in those homes and have an opportunity to thrive in them. The project's support is immediate and available for emergencies or other inquiries.

When the minister and I visited the project in Paisley, we heard how it has managed to include all the family, including young fathers and grans and grandpas. I recently became a grandpa and I remember being a young parent—you can tell that I am a young grandparent. I remember that that time was difficult, even with the support that I had, and I remember the decisions that I had to make as a young parent. I constantly questioned whether I was doing the right job, so I see the value of the project in our area.

We know that our first influences are those of a family member, so we must ensure that family units stay strong. That is where the third sector comes in and supports families. My own confidence derives from my parents telling me from an early age how wonderful I was. Of course, in my married life I have been told regularly that I am not quite as perfect as mum and dad told me. My parents provided me with the support to be all that I could be and they gave me the confidence to move forward. In projects such as threads, the third sector is trying to do that with families throughout Renfrewshire.

I am a great believer in seeing what is happening with projects. Barnardo's asked me to its outside in project at Polmont and Cornton Vale, where I saw at first hand the work that it does to give young men and women there opportunities to do things under the curriculum for excellence, to engage with youth work and to change the way they look at life and move forward.

I heard some of the stories of the young people involved. If they had had third sector interventions or other interventions earlier, they might not have ended up in those institutions. One young man was in Polmont on a serious assault charge. His colleague had wound up his girlfriend, who was pregnant at the time. He attacked the person and regretted it. He ended up in a tragic situation. He had been in there for about seven years. His girlfriend was not his girlfriend any more, and she had had a miscarriage, so he had no child either. He was locked up because of the decision that he had made and he saw the value of the project and said that he would make different decisions when

was in the outside world, although that is not to say that he would engage with such a programme in the outside world. However, if we had got that young man at the right stage, he might not have made that tragic decision.

I heard the story of a young woman who went off the rails after her mum died. She attacked another young woman, because she could not deal with her mum dying so young. She had nowhere to go and no support. If there had been the possibility of an intervention outwith the institution, it could have made a difference to that young woman's life.

The project gives those men and women the opportunity that they either never had or did not engage with on the outside. It enhances social skills and personal development and it improves the prospects of young men and women on their release into the community.

At Polmont and Cornton Vale, there have been 1,599 youth work interventions. I have mentioned that the outside in project works with the curriculum for excellence. Other interventions that have worked particularly well are linked to specific aims of other Scottish Government strategies such as getting it right for every child, and to the Scottish Prison Service's offender outcomes.

One project is the big man peer education anti-violence programme, through which the young men whom I have spoken about speak to some of the younger people in the institution about the mistakes that they have made. They have the conversation that they had with me with the young people as well.

The interventions are all to do with peer support. Mind yer heid is an emotional health and wellbeing programme that explores physical, mental and emotional wellbeing and enables young men and women to adopt strategies to cope with stress. In some of the cases that I have mentioned, that would have helped the people to make the right decision at the right time.

The challenges that exist include the Westminster Government's welfare reforms, which are having a dramatic effect on a lot of young families throughout Scotland, and Barnardo's and the wider third sector are concerned about the effects of the lack of financial support. We all know that, if someone is struggling to make sure that their family has the financial backing that it needs, things can go wrong.

I welcome all the work that the third sector does. We live in difficult times and we need it to continue to work with both local and national Government and the rest of the public sector to help and support the many families in Scotland who, through no fault of their own, need that type of support.

12:40

Iain Gray (East Lothian) (Lab): I thank George Adam for securing this debate on what is an important topic, and I join him in commending the national third sector GIRFEC project for the work that it has already undertaken towards reducing inequalities for children, young people and their families through the creation of vital links between sectors. I recognise the extremely impressive examples that Mr Adam gave from his constituency. As he said, due to the increasing budget pressures on the public sector, particularly at local government level in Scotland, it is vital that we work towards supporting third sector organisations as full partners in the delivery, commissioning and planning of children's services.

In my constituency of East Lothian, Strive is the lead partner in voluntary action and is the third sector interface for the county. It provides support and learning and development opportunities for both individuals and organisations through its volunteering, organisational support, youth, adventure and wellbeing teams.

Members will know from similar projects in their constituencies just how important third sector organisations are to the building of empowered and resilient communities and families. Many promote informal learning and leadership development and help to build community capacity across projects.

The project that is mentioned in the motion demonstrates that partnership working has a positive impact. Evaluation has shown that there is a positive impact on how services are delivered in local areas where the third sector is strong, and the project demonstrates the importance of partnership working, which should not be something unusual or remarkable but should be standard practice between the third sector and statutory bodies.

It is vital that we continue to support the development of interfaces across Scotland. Use of the resources and expertise that are available throughout the third sector will become increasingly important as we see the dual pressures of increasing legislation and sweeping cuts in welfare, public sector budgets and local budgets through the council tax freeze. The Scottish Council for Voluntary Organisations has said that the impact of those cuts is affecting the work of many third sector organisations, with 63 per cent of charities and third sector bodies in Scotland forecasting that they will face cuts and 81 per cent of third sector organisations expecting the financial situation for the sector to worsen in the coming months.

All of that is set against the sector's expectation of increased demand, which is worrying not only

for the sector but for the families and communities that rely on third sector projects such as the ones that Mr Adam mentioned. Demand for support is expected to increase in the coming years as GIRFEC is further rolled out and the Children and Young People (Scotland) Act 2014 comes into force, so it is increasingly important that the Scottish Government does everything that it can to support the role of the third sector across Scotland.

It is clear that third sector organisations have significant challenges ahead of them, but it is also clear that there are better outcomes in areas where empowered, professional and adequately resourced third sector organisations are working in an effective partnership with councils and the national health service. They must be supported as they develop those robust and efficient partnerships. The third sector must be involved on the basis of a level playing field in the delivery of children's services, albeit that that is an ambitious aspiration, given the challenges facing the sector. However, I am sure that the whole Parliament will support that, because it is an important strand for us in delivering the best outcomes for young people, families and communities across Scotland.

12:45

Joan McAlpine (South Scotland) (SNP): I start my comments with something of a confession, which is that when I was elected in 2011 to the Parliament I, like many people, had never heard of GIRFEC. To be honest, as a journalist, I am always quite suspicious of acronyms. However, I had not been here for very long when I became a convert to GIRFEC, which was due to the work of the Education and Culture Committee, particularly our inquiry into the educational attainment of looked-after children and our work in scrutinising the Children and Young People (Scotland) Bill.

It became clear to me that getting it right for every child was a touchstone to which people could refer and that it really meant something, particularly to young care leavers for whom it had not gone right. The principle of GIRFEC is that we should want the outcomes for every child to be the same as those that we want for our own children; it is important that policy makers and everybody who is involved with children understand what that means. I have to say that I even became persuaded by SHANARRI, the eight indicators of wellbeing: safe, healthy, achieving, nurtured, active, respected, responsible and included. It is important that people have those touchstones to refer to when considering whether their policies or how they do things will deliver the outcomes for children.

During the course of the committee's inquiry and our scrutiny of the bill, it became clear to me that

third sector organisations were some of the most powerful advocates for GIRFEC. One such organisation is Barnardo's, whose briefing for today's debate is very useful. It is clear that third sector organisations have become far more central to designing and delivering policy. In my area, the third sector interface for Dumfries and Galloway now has a shop-front project on Dumfries High Street, which is very accessible and is becoming recognised as central to the delivery of services.

As I understand it, that is what the GIRFEC project is about. It is a pilot project to encourage the third sector to be involved in designing services that deliver GIRFEC across Scotland. It is obvious that integrating services—not just for children, but we are talking about them today—is a very complex affair. The top-down approach of old, whereby the local authority or the health board made all the decisions on the design and delivery of services, had the benefit of simplicity. However, that approach is not flexible, and if we want a person-centred approach, in which services are tailored to the needs of the individual, the third sector has to be at the heart of that. George Adam outlined what a transformative experience that can be on the ground for young people.

The pilot looks at how all the different parties involved can improve delivery of GIRFEC and their communication. That strikes me as an excellent way to deliver good practice in the area. As I understand it, 10 community planning projects are working on the GIRFEC project and are looking at ways of strengthening their partnerships with the third sector. They have a self-evaluation checklist that ensures that GIRFEC informs the collaborative working that they do every step of the way. That self-evaluation, perhaps not surprisingly, throws up challenges, not least the pressure on resources caused by austerity, as Iain Gray outlined, and the increasing pressure on third sector interfaces to co-ordinate with the many very different third sector organisations, both large and small.

I understand that we are halfway through the project, and the last part of it will be to discuss with service users how it is working and how they would improve matters. Again, my experience on the Education and Culture Committee told me that one of the most important aspects of the Children and Young People (Scotland) Act 2014 and of our inquiries around it was that we sat down and spoke to looked-after children, got their views and used them to help us influence and shape policy, because it is service users—children and young people themselves—who are at the heart of GIRFEC. That is why I am very pleased that the project is, in its next stage, going to listen to them and share their views right around Scotland.

12:50

Cara Hilton (Dunfermline) (Lab): I congratulate George Adam on securing today's debate. I also apologise for not being able to stay after my speech, as I am sponsoring an event on behalf of a constituent at 1 o'clock.

George Adam has already highlighted the aim of the national third sector getting it right for every child project, which is to reduce inequalities for children, young people and their families by creating, nurturing and enabling a partnership approach between the third and statutory sector. In Dunfermline and right across Scotland, this innovative approach is already delivering results and is playing a real life-changing role for many families.

In Fife, we have seen the development of the south west Fife family nurture hub, which brings together third sector agencies to design and deliver services for parents and families of zero to three-year-olds, with a particular focus on the most vulnerable families. Key to the project is a focus on developing early language skills, improving attachment and providing support, information and advice to mums and dads—including one-to-one specialist family support and intensive interventions—all of which is geared towards breaking the cycle of disadvantage in our communities, which too many kids are caught up in.

The hub involves Barnardo's, Fife Council, Aberlour, Fife Gingerbread, Early Years Scotland and Homestart, which all work in partnership to provide early, targeted and intensive support and to ensure that families with extra needs can access the right intervention and support services in a non-stigmatised way and receive as little or as much support as they need.

I had the pleasure of visiting the Barnardo's project in Kirkcaldy to meet partners involved in the nurture hub and to find out more about the key services that it offers, such as the family carer service, which provides extra support to vulnerable women in pregnancy and after birth by helping to build parents' practical knowledge of nutrition, communication and attachment, with direct input from the speech and language service and the dietician service. I have also had the pleasure of visiting the fantastic Barnardo's threads project in Paisley, which George Adam highlighted. The benefits of a public-social partnership approach are clear, with an increased focus on tackling inequalities and a genuine shift in focus to early intervention and prevention. It is always good to see at first hand how the policy aspirations that we debate here in the chamber are translated into real action on the ground and to see the barriers between organisations and sectors broken down.

That is why it is absolutely vital that both the Scottish Government and local authorities continue to provide the support and the resources to make that happen. Barnardo's has highlighted its concern that a great deal more work and support are needed to help third sector interfaces to be full and effective partners in the delivery of children's services. There is currently quite a big variation in its ability to be a representative voice for the third sector in community planning partnerships. Given the requirements of both the Children and Young People (Scotland) Act 2014 and the Community Empowerment (Scotland) Act 2015, more work needs to be done to ensure a better support network. That is especially the case for smaller organisations, which have a key role to play in implementing GIRFEC and designing children's services.

The reality is that, unless the third sector is really involved in the planning of children's services, it will be extremely hard to ensure that those services are designed in a way that meets people's needs. That is especially the case for those who face the greatest difficulties.

Members have highlighted the environment that we are in and the climate of diminishing resources and increasing need. Both the public and voluntary sectors are increasingly having to deal with children and families in crisis. We can address that issue only in partnership. We must do all that we can to make the Children and Young People (Scotland) Act work, but that will be challenging unless there is a genuine partnership between local authorities and the voluntary sector and not just action that is central Government led.

On the wider context of the motion, George Adam is right to highlight the impact of the Tory welfare cuts on children and families across Scotland and the possible knock-on effects on the third sector. Obviously local authority cuts will have an impact too. We live in a country where not only food banks but clothing banks are springing up in our towns and cities. That is why we must do everything that we can to protect children in Scotland from the Tories' austerity regime.

We all want to see a Scotland in which every child has the opportunity and the support to fulfil their potential. If we are to achieve that goal and the best outcomes for all our children and young people, partnership working between the third sector and the public sector is vital. The third sector GIRFEC project is a great example of how we are starting to get it right, and all those who are involved in supporting our children must focus on working together effectively to ensure that every child in Scotland has the best start in life and an equal opportunity to succeed.

12:55

David Torrance (Kirkcaldy) (SNP): I, too, congratulate George Adam on bringing the motion to Parliament.

I consider the national third sector GIRFEC project to be an excellent framework for supporting each and every child and their family. It represents a consistent way for all involved to work with children and young people in Scotland. I particularly welcome it because it recognises not only the support needs but the wishes and interests of children and young people.

What does that mean in practice? The ethos behind the project is to engage with children on the decisions that affect them. It aims to actively involve children in the decision-making process and to help them to understand the reasoning behind decisions that will impact on their lives. That involves listening to their wishes while actively engaging them in the discussions that will affect them most.

Overall, the project seeks to streamline responses from professionals and to improve co-ordination between all stakeholders. In that respect, the named person scheme has been introduced. I particularly welcome that aspect of the project, as it makes sure that every child or parent has a single point of contact to guide them and provide advice when necessary.

Why are those steps important? First, I believe that the measures will enable children and young adults and their families to feel better supported and more confident about the help that they receive. Secondly, by achieving that, we will be able to ensure that all children feel safe, supported and cared for throughout their childhood.

Scotland is a great place to grow up in, but we simply cannot forget that child poverty, social inequalities and deprivation remain core challenges as we seek to achieve a more equal and fairer society. Therefore, getting it right for every child means that we need to focus on a wider range of issues. In that regard, I agree with George Adam that we need a well-resourced and well-supported third sector. Organisations such as Barnardo's Scotland, Voluntary Action Scotland and the Improvement Service can be a great help in reducing inequalities, as I believe is the case in the context of the GIRFEC project, as those charities have an excellent understanding of the pressing needs that children and families have on a daily basis.

In recognition of that, one of the main aims of the national GIRFEC project is to strengthen the involvement of the third sector in community planning. The project states:

"it is essential that ... the third sector is a full partner in the planning, design and delivery of children's services."

As I have said, getting it right for every child requires us to focus on the interests of children and young people, and that focus is facilitated through the public-social partnership between the Government and third sector organisations. In addition, the project promotes co-operation and co-ordination among organisations, and identifies the indicators against which activities in the sector should be measured. I truly support that approach, and I am confident that it will allow us to improve the wellbeing of children and young people in Scotland.

Given the measures that are proposed as part of the United Kingdom Government's welfare reform process, working with third sector organisations will become an even more important task. We need only think about the tax credit cuts. Nearly 350,000 Scottish children in 200,000 families will be affected. Indeed, research shows that 100,000 more Scottish children will be in poverty by 2020 if we do not succeed in counteracting the UK Government's welfare reforms.

I am confident that we can make Scotland an even better place to grow up in, but we are at a critical juncture. We need to use our new devolved powers wisely and, in so doing, respect the rights and dignity of all our citizens. I believe that the best way to achieve that is by building strong and mutually beneficial links with the third sector. The GIRFEC project is an exemplar of the creation of such a partnership, and it has undeniably already benefited many children and families in communities across Scotland.

12:59

The Minister for Children and Young People (Aileen Campbell): I welcome the debate and thank George Adam for bringing such an important topic to the chamber for discussion.

At the heart of the motion is getting it right for every child, and GIRFEC is built on partnership. That is how services can work together to better support children and young people and it is the foundation on which professionals should work with families.

Joan McAlpine made the important point that we need to be mindful of jargon and realise what GIRFEC stands for: it is about ensuring that we have an approach that works well for every child every time. The cornerstone of GIRFEC is our belief that we should put our children and young people at the centre of all that we do. As David Torrance highlighted, it is our national approach to ensuring that children and young people get the services that they deserve. It embeds partnership and—importantly—early intervention and prevention to ensure that we avoid crises

escalating and secure the best possible outcomes for our children and young people.

The national third sector GIRFEC project was launched in early 2013. It aims to support community planning partnerships to recognise and embed the role of the third sector in implementing GIRFEC, thereby maximising the contribution that the sector can make to enhancing outcomes for children and young people, and to draw together the principles in policy and in good practice.

Partnership is the reason why the project has been so successful at this critical stage, as we prepare for the new duties under the Children and Young People (Scotland) Act 2014. Partnership is a word that recurs throughout the positive evaluation of the project, which has been an important model of the partnership that should underlie the planning and delivery of all services in future. Along with George Adam and other members in the chamber, I celebrate its value and success, and I look forward to getting the opportunity to do so again later this evening in Parliament.

The role of the third sector is a key plank of the 2014 act, which aims to ensure that we are effective in our planning of children's services. The 2014 act includes new duties on local authorities and health boards to ensure that third sector organisations have a key role in the planning process.

At the same time, we are introducing a new programme to improve partnership to deliver better services for children and young people in each local area. Public, third sector and private organisations must work more effectively in partnership with communities and with each other to design and deliver excellent public services for local people. *[Interruption.]* Sorry, Presiding Officer—I thought that Iain Gray was trying to intervene.

The realigning children's services programme will add value to what is already taking place across community planning partnerships. The programme will support local partners to accelerate the implementation of GIRFEC to help to meet the needs of our vulnerable children much sooner than we currently do as a nation.

Last night in Parliament we celebrated Action for Children's 60th anniversary, which gave us the chance to recognise the charity's unstinting determination to do the best for the children in its care. The event also provided a wider opportunity to recognise the fantastic work that has been undertaken by the third sector more generally.

The value of the third sector rests on the fact that organisations are often deeply embedded in the community; understand completely the people that they are trying to help; and are fleet of foot

and nimble in adapting to emerging challenges and opportunities to provide the help that people and communities need. They do not expect people to fit around them; instead, they recognise the strengths and assets within a community and build on those to find lasting and sustainable solutions to the challenges that they face.

In the words of our former chief medical officer, Harry Burns, they are moving people from being passive recipients of care to becoming active agents of change in their own lives. That approach, and the value of the third sector in it, has been articulated by members in the debate today. George Adam mentioned the threads project, which builds the confidence of parents by revealing to them what they can do. He also mentioned Barnardo's outside in project, which highlights why we should be embedding early intervention and prevention. Young men and women are getting help too late, often in the prison service. If we had managed to find earlier solutions for them, they could have avoided trauma or imprisonment. At the violence reduction unit's 10th anniversary celebration, I heard from a young man who encapsulated beautifully what we need to do to help those young men and women. He said that, if they have to look beyond the end of their kitchen table for a positive role model, they are already disadvantaged. We need to ensure that we can step in to help those people, and the third sector is well placed to do that.

Iain Gray spoke about the importance of the Strive programme in East Lothian in building resilience in the communities that he represents. Likewise, Cara Hilton mentioned the south west Fife family nurture hub, which focuses on vulnerable families, attachment and language development.

George Adam and other members were right to recognise the challenges that the third sector often faces. The third sector is often at the coalface of trying to help families, especially in the face of the harsh welfare reforms from the United Kingdom Government. Sanctions and cuts are hitting the most vulnerable the hardest and the use of food banks is increasing, which is completely and utterly unacceptable in our rich nation.

The challenge is also therefore to the third sector. Partnership sounds easy, but it is absolutely challenging. The third sector is not homogeneous but richly varied, which means that a lot of careful work must be put into ensuring that we have trust, open relationships and positive dialogue between each and every part of the third sector in a community. Cara Hilton was right to acknowledge the challenge of finding a truly representative voice for the third sector at CPP level.

We want to support the third sector, which is why we have committed substantial support through the children, young people and families early intervention fund. More widely, the 2015-16 Scottish Government budget has enabled us to continue investing in the third sector as a key social partner with £24.5 million of funding. We are working closely with the sector to consider what approach might be taken in the period ahead to continue to secure a buoyant and sustainable third sector.

I acknowledge the great work that is being done by the national third sector GIRFEC project and by the third sector more widely. I again thank George Adam as well as the Scottish National Party and Labour Party members who have today united to recognise the fantastic work of the third sector. We are in challenging times, but the sector is nonetheless delivering fantastic results and outcomes for the most vulnerable in our communities.

13:06

Meeting suspended.

14:30

On resuming—

Community Justice (Scotland) Bill: Stage 1

The Deputy Presiding Officer (John Scott):

Good afternoon. The first item of business is a debate on motion S4M-14879, in the name of Paul Wheelhouse, on stage 1 of the Community Justice (Scotland) Bill. I call on Paul Wheelhouse to speak to and move the motion.

The Minister for Community Safety and Legal Affairs (Paul Wheelhouse): I am delighted to open the stage 1 debate on the principles of the Community Justice (Scotland) Bill. I thank the Justice Committee and its convener, Christine Grahame, for their scrutiny of the bill and for their stage 1 report, and I thank the Finance Committee and the Delegated Powers and Law Reform Committee for their consideration of the bill. I am pleased that evidence was taken from such a wide range of organisations and individuals.

I welcome the Justice Committee's endorsement of the need to improve community justice structures and its broad support for the bill's general principles. The committee made a number of detailed recommendations in its report, to which the Government will respond in January. In this afternoon's debate, I will address some of the more significant points that the committee raised and I will focus on the principles of the bill and the positive changes that it will bring to community justice in Scotland.

This is an important period for community justice in Scotland. We have made clear the Scottish Government's commitment to reduce reoffending and the harm that it causes to individuals, families and communities. That commitment sits within our broader vision for a fairer justice system in Scotland: a vision that reflects the values of a modern and progressive nation, in which prison and, in particular, short-term sentences are used less frequently, and where there is a stronger emphasis on robust community services that are focused on actively addressing the underlying causes of offending behaviour. It is important that individuals are held to account for the offences that they have committed but thereafter are supported to be responsible contributors to our communities.

The new model for community justice supports that vision by delivering better outcomes for communities through reducing reoffending and supporting desistance. In demonstrating those better outcomes, the new model supports the increased use of effective community sentences,

the reduced use of short prison sentences and the improved reintegration of people who have offended back into their communities.

Since 2012, we have worked closely with our stakeholders to design a new model for community justice that delivers a community solution to achieving improved outcomes, preventing and reducing further offending, and supporting desistance. The Community Justice (Scotland) Bill provides the legislative framework for that model.

It is important for members to note that the new model places decision making locally with those who know their communities best, who understand the problems that are unique to their area, and who will be most affected by community justice issues that relate to both victims and people with a history of offending. However, for those, including committee members, who wish to see a strong direction at national level, local planning, delivery and collaboration will be complemented by national arrangements that provide profile, leadership and strategic direction for the sector.

I will provide a little more detail. The strategic planning and delivery of community justice services will take place at the local level. Duties will be placed on local statutory partners to engage with communities and the third sector to identify and plan for the key priorities in the local area. The local arrangements will be complemented by leadership at national level on a parity with that provided for the custodial sector. A new public body, named community justice Scotland, will provide that leadership and work closely with community justice partners, the third sector and a range of other parties.

Community justice Scotland will generate enhanced opportunities for innovation, learning and development, and it will provide independent professional assurance to the Scottish ministers and local authority leaders on the collective achievement of community justice outcomes across Scotland, including improvement support where required. The national strategy will provide a vision for community justice in Scotland. It will help partners to prioritise the key areas that they will address in partnership, through an approach that is both outcome focused and evidence based. In that way, the strategy will facilitate and drive improvement.

A set of common outcomes will be agreed to ensure that we are working together to achieve what the evidence tells us will reduce the chance of a person reoffending. That will bring transparency and clarity to our progress on delivering improved results across Scotland, thereby supporting the increased use of community sentences and diversion activity.

Bringing all those elements together, the new model presents a more holistic and collaborative approach to the community justice system, which will be driven forward at both local and national levels by the common aim of securing better outcomes for people and communities across Scotland.

I turn to some of the points that the Justice Committee raised in its stage 1 report. The definition of community justice in the bill has drawn a lot of comment from stakeholders and the committee. I understand why there were calls for the definition to be broadened to include early intervention and the prevention of first-time offending. Clearly, it is important to prevent people from entering the criminal justice system in the first place.

That is why the Government has a clear focus on advancing the whole-system approach and improving life chances. The drive in community justice to reduce reoffending is part of a wider approach to promoting social justice and tackling inequality that includes action to improve early years experiences, to raise educational attainment for all and to continue to promote the whole-system approach to youth justice. A range of other policies are addressing the underlying causes of offending, such as homelessness, poverty and drug misuse.

The new national strategy for community justice will link with those other strategies to ensure that we have a joined-up approach. I am pleased that the committee has noted the Scottish Government's position on the matter. That said, I recognise that the definition could be strengthened further, and I will explore with stakeholders the possibility of reflecting, for example, the preventative impact of diversionary activity in the definition. After all, evidence shows that diverting individuals away from the criminal justice system is, in effect, a way of preventing further offending.

There was much discussion at the Justice Committee hearings about the cluttered landscape of community justice, and the committee acknowledges that community justice is a complex area that requires the provision of a diverse range of services in order to respond to the often complex needs of people with a history of offending. That is why, in the bill, we provide for a multi-agency, collaborative approach to improving community justice outcomes for our communities. I go further by saying that the new model brings coherence to that cluttered landscape by providing for strategic direction, strong leadership and a collaborative approach to the planning, reporting and commissioning of services.

The Justice Committee has requested further clarity on the roles and responsibilities of those who will be involved in the new model to ensure

that there is effective interaction. I believe that the bill makes clear who the community justice partners are, what they are required to do and who they must involve. Crucially, it sets out a participative role for communities and the third sector, and it also defines the role of community justice Scotland and confirms how and when the Scottish ministers may be engaged. The key relationships are therefore articulated in the bill.

The transition work that we are undertaking with our partners and stakeholders will provide further opportunities to be clear about roles and relationships, and that will help community justice partners to prepare for their roles and understand key processes. We are working with our partners and stakeholders to prepare guidance to aid wider understanding.

The national strategy for community justice will be vital in setting the high-level priorities and strategic direction, and I clarify that it is being developed with stakeholders. A number of events have been organised across Scotland, and to date they have involved around 400 partners and stakeholders including the third sector, people with convictions, community planning partners and MSPs. Additional sessions will be held to ensure that we capture the views of the general public, victims of crime, people with convictions and their families. I expect the national strategy to be published in June 2016.

I note the Justice Committee's concern that the outcomes for community justice should be framed more broadly so that reoffending rates are not the only measure of success. I would like to reassure the committee and indeed the Parliament on that point. We are developing the national outcomes for community justice with partners and stakeholders. The outcomes and associated indicators will be used by the statutory community justice partners to plan services, measure progress, report on achievements and identify any issues. Therefore, the outcomes will be vital in enabling the new model to demonstrate improvements in community justice in a transparent and consistent way. They will also be of great value to community justice Scotland in its role of driving forward the national strategy.

The outcomes are currently in draft and they are being tested in specific local areas. The draft outcomes fall into two categories: there are structural outcomes, which include for example improved public understanding, participation and confidence in community sentencing, and person-centric outcomes, which include greater equality of access to services for people with a history of offending. There is a strong correlation between equality of access to key universal services and a lowered risk of reoffending. That is why access to key universal services such as housing,

employment, education and health services is represented in the draft outcomes. I hope that that provides reassurance that a truly holistic approach is being taken to the setting of common outcomes.

Also on the subject of planning, the Justice Committee has identified some confusion about how community justice planning links with wider community planning and community planning partners. The bill requires the eight statutory community justice partners to engage, plan and report collectively. Community planning partnerships are not mentioned in the bill because they are not statutory entities but the sum of their partners, so we cannot assign duties directly to them.

The Scottish Government has always set planning for community justice in the context of wider community planning. Indeed, six of the eight community justice partners are also community planning partners. The collective knowledge of CPPs supports the multi-agency, holistic approach to reducing reoffending that is at the heart of the new model. We therefore expect community planning partnerships to be at the core of the new model and community justice planning to take place using community planning structures, which will ensure alignment of planning activity.

The transition work that is already under way will help community planning partnerships and community justice partners to consider the sort of relationship that they want and to build that relationship. A number of areas are already formulating plans to collaborate with CPPs, including Fife, Highland, and Perth and Kinross.

Of course, with effective planning comes effective monitoring and accountability. I thank the Justice Committee for drawing attention to the importance of accountability arrangements and the role of community justice Scotland, so let me be clear about that as well. Local leadership and ownership of community justice are absolutely vital to the success of the new arrangements. That is why we are respecting the existing lines of accountability for the statutory community justice partners, so that they are not accountable to community justice Scotland.

Responsibility for resolving any local issues with the planning or the quality of delivery rests with the local statutory community justice partners. Should partners request assistance on issues that they have not been able to resolve locally, community justice Scotland can offer support and advice. Should an annual report indicate a persistent issue, community justice Scotland could make recommendations to the Scottish ministers.

The bill does not specify what such recommendations might be, as it is a matter for community justice Scotland to propose and for the

Scottish ministers to determine what action to take at that time, should the need arise. However, I anticipate that recommendations could include the need for an improvement plan and for formal inspection, and in exceptional circumstances there could be a recommendation to establish a rescue task group. Those arrangements will be reflected in guidance in due course.

Finally, I want to recognise the important role of the third sector in community justice. The third sector, including victims organisations, is vital to the successful planning and delivery of effective services for individuals. The sector has made a long-standing contribution to the delivery of outcomes for community justice at local and national levels. The Justice Committee highlighted concerns about the nature of the sector's participation in community justice as currently provided for in the bill, and I understand those concerns. I have listened to the committee's concerns and to the concerns of the third sector, and I am now seeking to amend the bill to strengthen the third sector's role and participation. I hope that I will be in a position to be clear on the how of that in the near future.

As the committee recognised, any new model for community justice must achieve an appropriate balance between strong national leadership to drive forward improvement in outcomes and local flexibility in relation to the delivery of services. I believe that the new model that is proposed in the bill strikes the right balance. It will deliver a community solution to improved outcomes for community justice, to reducing reoffending and to supporting desistance. Therefore, it is first and foremost a local model.

We recognise that local areas are best placed to determine the outcomes that are the priority in their local area and the activities required to achieve those outcomes. Those arrangements will be complemented by community justice Scotland working with local partners to provide leadership at the national level, to promote innovation and learning, to provide assurance that outcomes are being delivered, and to highlight any concerns regarding local delivery to ministers.

I look forward to working with members of all parties as stakeholders to secure those objectives as the bill continues through Parliament.

I move,

That the Parliament agrees to the general principles of the Community Justice (Scotland) Bill.

The Deputy Presiding Officer: I call Christine Grahame to speak on behalf of the Justice Committee. You have 10 minutes or thereby, please, Ms Grahame.

14:43

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I welcome the opportunity to speak on behalf of the Justice Committee, which led consideration of the bill at stage 1. I thank all who submitted evidence and gave evidence, our clerks and, as always, my diligent and hard-working committee.

I am going to say again on the record that I always find it odd that, as convener, I speak to the committee report after the minister has responded to it. It seems to me that that is putting the cart before the horse. We must change the rules at some point so that the committee makes its statement, the minister responds and on we go. Perhaps it is not relevant, but it really seems daft that I am going to be saying things that have already been responded to, but there we go.

The topic might seem to be as dry as dust, but the bill deals with how we set up systems and organise support at national and local levels in order to prevent reoffending, which costs the public purse an arm and a leg but, in the first place, fails society, individuals and their families. As the current arrangements for community justice came into being only in 2007, some people might ask whether the wholesale change that is provided for in the bill is premature. However, in two separate reports in 2012, the commission on women offenders and Audit Scotland both identified significant problems with current structures, the number of bodies, accountability, funding mechanisms and the complexity of the arrangements—that seems to be an awful lot—which they argue are inhibiting the potential to reduce reoffending.

Throughout stage 1, the Justice Committee has been keen to establish whether legislative reform is needed and, if it is, whether what is in the bill can achieve the change that is envisioned by those parties. We took evidence over three meetings and heard from a range of local authority bodies and partnerships, third sector and victims groups, the commission on women offenders, the Scottish Prison Service, Police Scotland and Audit Scotland. I would like to thank everybody who made the effort to respond and to give evidence to the committee.

The committee broadly supports the general principles of the bill, but we have made a number of recommendations aimed, in particular, at strengthening strategic leadership and accountability, and at demystifying the complex landscape, which mystified me. I am not sure what “demystifying” means, but I think that it means making it understandable and workable. *[Interruption.]* I am being given definitions.

Many who responded to our call for evidence were concerned that the definition of community justice that is used in the bill is too narrow and differs substantially from that which was used in the Government’s earlier consultation. As the minister knows, the committee was particularly sympathetic to the view that prevention and early intervention should be reflected not only in the definition but elsewhere in the bill. I note the minister’s comments on that point, which the committee welcomes. We appreciate that prevention and early intervention are being progressed through other policies, but we feel that if we are going to try to do the right thing, save money and prevent lives from being wasted, we might get in early rather than wait until the person has offended.

Back in 2012, the commission on women offenders described the community justice system as a “grossly” cluttered landscape—another phrase that I do not like. On the basis of the evidence that we received, the committee still has some doubts as to whether the new arrangements that are set out by the bill would simplify that landscape. As the minister has said, community justice relies on a diverse range of service providers working in partnership; we believe that more could be done to streamline arrangements by setting out clearer roles and responsibilities.

We drew the minister’s attention to the concerns that were raised in particular by representatives from the third sector, including smaller voluntary bodies that have to operate with minimal staff and limited budgets. At present, such organisations deal with eight community justice authorities, but under the model that is set out in the bill, that number would increase fourfold to 32 local authorities. That is likely to put significant pressure on them, as providers, to raise funding, which is already under strain, so the bill would impact on local services that are often very well tailored to their area.

As we all know, many of the organisations that make up the community justice system rely on short-term funding. The committee is disappointed that the same concerns about the funding and sustainability of third sector projects have persisted over decades. However, we welcome the Scottish Government’s current review of the funding mechanism for community justice social work services, which is due to report shortly, and we would welcome early sight of the report. If the minister could make headway with regard to funding for the voluntary sector, that would be very much welcomed by the committee and—more important—by the voluntary sector.

A lack of strategic vision is one of the major issues that were highlighted by the commission on women offenders and Audit Scotland. The

committee therefore welcomes the provisions in the bill that will require the Scottish ministers to develop a national strategy. That should allow for a clearer strategic direction and improved oversight.

There were differing views among witnesses on the level of oversight that the national body should have. Local authority bodies prefer a light-touch approach and others—including Dame Elish Angiolini, who was chair of the commission on women offenders—supported local bodies being more accountable to community justice Scotland.

The committee remains concerned that, without adequate powers to measure and bring forward improvements, weaknesses that the bill seeks to overcome may persist. However, we welcome the provisions to introduce a national performance framework, which should help to ensure that the success of the model that is proposed in the bill can be adequately measured, and that problems can be identified. However, we consider it vital that stakeholders be fully involved in development of the strategy and framework. I think that the minister has said that they are busy doing that already, which is to be welcomed.

We note the Government's intention to publish the national strategy and framework in the middle of next year; the committee requests early sight of those documents to ensure that they are fit for purpose.

Under the bill, community justice partners would be responsible for local planning, delivery and monitoring of community justice services. Some witnesses felt that the bill should specify a lead partner among each group of community justice partners. Although the committee considers that there may be merit in appointing a lead partner to ensure a focus, we are wary that doing so could lead to other partners avoiding their responsibilities. Therefore, the committee does not support there being in the bill a specific requirement that a lead partner be appointed. Instead, we recommend that partners have the flexibility to appoint a lead partner where they consider it appropriate to do so. We are at least sympathetic to there being somebody taking the lead.

The bill makes no reference to community planning partnerships, but the policy memorandum suggests that CPPs should have a key role in planning community justice arrangements. We remain unclear about why the bill will create a new level of partnerships rather than give responsibility for community justice planning to CPPs, although I acknowledge what the minister had to say about the statutory status of the two.

The committee is of the view that any new system for community justice must achieve an

appropriate balance between strong national leadership to ensure that improvements are made in performance, and local flexibility in relation to delivery of services. It is difficult to achieve such a balance, but it is important that we do so. As such, the committee thinks that there is merit in the general approach that is taken in the bill, but we have concerns that the detailed proposals might not achieve the correct balance, so we recommend that the oversight functions of the national body be strengthened to provide the robust leadership and accountability that have been found to be lacking currently.

In general, the evidence that we received did not show any great enthusiasm for there being one system with which all the bodies that are involved in community justice would be wholly satisfied. However, the committee recognises that the bill is enabling legislation, that the detail of how the arrangements are to work in practice will be set out in the national strategy, the national performance framework and guidance, and that the success of the bill will, to some extent, be evident once it is in operation.

I look forward to listening to the speeches of other members, who will touch on issues that I have not raised, and to receiving the Scottish Government's response to our stage 1 report, which I think I have just heard.

14:51

Elaine Murray (Dumfriesshire) (Lab): On behalf of Labour members, I thank the committee clerks, the Scottish Parliament information centre, the witnesses who gave oral evidence and those who gave written evidence.

The bill will replace the current system of eight regional community justice authorities, or CJAs—there are lots of acronyms in this subject—with 32 community justice partnerships, one per local authority, and will establish a national organisation to be called community justice Scotland.

As Christine Grahame said, serious concerns were raised about the performance of CJAs in the Angiolini report on women offenders, which identified a lack of strategic leadership and accountability, short-term funding, inconsistency of service and a lack of throughcare for offenders, and by Audit Scotland, which in 2012 criticised the CJAs for the number of organisations that were involved and for having no nationally agreed measure of performance. Audit Scotland also said that there is a lack of strong leadership, that statutory partners are not accountable to CJAs and that they have limited capacity to undertake their full range of work. Therefore, it is clear that revision is required.

In December 2012, the Scottish Government published a consultation paper that included three options—an enhanced system of CJAs, a local authority model and a single service model—but there was no consensus on any of them, other than a preference for a model that involved local delivery. A further consultation on the model that is proposed in the bill was undertaken in 2014 and it received a generally favourable response. What was proposed in the consultation differed from the measures in the bill—in particular, the consultation proposed that community planning partnerships would be central to local delivery of community justice services. Reference has already been made to those differences.

Other current policy developments will interact with the bill; the committee had questions about that. John Finnie proposed that we should have some sort of flow diagram or schematic that showed how all the different initiatives link together. Among the policy developments that will interact with the bill are the implementation of the Community Empowerment (Scotland) Act 2015, which places duties on community planning partners to carry out community planning in each local authority area; and the current consultation on the presumption against short-term sentences, which seeks views on whether the current presumption against sentences of three months and under should be extended, or a more radical review of short-term imprisonment, including remand, is required. The Government has also been consulting on changes to the configuration of the female prison estate, which many of us hope will lead to an increase in the use of community disposals over criminal disposals.

The bill will require the Scottish ministers to publish a national strategy. As the minister said, the Government is consulting on that and the national performance framework. I was one of the people who attended the strategy consultation day in Dumfries. I believe in giving congratulations when they are due: I thought that it was a very good example of local engagement and I found it to be extremely informative. The feeling that I got from the other participants was that they, too, appreciate the opportunity to contribute to the discussion on what should be in the national strategy and the performance framework. The bill is an enabling bill, and details of how it will work in practice will be set out in the national strategy and performance framework and the associated guidance, so it is important that such local engagement takes place.

Witnesses who gave evidence to the committee generally agreed that improvements to the current community justice arrangements are required, although the community justice authority conveners disagreed. However, there are still questions around whether the bill strikes the

correct balance between national leadership and local flexibility.

As the convener stated, the definition of community justice is much narrower than that in the 2014 “Future Model for Community Justice in Scotland” consultation. The definition no longer refers to the prevention of offending and is restricted to people who have already offended. That change was not consulted on, and there is no explanation in the policy memorandum for why the definition changed. We in the Labour seats agree with the majority of witnesses who appeared before the committee, who were of the opinion that the definition should also include desistance, prevention and early intervention. I am pleased to hear that the minister is considering amendments along those lines.

Some witnesses objected to use of the term “offender”, because they considered it to be stigmatising. That concern was discussed at one of the events that I attended. The problem lies, however, in deciding what other word we should use. Although “offender” may attract stigma, it is difficult to see how we could describe people in a less stigmatising way.

Other witnesses were concerned that the bill does not refer to the interest and involvement of victims in particular, and of the wider community more generally. Community justice alternatives to imprisonment will be accepted by the general public and by the judiciary in sentencing only if they are demonstrated to be effective in keeping the public safe and in changing individuals’ offending behaviour. Services such as the 218 centre in Glasgow and the willow service in Edinburgh, which support women in the criminal justice system, are widely praised.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Does Elaine Murray agree that if we fail in rehabilitating people whom we put in our prisons, we reduce community safety and safety for our population because we return to the community people who are simply going to reoffend?

Elaine Murray: Absolutely, and that is acknowledged as one of the problems with the current criminal justice system. There is a revolving door, and people do not turn their lives around.

An important factor is that alternative approaches are not understood: they are not out there in the public eye or in the media. Even members of the judiciary do not always know that alternatives that are a lot more successful than just banging somebody up for a few weeks are available to them.

Most witnesses who gave evidence to the committee agreed that the current community

justice model is not effective. They accepted that the community justice landscape is “cluttered”—which seems to be a popular word at present. Some doubted, as Christine Grahame said, that going from eight CJAs to 32 CPPs plus CJS will simplify anything. That concern was compounded by community justice partners, rather than CPPs, now being the vehicle for community justice.

The relationship between the CJPs and the CPPs is unclear, and there is a danger of yet another organisational layer when the CPPs could perhaps be the CJPs—indeed, that may well be what happens in practice in many areas.

The bill defines the statutory community justice partners, all of which are public sector agencies, and requires them, in formulating their community justice outcomes and improvement plans, to consult community bodies and

“such other persons as they consider appropriate.”

One consequence of that flexibility could be that those extra organisations might not be included as community justice partners and might be consulted only when the statutory partners see fit.

Another concern is about the capacity of small third sector organisations to engage with several groups of community justice partners if their services are available in more than one area. As we discussed in committee, however, there is nothing in the bill to prevent CJPs from working together in geographical areas where that makes sense. It is hoped that that sort of model will appear. Although CJPs are separate, they could work in partnership across council areas.

The bill does not propose a lead partner with overall responsibility within each CJP to ensure that the improvement plans are driven forward. I understand that ministers are concerned that such designation of a partner could encourage other partners not to engage fully and simply leave the work up to the lead partner. On the other hand, others are concerned that the lack of a lead partner with overall responsibility for driving forward the local plan could result in everybody sitting back and nobody taking responsibility. Again, it is quite difficult to strike a balance.

The bill proposes several functions for the national organisation to be called community justice Scotland. It will have to promote the national strategy that is published by the Scottish ministers, review the national performance framework and publish a strategy for innovation, learning and development in relation to community justice matters. It will oversee performance, promote and support improvement and promote public awareness.

That takes me back to some issues that I have already discussed. At the strategy day that I

attended, there was discussion of what role community justice Scotland could have in ensuring that the public are aware of the successes of other models. The CJPs will have to consult CJS when preparing their local improvement plans, and CJS will have to monitor their performance in achieving the nationally and locally determined outcomes.

Some witnesses considered that some form of inspection of CJPs should be introduced, although other witnesses strongly disagreed with that. The committee came to the conclusion that that should be the role of CJS and Audit Scotland until the new bodies have time to become established. However, it is not certain from the bill what powers CJS will have if a CJP fails to achieve the outcomes that are set in the plan, or fails to consult non-statutory partners appropriately. The minister gave further assurances on that in his opening speech, and I am sure that we will reflect on that and consider whether amendment is necessary at stage 2 to reflect the ability of the Scottish ministers to intervene.

The boards of the existing CJAs include elected local councillors, and the CJA conveners expressed concern about losing that input under the new arrangements. There was discussion of whether one or more places should be reserved on CJS for elected-member representation, although some witnesses considered that it might be difficult to identify one or two councillor representatives who could speak for all the community justice partners across the 32 local authority areas.

CJS will have a role as a national commissioning body. A concern was raised in evidence about striking the correct balance between national commissioning and local flexibility. CJS will be able to identify community justice services, design an appropriate model and make arrangements for provision of those services. In doing so, it will be able to encourage, assist or act in collaboration with any of the community justice partners. The community justice partners will, in producing and implementing their plans to improve community justice outcomes in their areas, be able to purchase services from those nationally commissioned organisations, if those are best able to deliver locally. Alternatively, they will be able to purchase services from local organisations that might be more appropriate for the needs of the local area.

CJS is to receive £614,000 in set-up costs and £2.2 million in annual running costs while the 32 local authorities will share £1.6 million for each of the next three years. We are a bit concerned about whether that will be sufficient, especially if the desired transfer from criminal justice to community justice disposals is achieved and if the CJPs are active in promoting and providing

alternatives to prosecution and early intervention to support desistance.

We all want fewer people in prison, especially to serve short sentences during which little can be achieved in addressing the reasons for the offending behaviour. That will bring significant savings but, until fewer people are in prison and more are receiving community justice alternatives, the savings will not be made. That is the nub of the problem. The problem is how resources can be transferred from prisons to community justice while there is still a significant prison population. If fewer people are sent to prison, that should free up funding, but there will still be prison buildings and prison officers. The role of prison officers is changing and will continue to change, with more emphasis being put on providing throughcare and support for offenders. There are issues about how we free up funds to get the process started.

I am pleased to say that Scottish Labour members are happy to support the bill at stage 1, and that we look forward to further discussion of the issues that have been raised at the amendment stages.

15:03

Margaret Mitchell (Central Scotland) (Con): I welcome this stage 1 debate on the Community Justice (Scotland) Bill and I thank the many witnesses for their invaluable evidence. I also thank the Justice Committee clerks for their assistance in the delivery of the committee's substantial stage 1 report.

In December 2012, the Scottish Government published a three-option consultation on redesigning community justice. The options were an enhanced community justice authority model, a local authority model and a single service model. There was no favoured option, but there was a clear preference for a local delivery model that has partnership and collaboration at its heart, but with some form of national arrangements to provide the leadership and strategic direction that are lacking in the present set-up.

A fourth option emerged when various elements of the earlier options were combined, namely 32 community justice partners and a new national body. However, there is some confusion about how the CJPs will interact with community planning partnerships. Furthermore, it is fair to say that other proposals in the bill have not attracted consensus. Concerns remain about the cluttered landscape, with the increase from eight community justice authorities to 32 community justice partners, and about leadership, with the balance in decision making moving heavily towards community justice Scotland, rather than the local authorities.

However, the most controversial aspect of the legislation is the narrow definition of community justice. In the Scottish Government's 2014 consultation, "Future Model for Community Justice in Scotland", the definition was:

"The collection of agencies and services in Scotland that individually and in partnership work to manage offenders, prevent offending and reduce re-offending and the harm that it causes, to promote social inclusion, citizenships and desistance."

However, the definition in section 1 of the bill no longer refers to the prevention of offending. The failure to make any reference to prevention, or indeed to early intervention, represents a major change.

Worryingly, in terms of the Justice Committee's scrutiny of the bill, and as the Convention of Scottish Local Authorities has commented, the definition in the bill was not consulted upon and

"appears to have come as a surprise to stakeholders, and importantly, the statutory partners."

Furthermore, the approach has attracted widespread criticism from several organisations. Police Scotland said:

"to be successful it is necessary to take a whole-system approach; it needs to be right from start to finish. That leads to the emphasis on prevention and early intervention."— [Official Report, Justice Committee, 15 September 2015; c 44.]

Sacro said:

"there is no statement regarding prevention, public safety or community safety."

Turning Point Scotland said:

"It is ... disappointing that the bill does not explicitly direct planning at both national and local levels to consider prevention especially within the wider context of the community planning process."

Barnardo's said:

"If we are to take a truly preventative approach to community justice, we must start at the beginning and focus on how to keep people out of the justice system and within their communities. As it stands, the definition is restricted to those who have already offended."

Victim Support Scotland said:

"the definition does not allow for a greater focus on prevention and early intervention in line with the recommendations of the Christie Commission."

There has also been criticism that the bill diminishes the role of the third sector in the planning process; that issue was addressed in the minister's correspondence of 17 November. In that letter, in the wider context of resourcing, there are specific references to the third sector, for example:

"Community Justice Scotland will, with Partners and the Third Sector develop and agree a strategic approach to commissioning."

Although that acknowledges the third sector's contribution, it is still evident that if the bill is passed, the role of the third sector, like that of everyone else currently involved in community justice, will be to deliver the Scottish Government's proposed penal reform agenda to extend the presumption against short-term sentences to up to one year. In other words, I am especially concerned, as are stakeholders, that the bill is a de facto vehicle for the Scottish Government's penal reforms, which are currently only at the consultation stage.

The minister suggested that the definition requires further consideration at stage 2, but it is deeply worrying that those reforms to community justice have been built on such shaky foundations.

Christian Allard (North East Scotland) (SNP): I want to point out that the reason may be that the definition in the previous legislation was about reducing reoffending. There was nothing about prevention in the system, which still operates today.

Margaret Mitchell: I am not quite sure what point the member is trying to make, but if he was referring to short-term sentences, a good bit of analysis requires to be done and will be part of the current consultation. It will look at what is being done in prisons just now on short-term sentences. We know—there is concrete evidence—that those prisoners are given no access to rehabilitation programmes. That will certainly be a factor in penal reform.

In addition, those significant changes were made unilaterally, without consultation with the very stakeholders who will in time have to implement the bill's provisions. Such an approach flies in the face of the collaborative tone adopted by the First Minister when she took office exactly one year ago today.

The bill is not merely enabling legislation, as the minister asserts. Instead, it contains wide-ranging reforms that need to be the subject of robust scrutiny, particularly following their implementation. I therefore urge the minister to revisit the proposals at stage 2. While the Conservatives will support the motion today, that support and continued support will be conditional and dependent on the amendments that are brought forward at stage 2, particularly on the definition.

15:12

Christian Allard (North East Scotland) (SNP): I repeat the words of the convener, who said that the topic may be as dry as dust. I do not think that it is; it is about people and it is important. We have had some good contributions already—interesting contributions about how we can move forward and

see how we can review the legislation. The main point about the bill is that it is enabling legislation. I am delighted to participate in the debate as a member of the Justice Committee. I thank the clerks and the team who helped the committee to prepare its report at stage 1.

The Community Justice (Scotland) Bill is introducing not only a new model for community justice, but, more important, an enabling model. The detail of how the arrangements will work in practice will be set out in a national strategy—a vital part of the bill, as the minister said—the national performance framework, in guidance and in the post-legislation period, after the bill is passed.

As the convener stated, the evidence that we received did not show any great enthusiasm for the bill. I put that down to the fact that many participants were looking to respond to prescriptive legislation and what we have is enabling legislation, which is the opposite. Some people must have expected to come and oppose the legislation as being top-down. Instead the discussions were very much around what every participant would like to see in how community justice could be better delivered and monitored. They all agreed that legislative reform is needed—apart from some conveners, of course. We made recommendations following the work that we did and the evidence that we received and heard.

I would like first to say where we are, because that is important after what Margaret Mitchell said. I will clarify the point that I tried to make. Community justice authorities were set up in 2006 under the Management of Offenders etc (Scotland) Act 2005 to reduce reoffending—that was the main point. For example, in the region that I represent, the northern community justice authority, which covers a large geographical area—Aberdeen City, Aberdeenshire and Moray—is clear about the purpose for which it was set up. It says online:

“Community Justice Authorities (CJAs) were set up across Scotland to make our communities safer by reducing re-offending and improving the management of offenders.”

The northern CJA goes on to make its role clear, saying:

“Our role is to coordinate the delivery of offender services by councils, voluntary organisations and other partners and to ensure close cooperation between community and prison services to aid the rehabilitation of offenders.”

That is all very clear.

Margaret Mitchell: Will the member give way?

Christian Allard: I ask the member to allow me to finish my point.

The Glasgow community justice authority says that it wants to reduce reoffending through partnership. It says on its website:

“We aim to reduce reoffending as well as improving outcomes for communities, offenders and the criminal justice system. To do this we have established a strong partnership across the city with those agencies who deliver high quality services that reduce the risk posed by offenders and to reduce their re-offending.”

That is what we mean by the term “community justice” in Scotland.

Margaret Mitchell: Does the member agree that it is important that we factor into the definition of community justice the ability to prevent offending in the first place, through early intervention, rather than having a definition that covers only reoffending after the event?

Christian Allard: I agree with the member, and I think that all members agree, that prevention is important. The question is whether it should be part of the bill that we are considering. If we consider how community justice used to work in Scotland, we find that what is proposed is a very small change. I know that Barnardo’s highlighted in its briefing to members that the definition of the term “community justice” should include prevention, but I am content that in Scotland the definition does not include prevention—it never did, in legislation, as far as I can see.

I am happy that the minister will consider including diversionary activity, which is different because such activity will involve offenders.

I would like to change some of the wording in the bill. To start with, we could find an alternative to the word “offender”. I agree with Edinburgh Trust that “offender” is usually viewed as a negative label and contributes to the stigma that is faced by people who have committed an offence. How long should a person keep the “offender” label after they have committed an offence? Do we want people who committed an offence to be known as offenders for the rest of their lives? I ask the minister to think about that.

Pete White, from Positive Prison? Positive Futures, made the case for the term “offender” to be removed from the bill and to be replaced by—hold on, it is quite long—

“persons who have at any time been convicted of an offence”.

I am not sure about that wording. I will not be prescriptive today, but I would like to enable the minister and his team to find better wording for the people whom the bill seeks to help.

The minister knows my views on some words that I think should be in the bill. This did not make it into our report, but there is a case for recognising that we should celebrate the diversity

and multiplicity of organisations that engage in community justice, instead of talking about a crowded or cluttered landscape. When I hear the words “cluttered” and “crowded”, I think about variety and diversity.

I read in the policy memorandum that the private sector has a role to play. The policy memorandum says:

“The new model draws on the characteristics identified by Scottish Government”,

which include:

“effective local partnership and collaboration that brings together public, third and private sector partners, and local communities, to deliver shared outcomes that matter to people”.

However, the minister did not mention the private sector in his opening speech. I would love the private sector to make it into the bill somehow. The minister told the committee:

“We have some good, proactive employers ... who are working with local authorities and the SPS to try to provide employment opportunities for individuals who leave the prison estate”.—[*Official Report, Justice Committee*, 3 November 2015; c 52.]

At lunch time I met someone who is on the road to recovery, who pointed out that we speak only to the third sector. Where are all the people in the private sector who can give such people work?

I like the bill, because I am a great fan of enabling legislation. How the provisions work in practice will not be for us to decide. An enabling bill is the best way to tackle reoffending.

15:19

Margaret McDougall (West Scotland) (Lab): I am pleased to be taking part in the debate today. It is important that we get the Community Justice (Scotland) Bill right to support a reduction in reoffending through joint working and innovative thinking. We will support the bill today, but Labour has a few issues with its current format and I urge the Scottish Government to consider them as the bill progresses.

The current community justice authority model seems to have made a small impact on reducing reoffending rates, although there has been no consistency across Scotland. A clear national strategy has been lacking and there are no measures in place to monitor effectiveness.

The range of bodies involved has led to a—I hate to repeat the word—cluttered landscape, with no clear direction. The bill before us today recognises that that needs to change. It has been argued that creating 32 community justice authorities rather than the current eight will not help to reduce the clutter, but they will be overseen by a national body that will provide a

national strategy and framework and will produce an annual report, which is a necessary step forward. However, as I said, I have a few issues with the bill: the definition of community justice; clarity of roles; and the role of the third sector are just a few of them.

I was pleased to hear the minister say today that he will look at the definition of community justice again. As presented to us in the bill, it is problematic. It does not refer to preventative or early intervention and it also fails to include victims and their families. During evidence sessions, Scottish Women's Aid and Victim Support Scotland expressed concern about the lack of focus on victims in the definition and throughout the bill. Barnardo's Scotland argued that the definition should be

"widened to include the need to support children, families, victims, witnesses and the wider community, not just individuals with convictions".

We cannot view the issues in isolation and, as I said at the committee evidence sessions, the Community Justice (Scotland) Bill should have a clear focus on victims and their families. In addition, there should be a greater focus on preventative spending and early intervention, so that we reduce not only reoffending rates but also first-time offending, which is at the heart of what we want to achieve. We cannot improve outcomes for victims, offenders and our local communities if they are not even mentioned in the bill.

The bill also needs further clarity on the roles and responsibilities of local community justice partners and community planning partnerships. I agree with Barnardo's that the role of CPPs lacks clarity in the bill. Dr Foster of NHS Forth Valley argued:

"It is very important that delivery should be through community planning partnerships, because they are the vehicle that we are currently working with; they are our local partners in tackling many issues."—[*Official Report, Justice Committee*, 15 September 2015; c 43.]

The role that CPPs will play in community justice needs to be clearly defined and set out within the bill, and I agree with the committee's recommendation that the bill needs to clearly specify that CPPs have responsibility for community justice with a view to making the new arrangements as clear as possible.

Concern was also raised about who the named partners should be. Evidence was given to the committee about the importance of stable housing in reducing reoffending. Will the minister consider including housing provider representatives as a community justice partner and having housing provision as an indicator in the annual report?

Like the criminal justice voluntary sector forum, I am concerned about how the bill will interact with

third sector organisations, given that the bill lists the third sector as a provider rather than a partner. Although the bill states that the third sector should be engaged with, it would be better for the third sector to be defined as a community justice partner, given that it delivers many services and projects. At the very least, a statutory duty to engage with the voluntary sector should be introduced as evidence has suggested. I welcome the minister's comments on the third sector in his opening speech.

I have talked to third sector organisations about funding, and it is apparent that we need to consider moving away from annual funding to a three-year model to allow sustainability and to reduce the existing uncertainty. That would allow voluntary organisations to forward plan instead of constantly wondering where the next tranche of funding is coming from. As the stage 1 committee report states—the committee convener mentioned this, too—concerns about that have existed for a number of years, but no action has been taken. I urge the minister to take that on board and to take action to address that long-standing issue.

I also worry that the £1.6 million in transitional funding for the next three years, which will be split between the 32 local authorities, will not be enough to support the changes. I am even more worried about that given the financial pressures on public services at this time. The funding works out at about £16,700 a year for each local authority, which is cause for concern. If the system is not properly resourced to deal with the increased workload of community justice partners then many projects will be at risk of lacking sustainable funding. Community Justice Scotland is to receive £2.2 million for the same period.

Although I am happy to support the bill's general principles, a lot must still be done to improve on what is before us today. We need a wider definition of community justice to include preventative measures and early intervention; the bill should mention and give consideration to victims and communities, not just offenders; and further clarity is required on the roles of CPPs and the third sector, as well as on who the CJA partners should be. I am supportive of the bill, but I am keen to see what amendments the Government will lodge to improve it at stage 2.

15:27

Gil Paterson (Clydebank and Milngavie) (SNP): I acknowledge the work of all those involved, past and present, across Scotland's justice authorities. The proposed changes are not a reflection on their work, and their work so far should be highlighted and, indeed, appreciated.

As a member who takes an interest in the welfare of women, it is of interest that the bill was introduced due to concerns in a report by the commission on women offenders, which stated that there were significant structural and funding barriers to the effective delivery of offender services in the community and that radical reform was required. Equally, Audit Scotland found:

“Many bodies are involved in reducing reoffending. They have different governance and accountability arrangements and different geographic boundaries, resulting in a complex landscape.”

Women offenders were central to those concerns, because even the prison service found that it had to deal with many different authorities on throughcare for prisoners after their release from prison.

The complex landscape is unhelpful not only to the prison service but, more important, to individuals who require community justice services. It is easy to see that, with so many organisations involved, individuals fall through the net and, feeling unsupported, ultimately reoffend and return to prison.

As Dame Elish Angiolini pointed out in the case of women, we are potentially talking about individuals who have mental health problems and require support to prevent their reoffending. Indeed, the 2009-10 statistics show that 30 per cent of convicted offenders who were reconvicted within one year were individuals with mental health difficulties. The cycle of continuous return to prison does not help.

Change is certainly required, so it is positive to note that the Scottish Government is developing national outcomes for community justice with partners and stakeholders. I understand that the draft outcomes attempt to address the two main issues with the current model that I have touched on so far, with structural and person-centric outcomes including greater equality of access to services for people with a history of offending.

The report by the commission on women offenders recommended a national service for community justice as well as assurance that better local outcomes for women offenders would be addressed at a national level. Members will note that, as part of the bill, a new national agency will be formed that will be called community justice Scotland. The idea of having a central agency to provide strong leadership to drive forward improvements in community justice outcomes and to provide oversight and support for the delivery of community justice services is a welcome prospect.

Welcome also is the allowing of local flexibility and planning in the delivery of community justice services through groups of community justice partners in Scotland's 32 local authorities. Such

partners include the local councils, the police, the health boards, the fire service, the prison service, the courts and Skills Development Scotland. The key to the bill's success is in its name: community justice. More local delivery of services will allow local circumstances to be considered and therefore, as with many other local services, we should see positive results.

It is hoped that the proposed new model for community justice will achieve an appropriate balance between strong national leadership and local flexibility. It will offer a more collaborative approach to community justice that is driven both nationally and locally by the common aim of securing better outcomes for people and communities. I whole-heartedly agree with the Scottish Government that local leadership and ownership of community justice will be vital to the success of the new model, and I welcome the fact that responsibility for resolving local issues will rest with local statutory community justice partners. However, the national body will be there to provide support, assistance and advice.

I understand that the bill will continue to respect lines of accountability. Through strong national leadership and local delivery, the bill should go a long way towards helping to prevent reoffending. However, the bill also seeks to reform the cluttered landscape that we often talk about and which impedes community justice. Through closer co-ordination, there is a good prospect that that will be achieved.

As a member of the Justice Committee, I will continue to listen to the views of all groups and individuals who have a vested interest in community justice, and I encourage everyone to have their say. I welcome the submissions that have been made so far. This is just the first stage in providing what I hope will be a new model of community justice in Scotland and in strengthening the local strategic planning of community justice services. I am sure that, between now and the final vote on the bill, together we can bring about what the bill desires to achieve.

I commend the Government for introducing the bill, particularly on behalf of women, and I further commend its continuing passage through the Parliament, with a good end result.

15:33

Alison McInnes (North East Scotland) (LD): I am pleased to be debating the Community Justice (Scotland) Bill. I have long campaigned for a more effective and compassionate justice system—one that reduces reliance on incarceration and focuses on community reparations and rehabilitation. There is a surfeit of evidence that poverty,

inequality and crime are inextricably linked, yet we keep sending people to prison and reoffending rates remain high and largely static.

The chief executive of the Scottish Prison Service, Colin McConnell, was recently quoted as saying:

“I am not at all proud of the fact that we incarcerate more of our fellow Scots per head of the population than almost every other developed nation across western Europe. Our apparent obsession with incarceration, disproportionately impacting as it does on the most deprived in our society, casts a dark shadow”.

Colin McConnell is right to say that punishment and retribution have dominated penal policy for too long. The economic and social costs of offending and reoffending are immense. We waste so many resources picking up the pieces. Lives are ruined, communities are blighted and potential is lost.

When we look at those who are in our criminal justice system, we see that we have failed to tackle the underlying problems: mental health problems, a history of abuse, addiction, poverty, exclusion from education, and being in the care system. We know what lies behind the chaotic lives that lead to prison. Worse than that, we also know what makes a difference. It is time for a change. The bill could—I stress the word “could”—be the change that we need.

Liberal Democrats want safer communities, people brought to justice when they offend and robust community justice schemes. We also want everyone to have a chance to get back on track. A robust but compassionate targeted community justice system that is flexible enough to respond to individual needs will benefit everyone in Scotland.

The genesis of the bill was the report on women offenders from the Angiolini commission, which highlighted

“the disparate nature of arrangements”

for offenders,

“the lack of strategic leadership and accountability in the delivery of offender services in the community; a cluttered landscape; short-term funding; inconsistent service provision and difficulties in measuring impact”,

all of which the commission identified as greatly inhibiting the potential to reduce reoffending. The commission concluded that a radical reform of existing systems and working practices was required.

In the intervening three years, the proposals have been through many iterations. Many argue that what the Government proposes in the bill is a compromise too far and that, although the bill is well intentioned, as drafted it is too timid to bring about the dramatic change that is needed. I share some of those concerns. We should not shy away from more radical change if that is what it takes.

In its report on CJAs, Audit Scotland also criticised the cluttered landscape. That is not getting any better; in fact, there is a risk that the bill will make the landscape more jumbled and opaque.

In supplementary written evidence, the conveners of community justice authorities told us:

“we remain very concerned that issues around authority, responsibility, accountability and leadership remain unresolved.”

In a briefing from seven organisations, including the Howard League for Penal Reform, we learned that

“If we are to reduce the use of imprisonment in Scotland, there will need to be a greater shift in emphasis and resources towards early prevention, diversion and community-based responses to offending behaviour. Good intentions are not enough. We must ensure that any proposed structural changes have a realistic chance of achieving this shift. While we welcome the creation of a national body with a specific focus on non-custodial sentencing, we are concerned that it does not have the necessary powers to deliver the fundamental change required.”

I urge the Government to heed the warnings in our committee report and to lodge stage 2 amendments that address some of the weaknesses that we have identified. I appreciate that the minister addressed some of those today.

The issues include the definition of community justice, which is too narrow. As others have said, it should include prevention and early intervention. Leadership and accountability lines, and the interplay between national strategy and local provision, must be clarified.

The third sector’s role in the provision of community justice has been and remains crucial to success and it must be safeguarded in the bill. A duty must be placed on community planning partners to engage with the third sector at all points in the planning and delivery process.

Some concern remains about the setting up of community justice partnerships, as opposed to channelling the work directly through CPPs. The planning of community justice services should become a responsibility of CPPs. I hear the caveats that the minister issued about the difficulties of doing that but, if there was some way of identifying a way of placing that responsibility, that would help.

The national body’s powers to direct when local delivery is failing need to be articulated more clearly. Other significant policy changes that are being considered, such as the decisions on the women’s estate and the Government’s consultation on extending the presumption against short-term prison sentences, will increase reliance on community justice services and mean that the

structures need to be absolutely right if we are to maximise the benefits that we want to deliver.

The role of housing in preventing reoffending is significant. Shelter Scotland is right to point to the need for us to specify the issues that the national strategy should cover.

As the committee report concludes, there is merit in the general approach, but much more needs to be done to strengthen strategic leadership and accountability. Although community justice authorities have faced criticism, I acknowledge the work of all those who have been involved in them, especially over the past few years as the organisations have matured. I am thinking in particular of the significant reduction in youth reoffending that has occurred on their watch. The knowledge and experience among officers and elected members must not be lost as we move forward.

Although the Scottish Liberal Democrats will support the bill's general principles, we remain of the view that significant changes will need to be made at stage 2 if we are to support the bill's further progress.

15:40

Roderick Campbell (North East Fife) (SNP): I welcome the opportunity to take part in the debate. Although there might be some concerns about the proposals, there seems, with some exceptions, to be little enthusiasm for the existing arrangements. The current system, which relies on community justice authorities to ensure consistent and effective community justice throughout Scotland, has led to implementation issues and limited progress in reducing reoffending rates, albeit that such rates are at their lowest for 16 years.

As Audit Scotland argued in its review of the community justice model,

"CJAs were established to improve joint working and reduce reoffending. They have made progress in bringing people together but have had little impact on reducing reoffending. The way they were set up has significantly limited their effectiveness, and there are no nationally-agreed measures to assess their performance ... Stronger leadership is required if reoffending is to be significantly reduced."

I agree. If we are to tackle reoffending, we need another model—an alternative to custody that works—and we also need to take on board the importance of preventative measures, either in the strategy or otherwise.

The bill is a compromise that removes the existing CJA model and combines aspects of a national body providing leadership and strategic direction with local delivery. In that way, the bill addresses inherent weaknesses in the current system and creates the framework for a model

that I hope will help achieve the Scottish Government's goal and admirable aspiration of

"a justice system that contributes positively to a flourishing Scotland, helping to create an inclusive and respectful society in which all people and communities live in safety and security, individual and collective rights are supported and disputes are resolved fairly and swiftly".

As for streamlining the cluttered landscape of services that the CJA model is often described as, the bill sets out a framework for more effective community justice services, beginning with local implementation. Responsibility for reaching outcomes is given to the 32 local authorities, and their intimate knowledge of their localities, respective issues and strengths ought to allow for more effective organisation and planning.

In response to concerns that replacing the eight CJAs with 32 authorities will contribute further to the cluttered landscape, I think that we need to accept that aiding past offenders might necessitate the involvement of diverse services such as those for housing, employment, health and education. The minister—if I may dare to quote him—said in evidence:

"we must reflect on the fact that some people whom we are trying to help—by reducing their reoffending and getting them back into a positive place—have extremely complex needs, which inevitably may need to be tackled by a multiagency approach."—[*Official Report, Justice Committee*, 6 October 2015; c 5.]

Alison McInnes referred to Audit Scotland's evidence, but I believe that it, too, has accepted that there are certain complexities to deal with. Mark Roberts said:

"more than 1,300 different community services are provided by different providers across Scotland, which means that an awful lot of players are involved—and need to be involved and engaged. The complexity that we have been discussing is almost inevitable with work in this area."—[*Official Report, Justice Committee*, 1 September 2015; c 24.]

As a result, I think that we have to accept that we need some kind of cluttered landscape. That said, the framework for effective collaboration that the bill suggests, however cluttered, means that community partners such as Police Scotland and the Scottish Prison Service are obliged to co-operate with each other, as well as with members of local communities, in both the planning and delivery phases to maximise effectiveness.

Local organisations will also maintain some discretionary power over how they share information and work and will judge which collaborative efforts are most effective to further simplify their services. Community partners and local agencies that already work together need to continue to do so.

On the specific role that the third sector is to play, my view is that the transition from eight CJAs

to 32 authorities will not necessarily limit the input of third sector organisations. As has been noted in committee evidence, third sector organisations provide roughly one third of current community justice services, which makes their participation and input significant, and section 18 of the bill provides an opportunity for third sector groups to engage effectively in planning and implementing services. I leave it to the Government to decide whether the bill can be strengthened in that area, but I certainly welcome the minister's earlier comments on the matter.

Alongside delegating operational responsibility to local authorities and community partners, the bill establishes community justice Scotland to provide national leadership, the opportunity for innovation, and oversight and assurance of outcomes. I accept that the degree of interaction with community planning partnerships might not be clear in the bill, but we need to avoid the pitfalls that too much prescription in legislation might bring. I hope that community justice Scotland will develop a strategy that allows local service providers to work towards the same outcomes.

On the issue of how national leadership will be balanced with the duties of local providers, we know that community justice Scotland will not provide any community justice services itself; rather, it will work in collaboration with local agencies and community justice partners to establish a national framework and strategy that service providers will carry out.

Questions have been asked about the allocation of funds. It is proposed that the national authority will also take input from community justice partners in order to best prioritise the distribution of funds at national level, so I hope that it should be fully responsive.

On the provision of oversight of and assurance about the delivery of community justice outcomes, I believe that the bill provides a marked improvement on the current model. As the commission on women offenders noted, a primary weakness of the CJA model is the inability to measure community justice successes. Establishing national standards against which each local agency and community justice outcome will be measured will allow for analysis of what services and programmes are effective.

I will address concerns that the bill too narrowly defines community justice in relation to those who have already offended. It is clear that early preventative measures are critical in limiting reoffending rates. I am sympathetic to the belief that adopting a more holistic approach to community justice measures can not only reduce short-term sentencing but be productive in limiting offending.

There is work to do, certainly on the issue of short-term funding, and we need to clarify certain aspects of the bill, but the bill is a substantial step in the right direction.

15:47

David Stewart (Highlands and Islands) (Lab):

I am pleased to speak in the debate. As a fresh-faced 24-year-old—unlike my current character—and newly qualified social worker in the early 1980s, I worked in community justice in Dumfries. I vividly remember working, while the ink was barely dry on my social work qualification, with a case load of clients on probation and aftercare. One of my clients, who was convicted of murder, was on a life licence. I discovered at first hand the social problems that offenders and victims face.

In part, that was my motivation for launching last session a member's bill to create a victims commissioner. Members will know that such commissioners exist in England, Wales and Northern Ireland and across Europe. Alas, the Justice Committee ran out of time for my bill—Christine Grahame is not here to hear me say that. I believe that the time will come again for a victims commissioner bill, so members should watch this space. I do not think that the time will come before the election in May, but I will leave that for members to decide.

What do we mean by community justice? The *Harvard Civil Rights-Civil Liberties Law Review* puts it like this:

"Community justice represents not a simple return to the rehabilitative ideal, but an approach to crime and punishment that is radically different from that of the traditional criminal justice process. Community justice initiatives ... emphasize attacking the causes of crime, rehabilitating individual offenders, and repairing the harm caused by crime rather than punishing offenders according to traditional retributive or deterrent concerns."

As we have heard, Scotland's imprisonment rate is the second highest among the nations of western Europe. In light of that, I welcome the cabinet secretary's words of 1 September, which stressed the need to

"actively address the underlying causes of offending behaviour, using imprisonment far less frequently as a disposal".

We have heard from members that the commission on women offenders, Audit Scotland and the Scottish Government's consultation papers have outlined the current issues. They have been well rehearsed this afternoon. I promise not to mention the cluttered landscape again; I think that it has been mentioned seven times in the debate.

We know what the issues are—a lack of opportunity for strategic leadership and

accountability within the community justice set-up, inconsistency of service provision and difficulties in measuring its impact. Funding is also clearly a problem.

Many campaign groups have expressed concerns that the detailed proposals in the bill show that community justice Scotland will lack the necessary accountability functions and robust strategic leadership model that are needed to make it a strong national body.

I would like to take a step back to look at the overall purpose of the bill. The work of third sector partners is crucial and I welcome the minister's strong commitment to the third sector. For part of my life, I worked for the Scottish Council for Voluntary Organisations, so I am a big fan of and enthusiast for the third sector's work.

Even in its initial report, the commission on women offenders highlighted that the third sector was concerned about the short-term and fragmented nature of funding for interventions, which results in unnecessary competition between third sector providers. I will give an example from my patch in the Highlands and Islands. Michael Stewart—who is no relation—from criminal justice social work in the outer Hebrides agrees with the comment by the commission on women offenders. He said:

"The short-termism of funding makes it very difficult for third sector organisations to survive and not have to morph and change in order to chase pots of money."—[*Official Report, Justice Committee*, 15 September 2015; c 35-6.]

That issue has persisted over a number of years and it needs to be addressed now, yet the bill does not set out adequate funding arrangements for the delivery of services and it does not say how the third sector will be engaged as part of the new arrangements.

In contrast, to give some fairness to my remarks, I note that Highland Council stated:

"For a 'light-touch' agency, with limited power and authority, CJS is significantly resourced."

I understand that community justice Scotland's role is intended to be to consider the wider social issues that impact on community justice and to produce the overall strategy to implement community justice. It is therefore strange that the bill's definition of community justice—other members have referenced it—is restricted to those who have already committed an offence. COSLA stated:

"The definition ... in the Bill was not consulted on and appears to have come as a surprise to stakeholders and .. the statutory partners."

In particular, it differs from the definition in the Scottish Government's 2014 consultation. A new community justice system must recognise the role

of services in preventing offending and, where possible, direct resources towards those services rather than waiting until people are already in the criminal justice system.

A broader lens is needed to address the causes of crime, which the cabinet secretary has committed to combating. In the time that I have remaining, I will highlight one such structural cause that the bill neglects—the link between homelessness and reoffending. Shelter Scotland and a range of other organisations have called for the bill to require community justice partnerships across the country to address housing need. If someone does not have a stable home, their risk of reoffending is greatly increased, yet we know that 50 per cent of people in prison lose their homes and 30 per cent of liberated prisoners do not have a home to go to—that is more than 6,000 people a year.

Providing housing and independent support to enable people to sustain tenancies is one of the key factors that will help ex-prisoners not to reoffend, which will benefit them and local communities. That might well be dealt with in community justice Scotland's future strategy, but including the issue in the bill would ensure that there is a legislative grounding on issues that evidence has shown must be addressed for people to move away from crime.

Although I have some minor criticisms of the bill, in overall terms, I support its general principles.

15:53

Sandra White (Glasgow Kelvin) (SNP): I note David Stewart's mention of his member's bill on a victims commissioner and his and other members' comments about changing what we call people. In my experience of considering the Victims and Witnesses (Scotland) Bill, we spent hours in discussions with lawyers about changing the term "victims". I wish him the best of luck with changing the term and I will be behind him on that.

Having been a member of the Justice Committee and met many communities and community groups to discuss how the justice system is perceived by them and how it engages with them, which is the crux of the bill, I am pleased to be able to speak in this debate. It is imperative that the model that we are talking about is driven at a local level. As the minister said in his opening remarks, local leadership is vital for the delivery of the model, as is the recognition that we are talking about not just economic aspects but human beings and their lives. That is an important point to remember.

I came to this debate because I wanted to speak in it but also because, like most people here, I have a great interest in the human aspects of

social justice. Like other members, I speak to young people in schools, and I will be doing that in Glasgow academy next week. I have a paper from the school on the topic of criminal justice, with a number of questions for me on particular issues. I will deal with a couple of the questions here. If the school gets a copy of the *Official Report* of this debate, I hope that that will make my life much easier when I go to the school next week and am asked questions.

The questions that I have picked out are about whether prison is ineffective in reforming offenders—I will talk to that; whether prison damages the most vulnerable offenders; and whether women in prison are victims and not criminals. On reducing reoffending, other members have already referred to the revolving door of reoffending and Elaine Murray referred to the economic costs of that. However, as has been said, there is also the human cost of reoffending.

There was an Audit Scotland report in 2012 on the economic costs of reoffending, and Gil Paterson referred earlier to 2009-10 figures that showed that 30 per cent of convicted offenders with mental health problems were reconvicted within a year of release. According to the Audit Scotland report, in 2010-11 9,500 people were convicted—22 per cent of the total number of convictions—who had 10 or more previous convictions; and individuals released from a custodial sentence of six months or less are reconvicted more than twice as often as those given a community payback order.

When we are considering the bill, we must remember that there are other methods out there that we can consider to ensure that people do not go through the revolving door. As Elaine Murray said, using preventative measures to stop people reoffending can save money that can be used for other aspects of the provision of community justice. I think that that is the way we all want to go, although it might take a bit longer. The bill addresses the issue of improving the provision of community justice but, as Elaine Murray said, it also addresses the issue of making the general public aware of the benefits of community justice. The general public tend not to know about that. I do not know whether that is because the media do not highlight that there are alternatives to custody, but we need to consider that aspect. If we give the bill proper consideration in that way, I think that it can achieve many things.

I also want to speak about the issue of women in prison. Dame Elish Angiolini's evidence to the Justice Committee on that issue has been mentioned already, as well as what her commission on the issue had to say. She said to the Justice Committee that

“a very significant proportion of the women in Scotland who go to prison should not be there. Many of them—or at least a very significant percentage—serve very short sentences of imprisonment, many suffer from significant mental health difficulties and prison does nothing whatever to reduce their behaviour thereafter.”—[*Official Report, Justice Committee*, 1 September 2015; c 3.]

The women come out of prison but are back in a couple of weeks later because they have “hit the closest dealer”, as Dame Elish Angiolini put it, and returned to one addiction or another, which is a constant cycle that is difficult to deal with.

We need to look at the issue in the round. Having been a member of the Justice Committee and having spoken to many of its members, I think that we are all singing from the same hymn sheet on the issue, so it is a question of how we get there. We have to consider how the new community justice model can stop reoffending.

As I said, the bill's proposals will provide not only an economic hit but a great social hit. There are women in prison who have families and children, so they are also affected. Reoffending affects many people's lives in our society. We have to start somewhere to stop the revolving door and stop women going to prison, because sometimes they are more of a victim than a person who has perpetrated a crime.

15:59

Jayne Baxter (Mid Scotland and Fife) (Lab): I no longer sit on the Justice Committee, but my last appearance at that committee was for the first evidence session pertaining to the bill—in September, I think—so I took the chance to read the *Official Report* this week to remind myself of what I said. I was struck by a comment that was made by Cleland Sneddon of the Society of Local Authority Chief Executives and Senior Managers Scotland. In acknowledging the importance to SOLACE of the findings of both the Angiolini report on women offenders and the Audit Scotland report “Reducing reoffending in Scotland”, he said:

“The analogy that we have used for the existing system is that it is like looking at the national health service, but only at the treatment end. We became very effective at managing offenders and discharging orders, but less successful at having a strategic overview of our work, and there was an absence around prevention and early intervention.”—[*Official Report, Justice Committee*, 1 September 2015. c 2-3.]

In that regard, the policy intention of the bill, which is

“to help create a stronger community justice system based on local collaborative strategic planning and delivery, with national leadership, support and assurance”,

and which, importantly, has

“local delivery, partnerships and collaboration at its heart”,

reflects the need to take a whole-system approach, because one of the fundamental concepts in any debate on justice must surely be recidivism and how we move people away from reoffending. That will not be achieved by focusing simply on the offender. We must create communities that are able to provide the homes, the skills and the jobs that would go such a long way towards making it possible for people to pursue more positive and rewarding life choices and lifestyles.

How we deal with that notion will form a cornerstone on which we can build a model of success for our entire justice system. Community justice authorities were set up to plan for reducing reoffending in their designated areas, while working alongside other relevant bodies. That remit, alongside their remits to monitor performance, promote good practice, distribute funding and report to Scottish ministers, has formed part of the community justice strategy in Scotland for the past eight years.

Although we have seen moderate success in reducing reoffending rates, a number of issues have surrounded the operation of the current community justice system. Both the Angiolini report and the Audit Scotland report raised concerns about the operation of the eight community justice authorities that cover the country. I welcome the bill's attempt to tackle issues in the current system, as we must continue to strive for success in improving community justice.

Community justice Scotland will have a range of remits, including overseeing performance, promoting improvement, publishing a strategy for innovation, learning and development, promoting the Scottish Government's national strategy, reviewing the national performance framework and more. Creation of that body will help by placing a specific focus on non-custodial sentencing. Replacing the eight community justice authorities with 32 community justice partnerships—one for each local authority—and establishing a new national body, community justice Scotland, should help to tackle some of the concerns about the current model of operation.

However, as much as the bill addresses those concerns, as it stands it also raises further questions. I will focus on one, accountability, and ask the minister to address that issue in order to ensure that we properly tackle the problems that were prevalent in the model of operation that we seek to replace.

The bill does not offer sufficient clarity on what the accountability to community justice Scotland will be. Accountability to that body would ensure that the objectives that are set out are being met by the individual local community justice partners.

I note that the minister commented on the issue in his opening remarks, and I would be interested in hearing more about that as the bill progresses.

To again quote Cleland Sneddon, he said in evidence to the Justice Committee that

“the outcomes will flow from the national strategy and the national outcomes framework. The outcomes will be customised in different areas to reflect the local context”.— [Official Report, Justice Committee, 1 September; c 20.]

That comment prompted a discussion on local versus national commissioning, urban and rural contexts, and the role of the third sector. As others have said today, there are currently some 1,300 providers of services, so it may be the case, as Mark Roberts of Audit Scotland said, that “complexity is almost inevitable”. Although I agree that that is true to some extent, I believe that strong, effective local partnership working is a powerful way of making sense of that complexity. I look forward to hearing more from the minister on that in due course.

We have seen differences of opinion on the level of accountability that is desired. Councils prefer a light-touch approach and Sacro, among others, seeks increased accountability from local bodies to community justice Scotland. That raises the question of whether community justice Scotland will have the powers that are deemed necessary to deliver the changes that the bill seeks to make.

Given that Scotland's imprisonment rate is the second highest in western Europe, it is clear that we must adapt our justice system so that it works more effectively. To reduce imprisonment rates, we must also tackle the issue of reoffending, and a strong, progressive community justice policy could help us to take steps in that direction. I accept the principle that we must shift our view on how we address current attitudes to the use of imprisonment. Further to that, I believe that community-based responses are essential in tackling offending rates in Scotland. That, coupled with early prevention and a divergence from unnecessarily punitive custodial sentences, except when they are absolutely necessary, will do much to address not just the rate of imprisonment but the rates of reoffending that result in our oversized prison populations.

In that context, I agree with Barnardo's Scotland, which highlights a key point that the committee made in its report:

“The definition of Community Justice should include prevention and early intervention as well as be widened to include dependent children, families of offenders and the wider community as well as victims and witnesses”.

I hope that, as the bill progresses, we can go some way to achieving that broader definition. In particular, I would like us to do so in such a way

that we continue to value and support the role of local services and the degree to which they should be involved in the planning and delivery of community justice services, whether at a strategic or a local level.

16:06

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): When I got elected to Parliament in 2001, one of the biggest issues in my in-tray was the plan to close the prison in Peterhead. That prison had been opened in 1888—the only other thing that I know about 1888 is that it was the year that Celtic Football Club started. It was built at a cost of £57,400 and the land on which it was built cost £5,000. I am delighted that, after a long community-based campaign, which I was very happy to support and contribute to, we now have a community-facing prison—at a rather more substantial cost than the £57,400 that the original prison cost. It is already showing signs that it will contribute materially to the way in which things operate in criminal justice in the north-east.

The staff at Peterhead prison are what make or break what goes on there, and the same is true of prisons elsewhere. In the whole community justice space and in dealing with offenders and people who look as if they might end up being offenders, we need good people in place, and I think that, by and large, that is exactly what we have.

However, prisons ain't the answer. Pure economics tells us that. The cost of keeping someone in prison can be as much as £40,000 a year. We know that, as well as being more successful in achieving its aim, treating people outside prison so that they are less likely to reoffend is likely to cost a quarter of that. Therefore, what people who say, "Bang them up, put them in prison and throw away the key," are actually saying is that we should take money away from socially useful ways of spending money and waste it on something that will not deliver anything very meaningful at all.

I see that Margaret Mitchell is just coming into the chamber. She and I spoke in the chamber on victims and witnesses in 2005. We have not heard an awful lot about victims in the debate; I hope that we will hear a little bit more because, at the end of the day, the victims are the most important people in any consideration of criminal justice. They are the ones who, frankly, are often marginalised in the process, much as we have tried to do more for them.

Our incarceration rates are far too high, that is for sure. The rates in Scandinavian countries are about a third of what they are here. The good news is that the rate in the United States is four times our rate, so I suppose that we are

considerably better than some countries. However, we are not as good as we need to be.

In a consultation in 2004, the then Scottish Executive used the headings "Reduce, Rehabilitate, Reform", and I think that that is an excellent way of looking at the activities that we must undertake.

Even the Prisons Act 1835 had as a central purpose the intention to reform criminals. Reforming criminals is not a new idea, although it would be fair to say that punishment was probably also pretty central in 1835.

The Justice 1 Committee carried out an inquiry into reoffending in 2004. Aberdeenshire Council, in its submission to that inquiry, said:

"the prison environment cannot of itself ... be conducive to achieving the desired outcome of reducing re-offending."

I do not think that anyone in today's debate has said otherwise.

Clive Fairweather, the late, lamented HM chief inspector of prisons, was a great supporter of out-of-prison rehabilitation. We miss him and his sage advice. He was not a man with whom I agreed on every political matter, I hasten to add, but on this matter he was very clear.

We have heard a little about the definition of community justice in the bill. I, and the rest of us, should be heartened slightly by the Government's document "Future Model for Community Justice in Scotland", which came out in September 2015. The definition of community justice begins thus:

"The collection of agencies and services in Scotland that individually and in partnership work to manage offenders"

and

"prevent offending".

That is crucial, and I hope that those words from the Government in a document that it has published will be roughly similar to those that we end up seeing in the bill.

Section 17 of the bill refers to the outcomes improvement plan. First, I am heartened by the use of the word "outcomes", because it anchors what the plan must be about. We should not be unduly prescriptive about methods—we should focus on outcomes. The structure of the bill provides an opportunity for those plans to address the issue of preventative spend to reduce offending, because that ought above all to be the outcome that we seek.

I am always reluctant to add another layer to any organisation. I have yet to be convinced—I have not engaged on the issue as the bill has gone through committee—that adding another layer will, in and of itself, help very much. It may

well help, and it can help, but I instinctively need to be persuaded.

Similarly, on the whole process of planning, it is clear that the plans must come from the community planning partnerships up to national level. However, when a plan is produced by person A but must be implemented by person B, one runs the risk of there not being buy-in. I am hugely enthusiastic about plans where they come from the grass roots and reflect the experience of people at that level, as there is more chance that they will be successful.

16:13

Nigel Don (Angus North and Mearns) (SNP): I echo Gil Paterson's thanks to those who are currently doing a very good job in community justice. Those who work in our communities on trying to prevent people from reoffending make our communities safer, and we should thank them for everything that they do.

We should recognise that the bill's primary purpose is to reduce reoffending. I will not add to the comments that have been made about whether the purpose should be widened; instead, I will address the structure, as Stewart Stevenson has just done.

Having a national body to lead, and rather more local bodies, appears to make life more complex, but there is every opportunity for that arrangement to succeed. Providing some national leadership is important, as that aspect has plainly been missing. The 32 new bodies are not new at all. First, they are based on local authority boundaries, which have been around for some time, and, secondly, they are contiguous with community planning partnerships. In fact, unless I have missed a trick, I have not yet read in the bill the term "community justice partnership"—there are lots of "partners", but no partnerships. That is simply because the term has never been defined, as the Government is trying to make the community planning partnerships pick up the reins. I think that I have got that right, and I am pleased to note that I have.

Christine Grahame: The minister is nodding.

Nigel Don: Indeed.

I return to the subject of funding, which Audit Scotland brought up in its November 2012 report "Reducing reoffending in Scotland". Its recommendations state:

"The Scottish Government should ... improve arrangements for funding community justice to ensure that ... the money is targeted towards effective approaches to reduce reoffending",

that

"there is more flexibility to meet local needs and priorities"

and that

"allocations are more responsive to changes in demand"—

and so say all of us for any area of funding in public life. I add that we should eliminate short-term funding as far as possible. I have yet to meet an organisation or individual in any area of life that is helped by repeatedly having to go back for money; that just means that they spend their time looking for money instead of doing the job.

On the subject of money, I want to pick up on Dr Elaine Murray's comment about the fixed costs of prisons. We must not kid ourselves that, in the short term, we are going to get anything back from expenditure on prisons. It is only when we are actually closing prisons wholesale that we will get some reduction in the budget.

I come back to the structure and the need to get from where we are to where we are going. There will clearly be a transition. That exercised a number of those who made written submissions, including Police Scotland, Fife Council and the Fife partnership, the NHS in Scotland and the Scottish working group on women offenders. I do not have time to read out the submissions, but they all commented on the transition and they all said that the new structure provides an opportunity but brings with it a risk and a threat. I am sure that, if the national body has charismatic leadership—I use that term for want of a better one—and provides real people leadership, the new structure will succeed.

Equally, the 32 community justice partnerships, however they are ultimately configured, will need leadership. The bill is rightly silent on who should lead, but the issue will come down to individual people putting their heads above the parapet in meetings and saying, "Hey, guys, how are we going to do this?"

Stewart Stevenson: Does the member agree that grass roots is best? There is an old saying that of the greatest leaders it will be said, "We did it ourselves." In other words, when the leadership is invisible and those at the grass roots are empowered, things tend to work pretty well.

Nigel Don: I am absolutely sure that the member is right, although I probably will not be there to write the history.

The point is that, although we can see ways in which the proposals can work well, it is not difficult to see the threat, which is poor leadership at local level, particularly where two people who think they should lead are permanently at odds—we have all seen that in public life. The bill does not prescribe a way past that and therefore leaves the threat very much in front of us.

Nobody has yet mentioned what we might measure as the outcomes or what might be

achievable. In human life, some things are easy to change, other things are more difficult to change and some things prove to be intractable, because the amount of effort that would go into changing them would be disproportionate to anything that we would get out of it, so those things are not achieved.

Reoffending rates are apparently static at around 30 per cent. I do not want to be in any way negative about what people can achieve, but I wonder whether, fairly soon, we could do some research—I am always in favour of that—to work out what kind of reoffending levels we can achieve. We could put serious effort into appropriate places. That might be a bit of a postcode lottery, but it would at least allow us to see whether we can get from 30 per cent to 20 per cent or 10 per cent or whatever. That would perhaps let us work out that we can get to a certain point but that reducing the figure beyond that would require disproportionate effort. It would be nice to know at least roughly where that number is because, otherwise, there is a risk that we will constantly try to achieve something that will get more and more difficult.

Dave Stewart made the point that lack of housing is one thing that we know, statistically and from common sense, is likely to push somebody back into prison. I imagine that there is some correlation somewhere, although I have not seen it. Maybe we could get some figures on that issue and others to get an idea of how important they are so that we can ensure that the important things are being done and are measured.

16:20

John Finnie (Highlands and Islands) (Ind): In the policy memorandum to the Community Justice (Scotland) Bill, the Scottish Government commits itself to reducing reoffending. It says:

“Offending is a complex problem and there are well established links between persistent offending and poverty, homelessness, addiction and mental illness. Re-offending creates victims, damages communities and wastes potential”.

It goes on to talk about the complex needs of offenders and says:

“Successful delivery of better outcomes for victims, offenders and communities relies therefore on a wide partnership of agencies and services working together”.

Much mention has been made of the commission on women offenders and the Audit Scotland report. The Justice Committee focused on whether the proposal in the bill was the transformational change that both bodies envisaged. Mention has also been made of how long the current arrangements have been in place—they have been in place since 2007, and

the question whether, given that fact, it is premature to consider reform has been raised.

This was not a very academic approach, but I spoke to a senior social work professional and asked about their community justice authority. The person I spoke to said, “They top-slice our budget and I have to go to two meetings a year.” That evidence might be crude, but it suggests that the CJAs were never fully embedded in the landscape and, indeed, passed many by unnoticed.

Gil Paterson and Alison McInnes both said that it is important to recognise that people have been meaningfully engaged in community justice authorities, although there has been geographic variation. The proposals were never meant to undervalue the work that has taken place.

The 2012 reports talk about the problems, the structures, the numbers of bodies involved and the accountability and funding mechanisms. They say that those complex arrangements were inhibiting the potential to reduce offending. The Justice Committee accepts that improvements to the community justice structures and arrangements are needed. Therefore, the question is whether the bill is the right vehicle to make those improvements.

We have little evidence to support the current model. Initially, I said that we heard little enthusiasm for it—full stop; actually, we had a muted response. Given that 340 folk attended meetings and 66 consultation responses were received, it is clear that there is interest in the debate around having strong national leadership with local flexibility, and that the matter is a compelling one for communities.

I was keen that we should hear from rural practitioners—and we did. We heard that under the current models, one of the national offender programmes was inoperable in the Western Isles, because it did not have the aggregate number of personnel involved. That flags up potential issues around the question of strategic commissioning and adopting a single approach.

I like local—I thought that all of us did. We should not be scared of local. As Nigel Don said, very clear geographic areas are already set out, and we want to see local decision making flourish—at least, I do.

Greater clarity about the relationship between national and local and the balance of responsibilities—as well as how it is all going to work in practice—are very important. There are things on the horizon that will shape that. The Scottish Government’s move to more community-based disposals and the presumption against short sentences have been mentioned. I am hugely supportive of those measures, and of another piece of legislation that we dealt with that

ended automatic and unconditional early release. The cabinet secretary provided me with assurances in relation to tailored support for individuals in such cases. How the Community Justice (Scotland) Bill will work is crucial to the whole tapestry of measures.

The Scottish Prison Service's role in throughcare and aftercare has been mentioned, as was the position of the third sector. There could be tensions there. Does it follow that the Scottish Prison Service would deliver that care?

We must commend the very good work that is going on, including cross-border working. The policy memorandum mentions the Christie commission—that approach is the one that we want to see taken with everything. On the definition of community justice, the Christie commission mentions prevention and early intervention, but I was reassured by what I heard from the minister earlier. On that and on a number of other matters, the minister has indicated a willingness to listen.

I go back to the idea of a flowchart, diagram or whatever to understand how many of all those really good initiatives dovetail together. There is a lot of work going on—and a myriad of acronyms—and we need to understand how they work together. I will not use the word that everybody else has been using; I will use the word “horizon”, because I think that we need to look forward. There is a lot of work still to be done.

I want to pick up on something that was said about measurement. I do not want to offend the bean counters, although I fear that I am going to. If measurement is simply going to be about statistics, rather than there being a focus on the individual, we will not measure real success: taking an offender whose chaotic lifestyle meant that it was a challenge for them to get out of bed and getting them to turn up in the morning, go to an interview, secure a job and maintain it. I am sure that the minister will want to pick up on that; this is about individuals, and I am keen to hear more about the access to universal services and removal of barriers that he mentioned.

Housing, in which I have a keen interest, has been mentioned many times. When someone leaves prison, it should not be a surprise, so their accommodation needs some forethought. If all the commendable collaborative work across the sectors that we have heard about is genuinely taking place, I hope that we can solve the accommodation issue, because it is absolutely pivotal.

On whether we can find an alternative to the word “offenders”, I thought that the minister was making an early bid when—if I noted him correctly—he twice used the term “people with

convictions”. What would the term be for people who have a single conviction? Would it be “people with conviction”? I do not know, but I hope that we all have conviction.

I like the direction of travel. The position of the Green and independent group is that we will support the bill.

16:26

Richard Lyle (Central Scotland) (SNP): I am delighted to speak in this important debate on the Community Justice (Scotland) Bill. I compliment Christine Grahame and her committee on their hard work.

I start by saying explicitly that I believe that the SNP Government has a strong record of supporting justice in Scotland, and that it will, I am sure, continue to do everything in its power to make sure that the people of Scotland are always treated fairly under the law, no matter what. The Community Justice (Scotland) Bill strengthens the role of community justice and is part of the Scottish Government's overall strategy to tackle the social and economic effects of reoffending in Scotland.

It is important to highlight some of the weaknesses in the current community justice model. Audit Scotland reports that the total economic and social costs of reoffending in Scotland are about £3 billion a year. Thirty per cent of the offenders convicted in 2009-10 were reconvicted within one year. In fact, 9,500 of those convicted between 2010 and 2012—22 per cent of the total number of people convicted in Scotland—had 10 or more previous convictions.

I suggest that there must be more that we can do if people are committing the same crimes over and over again. The Government has an impressive record, having brought crime to a record low. The bill provides the basis for a new model for community justice in Scotland, and I wish it well.

The bill establishes community justice Scotland, which will work closely with community justice partners. As set out in the policy memorandum, the aim of the bill is

“to help create a stronger community justice system based on local collaborative strategic planning and delivery, with national leadership, support and assurance.”

Community justice Scotland will, I am sure, provide leadership and strategic direction for the community justice sector. It will also promote best practice.

Under the proposed arrangements, the main functions of community justice Scotland will be to promote the national community justice strategy that the Scottish ministers will prepare; promote

public awareness of the benefits of community justice; oversee and keep the Scottish ministers informed about performance in the provision of community justice; and promote and support improvement in the provision of community justice and in making best use of resources. I understand that the Scottish Government, with relevant stakeholders, is developing the national community justice strategy, which will set the priorities and strategic direction, and that the strategy is expected to be published in June 2016.

The bill aims to curb reoffending rates and support desistance from crime. A range of other Scottish Government policies are addressing the underlying causes of offending, such as homelessness—many members have covered that—poverty and drug misuse. The new national strategy for community justice will link with other strategies, to ensure a joined-up approach.

At the Justice Committee's meeting on 6 October, the minister, Paul Wheelhouse, said:

"Where we can reduce reoffending, that will have benefits for wider society and not just for the prison estate and the Scottish Prison Service. It will have benefits for communities and for families, whose loved ones will not be incarcerated. The impact on children will have benefits for education provision and could generate savings there. I certainly agree that tackling the issue and reducing reoffending can produce significant long-term economic and public spending benefits to Scotland."—[*Official Report, Justice Committee*, 6 October 2015; c 15.]

It has been a pleasure to take part in the debate. I highlight again the importance of the Community Justice (Scotland) Bill, which reinforces the role of community justice and is part of the Scottish Government's overall strategy to tackle the social and economic effects of reoffending in Scotland. I look forward to the bill progressing and, I hope, delivering for the people of Scotland.

In the report, "The New Model for Community Justice in Scotland", the Government said:

"The new model will promote an improvement culture. Each Community Justice Outcomes Improvement Plan will be evidenced through annual reporting, offering transparency. The statutory Community Justice Partners will reflect on the previous year's work and produce an annual report on the progress they have made in delivering the outcomes, improvement actions and other activity set out in their plans.

Community Justice Scotland will consider the annual reports and provide assurance, in the form of an annual report, to Scottish Ministers and Local Government leaders on the progress across Scotland towards meeting the common outcomes. This will offer transparency in the community justice reporting process and will provide opportunities for driving improvement and the identification and dissemination of best practice."

I commend the report and wish the bill well.

16:32

Annabel Goldie (West Scotland) (Con): I welcome this stage 1 debate on the Community Justice (Scotland) Bill and, like other members, I thank the Justice Committee for its comprehensive report.

More than two years ago, I participated in the Scottish Government's debate on the initial consultation, when the Government proposed wide-ranging reforms to our community justice system. I was convener of the Justice 2 Committee in 2005 when it considered the arrangements that were in place at the time. I remind members that many people thought that those arrangements had the potential to work and should have been given more time to prove themselves.

Following the debate two years ago, it became clear that the three options that had been outlined in the consultation were not fit for purpose. Ministers had to go back to the drawing board. There is no shame in that. However, despite a second consultation in 2014, stakeholders have argued that the proposals that the Justice Committee has scrutinised and which are the subject of today's debate are still worryingly short of what is required.

Margaret Mitchell outlined our principal areas of concern in relation to the bill, so I will take this opportunity to review Scotland's community justice system more generally.

Many members will be aware that my party did not support the Management of Offenders etc (Scotland) Act 2005. We anticipated congestion, confusion and lack of clarity in purpose and leadership. Now the Scottish Government is having to replace the eight community justice authorities, just 10 years after they were introduced.

What have other people been saying? In 2012, the commission on women offenders pointed to myriad issues that were besetting CJAs and seriously affecting their performance, including a "cluttered" criminal justice landscape, "short-term funding", a lack of accountability and leadership and "inconsistent service provision". It is with no pleasure that I say that that gave me a sense of déjà vu. Separately, Audit Scotland argues that CJAs

"have had little impact on reducing reoffending. The way they were set up has significantly limited their effectiveness, and there are no nationally-agreed measures to assess their performance."

As we were the only party to oppose the 2005 act, I think that it is fair to say that our fears about CJAs have been realised. On the strength of those damning comments, two things are clear. First, the current system is broken and needs urgent reform.

Secondly, the unhappy history of CJAs compels caution; it is surely better to reflect on getting change right than to rush and get it wrong.

Stewart Stevenson: This is a genuinely open question, to which I have no answer. How long does the member think one should have to wait to see a change in reoffending? We probably all recognise that there are no quick fixes here.

Annabel Goldie: The member is quite right, and I do not have the answer to his question. All that I and other politicians can do is, as I have indicated, try to identify what is broken and wrong and warn about where not to go in seeking to improve things. During the 2013 debate, I urged caution and cited the creation of a single police force as a warning for not bulldozing through change in the face of justified concern.

Stakeholders have expressed a number of significant concerns about the bill and I repeat my warning to the minister that the changes should be driven by consensus, not railroaded through Parliament to satisfy some Government mission.

In his letter to the Justice Committee at the end of October, the Minister for Community Safety and Legal Affairs confirmed:

“I am confident that the new model for community justice, and the proposals included within the Bill that support it, will support not only the developments described above, but also any future developments in relation to penal policy reform.”

The Scottish Conservatives are particularly concerned that the changes that we are debating today are a prelude to penal reforms that are the subject of another consultation that does not close until 16 December.

Paul Wheelhouse: Will the member give way?

Annabel Goldie: I really want to make progress and I do not have a lot of time.

The consultation responses have not even been collated or analysed—the ink is not dry—but ministers seem to be paving the way for a new penal policy that will be complemented by the model that is proposed in the bill. We are not talking here about cart before horse. The horse is not even on the horizon; it is still grazing in some distant field.

We know that the penal reforms include extending the presumption against short-term sentences, and we know the Government’s view about that, but I remind ministers that Audit Scotland said that community sentences are not necessarily more effective than imprisonment at reducing reoffending. Research that was published this year demonstrated that the presumption against short-term sentences does not figure prominently or explicitly in the decision

making of sentencers. Sheriffs tend to use such sentences when there is no suitable alternative.

My party has no principled objection to robust and properly enforced community sentences, but public safety demands that we should not be emptying our prisons of violent or dangerous individuals who, with all the facts of the case before them, the judiciary felt should be behind bars. I make that observation merely to say that community sentences are perhaps not the panacea that the Scottish Government would have us believe.

I am very concerned about the seemingly haphazard way in which the Scottish Government is approaching the implementation of its penal policy as well as the rationale that underpins it. Let us take the time to build a community justice model that the public can have confidence in, and to develop a penal system that tackles the recidivism rate while giving victims, who are mentioned too seldom, the justice that they deserve.

16:38

Graeme Pearson (South Scotland) (Lab): I am pleased to contribute to this stage 1 debate and I am happy to reiterate Labour members’ support for the principles that lie behind the stage 1 report.

Much has been said around the chamber to suggest that members have reservations about some issues; I hope to visit some of those reservations in my concluding speech. It will be worth visiting some of the aspects that caused us to consider the need for a Community Justice (Scotland) Bill at this time.

Those aspects emanate largely from the Angiolini report on women offenders and Audit Scotland’s report “Reducing reoffending in Scotland”, both of which were published in 2012. Both reports independently raised concerns about a lack of strategic leadership and accountability, the impact of short-term funding on diverting workers away from their main task of delivering services for those who might reoffend, inconsistency in the standards of service, and lack of throughcare for offenders. In its briefing for the debate, Shelter Scotland made—I think appropriately—major play of the fact that the lack of appropriate housing has a significant effect on people who may reoffend.

The two reports also talked about a lack of strong leadership and said that statutory partners are not accountable to the criminal justice authorities. Audit Scotland made a specific comment about CJAs’ limited capacity to undertake the full range of work.

I am loth to use the term yet again this afternoon, but taken as a whole, those seem to be the characteristics of what many members have called a “cluttered landscape”, which sounds like a soft description of a work area that has too many agencies, organisations and authorities with too many relationships, leading to complexity and confusion for offenders and clients who might access the services. Rod Campbell said that what we are trying to deal with means that many agencies and authorities need to be involved. However, the description “cluttered” indicates that the landscape is unnecessarily untidy and disarranged, and that it might be described as a jumble. It is certainly irritating to those who try to organise a response to an important issue.

I was pleased to hear the minister say in his opening speech that a main aim of the bill is to reduce reoffending. Although that is a laudable aim, as has been mentioned by members across the chamber, it is difficult to gather evidence of what works in order that we can utilise efforts effectively.

Much has been said about judges and others not being aware of all the opportunities that might exist that could be used to divert people from offending. I also offer the suggestion that the absence of confidence in knowing which alternatives work for the offender or client group has as important an impact as any other criterion.

We have the second-highest levels of imprisonment, as many members have said. Unfortunately, we also have among the highest levels of alcohol and drug abuse. Many members have mentioned that the issues that cause and encourage reoffending are often outwith the confines of the bill. Unemployment, lack of education, the presence of poverty, absence of homes and—in truth—absence of hope are what drive people to return to prisons throughout their lives and end up losing the opportunity to play a full part in what we would call Scottish society.

Christine Grahame: I agree with that comprehensive list. I add that people become institutionalised in prison. It is difficult to break away from its effect when they return to society and are required to be self-sufficient.

Graeme Pearson: I accept that. Certainly, when I was a Justice Committee member, we met men and women in prison who had suffered the experience of becoming institutionalised and, because of that, were frightened to return to general society.

A way forward would be a commitment from the minister that he would like to see locally focused community solutions that accept responsibility for what they seek to achieve. I caution him that by indicating that he will introduce a new model he

has raised hopes and created the anticipation that things will change for the better.

Several members alluded to the fact that the people who deliver services have become jaded and overwhelmed by what has been described as a cluttered landscape; I agree with colleagues who are concerned that we are merely adding to that landscape another tier of authority that is seen as being part of the solution but which might become part of a future problem.

Another step—a re-jig—does not answer the questions that were asked by the two reports in 2012. I am, therefore, pleased that the minister has said that he is listening to comments from around the chamber. He seems to be taking a welcome approach and is saying not only that he is listening but that, where he is persuaded, he will change direction—particularly in relation to the definitions that we have discussed, but also on the leadership and governance issues that pertain.

One element that we have all avoided, but which has a particular impact on the whole scene, is the filthy money. Activity follows money, and those who are able to control budgets can demand service delivery and ensure that it occurs. One hopes that, within that budget relationship, governance will ensure that someone will be effectively held to account for the money that is being spent on behalf of the public in trying to resolve the issues of reoffending, so that we drive up service delivery and bring people back into active life in our communities.

There is confusion out there regarding the links to community planning and other service delivery plans. One hopes that the minister will pay attention to the reservations that have been expressed about that.

COSLA was good enough to provide a briefing paper for the debate; I trust that the minister will pay particular attention to the points that COSLA makes in that paper. There is obviously a sensitivity about nationally driven plans not operating on the local platform with the effectiveness that one would want.

In concluding, I draw the minister’s attention to the briefing paper from Barnardo’s Scotland, which reiterates the definition of community justice. I agree with back-bench members that our commitment should begin not after the first conviction but long before that. We know about some of the problems that lead people into the criminal justice system and we know that, once those people are badged, it is hard for them to escape the pressures that come thereafter.

We support the minister in his efforts and we look forward to seeing the amendments that he will lodge at stage 2.

16:48

Paul Wheelhouse: I am grateful to members from across the chamber for their thoughtful contributions to this afternoon's debate. As Graeme Pearson said, the bill is very much about tackling reoffending. I take his point entirely and hope that he accepts my reassurance that we will reflect on the points that have been made about prevention and the need to look beyond the boundaries of the bill to issues such as housing, employment and support services for individuals.

I still regard Dave Stewart very much as a fresh-faced member of Parliament and urge him not to be so defeatist. The input that we have had from around the chamber and from people who have been involved in social work and the criminal justice system, including former police officers and others, shows the value of the Parliament in bringing that experience to bear on such an important issue.

I am greatly encouraged that the lead committee's endorsement of the bill has been reflected in the debate, and I very much welcome the support from the political parties across the chamber for the bill's general principles. I take on board the fact that, in some cases, that support is conditional on our lodging amendments at stage 2.

I will not have enough time to respond to all the points that members have made, but I will, no doubt, return to a number of them when we consider the detail of the bill at stage 2. However, I will address as many as I can.

Elaine Murray gave a very thoughtful and considered speech—for which I thank her—and welcomed the local engagement on the national strategy. I thank her for her positive remarks, for taking part in that exercise and for showing support for it at local level. I am sure that that will have been appreciated by local stakeholders. I will have the opportunity to see that engagement in person at the next local event in Edinburgh on Tuesday, where I look forward to meeting many stakeholders and to hearing directly from them.

Most of the material we have dealt with already. I want to recognise the hard work of the CJAs. I know that members across the chamber, in reflecting on Dame Elish Angiolini's report and drawing attention to some of the perceived criticisms of the current model, would also want to join me in thanking the CJAs and their staff for working hard on behalf of us all, across our communities.

Prevention has been a theme today. Prevention is an ethos, and every intervention and element of support or management is an opportunity to work with an individual to aid prevention.

I will reflect on a number of comments from individuals including Nigel Don and John Finnie, and on our reflections in another debate in another context about the need to take the person-centred approach in getting it right for every child to a different level for adults. Nigel Don and others referred to the outcomes that we are developing. Some of them are person-centric; we need to take that approach to the solution for individuals in order, we hope, to prevent them from reoffending.

The bill does not cover primary prevention. That is dealt with effectively by other Scottish Government policies, with the solutions lying primarily outside the justice system. As I said earlier, those are in early years interventions, raising educational attainment, action to tackle youth unemployment and our policies on health, housing and so on.

However, the bill absolutely covers secondary and tertiary prevention—that is, preventing reoffending and preventing escalation of offending. The new model for community justice is designed to ensure appropriate, proportionate and effective interventions in response to offending behaviour.

The reason why we have not taken that further is that the Scottish Government is keen to promote increased use of diversion and community sentences, and reduced use of short-term custodial sentences. We believe that the evidence is clear that that is the most effective way to reduce reoffending and to prevent further harm to victims, families and communities.

I take on board, however, the points that have been made across the chamber about looking again at the definition of community justice. I take the opportunity to reiterate the point that I made in my opening remarks that that is very much a live issue.

A number of members mentioned victims, and it is entirely right that we do so. I would like to reassure members that I recognise the importance and value of the voice of victims in community justice. My officials recently met a range of third sector organisations, including Scottish Women's Aid and Victim Support Scotland, to discuss how best to involve the third sector in planning community justice. Let me reiterate the vital contribution that the third sector is making, and will continue to make, to community justice.

Clearly, it is important to prevent people from entering the criminal justice system in the first place—I accept that point from the contributions of Graeme Pearson and others. That is why this Government has a clear focus on advancing the whole-system approach and improving life chances. I believe that we are taking broadly the right approach.

As I said in my opening remarks, the drive in community justice to reduce reoffending is part of our wider approach to promoting social justice and tackling inequality, which includes action to improve early years experiences, to raise educational attainment for all, and to continue to promote the whole-system approach to youth justice.

A range of other policies are addressing issues such as drugs misuse, which Graeme Pearson referred to. The new national strategy for community justice will link those other strategies to ensure a joined-up approach.

There is no existing statutory definition of community justice. The translation of our policy into legislation is therefore being taken forward with some care, and any revised wording for section 1 of the bill needs to work within the existing legal framework and legislation. The definition of community justice in the bill sets out the functions and machinery that are required for the planning, delivery and reporting of community justice outcomes. It is very much a legal definition for the specific purposes of the bill.

On prevention and early intervention, the Government has a clear focus on advancing the whole-system approach, and has a range of other policies, which I have mentioned. As I said, I recognise that the definition could be strengthened further and I will explore with stakeholders the possibility of reflecting in the definition, for example, the preventative impact of diversionary activity. After all, as many members noted, evidence shows that diverting individuals away from the criminal justice system is an effective way of preventing further offending.

Margaret McDougall, Alison McInnes and David Stewart touched on the role of housing. I briefly talked about the issue earlier. A national strategy is currently being developed in partnership with a broad range of stakeholders. It would be premature to offer assurances about what topics will be included, but I recognise the vital role that housing in particular is able to provide in terms of stability. Indeed, when I was at Polmont yesterday, young offenders there told me that housing is the vehicle by which they get stability to get into employment, and that employment enables them to get self-esteem and pride back into their lives and, we hope, the ability to stay on the straight and narrow.

Christine Grahame: Is the minister aware that one of the first things that the 218 service in Glasgow does for women who have been put in prison is ensure that their tenancy is secure so that they have somewhere to go when they come out, otherwise the tenancy will automatically be taken from them? I hope that the minister will

translate that approach into other issues with regard to prisoners retaining tenancies on release.

Paul Wheelhouse: That is an extremely important point. The issue will be considered in developing the national outcomes and performance framework, and I reassure Christine Grahame that such matters are vital to our way forward.

With regard to resource transfer from the Scottish Prison Service to the community as the impact of preventative work becomes clear, although the process is separate, it is implicit in our proposals on strengthening the presumption against short sentences and, indeed, for our wider penal policy and community justice reforms, that we have a shift in resources from prisons to community-based services.

Annabel Goldie seemed to get the wrong impression from the letter that I sent to the Justice Committee, which was actually in response to a direct question about the perception that the bill does not address the possibility of changes that might result from the Government's current consultation on the presumption against short sentences. I hope that I can reassure her that this is not something wilful but a response to a question from the Justice Committee, seeking reassurance that the model is flexible enough to adapt to changes, including reforms to the women's custodial estate, that might come downstream.

I should point out that a shift has already taken place, with a transfer of £1.5 million from the Scottish Prison Service for investment in community-based justice services for women and work by the SPS to transform its role, for example, with reference to throughcare and other services to help people leaving prison to integrate back into the community.

I want to take some of the time that I have left to reflect more on the third sector, including organisations that support victims and families. The sector is vital to the successful planning and delivery of effective and efficient services for individuals; indeed, as a number of members have pointed out, the sector delivers about a third of Scotland's community justice activity. It plays a vital role and has made a long-standing contribution to delivery of national community justice outcomes.

Rod Campbell was quite correct to refer to section 18, which requires the community justice partners to consult and to enable the participation of the third sector in planning of services and improved outcomes for community justice. However, I have listened to concerns that have been expressed by the third sector, and I am now exploring how we might amend the provisions to

strengthen its role and participation. Third sector bodies have a different legal status and different lines of accountability to the public bodies that are listed in section 12 as community justice partners, so difficulties might arise if Parliament sought to impose statutory duties of that type on, say, charities. Accordingly, they have not to date been included as statutory community justice partners. That said, I take on board the point that has been made by Margaret McDougall and others that such bodies need to be reflected more fully in this work, so I give a commitment that we are doing that.

Another important area for third sector organisations is commissioning, and one of community justice Scotland's first actions will be to work with partners and the third sector—with both purchasers and providers of services—on developing and agreeing a strategic approach to commissioning. That will ensure an evidence-led and co-ordinated long-term approach to commissioning for community justice. The intention is that the third sector will be an equal partner in the process of agreeing the strategic approach to commissioning.

On the longevity of funding, we very much recognise the constraints and uncertainty that one-year funding creates, particularly around strategic commissioning of services. Short-term funding is an issue that goes wider than community justice; indeed, it goes wider than the Scottish Government.

Within the gift that we have for community justice, section 27 funding for criminal justice social work has been protected year on year in the face of significant cuts from the United Kingdom Government, and since 2008-09 the Scottish Government has provided ring-fenced funding of more than £750 million. A funding technical advisory group has been established to consider the work of developing a new formula for section 27 funding that would replace the current model, and a move from an annual system of funding to a funding model based on a three-year period is one of the issues that is being considered. The advisory group is due to report to the main funding group in the last quarter of the year; after discussions between the Scottish Government and COSLA, recommendations will be made to the joint Scottish Government and COSLA settlement and distribution group, with the new funding model going live in 2017-18.

I see that time is against me, Presiding Officer. I therefore reiterate my view that members have made strong contributions to the debate, and I close by saying that the new national outcomes, performance and improvement framework will address a number of the points that were raised by members including John Finnie, Elaine Murray, Gil Paterson and Nigel Don about the need for a

person-centred approach, and for outcomes and indicators that will improve the delivery of community justice in Scotland.

As I said, time is against me. I thank all members in the chamber and look forward to working with them as we take the bill forward.

Community Justice (Scotland) Bill: Financial Resolution

17:00

The Presiding Officer (Tricia Marwick): The next item of business is consideration of motion S4M-14805, in the name of John Swinney, on the financial resolution for the Community Justice (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Community Justice (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.—[*John Swinney.*]

The Presiding Officer: The question on the motion will be put at decision time.

Decision Time

17:00

The Presiding Officer (Tricia Marwick): There are two questions to be put as a result of today's business. The first question is, that motion S4M-14879, in the name of Paul Wheelhouse, on the Community Justice (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Community Justice (Scotland) Bill.

The Presiding Officer: The next question is, that motion S4M-14805, in the name of John Swinney, on the financial resolution for the Community Justice (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Community Justice (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.

The Presiding Officer: I remind members—if you need to be reminded—that the book of condolence for those who suffered in the Paris attacks is in the main hall. If you have not yet signed it and wish to do so, please do so now, because the book will be removed tomorrow. This is just about your last opportunity.

Meeting closed at 17:01.

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