
**The Scottish Government's response to the consultation on the redesign of
Community Justice**

1.0 EXECUTIVE SUMMARY

The main purpose of this report is to advise the committee on the Scottish Government's response to the consultation on the delivery of community justice in Scotland and proposes a model that offers a local community solution to the achievement of improved outcomes for the management of offenders. This will be achieved through the mechanism of Community Planning Partnerships (CPPs) and a national strategy developed jointly with local government, key partners and in consultation with stakeholders. Argyll and Bute Council has supported the move towards a model of local accountability and determination.

Pending changes to legislation, the transition from current arrangements to the new model will be concluded by April 2017. Current responsibilities assigned to Community Justice Authorities (CJAs) will be transferred to local CPPs and statutory and non-statutory partners will shape future arrangements for delivering community justice.

There will be a statutory obligation placed upon specific partners that will include a requirement to involve the third sector, community-based organisations, service users and communities in the planning and delivery of service. Guidance on the new requirements of CPPs will be developed by the Scottish Government in partnership with COSLA when the Community Justice Bill, that will provide the necessary powers for CPPs, has received Royal assent.

Financial implications are as yet unclear due to a parallel project reviewing the funding formula for the ring fenced grant that currently provides Local Authority social work criminal justice services. The funding formula timetable is yet to be confirmed. Costs of transition and undertaking of new responsibilities by the CPPs will be met by the Government through transfer of existing grants to CJAs and provision of a transition fund.

Arrangements for criminal justice social work will be a matter for those taking forward the joint working arrangements for health and social care integration locally and that the proposed model for community justice will encompass any type of structural arrangements in place locally.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that the Committee note the content of the report, specifically that a new model for Community Justice will be in place by April 2017.

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3.0 INTRODUCTION

- 3.1 The redesign of community justice follows from critiques of current arrangements in the report of the commission on women offenders and also Audit Scotland and was the subject of consultation in 2012/13 in which the Scottish Government proffered three models for community justice.

As none of the three models were, of themselves, fit for purpose a more recent consultation was undertaken by the Scottish Government in 2014 seeking views on a hybrid model that had, at its core, local determination, control and accountability supported by a national body – the response to this being the subject of this committee report.

The Scottish Government defines Community Justice as: *“The collection of agencies and services in Scotland that individually and in partnership work to manage offenders, prevent offending and reduce reoffending and the harm that it causes, to promote social inclusion, citizenship and desistance”*.

Criminal justice Social Work services in Argyll and Bute are currently delivered within a formal partnership arrangement with services in East and West Dunbartonshire. There is facility within the new design to retain or amend pre-existing partnership arrangements.

4.0 RECOMMENDATIONS

- 4.1 It is recommended that the Committee note the content of the report, specifically that a new model for Community Justice will be in place by April 2017.

5.0 DETAIL

- 5.1 The Scottish Government published their response to the consultation on the redesign of Community Justice on its website on 15 December 2014 (See Appendix 1).

The model proposed by the Scottish Government seeks to deliver a community solution to the achievement of improved outcomes for community justice and offender management, through the mechanism of Community Planning Partnerships (CPPs). In order to achieve this, there will be a national strategy developed jointly with local government and key partners, in consultation with stakeholders, to deliver against a set of long-term outcomes around reducing reoffending, increasing public safety, public reassurance, and reducing costs.

The proposed model is supported by the Convention of Scottish Local Authorities (CoSLA) and Social Work Scotland (formally ADSW). Argyll and Bute Council has contributed to consultations regarding this matter and supports the proposed model of redesign for community justice.

- 5.2** There are key steps and a timescale to progress the move away from the Community Justice Authority to the Community Planning Partnership having responsibility for Criminal Justice (see appendix 2). By the 1st April 2017 the new model of Community Justice will be in place in Scotland.
- 5.3** The new model has different elements and defines the role of a newly-created national body (Community Justice Scotland: CJS) and that of a National Hub for Innovation, Learning and Development.

Community Justice Scotland (CJS)

This executive, non-departmental public body will have the following functions:

- Providing national, professional and strategic leadership for community justice in Scotland
- Offering expert advice to Scottish Ministers and CoSLA leaders, as required
- Providing oversight of the delivery of the new national outcomes, performance and improvement framework for community justice in Scotland
- Identifying and advising on how justice and other resources can be better aligned to improve outcomes for community justice
- Management of any services which have been identified and agreed as being best delivered on a national basis.

It is intended that staff within the national body will have a mutually supportive relationship with their counterparts in CPPs. There will be no lines of accountability from CPP staff to those in CJS or vice versa. In addition, CJS will not have responsibility for local or national operational service delivery.

National Hub for Innovation, Learning and Development

The Hub will have a much wider remit than that currently carried out by the existing Training and Development Officer (TDO) network and will work under the auspices of CJS. It is proposed that the four key activities of the Hub are:

- *core functions*: such as producing a national training schedule and taking a strategic approach to workforce development
- *research*: such as synthesising existing research, and commissioning and undertaking new research
- *practice development*: such as management of community justice training programs and facilitating and creating practitioner networks
- *knowledge exchange*: such as collaborating with other organisations, bodies or professions to facilitate the sharing of best practice.

5.4 Local Strategic Planning and Delivery

Whilst the Scottish Government model does not require CPP's to create separate 'community justice' partnerships, it underlines the need for local partnerships to ensure they can deliver, and indeed improve upon, the outcomes for community justice. There will be statutory obligations on specified partners through the planned legislative changes which will include a requirement to involve the Third Sector, community-based organisations, service users and communities in the planning and delivery of services. The guidance on how to undertake this will be developed during the transition process through the CPP Transition Working Group (CPPTWG) which has been established to assist with the shift of responsibilities from CJAs to CPPs.

In terms of Criminal Justice Social Work arrangements, the Scottish Government state that this is a matter for those taking forward the joint working arrangements for health and social care integration locally and that the proposed model for community justice will encompass any type of structural arrangement in place locally. This has implications for the local Criminal Justice Partnership arrangements and work is ongoing within the partnership to identify options about what such tripartite arrangements might look like in the future of community justice – particularly the arrangements of the three CPPs across the three authorities of the Criminal Justice Partnership. The new model highlights that the commissioning of services may be local, regional or national – although it is likely to be a mixture of all three across Scotland as a whole. The Scottish Government will publish a national strategy on commissioning for community justice. Each CPP will require to publish a plan and any aspects of commissioning will be guided by the proposed national strategy document.

As stated earlier, a national strategy will be developed and, alongside this, a national performance management framework will also be developed for outcomes, performance and improvement.

Although responsibility will remain at a local level for achieving the required outcomes, assistance can be sought from CJS if local issues cannot be

resolved successfully. Beyond this, the model outlines powers for CJS to recommend to Scottish Ministers and Local Government Leaders where it sees failure to deliver on stated outcomes. These powers range from providing improvement support, through to recommending specific multi-agency inspections, to the power to recommend that a rescue task group be established to work with a partnership and partners.

In terms of the requirements on CPPs (and partners) advice and support materials are being developed to support CPPs as they prepare for the transition and a series of local, regional and national events will be held to help raise awareness. Official guidance on the new requirements on CPPs will be developed by the Scottish Government, in partnership with CoSLA, once the Community Justice Bill has received royal assent.

5.5 Governance and Accountability under the Future Model

The Scottish Government is clear that CPP's will not be accountable to CJS for performance and elected members will continue to have local scrutiny and accountability. CJS will, in the main, engage through the local partnerships, established through CPPs, which plan and deliver outcomes for community justice. Additionally, CJS may need to engage directly with CPP Chairs, Boards or with individual partners particularly around the sharing of best practice and the resolution of any issues.

The issue of Multi Agency Public Protection Arrangements (MAPPA – the mechanism for the management of high risk offenders in the community) was raised throughout the process of consultation. The Scottish Government state that the coordination of MAPPA (discharged by a MAPPA Coordinator in each CJA) will not change. Although the document does not state who will have direct responsibility for the MAPPA units, there appears to be a presumption that the current arrangements with a host local authority (Inverclyde, in our case) will continue. MAPPA units are required to produce an annual report – in the new model this will be incorporated into the CPP annual report (which will be a statutory task for each CPP).

5.6 Funding

When the legislation for the new model goes before the Scottish Parliament, there will be a Financial Memorandum to accompany this. However, the Scottish Government states that it is committed to ensuring the running costs of the new model will be met from within the existing resources to fund the current CJA model. In the future, Section 27 money will go directly to local authorities rather than via the CJA as it does presently. Work has already been started by the Scottish Government to look at the current funding model and a work-stream has been commissioned to look at incentivisation and the better linking of resources available to outcomes. However, it must be highlighted, that the model contains the requirement for all partners – not just Criminal Justice Social Work - to contribute or align resources and the expectation is that preventative approaches will be considered within local partnership arrangements as part of this.

In terms of funding CPP development and capacity, the Scottish Government will provide a transition fund of £1.6M per year (starting 2015/16) for a period of three years (although this will be subject to review at the end of 2015/16 due to the UK Comprehensive Spending Review). This fund will be split between the 32 local authorities and will be released when the Scottish Government receives “credible” plans from each CPP on how the money will be spent.

There are currently no proposals to redirect resources from Police Scotland, Scottish Prison Service and the Scottish Court Service to sustain work by Community Justice Services targeted at reducing reoffending.

6.0 CONCLUSION

- 6.1 Argyll and Bute Council members and officers have been forward in supporting a local model of delivering community justice. Following consultation, the Scottish Government have agreed a model that places local determination at its core with the support of a national body. Local determination will ensure local needs direct delivery of service using, where possible, resources based within the community to the benefit of service users.
- 6.2 Transition to the new arrangements is expected to be concluded by April 2017. During this time there is work to do, both centrally and locally, to ensure the detail is in place for a positive transition. This will include reviewing local arrangements and relationships with statutory and non-statutory services and, specifically, the new role and powers of the CPPs as governors of community justice.

7.0 IMPLICATIONS

- 7.1 Policy
There are no immediate policy implications. Argyll and Bute Council will continue to discharge its statutory duties in respect of services to offenders and the public through social work legislation and community safety planning.
- 7.2 Financial
Criminal justice social work services are provided via a ring-fenced grant under Section 27 of the Social Work (Scotland) Act 1968, administered through the CJAs. Administration of the grant will fall to the CPPs in 2017. There is an expectation by the Government that the redesigned community justice approach will be provided within the existing (or future equivalent) resources of partner agencies, which includes the Local Authority criminal justice service.

The cost of transition from CJA to CPP will be met through a 3 year fund from the Government and as such there should be no financial implication for the Council in this respect. It is important to note, the funding formula for

determining the Section 27 grant for Local Authority Criminal Justice Social Work services is currently under review and therefore it is impossible to determine what the financial impact may be for the Council under the new arrangements. The current criminal justice partnership arrangement with the East and West Dunbartonshire's affords financial economies of scale for Argyll and Bute.

7.3 Legal

The transition of governance and accountability to CPPs will require a review of the legal arrangements, currently in place between Argyll and Bute Council and North Strathclyde Community Justice Authority, which will transfer to the CPP. Consideration should be given to opportunities for CPPs to devolve aspect of day to day governance to the Local Authority Community Services Department.

7.4 HR

There are no Human Resource implications.

7.5 Equalities

There are no Equalities implications.

7.6 Risk

There is a risk to the Criminal Justice Partnership between Argyll and Bute, East and West Dunbartonshire's. The new design allows for the continuance of existing partnership arrangements however this will be a matter for the CPPs to review and consider best value within the new governance arrangements.

7.7 Customer Service

The new arrangements for community justice, with local determination and delivery at its core with greater integration of all partners and third sector agencies, will provide an improved service to offenders and their families.

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APPENDICES

- Appendix 1: Future Model for Community Justice in Scotland: Response to Consultation
- Appendix 2: Timeline for implementation of Community Justice Redesign