

Future Model for Community Justice in Scotland: Response to Consultation

Ministerial Foreword



I am pleased to announce this response to what has been an in-depth consultation with partners and stakeholders across the country on the future model for community justice in Scotland. We have strived to engage with as many organisations and individuals as possible and have taken account of their comments and views in this response.

During the two formal consultation exercises undertaken since December 2012, we have held 22 stakeholder events across Scotland which were attended by nearly 900 people and we have received over 170 written responses.

This is a clear indication of the passion and commitment of those involved in community justice, including those working in Local Government, Community Justice Authorities (CJAs), the Third Sector, prisons, police, health, and numerous other agencies and organisations. I am grateful to all those who have taken the time and effort to participate in one or both of the consultation exercises either in person or in writing.

I am pleased to note that the majority of responses to this consultation were positive and supportive of the rationale for the model and the outcomes we hope to achieve through it.

The new model is designed to harness this commitment and passion as much as possible by encouraging a collaborative approach to local service delivery through Community Planning Partnerships (CPPs). We want those involved to feel empowered by the structures in place, not hindered by them, and believe this model will help deliver the best possible outcomes for those who find themselves in need of our support.

I would especially like to thank the CJAs for their on-going involvement, professionalism and patience as we work through the detail of this new model. I should also stress the importance I place on the continued commitment from partners to engage with the CJAs during the transition period. Such involvement will be critical both in terms of maintaining the focus on reducing reoffending, but also in accessing and utilising the valuable knowledge and experience of the CJAs experience as we move through the transition period and into the new arrangements.

I am committed to ensuring the level of Scottish Government engagement with partners and stakeholders continues in the months and years ahead and look forward to your further support and enthusiasm.

A handwritten signature in black ink, appearing to read 'Andrew Allan', written in a cursive style.

List of acronyms

ADSW	Association of Directors of Social Work
CJA	Community Justice Authority
CJSW	Criminal Justice Social Work
COPFS	Crown Office and Procurator Fiscal Service
COSLA	Convention of Scottish Local Authorities
CPP	Community Planning Partnership
MAPPA	Multi Agency Public Protection Arrangements
RMA	Risk Management Authority
RRP2	Phase 2 of the Reducing Reoffending Programme
SCS	Scottish Courts Service
SPS	Scottish Prison Service
SOA	Single Outcome Agreement
TDO	Training Development Officer

Executive Summary

We thank all those who responded to the consultation on the future model for community justice in Scotland. This paper represents the Scottish Government response and should be read in conjunction with the document “Future Model for Community Justice in Scotland: Frequently Asked Questions”.

In designing the Future Model for Community Justice in Scotland, the Scottish Government sought to address the issues raised in 2012 by the Commission on Women Offenders and Audit Scotland. The approach to redesign has, therefore, centred around: improved leadership and collaboration; evidencing and delivering improved outcomes; increasing prevention; and learning and workforce development.

To provide the strategic vision for community justice in Scotland, **a national strategy will be developed with local government and key partners and in consultation with stakeholders**. The aim is to deliver against a set of long term outcomes around reducing reoffending; increasing positive citizenship; increasing public safety; increasing public reassurance; reducing costs and reducing stigma.

The new model delivers a **community solution to the achievement of improved outcomes for community justice**; to the problem of reoffending and the task of offender management, building upon investment made by the Scottish Government and Local Government in community planning and utilising strengthened provisions expected under the Community Empowerment (Scotland) Bill. As we are empowering communities, so too are we empowering the individuals and organisations who work towards improved outcomes for community justice.

The model emphasises that a **strategic approach** can be taken at a national, regional or local level.

Local strategic planning and delivery of services through Community Planning Partnerships (CPPs) is central to the new arrangements. With this emphasis upon **collective responsibility** through a partnership approach we are placing decision-making into the hands of local people and agencies who know their communities best, understand the problems that are unique to their region, and will be most affected by community justice issues that relate to both victims and offenders.

It is imperative that this be driven at a local level. However, to provide leadership, enhanced opportunities for innovation, learning and development and to provide assurance on the delivery of improved outcomes, a new national body – called **Community Justice Scotland** – will be established. Community Justice Scotland will have a **non-hierarchical relationship with CPPs and their partners**.

In addition, the formation of Community Justice Scotland will provide further opportunities to commission services strategically as well as taking on some of the operational work currently undertaken at a Scottish Government level. The establishment of a **Hub for innovation, learning and development** within the body will provide the community justice workforce and community justice itself with the

profile and identity it deserves, together with evidence of what works to inform commissioning, and practice and partnership standards.

The model will be **defined by a performance culture** through the establishment of an outcomes, performance and improvement framework against which local partnerships can plan and report. This will provide real opportunities to **monitor progress, drive improvement, offer consistency and link decisions and actions to analysis of need and what works, leading to increased efficiency and effectiveness.**

One of the many benefits of the model is the **elements of continuity** that it offers:

- Local partnership arrangements will build upon existing capabilities under CPPs;
- Criminal Justice Social Work (CJSW) will continue to be managed and delivered at a local level;
- The Risk Management Authority (RMA) will remain as a standalone public body, with clear links developed to Community Justice Scotland; and
- Support for national offender programmes will remain at a national level, moving to the Hub within Community Justice Scotland.

There remains much work to be done to reduce reoffending in Scotland. It is **imperative, therefore, that CPPs, partners and Community Justice Authorities (CJAs) continue to work together on the planning and delivery of community justice during the transition period.**

The Scottish Government will support CJAs and CPPs in their working together and during the transition. We will **make available transitional funding for CPPs.** These funds will support them to build their capability and capacity to work together with partners on the achievement of improved outcomes for community justice.

Timescales

Timescales for the full introduction of the future model are dependent upon primary legislation¹. Work is already underway, particularly on supporting the CPP transition process. We anticipate that CPPs will be able to assume their responsibilities under the new model in transition from 1 April 2016, with full responsibility being conferred from 1 April 2017 once the required legislation comes into force. Community Justice Scotland will be established during the latter part of 2016/17. CJAs will be formally dis-established on 31 March 2017 with the full model coming into effect on 1 April 2017.

¹ To implement the new model in full will require primary legislation. The subject of legislation is, of course, a matter for the Scottish Parliament. Timescales contained within this response are, therefore, indicative.

Chapter One - Introduction

Background

1. On 09 April 2014, the Scottish Government launched a [consultation](#) on the detail of the future model for community justice in Scotland having noted the intention to do so when the model was first announced on 13 December 2013. This was in response to a previous [consultation](#): “Redesigning the Community Justice system: A consultation on proposals”. That consultation had followed the publication of two reports: one by the [Commission on Women Offenders](#) and another by [Audit Scotland on reducing reoffending](#).
2. The 2014 consultation on the detail of the future model for community justice in Scotland ran from the 09 April 2014 until 02 July 2014. A total of 66 responses were received. A total of 9 stakeholder consultation events were also held around Scotland and were well represented, with over 340 attendees.

Purpose of this document

3. This paper is the Scottish Government response to that consultation. It provides a summary of the Scottish Government’s response to the key points made by respondents to the consultation, and describes Ministers’ thinking with regard to the Bill that will be introduced to the Scottish Parliament at a later date. It addresses points made in the written responses that were submitted and also draws together a number of key observations that have been made to Ministers and officials during the consultation, at public consultation events and at other meetings including three events held with community planning partners across Scotland.
4. This paper should be read in conjunction with the “Future Model for Community Justice in Scotland: Frequently Asked Questions”.
5. To implement the new model in full will require primary legislation. In this document, we have referred to legislation and terms such as “functions” and “duties” to describe the role of the organisations in the new model. These are our policy intentions. The subject of legislation is, of course, a matter for the Scottish Parliament. Timescales contained within this response are, therefore, indicative.
6. The work to deliver the new model which will achieve a successful community justice system in Scotland is being taken forward under the Redesign of Community Justice Project as part of phase 2 of the Reducing Reoffending Programme (RRP2).
7. This project and its associated workstreams will be referred to throughout this response.

Chapter Two - Overview of the Future Model for Community Justice in Scotland

What we asked

8. The consultation set out the overview of the Future Model for Community Justice in Scotland which had been developed in conjunction with key stakeholders and partners, including the Convention of Scottish Local Authorities (COSLA), CJAs, the Association of Directors of Social Work (ADSW – now Social Work Scotland) and the Third Sector. The model was designed to meet the needs of service users, victims, their families and the communities of Scotland.
9. We asked for general comments on the overview of the new arrangements for community justice.

What we heard

10. The majority of organisations who responded to the consultation were in favour of the proposed new model for community justice. Both the new body and the Hub were broadly welcomed and there was widespread agreement that the planning and management of community justice services should rest with CPPs. Ensuring that planning remains at the heart of local communities and responsive to local needs which may vary across the country was welcomed and most respondents felt this reflected the contribution that CPPs and partners could and should make in relation to community justice outcomes.
11. Clear themes emerged around the importance of ensuring multi-partner and multi-agency involvement, collaboration and responsibility for producing improved outcomes (based on desistance), with a desire from respondents for this to be underpinned in legislation.
12. An effective relationship between the national body and CPPs was highlighted by some respondents as being crucial to the model with this being one of mutual support and balance particularly as national objectives and local CPP priorities may clash.
13. There were mixed views from respondents on the subject of prevention with some welcoming the decisive shift towards prevention and the opportunity to work across wider partnerships which will enhance the capacity for preventative approaches, while others were concerned around the capacity or funding to undertake preventative work.
14. At the consultation events, the following themes emerged:
 - Clarity – of vision, ambition, role and accountability;
 - Culture change – required in the community justice sector, partners, communities and the media;
 - Collaboration – between CPPs, the national body, partners, communities, victims and offenders;

- Consistency – in terms of access to services across Scotland, training and support;
- Continuity – of funding, knowledge and support;
- Creativity – through innovation, research and supporting what works;
- Communication.

Scottish Government response

Clarity

15. The new model addresses the issues raised by Audit Scotland and the Commission on Women Offenders in 2012 as well as delivering improvements in a whole range of other areas including: local decision making; partnership working; leadership; accountability; performance management; prevention; commissioning; and workforce development.

16. The model delivers a community solution to: the achievement of improved outcomes for community justice; the challenge of reducing reoffending; and the task of offender management.

17. Local strategic planning and delivery of services and outcomes through CPPs is central to the new arrangements and by giving responsibility to these partnerships, decisions will be made by those who know the area best, understand the problems that are unique to their region and will be most affected by the impact of community justice for both victims and offenders.

18. The model builds upon investment made by the Scottish Government and Local Government into community planning and will utilise the strengthened provisions of the [Community Empowerment \(Scotland\) Bill](#).

19. By “community justice”, we mean:

“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.”

20. The future model for community justice in Scotland introduces:

- Local strategic planning and delivery of community justice services through CPPs;
- Duties on a defined set of partner bodies (including local authorities, NHS boards and Police Scotland) to engage in this local strategic planning and delivery with accountability for planning and performance residing at this level;
- The creation of a national body to provide leadership for the sector, opportunities for innovation, learning and development and independent professional assurance to Scottish Ministers on the collective achievement of community justice outcomes across Scotland; and
- A focus on collaboration, including the opportunity to commission, manage or deliver services nationally where appropriate.

21. Under this model, CJAs will be dis-established.
22. To set the vision for community justice in Scotland, a national strategy will be developed jointly with local government and key partners and in consultation with stakeholders, to provide the vision for community justice and reducing reoffending over a 5 year period.
23. One of the many benefits of the new model is the elements of continuity that it offers, including:
 - Local partnership arrangements will build upon existing capabilities under CPPs;
 - CJSW will continue to be managed and delivered at a local level;
 - The RMA will remain as a standalone public body, with clear links developed to Community Justice Scotland;
 - Support for national offender programmes will remain at a national level.
24. We agree that it is critical that all parties understand their role in the new model and the transition arrangements designed to achieve that will be addressed in Chapter Nine.
25. Implementing clear lines of accountability is one of the critical success factors of the new model. These will be addressed in more detail in Chapter Five.

Culture change

26. A transitional working group will work with CPPs and partners to build their understanding of community justice which was raised as a concern by respondents and those who attended consultation events.
27. However, the provision of information alone will not achieve the change in culture that is required. To do so will require the buy-in of all partners to the ethos of the new model for community justice, which:
 - respects the rights and responsibilities of the individual;
 - has distributed leadership at its core;
 - recognises the impact that a wide range of agencies, organisations, communities and offenders and service users will have on delivering long-term outcomes around reducing reoffending and increasing positive citizenship;
 - increases public safety;
 - increases public reassurance;
 - reduces stigma; and
 - reduces costs.
28. The culture change needed to prioritise services for offenders and communities affected by offending will require effective multi-agency cooperation. This will be supported by: recognising that the key outcomes for offenders can only be achieved through working in partnership; ensuring services become more evidence based; through the public being more accepting in investing in

rehabilitation and services for people who have offended; and by achievements through improved outcomes having a higher profile.

29. We believe that it is through prevention that we will reduce reoffending and achieve the broader outcomes required of community justice. However, on balance, we have decided against placing a statutory duty on local authorities and other statutory bodies across the public sector to focus upon preventative approaches to reduce reoffending. Instead, the principles of prevention and early intervention will be built into the outcomes, performance and improvement framework that will drive activity across community justice. This will be described in more detail in Chapter Six.
30. We have heard from some CPPs who have already built the principle of prevention into their strategies and outcomes plans and will look to share these approaches through the work being taken forward on the redesign of community justice project.

Collaboration

31. We welcomed the recognition from respondents to the consultation and from those who attended the consultation events of the need for a range of organisations and partners to deliver improved outcomes: housing, health, social work, Police Scotland, Scottish Prison Service (SPS) and others. This includes the Third Sector, Community Based Organisations and communities and we want to see them empowered to fulfil this role.
32. Building on both the rights and responsibilities aspect of the new model, we believe that it is critical for communities, including those who have offended, to be involved in the new model as users of services that would contribute to community justice outcomes. Moving forward, all partners and service users must work together to harness the potential within individuals, and maximise the opportunity to harness change that will deliver sustainable outcomes. We will ensure that the outcomes, performance and improvement framework that supports the new model will have outcomes that support this aim.

Consistency

33. Responses to the consultation and discussions at consultation events which were held across the country, showed both frustration at current lack of consistency of services in different parts of the country together with a fear that this may be exacerbated under CPPs in the new model.
34. We recognise this concern but believe that CPPs - through the enhanced provisions within the Community Empowerment (Scotland) Bill and the provisions specific to community justice that will be introduced through the Community Justice Bill, offer the best forum for ensuring the alignment of all these partners with their respective communities; including people affected by offending and reoffending.

35. The new model will be defined by a performance culture through the establishment of an outcomes, performance and improvement framework against which local partnerships will plan and report. The framework will support local variation in approach, whilst driving consistency in quality and outcomes. This will provide real opportunities to monitor progress, drive improvement, offer consistency and link decisions and actions to analysis of need and what works, leading to increased efficiency and effectiveness.
36. This must be driven at a local level but one of the functions of the national body will be to provide assurance on the delivery of improved outcomes. The body will look to share good practice but will have a number of avenues and powers available if it sees difficulties in achieving outcomes with recommendations being made to Scottish Ministers and Local Government Leaders as appropriate. Further information is given in Chapters Five and Six.

Continuity

37. It is vital that CJAs and CPPs continue to work together on reducing reoffending and the management of offenders both to ensure that focus on the delivery of current services and outcomes is not diminished during transition but also as a means of imparting crucial knowledge to allow CPPs and their partners to take on their responsibilities under the new model.
38. Supporting the transition to the new model is addressed in Chapter Nine.

Creativity

39. A renewed focus on innovation, learning and development will be a core aspect of the new model. This is addressed further in Chapter Four.

Communication

40. We share the desire for consistent and on-going engagement and active communication with partners and stakeholders, including with practitioners. We agree that communication in the transition period and beyond is essential and that this communication should be between all parties involved.
41. We welcome the recognition of the positive communications role the national body could play in terms of shaping how Scotland views community justice and championing the sector. There is also a clear role for CPPs to work with communities at a local level on reducing stigma and creating a more positive and supportive environment for effective rehabilitation and reintegration.

Chapter Three - Local Strategic Planning and Delivery

What we asked

42. We said that CPPs and local partners will assume responsibility for the local strategic and operational planning, design and delivery of services for community justice to reflect local need and in accordance with the national strategy for reducing reoffending and community justice. They will fulfil these responsibilities working in partnership within locally agreed community planning arrangements.
43. We asked for views on the arrangements for local strategic planning and delivery of services for community justice.

What we heard

44. The proposed arrangements for the local planning and delivery of community justice services were met with approval from a majority of organisations.
45. Respondents highlighted the importance of taking advantage of existing partnerships and working across local authority boundaries as well as ensuring robust transition arrangements are put in place as soon as possible to facilitate smooth transfer to the new model. Thought should also be given to whether there is a need to further resource CPPs throughout the transition process.
46. Most participants in the consultation events expressed the view that in order to be effective, local arrangements will require strong partnership working from all key agencies and the Third Sector. There were opinions expressed that CPP partners will need to be mandated to be involved in delivery community justice and welcomed any duties that would be brought forward in legislation to cover this.
47. Multi Agency Public Protection Arrangements (MAPPA) were an often cited example of an area it would be necessary to provide clarity as soon as possible on what future arrangements, especially funding, will look like.

Scottish Government response

48. We welcome the positive feedback on placing the strategic planning and delivery of services for community justice at a local level. The Scottish Government believes that effective and ambitious local partnership working, combined with the leadership, opportunities for innovation, learning and development, support and assurance provided by the national body, will achieve the improved outcomes for community justice in Scotland that we all seek.
49. Placing these duties at a CPP level under a requirement of collective responsibility not only mandates organisations and those delivering services to work together but brings with it an opportunity to have an in-depth conversation locally as to the types of communities in which we wish to live. We believe that these arrangements offer the best forum for ensuring the alignment of all these partners with their respective communities.

Local partnerships

50. There is no requirement for CPPs to establish distinct *community justice* partnerships as some may prefer to collaborate with existing structures but there is certainly a requirement to establish local partnerships that will cover the duties required under the future model. Structural arrangements will, therefore, be at the discretion of CPPs. However, there will be certain roles, responsibilities and duties placed on a number of partners as outlined below.

Who should be involved in local partnerships

51. Those partners and stakeholders listed below have been identified as having a particular contribution to make. Scottish Government guidance, developed in conjunction with COSLA, will give further detail to support CPP arrangements for the planning and delivery of services for community justice.

- CPP communities, including:
 - Service users – including offenders, ex-offenders and victims;
 - Community Based Organisations;
 - The broader community;
- Partners as outlined at paragraph 57;
- Third Sector organisations, including Victim Support Scotland;
- SPS;
- Scottish Courts Service (SCS);
- Crown Office and Procurator Fiscals Service (COPFS);
- The wider Judiciary;
- Criminal Justice Boards;
- Academic institutions;
- Local employers;
- The Department for Work and Pensions; and
- Any other community bodies the CPP sees as appropriate.

52. The CPP Board will provide the vision – responding to national strategies that have been developed with partners and stakeholders - the required local outcomes and the leadership that allows the partners to work together to deliver the improved outcomes for community justice.

Duties upon CPPs²

53. The role of and duties upon CPPs in Scotland is presently being redefined through the Community Empowerment (Scotland) Bill. The duties on CPPs in relation to community justice will be aligned to those already set out in that Bill.

² This is our policy intent. The subject of legislation is a matter for the Scottish Parliament.

54. The following duties will apply to CPPs:

- To convene a local partnership reflecting the range of partners shown at paragraph 51 and involve them in the planning and delivery of improved outcomes for community justice;
- To prepare and publish a local plan to deliver improved outcomes for community justice in their area. This plan will be delivered through partnership working and service delivery, in accordance with the national strategy for community justice and reflecting a sound understanding of local circumstances;
- To review whether the local partnership is making progress in improving the achievement of the outcomes outlined in their plan;
- To report on these plans on an annual basis, having engaged with their partners and stakeholders, including the Third Sector and Community Based Organisations, as well as with their communities;
- To make their plans and reports available to Community Justice Scotland to allow them to carry out their functions around sharing best practice, innovation and assurance.

55. CPPs will be able to approach Community Justice Scotland for assistance where they are experiencing difficulty with delivery under the local plans and where matters cannot be resolved locally. However, it will remain a core tenet of the new model is that responsibility for resolving local issues rests locally.

Duties upon partners³

56. Partners, in this context, include those in the CPP who operate locally whether they are organised on a local, regional or national basis.

57. There is presently a core set of statutory partners who have a significant contribution to make to community justice in local partnership arrangements throughout Scotland bringing consistency whilst supporting local needs and circumstances. We will, therefore, place a duty on the following partners to co-operate with each other in carrying out planning activities, delivering and reporting on outcomes for community justice in their relevant CPP:

- Local Authorities;
- NHS Boards;
- Integrated Health and Social Care Boards;
- Police Scotland;
- Scottish Fire and Rescue Service; and
- Skills Development Scotland.

58. As an Agency of Scottish Ministers, we do not require to place a formal legislative duty on the SPS but will direct them to be included in local partnerships and will require CPPs to engage with them as appropriate to the local area.

59. Through the course of the project, we may identify additional core statutory partners to those listed above. We will engage with them as appropriate.

³ This is our policy intent. The subject of legislation is a matter for the Scottish Parliament.

60. Core partners noted at paragraph 57 will be required to:

- Co-operate with each other and with the CPP on delivering improved outcomes for community justice;
- Involve the Third Sector, Community Based Organisations, communities and service users in the planning and delivery of community justice within their areas, in accordance with procurement rules and local needs and circumstances. This is consistent with the principles of co-production, which underpin the Government's vision for asset-based and person-centred services;
- Contribute such funds, information, staff and other resources as is required to meet the outcomes noted in the CPP plan to deliver community justice outcomes. This will require contributions beyond the Social Work (Scotland) Act 1968, section 27 funding allocated primarily for CJSW;
- Support the CPP in preparing their annual report by providing information on how they have delivered against the CPP plan and, in so doing, the delivery of community justice outcomes.

61. We recognise the contribution required from all partners working together with resources for the achievement of improved outcomes for community justice being wider than just those covered under section 27 monies for CJSW.

Multi Agency Public Protection Arrangements (MAPPA)

62. Arrangements for MAPPA are presently co-ordinated on a regional basis using the boundaries of the CJAs. There are 11 MAPPA co-ordinators working across the eight CJA areas.

63. The Scottish Government has received representations that these boundaries should remain, at least in the short term, even after the CJAs have been dis-established. We see no reason, therefore, to change the boundaries at this time and arrangements for MAPPA will, therefore, continue on a regional basis.

Chapter Four - The National Body – Community Justice Scotland

What we asked

64. We asked a number of questions that related to the national body, referred to as Community Justice Improvement Scotland in the consultation paper. These questions covered: the functions, name, location, skills and competencies required in the new body; the organisational structure and staffing complement; the Board of the body; and the arrangements for the Hub for innovation, learning and development.

What we heard

65. Overall, the proposal for a national body was welcomed by most, with its potential particularly recognised around leadership, promoting community justice, learning and development and a focus on improvement. However, a small minority of respondents queried the need for such a body with a couple of respondents suggesting a national board would be sufficient and there were a diverse range of views on its functions with responses also divided on whether the proposed skills and competencies are sufficient for the national body to carry out its functions.

66. There was very little support for inclusion of the term “Improvement” in the name of the national body as it implied different meanings to different people. The majority of respondents did not express a view on where the location should be and instead identified the features they felt are necessary for a successful HQ i.e. it should have good transport links and be easily accessible. Ideally it should be co-located with an associated organisation and be equipped with electronic communication/video conferencing capabilities.

67. Respondents were largely positive about the development of a national Hub for community justice, innovation and learning and development, feeling it could add value to the community justice landscape as well as bringing benefits such as consistency of staff development and the spread of best practice. There was overall support at consultation events for the concept of the Hub being practitioner-led.

Scottish Government response

68. We welcome the view that the national body should have a focus on sharing best practice, developing standards, liaison with relevant national organisations, articulating a national collective overview and promoting links within and across CPPs. It will also have key roles around leadership, promotion of the interests of community justice and the provision of assurance on the achievement of improved outcomes for community justice in Scotland.

69. The consultation paper naturally devoted several chapters to the proposed functions and organisation of the new national body, given its creation will represent a new development for Scotland. Whilst this may have satisfied some stakeholders’ requests for this level of detail, for others this focus may have detracted from the critical element of local strategic planning and delivery.

70. We will, therefore, work closely with partners and stakeholders to ensure that we provide clear and consistent information on the new body.

The name of the national body

71. The name of the national body will be **Community Justice Scotland**.

The location of Community Justice Scotland

72. Responding to calls for efficiencies to be made wherever possible, we will prioritise the search for accommodation so that Community Justice Scotland may be co-located with existing public bodies or in Scottish Government premises in a location that is accessible by public transport, most likely in the central lowlands of Scotland.

73. In keeping with modern flexible working practices, we will encourage Community Justice Scotland to have in place policies that support home-working and flexibility in terms of staff locations and working practices.

The functions of Community Justice Scotland

74. The main functions of Community Justice Scotland will be:

- a. To provide national, professional and strategic leadership for community justice in Scotland;
- b. To offer expert advice to Scottish Ministers and COSLA Leaders as required;
- c. To make recommendations to Scottish Ministers as required;
- d. To provide oversight of the delivery of the national outcomes, performance and improvement framework for community justice in Scotland;
- e. To provide assurance to Scottish Ministers on collective performance against delivery of services under the national outcomes, performance and improvement framework;
- f. To identify ways in which justice and other resources can be aligned to improve outcomes for community justice and advise Scottish Ministers on achieving this;
- g. To manage any services which have been identified and agreed as being best delivered on a national basis by the national body; and
- h. To hold the Chief Executive to account in the exercise of his responsibilities.

75. Many respondents felt that community justice was not seen as a popular cause for all partners, for the media and in communities. For these reasons it is vital that the community justice sector has a strong, unified voice to provide leadership and strategic direction. Community Justice Scotland will provide that voice, acting as champion for community justice services to raise their profile and highlight their contribution to delivering the Scottish Government's Purpose. It will, therefore, under function a. above have communications responsibility for community justice matters.

The Board of Community Justice Scotland

76. Community Justice Scotland will have a Board of members whose task it is to govern the body.
77. The Board will have a Chairperson, appointed by Scottish Ministers, and a number of other members, most likely between 5 and 8 who will be appointed through a formal appointment process in compliance with the Code of Practice for Ministerial Appointments to Public Bodies in Scotland.
78. The Board will have a key role in ensuring that Community Justice Scotland is a lean and agile organisation, focused on delivering its remit as efficiently and effectively as possible.

The organisational structure and staffing, skills and competencies

79. We recognise that the organisational chart used in the consultation paper raised some concern at consultation events, particularly from those working in a Local Government setting who drew comparisons between the job titles in the national body's structure and what those of a similar title in Local Government may earn. This sort of comparison was not intended, nor is it an accurate reflection of the likely grading and salary structure of Community Justice Scotland.
80. However, it is right that Community Justice Scotland should look to attract highly experienced individuals with the right breadth and depth of skills and competencies required to ensure that it successfully delivers its functions.
81. There will be a Chief Executive for Community Justice Scotland whose responsibility will be to ensure that the body delivers upon its remit, together with a specific role to promote community justice interests and values. The Chief Executive will report to the Chairperson of Community Justice Scotland.
82. Staffing of Community Justice Scotland will be a matter for the Chief Executive but it is expected that the following skills and competencies will be required in the body:
- Leadership;
 - Strategic planning;
 - Analysis and improvement;
 - Administration;
 - Finance and accountancy;
 - Social work professional skills;
 - Contract management;
 - Commissioning; and
 - Innovation, learning and development.
83. In carrying out specific projects or programmes or work, Community Justice Scotland may require to call upon broader skills, including operational and practice skills. The body will have the facility to run reference and working

groups and second resource into its structure on a temporary basis as required providing this is within the budget provided to it.

84. The funding for the national body will be covered in more detail in the financial memorandum for the Community Justice Bill. We aim to meet the funding requirements through reconfiguration of current administrative budgets for community justice.

The Hub for innovation, learning and development

The Purpose of the Hub

85. A national Hub for innovation, learning and development will be created as a function of Community Justice Scotland. The Hub will be practitioner-led and its remit will be to inform practice through research and provide opportunities for innovation, learning and development for those working within and across the community justice landscape, allowing them to enhance their professional identity. Although practitioner-led, the Hub will work closely with individuals and organisations who can provide expertise in research, policy and personal experience.

86. The Hub will seek to complement and build upon, not duplicate, work already underway at a single agency/organisation and partnership level. It will ensure that local practitioner networks, responsive to the needs of individual communities, are retained or created where there are none at present. The Hub will also look to establish new networks and forums which can add value to the community justice landscape.

Functions of the Hub

87. One of the Hub's first tasks will be the creation of a strategy for innovation, learning and development to provide a clearly defined mission statement for the Hub and greater clarity of direction and guidance for the community justice sector.

88. The strategy will outline the vision for community justice innovation, learning and development, the role of the Hub and stakeholders in achieving that vision, the activities the Hub will carry out in order to fulfil its role and the priorities which will determine those activities. It will be informed by scoping work to look at how existing infrastructure and activity in innovation, learning and development can better support community justice in the future. This will build on the vision set out in the national strategy for community justice.

89. It will be up to Community Justice Scotland to determine the specific functions of the Hub and how it will be resourced from within the budget of the body. However it is likely that their work will be made up of four key activities:

- *core functions* such as producing a national training schedule and taking a strategic approach to workforce development;
- *research* such as synthesising existing research/practice and commissioning and undertaking research;

- *practice development* such as change management of community justice training programmes, the development of new community justice training programmes as required, and facilitating and creating practitioner networks; and
- *knowledge exchange* such as collaborating with other organisations/bodies/professions to facilitate the sharing of best practice.

90. The Hub will have a range of other functions that are currently being determined through engagement with stakeholders and partners. A working group will be established to assist and inform this process. These functions will be consistent with the functions of Community Justice Scotland.

Public service reform

91. Dissolution of the CJAs will mean the dis-establishment of eight public bodies. The new model will have one new public body, the national body, which will work closely with existing public bodies including the RMA.

Taking the work forward

92. A workstream of the Redesign of Community Justice Project has been devoted to the establishment of the new body. The workstream lead will engage with key partners and stakeholders for reference purposes as the work develops.

93. A further workstream has been established for Innovation, Learning and Development.

Chapter Five - Governance and Accountability under the Future Model

What we asked

94. To arrive at clearer lines of strategic, political and operational accountability, we set out in the consultation clearly defined roles and responsibilities for:
- Scottish Ministers;
 - Local partners, including local authorities and other public sector bodies designated as local partners;
 - The national body, referred to as Community Justice Improvement Scotland in the consultation paper;
 - The Board of the national body;
 - The Chief Executive of the national body.
95. We asked for views on the governance and accountability arrangements.

What we heard

96. The majority of those who responded were positive about the proposed governance and accountability arrangements. Many respondents welcomed a relationship between the Community Justice Scotland and CPPs based on mutual support and balance between national and local responsibilities.
97. However, some local authority and CPP respondents raised concerns and there were mixed views as to whether the consultation document provided sufficient clarity on the details of the governance and accountability arrangements for the new model.
98. There was a clear message about accountability with formal arrangements in place to back this up. Some feared that if arrangements around the new model were on an “informal” basis, this would simply not carry enough weight. Respondents were, therefore, broadly in favour of duties extending to a broad range of partners in recognition of the contribution they can make to the agenda for community justice outcomes, including reducing reoffending.

Scottish Government response

99. We recognise the request from some respondents for further clarity on the governance and accountability arrangements, particularly in relation to the relationship between CPPs and the Community Justice Scotland together with a desire from some for a stronger level of accountability than in the current system. The information below provides additional clarity.

Accountability lines – CPPs and partners

100. CPPs are ultimately accountable to their communities. The Community Empowerment (Scotland) Bill brings in a number of provisions which will in future strengthen this accountability and the role of both CPPs and their partners in delivering improved outcomes.

101. CPPs **will not** be directly accountable to Community Justice Scotland either for their performance or that of their constituent partners as this would cut across established lines of accountability⁴. The Scottish Government recognises that there is no single neat line of accountability for the delivery of community justice services. Given the range of organisations involved, it is not possible to design a model that would provide a single line of accountability without a significant restructuring and centralisation of the public sector landscape in Scotland.
102. Accountability lines will, therefore, go through individual partners just as is the case with other elements of community planning.
103. As covered under Chapters Three and Four, governance is provided through local arrangements under CPPs and local partnerships and via the assurance function to be carried out by Community Justice Scotland.
104. The new model places the emphasis upon collective responsibility, in local partnerships, in a linear relationship rather than a hierarchical relationship as it may have been viewed with CJAs.
105. This emphasis upon collective responsibility will be through local partnerships established under CPPs with partners working together, providing assurance to one another. This is expected to result in a greater understanding of the interdependencies between partners to the achievement of required outcomes for community justice. These partnerships will report back to CPP Boards on the discharge of the local plan and the delivery of outcomes.

Role of elected members

106. Elected members will continue to have a key role in the accountability arrangements in the future model. Established lines of accountability with local authorities will provide elected members an on-going opportunity to scrutinise outcomes.
107. In addition, Community Justice Scotland will provide advice, as required, to elected members on collective performance against delivery of the national performance framework, giving further opportunities to improve outcomes.

Accountability lines – Community Justice Scotland

108. Community Justice Scotland will be accountable to Scottish Ministers.

⁴ For example: Each local authority is governed by a council. They are autonomous bodies, independent of central government and accountable to their electorates for the delivery of services. Local authority services would, therefore, be accountable to the Council. Each NHS Board is accountable to Scottish Ministers. Each year, the Scottish Government sets performance targets for NHS Boards to ensure that the resources made available to them are directed to priority areas for improvement. For Police Scotland – the Scottish Police Authority holds the Chief Constable of Police Scotland to account for the policing of Scotland.

109. In relation to this new body, the role of Scottish Ministers will be to:
- Appoint the Chair and members of the Board in accordance with the Commissioner for Ethical Standards in Public Life in Scotland’s Code of Practice for Ministerial Appointments to Public Bodies in Scotland;
 - Hold the Board to account for delivery of its responsibilities;
 - Set a budget annually, approved by Parliament;
 - Publish a national strategy for community justice, which will include the national performance framework for community justice, providing the backdrop for local partnerships, via CPPs, to plan and deliver services and for Community Justice Scotland to fulfil its functions of assurance;
 - Approve the Community Justice Scotland strategic plan;
 - Approve certain relevant appointments made by Community Justice Scotland;
 - Consider recommendations made to them by Community Justice Scotland.
110. The Chief Executive of Community Justice Scotland will be held to account by the Board of the body.
111. Where Community Justice Scotland carries out functions or puts in place contracts at a national level, there will be a mechanism in place for customers (e.g. local authorities) to provide feedback on both the services contracted for, their usage and the outcomes achieved. This was a key point raised by respondents and at consultation events.

Planning and reporting – CPPs

112. The Scottish Government and the majority of respondents to the consultation view local planning and delivery in partnership in communities across Scotland as being key to the success of the future model for community justice.
113. CPPs will have a duty to prepare and publish a local plan to deliver improved outcomes for community justice in their area having involved a range of partners and stakeholders in developing the plan.
114. An annual report will set out the CPPs assessment of what improvement has been achieved in the delivery of community justice outcomes. This will provide the CPP Board with the mechanism to performance manage delivery of its plan and identify any improvement activity.
115. The requirement to prepare a plan and report will be set out in legislation. If CPPs fail to agree or publish such a plan or report, they may be held accountable by their communities and individual partners through their accountability lines. However, Community Justice Scotland will be aware if plans and/or reports have not been produced or published and so will have the ability to raise this with CPP Chairs or with individual partners as appropriate under the body’s assurance function.
116. Matters arising in relation to the broader management or running of an individual CPP or common issues will be reported using existing mechanisms.

Relationship between Community Justice Scotland and CPPs

117. The relationship between Community Justice Scotland and CPPs will be a **non-hierarchical** one, based on mutual support, characterised by open and transparent communication and recognising the balance between national and local responsibilities.
118. This relationship will be based on equality, with the body providing a constructive role for supporting CPPs in their delivery of outcomes.

Planning and reporting – Community Justice Scotland

119. Community Justice Scotland will be responsible for preparing a strategic plan for the delivery of its functions. In preparing the plan, Community Justice Scotland must engage with CPPs, partners – both local and national - and the body's broader range of partners and stakeholders including the Scottish Government.
120. The strategic plan must be agreed by the Board of Community Justice Scotland and submitted to Scottish Ministers for their approval. Upon approval, Community Justice Scotland must publish the plan and make it available to CPPs, partners and stakeholders.
121. Community Justice Scotland will be responsible for reporting on the delivery of the body's functions for the preceding reporting year which will be on a financial year basis. The annual report, prepared with engagement with CPPs, partners and the body's broader range of partners and stakeholders including the Scottish Government, must include any improvement actions or amendments to be made to the strategic plan which would be for approval by Scottish Ministers.
122. Upon approval, Community Justice Scotland must publish the report and make this available to CPPs, partners and stakeholders.

Planning and reporting – national Justice organisations

123. CPPs must involve partners whether they be organised on a local, regional, or national basis.
124. We did receive positive feedback that it would be useful for national Justice organisations, including the SPS and Police Scotland, to make their plans and reports available to Community Justice Scotland as well as their contributions being captured in local CPPs plans. We intend to take this forward.

Planning and reporting – relationship between Community Justice Scotland and CPPs

125. The CPP plan and annual report will be required to be made available to both communities and to Community Justice Scotland.

126. Community Justice Scotland will have the function to provide advice on CPP plans and reports for community justice. This advice may be relevant for the CPP as a whole or for any of the partners. Advice will be informed by Community Justice Scotland's oversight of 32 CPPs and its unique ability to share best practice.
127. CPPs and other partners will have the opportunity to engage with Community Justice Scotland's planning and accountability functions in a number of ways:
- Firstly, where Community Justice Scotland carries out functions or puts in place contracts at a national level, there will be a mechanism in place for customers (e.g. local authorities) to provide feedback on the services provided and the outcomes achieved;
 - Secondly, CPPs will have the opportunity to comment on Community Justice Scotland's strategic plan; and
 - Thirdly, at the year end, Community Justice Scotland will engage with CPPs and other deliver partners, in preparing its annual report on the delivery of its functions.

Planning and reporting – transition – CJAs and CPPs

128. We expect CJAs and CPPs to work together – with input from partners – for the latter to gain an understanding of the delivery landscape, planning and priorities, current services and contracts including those delivered cross-boundary.
129. The current set of CJA Area Plans run until the end of 2016/17 which is the transition year and first year of CPP plans and reports. It will be necessary to ensure alignment between plans during the transition period so that expectations of partners are clear and coherent. At the same time, there is a need to ensure continuity of service until such time as the new model is in place. It is vital, therefore, that CPPs recognise that CJAs will be in place until that time and will work closely with them.

Taking the work forward

130. There are several strands of work emanating from this response and these shall be taken forward by the CPP Transition, Legislative and Legal Framework and Outcomes, Performance and Accountability workstreams of the Redesign of Community Justice Project.

Chapter Six - Delivering Improved Outcomes for Community Justice in Scotland

What we asked

131. The consultation document described a national performance framework for community justice that will be developed jointly with key partners and in consultation with stakeholders. This framework would enable transparent monitoring of progress in delivering community justice outcomes across Scotland. The framework will be used by CPPs to plan, deliver and monitor services and by the national body to provide assurance to Scottish Ministers and local government leaders.
132. We asked for suggestions on how a national performance framework for community justice in Scotland could operate under the new model.

What we heard

133. Most respondents were positive about these plans and there is clearly a desire for evidence-based planning within community justice.
134. One of the most frequent responses to the request for suggestions related to the importance of encouraging transparency and the need for a Single Outcome Agreement (SOA) supported by streamlined external scrutiny and effective performance management.
135. A simplified logic modelling approach was indicated as the preferred method of developing the outcomes and performance management measures.
136. There was also support for accompanying guidance which supports partners to put the strategic, operational and practice arrangements in place.
137. It was highlighted that there was a need to ensure that CPPs and partners are contributing to an increase in positive public perception of crime in their local area. There is a need for measures to show the extent to which service users (offenders, victims, families, and communities) believe their lives are improving.
138. Points raised at consultation events included the importance of ensuring that key practitioners share the same ethos and focus on delivering outcomes; and the importance of creating a performance framework and tools to support community justice partners with delivering outcomes.

Scottish Government response

The national strategy

139. The Scottish Government will produce a national strategy for community justice. This strategy, developed jointly with local government and key partners and in consultation with stakeholders, will provide the vision for community justice and reducing reoffending over a 5 year period.

The approach to performance under the future model for community justice

140. The current model for community justice was criticised for its lack of measures to understand success and at what cost. How can the people of Scotland be reassured that the effort at a local level is actually delivering improved outcomes?
141. The new model will be defined by a performance culture through the establishment of a national framework for outcomes, performance and improvement for community justice – set out in the national strategy for community justice - against which local partnerships can plan and report.
142. This will provide real opportunities to plan and deliver services, monitor progress, drive improvement, offer consistency, provide assurance and link decisions and actions to analysis of need and what works, leading to increased efficiency and effectiveness.
143. The outcomes, performance and improvement management framework will, therefore, enable transparent monitoring of progress in delivering community justice outcomes across Scotland. The framework will allow each CPP to identify which areas of its plan are working well and which areas require improvement. The framework will also allow Community Justice Scotland to promote continuous improvement by benchmarking performance across the country.
144. The framework will cover all aspects of offender management in the community. The rehabilitative aspects of managing offenders will be based on the desistance model and promote the factors which reduce the chance of a person reoffending, such as improved health, access to housing, employability and positive relationships. The main organisations with responsibility for delivering these services are represented on CPPs.
145. The framework will include relevant outcomes and indicators, as well as details of how best practice may be shared and the approach to scrutiny and inspection for community justice.
146. The Scottish Government will develop the outcomes, performance and improvement framework jointly with key partners and stakeholders. Work is already on-going on preparing the framework with a number of workshops having been held in recent months.
147. In setting out these required outcomes to manage offenders and promote desistance, the framework will make clear that there will be contributions required of partners in order to reduce reoffending.
148. In discharging its assurance duty and improvement function, it may become evident to Community Justice Scotland that targeted support could be beneficial for individual partnerships or organisations.

149. If this is the case, Community Justice Scotland will have the facility to provide support to CPPs and partners in helping them deliver improved outcomes. This may include:
- Specific dialogue between Community Justice Scotland and local partnerships and relevant organisations regarding ways to support the improvement required;
 - Enabling benchmarking, sharing best practice, driving improvement in partnership standards and workforce development for community justice and facilitating closer engagement between local partnerships;
 - Raising awareness of any potential systemic issues and opportunities which exist to effect improvements and recommending solutions as appropriate;
 - Encouraging and, where appropriate, supporting any local systems for peer review.
150. Any serious and persistent performance concerns will be taken forward on a case-by-case basis with reference to the relevant accountability structures for the partners concerned.
151. In exceptional circumstances, Community Justice Scotland would have the power to recommend that a rescue task group be established to work with the local partnerships and relevant organisations to effect sustainable improvement. This would be done working closely with the local partnership and with the agreement of Scottish Ministers and relevant local government elected members.

Responsibilities on CPPs and partners

152. We recognise the importance of community planning reflecting local needs, with plans and operating arrangements shaped around local priorities and operating preferences. The responsibility for resolving any local issues rests with partners within the CPP.
153. CPPs and partners will be required, through guidance, to share information both on best practice and, where applicable, on issues and how they may have resolved them with other CPPs and partners including Community Justice Scotland. This will include CPPs and partners being required to support work to identify and test good and innovative practice.
154. However, should the local partners or a CPP request advice and assistance on issues that, for whatever reason, have not been able to be resolved locally either within or between partnerships, or through arrangements for community planning, then Community Justice Scotland will be able to offer support and assistance.
155. This is part of a layered approach:
- a. Collective responsibility locally;
 - b. Assurance by the national body;
 - c. Multi-agency thematic inspection.

156. We understand that collective responsibility is one of the cornerstones of community planning. For community justice, this collective responsibility is one of the strengths of the new model recognising the contribution that each partner must make and that no one partner can deliver the outcomes on their own. This was met with broad approval in the consultation responses.

Responsibilities on Community Justice Scotland

157. As part of its general assurance function, Community Justice Scotland will provide an independent and national overview of local partnership strategic delivery plans and annual reports for community justice. Community Justice Scotland will have the power to make recommendations to Scottish Ministers and to relevant local government elected members, as appropriate, on any improvements that are required based on its analysis and findings.
158. The framework will be used by Community Justice Scotland to provide assurance to Scottish Ministers and local government leaders, and by CPPs to plan, deliver and monitor services.
159. Community Justice Scotland will be able to recommend potential further improvement actions. These may include the offer of support from or arranged by Community Justice Scotland, requirement for improvement plans and the potential for specific multi-agency inspections. Local partnerships will be fully involved in the discussions as to action required.

MAPPA annual reports

160. Under the future arrangements, there will be no requirement for a separate annual report on MAPPA as this could be better included in the annual report on community justice from each CPP. This does mean that MAPPA will be included within the 32 CPP annual reports. The content of the MAPPA annual report remains the responsibility of the MAPPA responsible authorities in any case.
161. Should the regional groupings wish to continue to produce a regional report on MAPPA they would be free to do so.

Taking the work forward

162. This work shall be taken forward under the Outcomes, Performance and Accountability workstream of the Redesign of Community Justice Project and will be overseen by the Redesign and Performance Management of Community Justice Project Board.
163. The project has been working closely with key partners and stakeholders over the past few months to develop the outcomes, performance and improvement framework which is now in its early stages. We will test a prototype of the framework with willing CPPs in 2015/16.

Chapter Seven - Funding and Resourcing the Future Model

What we asked

164. No specific questions were raised in the consultation paper itself but key points were given in relation to the work ongoing to assess the potential costs and funding required for the new model.

What we heard

165. A sizeable number of respondents requested further information on funding under the new model, particularly at a local level but also in relation to how funding would operate for elements funded under the current model, such as national implementation programmes and MAPPA.

166. A number of respondents also mentioned that there may be resource implications for CPPs and local authorities which should be acknowledged.

167. A smaller number raised further points on the funding formula for section 27 funding for CJSW with further clarification sought and requests made for considerations of costs associated with delivery in smaller local authorities and partnerships. The ring fencing of section 27 monies was raised by a number of respondents.

168. Points raised at the consultation events included making the funding process transparent so that resources are seen to be distributed where they have the greatest impact; delivering better value for money from community justice funding through increased joint commissioning and investing in success; some were concerned to ensure that the new model generated more opportunities to secure longer term funding so that projects are able to deliver and embed positive outcomes.

Scottish Government response

Resourcing the transition

169. The transfer of responsibility for community justice to CPPs will require careful change management. We have given some detailed consideration to supporting CPPs through this change and transitional funding will be made available. Further details are given in Chapter Nine.

An outcomes-focus

170. The 2012 reports by Audit Scotland and the Commission on Women Offenders both highlighted the problems caused by inflexible funding systems that incentivise existing ways of working over improved outcomes.

171. Discussions with key partners and stakeholders, including CPP Managers, has elicited an expectation that any future resourcing and funding of community justice be outcomes-focussed.

172. For these reasons we will be setting up a funding sub group, including representation from the CJAs, COSLA, Social Work Scotland, CPPs, the Third Sector and the Scottish Government.
173. This group will consider the development of a new funding formula for the section 27⁵ funding provided for CJSW to better incentivise the outcomes set out in the framework. Current funding is distributed through CJAs for them to fund their component local authorities in order to deliver CJSW services. The new arrangements will see CJAs abolished and funding directed through Local Authorities, for use by CPPs to direct funding so that it is more tailored to meet local needs and deliver improved outcomes for community justice. This funding will continue to be ring fenced and specific for activity to deliver these outcomes, alongside resources from other partners.
174. The new funding model for section 27 funding will be more transparent and evidence based with greater focus on increasing transparency, incentivising preventative activity, and helping to achieve key outcomes.

A broader contribution to be made

175. There are a broad range of partners and stakeholders with a contribution to make to improved outcomes for community justice. CPPs should, therefore, look to leverage resource from their full range of partners in the delivery of community justice services. We have covered these duties in Chapter Three.
176. As part of this, we require that CPPs and statutory partners recognise the contribution to be made by the non-statutory sector, including the Third Sector, Community Based Organisations, victims, people who have offended and the wider community. This will be via the duty to involve them in the planning and delivery of community justice services.

Taking the work forward

177. A resources workstream has been established under the Redesign of Community Justice Project.
178. The activities surrounding the section 27 funding will report to the RRP2 Funding Project. The project in-turn will work with COSLA and the joint Scottish Government and COSLA Settlement and Distribution Group to develop and agree a funding mechanism and formula that is open, fair and transparent and one which will focus on outcomes rather than outputs. As this work progresses periodic updates will be provided to the Redesign and Performance Management of Community Justice Project Board. The Project Board will have the opportunity to note progress and provide direction for this work.

⁵ Currently CJA funding is provided under Sections 27A and 27B of the Social Work (Scotland) Act 1968 as amended by the Management of Offenders Etc. (Scotland) Act 2005.

Chapter Eight - Commissioning

What we asked

179. The subject of commissioning was covered in the consultation paper under Chapter Three on ‘Governance and Accountability for the New Model’.
180. We stated that the national body will work with CPPs, partners and the Third Sector to develop transparent processes for the commissioning of services in relation to community justice, building upon good practice. Some key expectations in relation to how commissioning may operate in practice were then set out in the paper.

What we heard

181. During the consultation workshops, a shared ambition raised was that of delivering better value for money from community justice funding through increased joint commissioning and investing in success.
182. Respondents and participants in consultation events recognised that national commissioning could provide opportunities for best value commissioning of some nationally delivered services. Where national commissioning can deliver economies of scale, most respondents were positive about this. Likewise, training, learning and development were raised as specific areas where commissioning on a national level could be beneficial.
183. There was the suggestion that the national body should provide an intelligent overview of service commissioning whilst enabling the CPPs to identify and develop services relevant to their local area.
184. However, there were requests for further clarity on commissioning, particularly in relation to the role of the national body. It was highlighted that national commissioning must take into account the differing needs of the diverse communities in Scotland.

Scottish Government response

185. By commissioning, we mean:

“supporting the shared assessment of and forecast of needs, linking investment to outcomes, considering options and supporting partners to plan the nature, range and quality of future services in support of community justice outcomes. Contracting and procurement procedures will support the commissioning process and will rest with the appropriate local or national body or bodies.”

186. The consultation responses supported a function for Community Justice Scotland to support the strategic commissioning process for community justice.
187. Community Justice Scotland will work with CPPs, partners including the Third Sector and stakeholders to establish an agreed intelligence-led long term

strategic and co-ordinated approach to commissioning for community justice in Scotland. This will be transparent in nature and will build upon existing good practice.

188. The primary responsibility for carrying out the strategic commissioning of services based on an analysis of local needs, evidence of what works and best value for money rests locally with CPPs.
189. However, where benefits are recognised at the national, regional and local level for shared services or collective and collaborative undertakings, organisations will be expected to work in partnership in establishing these. Commissioning and procurement may, therefore, take place at a national, regional or local level and organisations will be expected to work together to commission services in order to realise benefits where they have been identified.
190. There are no prescribed areas in which services would be commissioned on a national or pan-Scotland basis. National commissioning would take place on the basis of being able to deliver value for local partners, for example through economies of scale. It is also not the case that all national commissioning or the technical process or procurement and contracting which follows would be undertaken via Community Justice Scotland. Under the new model, we will look to utilise lead authority or existing national arrangements where these are the best avenue to do so.
191. Where appropriate and desirable, Community Justice Scotland would provide opportunities for economies of scale to achieve best value commissioning of some nationally delivered services. Likewise, training, learning and development are areas where commissioning on a national level could be beneficial.
192. Technical processes such as procurement and contracting follow on from these commissioning exercises and will rest with the appropriate body or bodies at a local, regional or national level. Some that are national may be contracted by Community Justice Scotland where it is appropriate to do so.
193. Community Justice Scotland will, naturally, have the power to commission and procure services that it requires to carry out its functions.
194. In any decision which has an impact on local financial and commissioning decisions, Scottish Ministers would consult with COSLA Leaders as appropriate, with a view to seeking agreement. This mechanism would respect the established procedures for the setting of the public sector budget in Scotland.

Taking the work forward

195. Discussions on commissioning will feature as part of the work of the CPP Transition workstream of the Redesign of Community Justice Project.

Chapter Nine - Supporting the Transition to the Future Model

What we asked

196. The consultation document stated that it will be important to ensure a successful transition from current structures to the new model for community justice in Scotland.
197. In recognition of this, CJAs will be at the heart of the transition arrangements. In particular, they will play a key role alongside Scottish Government officials in raising awareness amongst CPPs of their new responsibilities and providing training where necessary. This has been reflected in the guidance for the CJAs' Area Plans for 2014-17.
198. In turn, there is an expectation that CPPs and partners recognise that they are being placed at the heart of local strategic planning and delivery in the new model and that they will play a full part in the transition process of the new arrangements.
199. We asked for views on the arrangements in support of the transition process.

What we heard

200. Respondents mainly supported the arrangements in support of the transition process and praised the early involvement of stakeholders. There was a clear desire that this process commence as soon as possible, be communicated clearly, and that matters such as funding, ensuring partnership working; and addressing any concerns raised by CJAs and CPPs in a timely manner.
201. The main challenge that respondents highlighted about the transition process related to potential costs associated with transition. This was raised by Local Authorities, CPPs, Criminal Justice Social Work Partnerships and COSLA during the consultation.
202. Throughout the consultation workshops there was a strong sense that participants see the transition to the new model as a significant opportunity to bring about culture change across the community justice sector and also within local communities.
203. There was also a recognition at every workshop that there is good work happening across the community justice sector and participants are keen to ensure that this is not lost during the transition to the new model.
204. There were clear requests that communication and engagement be forthcoming throughout the transition period. Communication with practitioners, in particular, was seen as vital to ensure that the sector is fully engaged with the new model and therefore better equipped to support its development.

Scottish Government response

205. The Scottish Government and COSLA remain committed to ensuring the transition is as smooth as possible for all partners involved.
206. We recognise the clear need for CJAs and CPPs to continue to work together on reducing reoffending and the management of offenders both to ensure that focus on the delivery of current services and outcomes is not diminished during transition but also as a means of imparting crucial knowledge to allow CPPs and their partners to take on their responsibilities under the new model.
207. We share the desire for consistent and on-going engagement and active communication with partners and stakeholders, including with practitioners. We agree that communication between all relevant parties is essential throughout the transition period and beyond.
208. The Scottish Government has, therefore, established a change workstream to work with CPPs and partners to assist them in implementing the required local partnership structures. This will see CPPs and their partners begin planning for their responsibilities under the new arrangements.
209. In turn there will be an expectation that CPPs share with Scottish Ministers their intentions for how they plan to take forward arrangements for the strategic planning and delivery of community justice.
210. A CPP transition working group has also been established to facilitate the smooth transition of community justice arrangements from CJAs to CPPs; while ensuring the continuous provision and improvement of local community justice and capitalising upon the new structure to strengthen partnership working and best practice.
211. This working group, reporting to the Redesign and Performance Management of Community Justice Project Board, meets regularly and will take forward the workstream for the transition and its accompanying workplan. The group has representation from the Scottish Government, COSLA, CJAs, CPP Managers, CPP partners and the Third Sector.
212. The objectives of the CPP transition group are:
- To scope out which partnerships are currently effective and facilitate their retention in the new model where appropriate;
 - To encourage and facilitate collaborative working on the development of community justice plans at a CPP level;
 - To ensure continuous delivery of community justice services during the transition process by facilitating the establishment of appropriate shadow arrangements;
 - To identify and prepare appropriate guidance to support CPPs in the delivery of new obligations in relation to community justice; this will take a range of forms from a more high-level transition pack to official Scottish Government/COSLA guidance;

- To communicate the transition arrangements to a range of stakeholders with varying levels of awareness and involvement with the process;
- To consider and address associated operational requirements emerging from other workstreams relevant to transition (e.g. funding and human resources).

213. The Scottish Government, in conjunction with local government and with input from key partners and stakeholders, will produce guidance for partners and CPPs to support them in developing their arrangements. This guidance will complement existing legislation and guidance such as the Local Government in Scotland Act 2003, the Community Empowerment (Scotland) Bill and documents such as the joint Scottish Government/COSLA Statement of Ambition.

214. We recognise the desire that the transition process move ahead at the earliest opportunity. Engagement is already underway with CPP Managers, including a recent questionnaire process designed to gauge the level of awareness of community justice and readiness of CPPs – albeit at this early stage - for the transition to the new model. This was then followed up with attendance at the CPP Managers' Network on 3rd of October both to ask CPP Managers what they would wish from the transition process and to challenge them as to what steps they would take as a result of the engagement. This has led to further discussions taking place and offers of support to the redesign project.

Key dates and associated activities in the transition process

215. Elements of the transition will come into effect at different times throughout the period 2015-16 to 2016-17. This will necessitate a degree of flexibility on behalf of all partners and some interim procedures and processes being put into place.

216. Dates for the transition are indicative and will be driven, in part, by legislative requirements and Parliamentary process.

217. Further information on timescales is given in Chapter Ten.

Resourcing the transition process

218. In response to feedback from partners and stakeholders, including members of the Project Board, a joint Scottish Government/COSLA Development Manager post, funded by the Scottish Government, has been established to provide dedicated resource to the change project and to lead the workstream on CPP Transition and sit within the overall redesign project team.

219. We understand the representations made in responses to the consultation that there is a need to support CPPs at a local level in making the transition happen. A request was made for funding to be used to build both capability and capacity at a local level during this period.

220. The Scottish Government believes that all partners within each CPP should take on the responsibility for building the capability and capacity within their organisation in a way that allows them to understand how they will contribute individually and collectively to improved outcomes for community justice. Strategic and operational planning functions exist within all partner organisations and it is critical to the success of the new model that these are mobilised accordingly at a local level.
221. However, we recognise that to achieve the buy-in of partners to this ambitious agenda will require resource to support the change. Therefore, the Scottish Government will announce a transition fund to be allocated for CPPs to support the effort to build their capability and capacity for them to work together with partners on the achievement of improved outcomes for community justice.
222. CPPs are encouraged to work collaboratively in the building of this capability and capacity. We recognise that CPPs are at different stages of readiness. We expect those CPPs who have already developed partnerships around community justice to work with other CPPs to assist them in building their capability and capacity.
223. The fund will total £1.6 million per annum, commencing 2015/16 and will be split between the 32 CPPs with funds going to Local Authorities but to be used across the CPP. Our intention is for this fund to be available for 3 years, ending in 2017/18, however, this position will be reviewed at the end of 2015/16 in light of the outcome of the next UK Comprehensive Spending Review that is expected to take place following the May 2015 Parliamentary election.
224. Three years of transition funding should provide CPPs with sufficient time to take on their community justice role as well as make arrangements with key partners to share capacity and resources for this work going forward.
225. Release of the funds will be dependent upon the receipt of credible plans from each CPP as to how they will use this resource to deliver the prescribed outcomes. At the end of each financial year when applying for the following year's funds, CPPs will be required to demonstrate how they spent the previous year's funds in achieving those outcomes and did so in a way that delivers value for money. The Scottish Government will write to all CPP Chairs on this matter in due course.
226. As a key element of the above, CPPs will be required to work with the Third Sector, Community Based Organisations, communities, offenders and victims in the transition and in preparing their outcomes-focussed plans.
227. We recognise, however, that there may be the potential for this engagement to be curtailed by any customer-supplier relationships that may exist between partners. We further recognise the stretch upon the Third Sector to become involved in this change programme. We will, therefore, provide £50,000 per annum to the Criminal Justice Voluntary Sector Forum to enable them to build capability and capacity and engage with the partnership arrangements emerging across Scotland. Again, our intention is for this fund to be available

for 3 years, ending in 2017/18, however, this position will be reviewed at the end of 2015/16 in light of the outcome of the next UK Comprehensive Spending Review. As with CPPs, release of the funds to the Forum will be dependent upon the receipt of a credible plan as to how the resource will be used. We expect this to cover the change management approach, a principle of inclusivity whereby transition has to work for all Third Sector partners, including large and small organisations within and out with the sphere of those involved in criminal justice. At the end of the financial year when applying for the following year's funds, the Forum will be required to demonstrate how they spent the previous year's funds.

228. Engagement with CPPs and the Criminal Justice Voluntary Sector Forum will be provided by the CPP Transition working group and through the joint Scottish Government/COSLA Development Manager post. Oversight of the budget will remain with the Scottish Government.

Taking the work forward

229. The CPP Transition workstream, supported by the working group and led by the joint Scottish Government/COSLA Development Manager post will manage the workplan for transition, reporting to the Project Manager on progress, risks, issues, constraints and interdependencies.
230. The Project Manager will report to the Project Board who will have the oversight of the Project, led by the Chair.
231. COSLA are members of the Project Board and there will be an agreement as to the key milestones at which COSLA Leaders will receive reports on the progress of the transition workstream. There may also be a need to involve COSLA Leaders if any intervention is required at a political level to drive progress.
232. To achieve the above, CPPs will be expected to work closely with CJAs, the Redesign of Community Justice Project Team and CPP Transition working group on their work ahead.

Chapter Ten – Conclusion, Way Forward and Timescales

What we asked

233. Timescales relating to the work were given, at a high level, in the consultation paper.
234. No specific questions were asked about timescales.

What we heard

235. A number of respondents highlighted that it was vital that the matters addressed in the consultation are resolved in sufficient time to permit local authorities and partners to devise coherent strategies and plans.

Scottish Government response

Conclusion

236. The majority of organisations who responded to the consultation were in favour of the proposed new model for community justice. Both the new body and the Hub were broadly welcomed and there was widespread agreement that the planning and management of community justice services should rest with CPPs.
237. We believe the new model will achieve improved outcomes for community justice in Scotland in a transparent and inclusive way which recognises and values local planning and delivery, while providing national leadership and direction to further reduce reoffending.

Oversight of the work ahead

238. The redesign effort is one of six projects established under RRP2. Together with its sister project on performance management, the work on redesign will be governed by the Redesign and Performance Management Project Board, the Chair of which reports on progress, risks and issues to the RRP2 structure and Senior Responsible Owner (SRO).
239. Membership of the Project Board has been drawn from key partners and stakeholders involved or impacted by the work programme and includes representation from:
- CJAs;
 - COSLA;
 - Criminal Justice Voluntary Sector Forum;
 - Local Government Criminal Justice Social Work;
 - Offender organisations;
 - Scottish Government;
 - SPS;
 - Social Work Scotland;

- Third Sector organisations.

240. The Project Board will link closely with other national Justice organisations, including Police Scotland, COPFS, the SCS and the Judicial Institute for Scotland as well as with NHS Scotland.

Delivering the project

241. As referred to at several points during this response, a project team has been established to take forward the work of the project which has been split into eight workstreams:

- Legislative and legal framework;
- Human resources;
- Resources;
- Outcomes, performance and accountability;
- Learning and development;
- CPP Transition;
- Establishment of national body;
- National Strategy.

Timescales

242. Dates for the transition are indicative and will be driven, in part, by legislative requirements and Parliamentary process and by the readiness of partners to take forward the change agenda. However, we anticipate that the following will hold true:

- **2014 – 2016/2017** - Awareness raising, the delivery of information from CJAs to their respective CPPs and support on the transition process. This process has already begun;
- **Spring 2015** – anticipated introduction of the Community Justice Bill. Further legislative timescales are subject to the will of Parliament;
- **During 2015/16** – the national strategy for community justice will be developed in consultation with key partners and stakeholders and will encompass the outcomes, performance and improvement framework for community justice;
- **During 2015/16** – the national outcomes, performance and improvement framework will finalised, having been discussed with key partners and stakeholders. This will include agreement of the approach to scrutiny and inspection;
- **During 2015/16** – CPPs commence their planning activities;
- **January 2016** – CPPs share with Scottish Ministers their intentions for how they plan to take forward arrangements for the strategic planning and delivery of community justice;
- **January 2016** – CPPs make their plans for 2016/17 available to the Scottish Government for comment and to COSLA in support of the transition process;

- **1 April 2016** - CPPs will be able to assume their responsibilities under the new model under a shadow arrangement with full responsibility being conferred from 1 April 2017 once the required legislation has been enacted;
- **During second half of 2016/17** – Community Justice Scotland will be established, including formal establishment of the body; appointment of Chair; appointment of Board members, recruitment of staff and commencement of sponsorship arrangement with the Scottish Government;
- **31/03/2017** – CJAs are formally dis-established;
- **1 April 2017** – the new model for community justice in Scotland comes fully into effect.

Contact

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