

Community Justice – update with Scottish Government response to consultation

3.0 INTRODUCTION

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

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

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

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

4.0 RECOMMENDATIONS

- 4.1 It is recommended that the Committee note the content of the report, specifically that a new model for Community Justice will be in place by April 2017, and note the timeline and deadlines for CPP input within this set out in Appendix 1.

5.0 DETAIL

- 5.1 The Scottish Government published their response to the consultation on the redesign of Community Justice on its website on 15 December 2014

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

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

5.2 There are key steps and a timescale to progress the move away from the Community Justice Authority to the Community Planning Partnership having responsibility for Criminal Justice (see Appendix 1). By the 1st April 2017 the new model of Community Justice will be in place in Scotland.

5.3 The new model has different elements and defines the role of a newly-created national body (Community Justice Scotland: CJS) and that of a National Hub for Innovation, Learning and Development. It is intended that staff within the national body will have a mutually supportive relationship with their counterparts in CPPs.

5.4 Local Strategic Planning and Delivery

Whilst the Scottish Government model does not require CPP's to create separate 'community justice' partnerships, it underlines the need for local partnerships to ensure they can deliver, and indeed improve upon, the outcomes for community justice.

Each CPP will require to publish a plan and any aspects of commissioning will be guided by a national strategy document. A national performance management framework will also be developed for outcomes, performance and improvement.

Advice and support materials are being developed to support CPPs as they prepare for the transition and a series of local, regional and national events will be held to help raise awareness.

5.5 Governance and Accountability under the Future Model

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

practice and the resolution of any issues.

The issue of Multi Agency Public Protection Arrangements (MAPPA – the mechanism for the management of high risk offenders in the community) was raised throughout the process of consultation. MAPPA units are required to produce an annual report – in the new model this will be incorporated into the CPP annual report (which will be a statutory task for each CPP).

5.6 Funding

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

In terms of funding CPP development and capacity, the Scottish Government will provide a transition fund of £1.6M per year (starting 2015/16) for a period of three years (although this will be subject to review at the end of 2015/16 due to the UK Comprehensive Spending Review). This will be split evenly between the Local Authorities at £50,000 each, but will only be released when the Scottish Government receives “credible” plans from CPP’s on how the money will be spent to support transition. The CPPs within the three Local Authorities covering the Criminal Justice Social Work Partnership in Argyll and Bute have the potential to “pool” resources and apply for a transitional fund of £150,000 per year.

6.0 CONCLUSION

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

7.0 IMPLICATIONS

7.1 Policy

There are no immediate policy implications. Argyll and Bute Council will continue to discharge its statutory duties in respect of services to offenders and the public through social work legislation and community safety planning.

7.2 Financial

Criminal justice social work services are provided via a ring-fenced grant under Section 27 of the Social Work (Scotland) Act 1968, administered through the CJAs. Administration of the grant will fall to the CPPs in 2017. There is an expectation by the Government that the redesigned community justice approach will be provided within the existing (or future equivalent) resources of partner agencies, which includes the Local Authority criminal justice service.

The cost of transition from CJA to CPP will be met through a 3 year fund from the Government and as such there should be no financial implication for the Council in this respect. The transition fund has been determined at £50,000 per year for each Local Authority with an opportunities to “pool” resources with neighbouring CPPs. It is important to note, the funding formula for determining the Section 27 grant for Local Authority Criminal Justice Social Work services is currently under review and therefore it is impossible to determine what the financial impact may be for the Council under the new arrangements. The current criminal justice partnership arrangement with the East and West Dunbartonshire’s affords financial economies of scale for Argyll and Bute.

7.3 Legal

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

7.4 HR

There are no Human Resource implications.

7.5 Equalities

There are no Equalities implications.

7.6 Risk

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

7.7 Customer Service

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

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APPENDICES

- Appendix 1: Timeline for implementation of Community Justice Redesign

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During 2014 – 2016/2017	Awareness raising, the delivery of information from Criminal Justice Authorities (CJAs) to their respective Community Planning Partnerships (CPPs) and support on the transition process
During 2015/16	<ul style="list-style-type: none"> • 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 • The national outcomes, performance and improvement framework will be finalised, having been discussed with key partners and stakeholders. This will include agreement of the approach to scrutiny and inspection • CPPs commence their planning activities
January 2016	<ul style="list-style-type: none"> • CPPs share with Scottish Ministers their intentions for how they plan to take forward arrangements for the strategic planning and delivery of community justice • 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 in transition 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 <ul style="list-style-type: none"> • Formal establishment of the body • Appointment of a Chair • Appointment of Board members • Recruitment of staff and commencement of sponsorship arrangements 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