



To: **Community Planning Partnership Board**

On: **24 June 2015**

Report by:

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Community Justice (Scotland) Bill

1. Summary

- 1.1 The Community Justice Bill, published on 8 May provides the legislative framework for the proposed changes to community justice arrangements in Scotland.
- 1.2 A number of community planning partners referred to in the Bill as community justice partners will be responsible for working together to publish a community justice outcomes improvement plan. As such Community Planning Partnerships are to be central to the new community justice arrangements. These arrangements will commence on 1 April 2016 with a shadow year, with full responsibility from 1 April 2017 when Community Justice Authorities are disestablished. The focus will be on delivering community solutions to the issues of reducing re-offending and offender management. Rather than creating a new partnership to address the duties under the Bill it is suggested that the Community Planning Partnership oversees the implementation of the duties and responsibilities in the Bill.
- 1.3 Renfrewshire Community Planning Partnership, through the community justice partners, requires to ensure that the reducing reoffending agenda is embedded within its arrangements, and that the range of defined organisations contribute to this agenda within Renfrewshire. The community justice partners are defined as the local authority, NHS boards, Police Scotland, Scottish Fire and Rescue Service, Health & Social Care Integration joint boards, Skills Development Scotland, the Scottish Courts and Tribunals Service and Scottish Ministers in their role as the Scottish Prison Service. It is proposed that the Safer and Stronger Thematic Board progresses this agenda on behalf of the CPP.



- 1.4 The community justice partners are required to submit a transition plan to the Scottish Government in January 2016 detailing how the arrangements will be established locally. A national quality assurance framework for outcomes, performance and improvement is expected imminently. The National Strategy for Community Justice is anticipated in March 2016. In future years the community justice partners will be expected to report against the national strategy and the performance framework.
- 1.5 Transition funding of £50,000 has been made available to local authorities to progress the new model, for 3 years commencing 2015/16. It is proposed that a fixed term part-time Lead Officer Community Justice post is created. This post would report to the Criminal Justice Services Manager, with responsibility for the preparation of the multi-agency reports, ensure timeous reporting to the Scottish Government initially and the new national body Community Justice Scotland from 2017.
- 1.6 The Chief Officers Group will oversee the development of the strategic plan and review performance against outcomes. Criminal Justice social work services remain the responsibility of the local authority, within Children's services and as such would report to the Education and Children's Policy Board.
- 1.7 A call for written evidence on the Bill has been published and comments are due to be submitted by 12 August 2015.

2. Recommendations

2.1 The Community Planning Partnership is asked to

- a) note that the Community Justice (Scotland) Bill creates a duty on the community justice partners to work together to submit a strategic plan, based on the assessed local needs, and details how the partnership will meet nationally determined outcomes and any locally determined outcomes.
- b) agree that local strategic planning and delivery of community justice services is progressed through the Community Planning Partnership's Safer and Stronger Thematic Board
- c) note that the community justice partnership will submit a transition plan to a future meeting of the Community Planning Partnership for approval
- d) note that a post of Lead Officer Community Justice is created on a fixed term basis to support the development of the plan and
- e) note that a transitions group is established, as detailed in Section 3.6, to take forward the new arrangements



3. Background

- 3.1 In September 2011 a report from Audit Scotland on reducing reoffending called for a review of existing community justice arrangements, and in April 2012 the Commission on Women Offenders raised concerns about the effectiveness of such arrangements for both women and men in Scotland. It concluded that there were significant structural and funding barriers to the effective delivery of offender services in the community and that radical reform was required.
- 3.2 In response the then Cabinet Secretary for Justice stated that the status quo was untenable and two Scottish Government consultations followed in December 2013 and April 2014 to consider the future model of community justice in Scotland. Three potential options were considered:

Option A: Enhanced Community Justice Authority (CJA) model, where changes are made to CJA membership and functions.

Option B: Local authority model, where local authorities assume responsibility for the strategic planning, design and delivery of offender services in the community.

Option C: Single service model, where a new national social work-led service for community justice (separate to and sitting alongside the Scottish Prison Service (SPS)) is established.

Renfrewshire Council's response supported Option B: the Local Authority Model, in recognition of the importance of maintaining social work values when working with criminal justice service users, and recognising their need to access a range of wider council and other local services. In terms of public protection access to information and joint working is crucial to supporting effective practice in relation to both child and adult protection. It was however recognised that some form of national body could have a role in meeting the specific needs of criminal justice workforce development and ensure a national performance framework for community justice.

- 3.3 The outcome of the consultations reflected this position. The model recognised that Community Justice is much wider than criminal justice social work, that a range of bodies, public, private and third sector are involved in the operational planning, design and delivery of services for offenders, and that the support criminal justice service users receive from a wide range of general services i.e. housing, education, NHS etc also assists in reducing reoffending. Thus a wide partnership of agencies is essential to deliver better outcomes for service users, their families, their victims and communities.
- 3.4 The Community Justice Bill published on 8 May provides the legislative framework for the proposed changes to the community justice arrangements in Scotland, this includes:



- Community Planning Partnerships (CPPs) are to be central to the new arrangements: the focus will be on delivering community solutions to the issues of reducing re-offending and offender management. There is no requirement on the community justice partners to establish distinct community justice partnerships. There will therefore be discretion in how these new duties are delivered.
- It is proposed that the Renfrewshire CPP will assume responsibility under the new model from 1 April 2016, with full responsibility being conferred from 1 April 2017. Community Justice Authorities (CJAs) will be formally disestablished on 31 March 2017 assuming the completion of the Bill process.
- A transition plan for the shadow year requires to be made available to Scottish Government by January 2016. Following this community justice partners will require to prepare and publish a local plan to deliver improved outcomes for community justice in their area and to report annually on their assessment as to what has been achieved. This plan will be submitted to the national body, Community Justice Scotland
- The national body, Community Justice Scotland, will be established in the latter part of 2016/17. The emphasis is on a non-hierarchical, mutually supportive relationship. Notwithstanding this, the new national body will have an assurance function. This body will be tasked with setting the vision for community justice and reducing reoffending in Scotland, which will take the shape of a national 5 year strategy. This is to be developed in partnership with local government and key partners. There will also be a communication function, championing community justice services in an effort to raise their profile and highlight their contribution.
- The Scottish Government will develop a national framework for outcomes, performance and improvement, jointly with key partners and stakeholders. It is against this framework that community justice partners will be expected to plan and report.
- A funding sub group has been established to consider development of a new funding formula for Criminal Justice Social Work (CJSW), which better incentivises the outcomes which will be set out in the new framework. It is noted that to achieve improved outcomes for community justice will require contributions beyond criminal justice social work. CPPs are therefore expected to leverage resource from their full range of partners in the delivery of community justice services.
- The Multi Agency Public Protection Arrangements (MAPPA), at least for the short term, will continue on a regional basis of the current North Strathclyde Community Justice Authority. However, MAPPA will require to be reported on within individual local authority annual reports.

3.5 The Community Justice Authorities will be disestablished, and the reducing re-offending agenda will instead be led by community justice partners and embedded within Community Planning Partnerships.



Whilst national outcomes and a new performance framework are anticipated to be produced imminently, it is likely that the National Strategy will not be completed until March 2016.

This Bill places responsibility for the local planning and delivery of improved outcomes for community justice with a defined set of community justice partners including local authorities, NHS boards, Police Scotland, Scottish Fire and Rescue Service, Health & Social Care Integration joint boards, Skills Development Scotland, the Scottish Courts and Tribunals Service and Scottish Ministers in their role as the Scottish Prison Service.

- 3.6 Within Renfrewshire the following is proposed to support the development of the new arrangements:

Transition Group:

A transition group chaired by the Head of Service Childcare and Criminal Justice is established to take forward the model within the Safer and Stronger work stream. This will include consideration of relevant members and how to engage criminal justice voluntary sector partners, alongside local 3rd sector forums; also how best to engage with the Scottish Prison Service. Initial discussions have taken place with Inverclyde (base of HMP Inverclyde) and East Renfrewshire as to the capacity for a joint approach to this liaison. This group would also ensure liaison with the North Strathclyde Community Justice Authority Chief Officer as to the support the CJA could provide in relation to the transition period including assistance with the provision of the initial plan in January 2016.

Support for Transition:

That the £50,000 per annum available for the next three years to support the transition is utilised to create a 212.5 hour Lead Officer Community Justice reporting to the Criminal Justice Services Manager. This would align criminal justice services to other council bodies i.e. the Renfrewshire Child Protection and Adult Protection Committees and the Alcohol and Drug Partnership, ensuring there is a specified individual with knowledge of criminal and community justice who would compile the Renfrewshire annual reports, and ensure that expectations regarding ongoing analysis and reporting are met. Grading would be subject to job evaluation and it would be envisaged that this extension to the criminal justice establishment would be met through the scheme of delegation process.

This post would be subject to job evaluation for grading, remaining funding would be utilised for travel, awareness raising, the possibility of a multi-agency event/conference etc



Governance:

That the community justice agenda will be progressed by the Safer and Stronger Thematic Board.

1. Resources

The new model of community justice seeks to harness the resources of agencies and organisations within Renfrewshire which provide services to those involved in criminal justice, with the aim of addressing reoffending. Thus no additional resources are being provided within the new model for interventions with service users.

£50,000 per annum is being made available until 31 March 2018 to support local authorities in the transition from Community Justice Authorities to Community Planning Partnerships. £50,000 per annum is also being made available to the 3rd Sector Community Justice Forum to consider how such organisations can best be represented within CPPs.

In the new arrangements grant funding for criminal justice social work will be allocated directly to the local authority from April 2017.

2. Prevention

The new model seeks to reduce reoffending through the co-ordinated responses of a range of defined agencies to working with criminal justice service users. Multi-agency annual plans will report and measure against a national quality assurance framework for outcomes, performance and improvement.