
To: North Strathclyde Community Justice Authority

On: 11th December 2015

Report by: Chief Officer

Heading: Community Justice (Scotland) Bill – Stage 1 Scrutiny

1. Summary

- 1.1** The Justice Committee of the Scottish Parliament completed Stage 1 Scrutiny of the Criminal Justice (Scotland) Bill at the end of October and published their report on the 11th November. On the 19th November the Bill was the subject of a full debate in the Chamber of the Scottish Parliament. Some of the themes which were identified in the report were also reflected during the discussion by members of all parties.
- 1.2** The definition of Community Justice in the Bill was felt to be too narrow and different to that which was used during the national consultation. There was wide agreement that the definition had to include reference to both “prevention” and “effective early intervention”. In the Ministers remarks during the debate he agreed to revisit the definition.
- 1.3** There was also broad agreement that the issues of accountability and leadership were not fully addressed in the model which is set out in the Bill. This applied to both the local Community Justice Partnerships and the new National Body. Specifically, Members requested the Minister considers specifying Community Planning Partnerships as the lead body in the local arrangements and also considers whether Community Justice Scotland has significant powers to undertake its national leadership role.
- 1.4** Members also asked that the Bill be much clearer on the role of the third sector in the new arrangements and specifically how they can engage both locally and nationally in the new structures.
- 1.5** There was agreement amongst Members that the Bill has to be clearer on how the views / needs of communities and victims would be taken into account at a local and national level.

- 1.6** In both his opening and closing address at the debate, the Minister Mr Paul Wheelhouse accepted the above concerns where relevant and undertook to look at these parts of the Bill prior to Stage 2.
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2. Recommendations

- 2.1** The Authority is asked to note the content of this report.
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3. Background

- 3.1** The Bill will take forward the legislative change necessary to establish a new model for community justice. The new model seeks to deliver better outcomes for communities by promoting a collaborative approach to the planning and delivery of improved outcomes, putting decision-making in the hands of local communities and agencies who are best-placed to assess local needs. Arrangements will be made at a national level to provide strategic leadership; enhanced opportunities for innovation, learning and development; and assurance on the delivery of improved outcomes. The model also recognises stakeholder views that community justice services should be person-centred, evidence-based and make best use of resources.

In particular, the Bill will:

- Place 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);
- Place duties on these community justice partners to engage in local strategic planning and be accountable for this;
- Require the development of a national strategy and a performance framework in relation to community justice;
- Create a national body to provide leadership, promote innovation, learning and development; provide assurance to Scottish Ministers on the delivery of outcomes; and to provide improvement support where it is required;
- Promote a focus on collaboration – including the opportunity to commission, manage or deliver services nationally where appropriate.

Implications of the Report

Equality & Human Rights

The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Authorities website.

Author Jim Hunter, Chief Officer, North Strathclyde Community Justice Authority
Email: jim.hunter@renfrewshire.gsx.gov.uk Tel: 0141 887 6133