



**JOINT CJA UPDATE  
REPORT**  
**Sheriff Principal's Meeting**  
Paisley Sheriff Court  
13 May 2016



**COMMUNITY JUSTICE (SCOTLAND) ACT 2016**

The Community Justice (Scotland) Act 2016 was passed by the Scottish Parliament on 11 February 2016 and received Royal Assent on 21 March 2016.

There were a number of **key improvements** to the legislation during the parliamentary process, including:

- Broadening the *definition of community justice*, to include the point of arrest and alternatives to prosecution, but not to include the prevention of first time offending (which is covered by other legislation and policy developments).
- Significantly strengthening *the role of the third sector* within the new local and national arrangements.
- Specific requirements to engage with organisations representing *families and victims*.
- Clarifying the oversight power of *Community Justice Scotland*.
- Confirming the list of *statutory community justice partners* as:
  - (a) each local authority,
  - (b) each health board,
  - (c) the chief constable of the Police Service of Scotland,
  - (d) the Scottish Fire and Rescue Service, 35
  - (e) Skills Development Scotland,
  - (f) an integration joint board established by virtue of section 9 of the Public Bodies (Joint Working) (Scotland) Act 2014
  - (g) the Scottish Courts and Tribunals Service, and
  - (h) the Scottish Ministers (i.e. Scottish Prison Service).

No amendments were supported around clarifying **leadership and authority issues** within the local arrangements, such as requiring the Community Justice Partners to form a partnership or nominate a Chair.

There remains no direct mention of **Community Planning Partnerships** although the Scottish Government has continued to emphasise that CPPs are 'at the core of the new model'. There is no commitment to funding for the local community justice arrangements after the CPP transition funding ends in March 2018 – this will remain under review.

A number of **national developments** linked to the new community justice arrangements are nearing completion, including the national strategy, performance management framework and guidance. It is anticipated that these will be available in June 2016.

The **shadow year** has now begun for the new local community justice transition arrangements, which will work alongside the existing CJAs until 31 March 2016. The first national network meeting of the local Community Justice Transition lead officers was held at Cosla on 18 April, bringing together all those who have been employed using Scottish Government transitions funding to support the changes at a local level. We included a 'Leaves on the Track' workshop exploring the impact of crime, including a performance of the drama by Breeze Productions (originally commissioned by SWSCJA, NSCJA and others). We also launched a new 'Leaves on the Track' national workshop pack exploring the issues raised in the drama. This is free to download and includes a range of interactive workshop activities for use with prisoners, service users, practitioners and partner organisations (<http://www.swscja.org.uk/leaves-on-the-track-victim-awareness-drama.html>).

## **SOUTH WEST SCOTLAND WOMEN IN THE JUSTICE SYSTEM**

There is still no news on where the proposed five new **Community Custody Units** for women are to be located, and a national site searches are continuing, however the Scottish Prison Service is carrying out a series of workshop discussions with local partner organisations in all CJA areas over the coming weeks.

A workshop session was held with the SWSCJA Area Plan Implementation Group (APIG) on 4 May, including discussions around the design of the facilities, links with local partners, community engagement, the profile of women most likely to succeed in the Units, community integration and any opportunities/ concerns people wished to discuss.

It is anticipated that in June a list of possible local authority areas will be discussed with the Cabinet Secretary for Justice, followed by discussions with specific local authorities. The intention is to open the first Unit in late 2019 with the remaining four Units to follow by the end of 2020.

The Units will be complemented by a new small, high end women's prison to be built on the site of the existing HMPYOI Cornton Vale (it will house around 80 women and will be given a new name) and the existing regional units at HMP Grampian, HMP Edinburgh and HMP Greenock. To prepare for developments at the Cornton Vale site, a number of women are being moved to Blair House at HMYOI Polmont. This arrangement was used previously to enable the refurbishment at Cornton Vale following the Angiolini report.

SWSCJA is nearing completion of some work around the **Whole System Approach for Women**. This includes a report commissioned from Sacro based on discussions with a range of local stakeholders (including sheriffs at Ayr and Kilmarnock Sheriff Courts) and a final report of the Early and Effective Intervention (EEI) for Women demonstration project, which ended in March 2016.

The Scottish Government has confirmed a further year's **funding for community justice services for women** in 2016-17 (an initial short term grant had been made in October 2015 for spend in 2015-16). This funding has been enhanced and now amounts to £1.5 million divided equally between the eight CJAs. The funding is a direct justice reinvestment from the Scottish Prison Service into the community justice budget. This has enabled us to extend our investments in early stage diversion, bail supervision and alternatives to remand and custody introduced last year.

## POTENTIAL DEVELOPMENTS IN COMMUNITY SENTENCING

Further enhancement to the community justice budget is anticipated to support a number of potential developments in community sentencing.

This includes developments in **electronic monitoring**, with the Scottish Government currently undertaking a series of local engagement events with stakeholders, outlining the latest thinking on combining electronic monitoring with supervision and support, and linking to newer technologies. The NSCJA event was held earlier this year, whilst the SWSCJA events are scheduled for 9 June (Dumfries) and 21 June (Ayr), with additional twilight sessions to be held the same days (from 5-6.30pm) targeted at solicitors and members of the judiciary.<sup>1</sup>

The Scottish Government has also published an analysis of the consultation results on the **Presumption Against Short Sentences**. This shows that 85% of respondents agreed with extending the presumption beyond the current 3 months, and that 84% of those who agreed with this proposal favoured an extension to all sentences of 12 months or less (<http://www.gov.scot/Publications/2016/03/8624>). It is therefore anticipated that the new Scottish Government will bring forward proposals for an extension to the current 3 month presumption.

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<sup>1</sup> For more on the daytime events, see <http://www.swscja.org.uk/>. Information on the twilight sessions is to follow.

## **NORTH STRATHCLYDE CJA**

Both the Chief Officer and the Planning Officer have been busy on a national level as members of various groups organising events and developing the draft National Strategy and Guidance documents. This work will continue through until the end of the summer when the Strategy, Guidance and also the performance framework are formally launched. Our Planning Officer has also been out around Scotland from Inverness to Dumfries as part of team who are reviewing the use of Electronic Monitoring. This work will conclude during the next few months and the review team will provide the Justice Secretary with a report and recommendations to consider. It is likely this will include a positive view of the GPS equipment and also the need to put additional support in place for people who are subject to electronic monitoring.

Locally we have been working with all the new community justice partnerships to help them develop their local structures and agendas. This involves attending meetings and events and today (13/05/16) we are both at the first workshop taking place in East Renfrewshire. Our view is that all the North Strathclyde Local Authorities will be ready and able to take on their new duties come 1<sup>st</sup> April 2017. Our work to support the new arrangements will continue until the CJAs are abolished on 31<sup>st</sup> March next year.

## **NORTH STRATHCLYDE WOMEN IN THE JUSTICE SYSTEM**

Finally, part of our grant allocation for 2016-17 was £187,000 specifically for services to support women in the community. The funding is being used for bail supervision and support for women appearing at Greenock, Dumbarton and Paisley Sheriff Courts. An amount has also been provided to maintain discreet community support teams / services in the same 3 towns.