
To: North Strathclyde Community Justice Authority

On: 13th March 2015

Report by: Chief Officer

Heading: Community Justice Redesign – Progress Report

1. Summary

- 1.1** The Chief Officer has provided numerous reports on the redesign to keep members and partners briefed, so the history of this initiative will be well known. This report provides an update on progress to date.
- 1.2** Community Justice (Scotland) Bill 2015: The Bill is at its final draft stage and is ready for its introduction to Parliament in early spring. Before that, the Financial Memorandum and explanatory notes, both of which have to accompany the Bill, require to be drafted and work has begun on both. CJAs are assisting with gathering information for the Financial Memorandum.
- 1.3** Shadow Year: all being well with the passage of the Bill through Parliament, there will be a shadow year for Community Planning Partnerships during 2016/17 prior to them taking on their new duties and responsibilities on 1st April 2017. To prepare for this, CPPs will be required to submit a shadow plan to the Scottish Government by the end of 2015 for Ministerial approval. They will then be expected to implement the plan along with partners during the shadow year and report back to the Scottish Government on the progress they have made (possibly June 2017).
- 1.4** Additional funding for CPPs: To assist CPPs in the shadow year and for two years thereafter, the Scottish Government have provided an extra £1.6 million to be shared across all 32 CPPs. The allocation of the extra funds will be agreed first at the COSLA Distribution and Settlement Group who will consider 2 options (a) an equal share of £50,000 pa to each CPP or (b) a minimum of £35,000 to each CPP with the balance allocated on a workload formula. In addition, the Scottish Government has provided £50,000 to the Justice Third Sector Forum to assist them to prepare for engagement with the new structure.

- 1.5 CPP Transitions Group: This group has representatives from CPPs, COSLA, Scottish Government, Scottish Prison Service, CJAs and the third sector and is planning to hold national and regional events to help CPPs prepare for their new duties. This will include transferring knowledge currently held by CJAs to the CPPs to assist in their strategic planning and understanding of the community justice landscape. The first national event will be held on 2nd April 2015 in Edinburgh and is being targeted at CPP Managers.
- 1.6 Community Justice Scotland: Provided the Bill progresses on time, it is hoped to begin recruiting the Chair and Chief Executive in February 2016 with the rest of the Board and staff group being in place by autumn 2016. It is expected the total staff group in CJS will be 20-24 persons including the Learning Hub. An equalities impact assessment is being undertaken before any decision on the location of CJS is made.
- 1.7 National Community Justice Strategy: CPPs will be expected to develop their local strategic plans in large part to deliver the National Strategy in their areas. Work will begin shortly to create a first draft and this is a process which will involve considerable consultation with all justice partners. The CJAs are providing assistance in the drafting process by committing one Chief Officer and a Planning Officer (William Kennedy, NSCJA, Planning Officer) to help. This will mean the NSCJA Planning Officer spending 1 day per week in Edinburgh.
- 1.8 CJA Staff: The Scottish Government have stated that there will be no TUPE arrangements for CJA staff to take up posts in the new national organisation (CJS). A HR Group with representation from COSLA will look at all options for CJA staff to consider and with staff consent has begun to approach lead Local Authorities to collect information and clarify conditions of service. It is expected that staff will receive individual letters setting out their options by spring 2015.
- 1.9 CJA Disestablishment Group: This group has representatives from COSLA, CJAs and the Scottish Government and has been set up to estimate costs (excluding HR) of disestablishing CJAs and to consider the practical implications of this. The group will also consider the resilience issues for CJAs particularly in late 2016 – March 2017 and provide some advice on dealing with key vacancies. The group is currently trying to identify all CJA assets and liabilities.

2. Recommendations

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

3.1 The Government published its response to its consultation, the “Future Model for Community Justice in Scotland” on 15 December 2014. The main features of the proposals include:

- 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 CPPs to establish distinct community justice partnerships. There will therefore be discretion in how these new duties are delivered.
- The timescales identified mean that CPPs 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. It is noted that legislation will be necessary for this to happen.
- CPPs will have a duty 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. The first plan for the shadow year requires to be made available to Scottish Government by January 2016.
- The national body, Community Justice Scotland, will be established in the latter part of 2016/17. CPPs will not be accountable to the national body (Community Justice Scotland) for their performance. 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.
- A hub for innovation and learning will also be developed, with functions determined by Community Justice Scotland. Among its core functions will be the production of a national training schedule and taking a strategic approach to workforce development.
- 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 CPPs will be expected to plan and report.
- Transitional funding of £1.6 million per annum will be made available from 2015/16, for 3 years ending in 2017/18. The criteria for the allocation of this funding will be agreed through the COSLA Distribution and Settlement Group. It is understood that the provision of a suitable local plan will be a requirement.

- It has been identified that £50,000 per annum will be provided to the Criminal Justice Voluntary Sector Forum to enable them to build capacity and engage with the partnership. National partners including Police Scotland and the Scottish Prison Service will be key partners as will Victim Support Services.
- 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. This includes Argyll and Bute, West and East Dunbartonshire's, East Renfrewshire, Inverclyde and Renfrewshire. However, MAPPA will require to be reported on within the 32 CPP annual reports.

3.2 Community Justice Authorities have been asked by Scottish Government to support the transition arrangements within local areas. A national Community Planning Partnership Community Justice event is also planned for early April. Representatives from Renfrewshire will attend.

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.

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