

To: North Strathclyde Community Justice Authority

On: 12th June 2015

Report by: Chief Officer

Heading: Resilience Issues for NSCJA

1. Summary

1.1 This paper presumes CJAs will be functioning organisations until 31st March 2017, though acknowledges the current assumptions of a “Shadow” year of operation for the CPPs (from April 2016) with their new responsibilities and a period of “Shadow” operation for the new, national body, with the suggested appointment of a Board and Chief Officer by Autumn 2016.

During this time, the legal duties for CJAs will continue, as will the statutory structural arrangements.

The legal minimum structure for CJAs is:

- 1 CJA Board including 1 Convener and 1 Vice Convener
- 1 Chief Officer
- 1 Treasurer

The legal statutory duties for CJAs are:

- Prepare an area plan for reducing reoffending
- Monitor performance of local authorities and Scottish ministers in complying/co-operating
- Promote good practice in reducing reoffending – bridging between local and national
- Allocate S27 grant to local authorities, ensure Audit and report – Accountable Body
- Report annually on activities and performance of CJA.

1.2 Identification of Risks

As the course of time progresses closer to the wind-up of CJAs, the greatest risk to continuity lay with loss of staff and with loss of partners' engagement. There is a growing likelihood that staff will find alternative employment and a diminishing likelihood of filling vacant posts through the usual course. This creates a risk to fulfilling the statutory duties and having in place the statutory positions. That risk is summarised below:

Statutory Obligation	Risk Features	Likelihood of Impact
Maintain CJA Board including 1 Convener and 1 Vice Convener	Elections 2016	Medium
	Political focus shifts to CPP	Medium
	Maintaining Quorate attendance at Board meetings	Medium – High (varies by Board)
	Disengagement by some LAs from COSLA	Low
Chief Officer in post	Staff look for other positions and leave organisation	High – grows as March 2017 approaches
Treasurer in place	While the Chief Officer is not the Treasurer, who is secured via the host authority, the Chief Officer is the “Accountable Officer” and instructs the Treasurer, thus there is reliance on having the Chief Officer in post and risk in staff leaving this post	High
Prepare an area plan for reducing reoffending	CJA support staff look for other positions	High
	Aligning CJA and CPP Plans requires staff time	Medium
	Area Plan is reliant on partner engagement – risk partner commitment drifts during period of transition without specific support of dedicated Community Justice staff	Medium
Monitor performance	Failure to finalise National Performance Framework	Medium

	Aligning with SQA performance framework requires staff time	Medium
	CJA support staff look for other positions	High
Promote good practice	CJA support staff look for other positions and are unable to drive this responsibility	High
Allocation S27 grant – Accountable Body	Board operations affected by staff reduction and/or political disinterest – unable to ratify allocations (Quorate Board)	High
	No arrangements agreed for final Audit September 2017	High
Report annually	CJA support staff look for other positions	High
	No arrangements agreed for final Annual Report September 2017	High

1.3 Mitigation

The Chief Officer post will require to be covered as a statutory obligation, and other non-statutory posts are at a high risk of becoming vacant, especially during this last year of CJA operations. Cover will be required on either a full-time or part-time basis for vacancies. Open recruitment will prove challenging as the end date approaches, and seems highly improbable in the last 6-12 months.

Operations for coverage are as follows:-

1.3.1 Ensuring Chief Officer post remains filled:

- a) Temporary upgrade for Planning Officer to cover Chief Officer post.
- b) CJA partner organisation seconds a senior manager in Chief Officer's vacancy either part-time or full-time
- c) Approach known retirees to cover the Chief Officers post for final months.
- d) Share posts across CJA boundaries
- e) Link with CPP shadow arrangements.

1.3.2 Ensuring adequate support to CJA functioning (Planning / Admin posts)

- a)** Partner organisations second staff to cover on a part-time or full-time basis
- b)** Extend existing SLAs with lead local authority to provide part-time or full-time cover
- c)** Employ agency admin cover
- d)** Share posts across CJA boundaries
- e)** Link with CPP shadow arrangements (and Transition Funds).

1.3.3 Maintain Political Focus

- a)** Maintain regular dialogue across the political leadership of partnering authorities
- b)** Regular correspondence via the Scottish Government

1.3.4 Maintain Partner Engagement

- a)** Board continues to function and to hold statutory partners to account
- b)** Individually, each CJA maintains good lines of communication with regular updates on developments.
- c)** Engage same partners through Community Planning, both directly through Shadow Arrangements in 2016/17 and with main CPP structures
- d)** Review CJA Area Plans and fit with CPP Interim Plans and SOAs through to 2017

1.3.5 Arrangements for activities delivered post April 2017 (including Annual Report 2016/17)

- a)** Extend existing SLAs with lead local authority to provide
- b)** Link with CPP arrangements (Transition Funds)
- c)** Confirm statutory responsibilities beyond April 2017 (to prepare Annual Accounts and Report on Performance) within new legislation.

1.4 Staff Welfare

While work has been underway to support CJA staff as they look to the future, it is now time for CJAs (and their Boards) to formalise planning for the anticipated redundancies. Support from Local Authority Human Resources can assist to look at:

- Individual staff guidance and advice, in particular in relation to TUPE and the new arrangements
- Formal support on career planning

- Exploring opportunities within the host organisation, and, potentially, other CJA partners (in particular to link with existing redeployment arrangements)

At the same time a local response to support staff is underway; collectively the 8 CJAs are reviewing the position, in particular seeking legal guidance to ensure the Government is adequately assuming its responsibilities in relation to redundancy and the rights of those currently working for the CJAs.

1.5 Local Planning

It is important to ensure the rights of CJA staff are looked after and equally, for the CJA Board to carry out its responsibilities up to the end of March 2017. Of particular consideration will be an assumption that as the date for disestablishment approaches, the likelihood of staff vacancies will grow and the ability to recruit will diminish.

Looking at resilience will need to come from a local perspective, but can and should be reinforced through arrangements across the 8 CJAs, which are all facing the same scenario.

Initially, discussions should be held with the host authority's Human Resources Department, to consider deployment opportunities, for CJA staff to the organisation and from the host organisation to support any temporary vacancies and support the statutory responsibilities.

Discussions should also be progressed with the collective of CJAs, exploring the opportunities of partnering arrangements and working in conjunction with the shadow structures for the new national body.

The transition to the shadow arrangements, which will take place over the next 11 months, is critical to a successful new community justice arrangement. The process of transition should continue in recognition of the work required to prepare CPPs for their new responsibilities and to establish the foundations for the new national body. As a Board, for each CJA, there is no scope to press for and support an active process of transition.

As time progresses, and further information becomes available, both the nature of risks and the mitigation plans will change and need to be kept under review.

Failure to evolve effective transition arrangements within any CJA could affect:

- Performance in relation to continued reductions in reoffending levels
- Sustainability of proven services
- Current partnership arrangements, which were cited by Audit Scotland in 2012 as one of the key benefits CJA delivered.

1.6 Conclusions

The concept of resilience is a practical response to the needs of each CJA to effectively anticipate disruptions to the Community Justice agenda, to adapt to the evolving pace of change and to support a lasting legacy for Community Justice under new, redesign

arrangements. Success will come through collective commitments within local partnerships and across the 8 CJAs and national structures and partners.

2. Recommendations

- 2.1** Members of NSCJA are asked to note the report and require the Chief Officer and Convener to take appropriate action to maintain the resilience of the authority to 31/3/2017.
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3. Background

- 3.1** This paper outlines key issues in relation to the resilience for Community Justice. The focus is on the role of Community Justice Authorities (CJAs), with a particular recognition to the critical time period of October 2016 through to the proposed disestablishment of CJAs in March 2017 (when staffing arrangements are most likely to be impacted upon). The issues highlighted are necessarily cast more widely than organisational resilience, in acknowledgement of the importance to minimise disruption to the work of the CJAs and partnerships beyond the CJA structural lifespan.
- 3.2** CJAs and their partners are in a strong position to plan for resilience, with a clear timeframe for change, an outline of the changes anticipated and planning arrangements in place with partners to identify risks and plan for mitigation. This paper will highlight the risks and identify anticipated disruptions to CJAs and the Community Justice agenda and to support a lasting legacy for Community Justice under new, redesign arrangements.
- 3.3** Resilience is a proactive and determined approach to maintain a flourishing enterprise despite anticipated and unanticipated challenges that will emerge. This paper will provide a platform for partners to look beyond a defensive posture and apply the inherent strength of partnership to withstand the challenges of change and evolve an approach to manage change..
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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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