

## **Notice of Meeting and Agenda Sheriff Principal and Sheriffs of North Strathclyde Sheriffdom and Directors of Social Work/Community Justice Authorities**

| <b>Date</b>              | <b>Time</b> | <b>Venue</b>   |
|--------------------------|-------------|--|
| Friday, 04 December 2015 | 14:00       | Paisley Sheriff Court, St James Street,<br>Paisley , |

KENNETH GRAHAM  
Head of Corporate Governance

### **Membership**

## **Items of business**

### **Apologies**

Apologies from members.

- |          |  |                |
|----------|--|----------------|
| <b>1</b> | <b>Minute</b>  | <b>5 - 10</b>  |
|          | Minute of meeting held on 8 May, 2015.   |                |
| <b>2</b> | <b>Matters Arising</b>   |                |
|          | Any matters arising from the Minute.   |                |
| <b>3</b> | <b>Community Justice Authorities</b>   | <b>11 - 22</b> |
|          | Report by Chief Officers of North Strathclyde CJA and South West Scotland CJA.                                   |                |
| <b>4</b> | <b>Community Justice (Scotland) Bill - Stage 1 Scrutiny</b>  | <b>23 - 24</b> |
|          | Report by Chief Officers of North Strathclyde CJA and South West Scotland CJA.                                   |                |
| <b>5</b> | <b>Briefing: Community Justice Redesign: Transition Plan</b>   | <b>25 - 26</b> |
|          | Briefing note by the partnership Manager, Argyll, Bute and Dunbartonshires' Criminal Justice Social Partnership. |                |
| <b>6</b> | <b>National Thematic Review of MAPPA</b>   |                |
|          | Verbal update by Dorothy Hawthorn, Renfrewshire Council.   |                |
| <b>7</b> | <b>Penal Policy Improvement Project</b>  |                |
|          | Verbal update by Allison Scott, Renfrewshire Council.  |                |
| <b>8</b> | <b>Quality Assurance in Criminal Justice Social Work Reports</b>   |                |
|          | Verbal update by Sheriff Principal.  |                |
| <b>9</b> | <b>Any other business</b>  |                |
|          | Discussion of any other business not on the agenda.  |                |

**10     Date of next meeting**

Consider date for the next meeting to be held in May 2016.



**MINUTE OF MEETING BETWEEN THE SHERIFF PRINCIPAL AND SHERIFFS OF NORTH STRATHCLYDE SHERIFFDOM AND DIRECTORS OF SOCIAL WORK/COMMUNITY JUSTICE AUTHORITIES HELD ON 8 MAY, 2015**

**PRESENT**

Sheriff Principal Murray; Sheriff McDonald (Kilmarnock); Sheriff Flemming (Greenock); K Rocks and J Hinds (both East Renfrewshire Council); S Henderson (Inverclyde Council); N Firth (Argyll, Bute and Dunbartonshire Criminal Justice Partnership); D Hawthorn, A Scott and E Currie (all Renfrewshire Council); W Kennedy (North Strathclyde Community Justice Authority); K Ritchie (Scottish Children's Reporters Administration) and J Murray (South West Scotland Community Justice Authority).

Sheriff Principal D L Murray presided.

**APOLOGIES**

J Irvine (West Dunbartonshire Council); I Colvin and J McCrae (both North Ayrshire Council); S McAlees (Inverclyde Council); C Sneddon and L Long (both Argyll & Bute Council); P Macleod (Renfrewshire Council); J Hunter (North Strathclyde Community Justice Authority) and S Taylor (East Ayrshire Council).

**ALSO IN ATTENDANCE**

A Lawson (Police Scotland); and B Leslie and I Beattie (both Renfrewshire Council).

**ORDER OF BUSINESS**

The Sheriff Principal intimated that he proposed to alter the order of business to facilitate the conduct of the meeting by considering item 9 of the agenda prior to item 1 of the agenda; and item 8 of the agenda after item 9 of the agenda.

**1. DOMESTIC VIOLENCE PRESENTATION**

Andy Lawson, Police Scotland gave a presentation in relation to domestic violence which included details on establishing criminality; the standard toolkit for officers; the joint protocol between Police Scotland and the Crown Office; the interim vulnerable persons database; ASIST; the national roll-out of the domestic abuse disclosure scheme; and MARAC (multi-agency risk assessment conference) meetings.

**DECIDED:** That the presentation be noted.

**2. ADULTS WITH INCAPACITY PRESSURES FOR RENFREWSHIRE COUNCIL**

There was submitted a report by the Team Manager, Mental Health Officer Service, Renfrewshire Council relative to the demand levels and issues for services arising from this area of work and in particular the issues relating to delayed discharges from the acute hospital provision. The report intimated that at present nearly everyone delayed in their discharge required intervention under adults with incapacity (AWI).

The report detailed the mental health officer service in Renfrewshire; the service demands and the steps taken by Renfrewshire Council to mitigate these. It was Renfrewshire Council's opinion that the current AWI legislation required urgent review by the Scottish Government and the Council would welcome any advice the courts could give to assist the expedition applications for guardianship in the most timely manner possible in order to avoid unnecessary delays.

The report also sought the court's view on the requirement of consulting with or 'serving notice of application' on relatives who were estranged from the adult and who had no dealings or involvement with the adult for many years.

Following discussion it was agreed that the Sheriff Principal would explore the possibility of compiling a checklist for issue to local agents advising what information courts were looking for; that this matter be discussed in courts for any commonality; that in relation to 'service' the procedures used in adoption cases be followed; and that the court be shown that all reasonable steps had been taken.

**DECIDED:**

- (a) That the report be noted;
- (b) That the Sheriff Principal explore the possibility of compiling a checklist for issue to local agents advising what information courts would look for;
- (c) That discussions take place in courts to establish commonality;
- (d) That in relation to 'service' the procedures used in adoption cases be followed; and
- (e) That the court be shown that all reasonable steps had been taken.

**3. MINUTE OF PREVIOUS MEETING**

There was submitted the Minute of meeting between the Sheriff Principal, Sheriffs of North Strathclyde Sheriffdom and Directors of Social Work/Community Justice Authorities held on 21 November, 2014.

**DECIDED:** That the Minute be approved.

**4. MATTERS ARISING**

**Short Notice Reports**

There were submitted reports by the Criminal Justice Service Manager, Renfrewshire Council, the Partnership Manager, Argyll, Bute and Dunbartonshires' Criminal Justice Social Work Partnership, and the Service Manager, Inverclyde Criminal Justice Services relative to short notice reports.

The report by the Criminal Justice Service Manager, Renfrewshire Council intimated that Renfrewshire undertook short notice reports in circumstances where this had been seen as helpful to assist the court process. When social enquiry reports were developed into criminal justice social work reports an important element was the capacity to verify information beyond the service user's account, including contact with family members or gaining information from other agencies or assessments to inform potential requirements. This would be limited within short timescales and could impact on accurate assessment of risk. Renfrewshire would continue to undertake reports within short timescales however would suggest that to make this a general approach there would be a reduction in the content and thus quality of reports made available to court.

The report by the Partnership Manager, Argyll, Bute and Dunbartonshires' Criminal Justice Social Work Partnership intimated that Argyll and Bute had been exempted for consideration on the grounds of feasibility. West Dunbartonshire provided reports at short notice from time to time typically updating existing reports. This facility had become increasingly difficult to deliver owing to other operational pressures/priorities and the increasing complexity underlying the preparation and provision of criminal justice social work reports particularly with regard to risk assessment and verification of information. The criminal justice social work service available in Dumbarton Sheriff Court was limited and did not involve the presence of a social worker. It was recognised that were it

possible to make resources available there could, in the medium to longer term, be benefits in terms of efficiency to both courts and social work.

The report by Service Manager, Inverclyde Criminal Justice Services intimated that Inverclyde criminal justice social work service was requested to consider the feasibility of short notice reports. These had been provided in exceptional circumstances and professional reservations were expressed around extending this practice further. These related to the challenges this would present in terms of the teams ability to verify the information provided by the individual, to consult with external agencies and to apply the nationally agreed risk assessment framework. Having sufficient time to complete this work contributed to a more robust and professional report to the court as well as meeting obligations in relation to national standards. Extending the practice of short notice reports would require the service to look at its configuration and could potentially impact on other areas of statutory work.

Sheriff McDonald advised that short notice reports were still being used in Kilmarnock Sheriff Court and that they were found to be extremely useful. A discussion took place as to the effectiveness of these reports as against the provision of reports which contained more detail.

**DECIDED:** That the reports be noted.

## **5. COMMUNITY JUSTICE AUTHORITIES**

There was submitted a joint report by the Chief Officers, North Strathclyde Community Justice Authority and Southwest Scotland Community Justice Authority providing an update of the work of the Authorities.

The report provided information in relation to women in the justice system; reducing reoffending through mentoring; children affected by parental imprisonment and the redesign of the justice system.

The Community Justice (Scotland) Bill was published on 8 May, 2015 and it was agreed that a report on this Bill be submitted to the next meeting of the group to be held on 4 December, 2015.

**DECIDED:**

- (a) That the report be noted; and
- (b) That a report relative to the Community Justice (Scotland) Bill be submitted to the next meeting of the group to be held on 4 December, 2015.

## **6. CHILDREN'S HEARINGS (SCOTLAND) ACT 2011**

Under reference to item 5 of the Minute of the meeting of this group held on 21 November, 2014 consideration was resumed of the practice note issued by the Sheriffdom of Glasgow and Strathkelvin in relation to children's referrals under the Children's Hearing (Scotland) Act 2011. Kenneth Ritchie referred to Part 4 of the protocol in relation to complex cases and indicated that he was seeking to canvass opinion on this aspect of the practice note.

Sheriff Principal Murray indicated that Sheriff Principals had differing views on the matter and that no view had been reached as yet.

**DECIDED:** That this matter be further considered at the next meeting of the group to be held on 4 December, 2015.

## **7. WOMEN'S UNPAID WORK SQUAD**

Under reference to item 8 of the Minute of the meeting of this group held on 21 November, 2014 there was submitted an update report by the Criminal Justice Service Manager, Renfrewshire Council,

relative to the women's unpaid work squad pilot which commenced on Friday, 7<sup>th</sup> November, 2014 in Renfrewshire.

**DECIDED:** That the report be noted.

## **8. RESTRICTION OF LIBERTY ASSESSMENTS**

Under reference to item 9(ii) of the Minute of the meeting of this group held on 21 November, 2015 there were submitted reports by the Criminal Justice Service Manager, Renfrewshire Council, the Partnership Manager, Argyll, Bute and Dunbartonshires' Criminal Justice Social Work Partnership, and the Service Manager, Inverclyde Criminal Justice Services relative to restriction of liberty assessments.

The report by the Criminal Justice Service Manager, Renfrewshire Council intimated that the provision of restriction of liberty assessments within criminal justice social work reports commenced in January 2015. In this time 319 reports had been completed, resulting in only two such orders at the point of breach of a community payback order. Sheriffs in Paisley had advised the court social work team that they would not wish such assessments to be undertaken for full reports.

The report by the Partnership Manager, Argyll, Bute and Dunbartonshires' Criminal Justice Social Work Partnership intimated that restriction of liberty assessments were a regular feature within the context of requests for criminal justice social work reports but imposition of restriction of liberty assessments remained exceptional. In the first quarter 259 reports had been completed and the view of the Partnership was that it would be a more effective use of social workers time to undertake assessments at the request of the court or in circumstances where following an assessment of the circumstances there was merit in incorporating an assessment at the social workers initiative. In addition it was recognised that there might also be advantages of considering restriction of liberty assessments in the context of additional measures available where orders had been breached.

The report by the Service Manager, Inverclyde Criminal Justice Services intimated that the service had endeavoured to provide NSCJA courts with restriction of liberty assessments within criminal justice social work reports. The service had previously always considered this sentencing option when completing reports, however, if in the report writer's professional opinion this was not appropriate then he/she would not then go on to include this in their 'Review of Relevant Sentencing Options'. In the period 1 January to 30 April, 2015, 167 reports had been completed with two restriction of liberty assessments being the main outcome. The service would be content to revert to their previous practice of considering restriction of liberty assessments during the course of compiling criminal justice social work reports and specifically referencing this in the report only where appropriate. Alternatively the service could routinely include this in the 'Review of Relevant Sentencing Options' but only go on to complete the formal assessment process, regarding the practical requirements for installing the monitoring equipment, where in the report writer's professional opinion this would be appropriate.

**DECIDED:** That the reports be noted.

## **9. ASSIST REPORTS**

**DECIDED:** That it be noted that this matter had been covered in the presentation given earlier in the meeting by Police Scotland.



## 10. AOCB

### EVIDENCE AND PROCEDURE REVIEW WORKSHOPS

The Sheriff Principal advised that a planned programme of workshops would be held in relation to the Evidence and Procedure Review Report published by the Scottish Courts and Tribunals Service on 13 March, 2015.

This review, chaired by Lord Carloway, Lord Justice Clerk, aimed to identify the best methods to discover the truth in criminal trials in the modern era, and focused on the greater use of pre-recorded evidence. The Review's Report covered the scope for pre-recording of the evidence of children and vulnerable witnesses, and of witness statements in general.

The Scottish Court and Tribunals Service was leading a programme of events over the next few months to bring together the Scottish Government, other justice agencies, the legal professions, victims groups, academics and others with an interest in criminal justice to explore the implications of the report's propositions and develop proposals for change for the Government's consideration.

As part of a programme of events, workshops would be held during May in both Glasgow and Edinburgh and members of the group were asked to consider attending one of these workshops.

**DECIDED:** That details of the workshops be issued to members of the group when available.

### CHILD PROTECTION ORDERS

A discussion took place relative to intimation to family members in cases where there was to be a child protection order and the best approach in dealing with this.

Kate Rocks advised that she was currently the Chair of the Scottish Government Child Protection Committee and that she would raise this matter at a future meeting and report back to this group. The Sheriff Principal indicated that he was a member of the Child Protection Implementation Group and would also raise this matter at a future meeting and report back to this group.

**DECIDED:** That it be noted that Kate Rocks and the Sheriff Principal would raise this matter at future meetings of their groups and report back to this group.

### VULNERABLE WITNESSES

Sheriff McDonald raised the very concerning issue of the recent breakdown of the equipment used which allowed vulnerable witnesses to give their evidence by video from a remote site. She referred to a recent case where a child witness was ready to give evidence but the machine was not working and how distressing and upsetting this had been for those concerned.

Sheriff McDonald further advised that this was a procurement issue for the Scottish Courts and Tribunals Service and that the contract had been re-issued as the Electronic Services Delivery Unit no longer carried out this work in-house.

**DECIDED:** That this matter be noted.

### NORTH AYRSHIRE HEALTH AND SOCIAL CARE PARTNERSHIP

There was submitted a report by the Senior Manager Criminal Justice Services, North Ayrshire Health and Social Care Partnership providing information in relation to the court report writing team; services for women offenders at Kilmarnock Sheriff Court; and Drug Treatment and Testing Orders (DTTO) in Ayrshire.

**DECIDED:** That the report be noted.

**11. DATE OF NEXT MEETING**

The group considered arrangements for the next meeting of the group to be held in May 2015.

**DECIDED:**

- (a) That the next meeting of this group be held on Friday, 4 December, 2015 at 2.00 p.m. within Paisley Sheriff Court, St James Street, Paisley; and
- (b) That any further items to be considered be notified to Committee Services, Renfrewshire Council.



## JOINT CJA UPDATE REPORT

### Sheriff Principal's Meeting

Paisley Sheriff Court

4 December 2015



## 1. WOMEN IN THE JUSTICE SYSTEM

The Scottish Government has recently granted each of Scotland's 8 Community Justice Authorities (CJAs) short term funding of £107,563 **to support community-based services for women**, *"to support diversion services delivering alternatives to remand and custody for women offenders ... This allocation is made specifically to support the expansion of Supervised Bail, and Early Stage Diversion initiatives"*. This funding must be spent in 2015/16.

The Government has subsequently advised that this funding will be recurring in future years, although the allocation process or criteria for future monies is not yet known. The funding is part of a (now recurring) resource transfer of £1.5 million from the Scottish Prison Service (SPS) to the community justice budget. This year part of this £1.5 million also supported a grant extension to 12 of the 16 women's justice centres/ services across Scotland.

The CJAs nationally have warmly welcomed this resource transfer from the SPS to community justice, hopefully as a first step in a wider 'justice reinvestment' approach. This would help us move to a more preventative and community-based approach and reduce the need for custody.

**North Strathclyde CJA** is currently working with SACRO and our Councils to develop a bail supervision scheme for women appearing at Greenock, Paisley and Dumbarton Sheriff Courts. We have made some progress (not as much as we would like however) and should have a finalised service proposal before Christmas. We hope the service will be operating before the end of the financial year and beginning to address some of the female specific issues identified by The Scottish Commission on Women Offenders.

We have also been able to extend funding to enable the continuation of community services for women in Paisley and Dumbarton. The community service for women in Greenock will also continue under a self-funding arrangement.

**South West Scotland CJA** has approved a package of proposals to enhance existing local services for women. We already have area-wide bail supervision and diversion services which prioritise women, so we have looked instead to invest in short-term enhancements and the testing out of new approaches within existing services. The funding fall into three general categories:

- a. Support to develop a partnership-based, local model for women in custody/ at risk of custody, in response to the decision not to progress HMP Inverclyde and to develop a small number of local Community Custodial Units;
- b. National communications/ promotions around Community Based Alternatives, in partnership with other CJAs;

c. Enhancement to existing local services for women at risk of remand/ custody, including SHINE women's mentoring service in Ayrshire (Barnardo's) and Dumfries and Galloway (Apex); Turnaround in Ayrshire (Turning Point Scotland); the court screening service at Kilmarnock Sheriff Court (Local Authorities); and bail supervision across SWS (Sacro). We are also enhancing our partnership with the NHS Ayrshire and Arran occupational therapy service by funding dedicated days with the court screening service and bail supervision.

## 2. SUSTAINING MENTORING SUPPORT TO REDUCE REOFFENDING

The CJAs are partners in the Public Social Partnerships (PSPs) operating across Scotland to deliver **mentoring services** to people leaving prison and at risk of imprisonment. In our CJA areas this includes SHINE (supporting women at risk of breaching CPOs and women leaving custody); New Routes (supporting males under 25 years leaving custody) and Moving On (supporting young males leaving HMYOI Polmont and returning to Renfrewshire, Inverclyde and East Ayrshire. NSCJA is also a partner in the Low Moss PSP, which supports prisoners leaving HMP Low Moss to various CJA areas.

Most PSPs have now published external evaluations which demonstrated early positive evidence, for example of the value of the mentoring relationship to individuals, the 'stickability' of these services with often chaotic and hard to reach people, and the way mentors are helping people navigate through the maze of community-based services. We are working together to develop a national mentoring framework proposal for discussion with the Scottish Government and other potential funders/ commissioners of mentoring services. We are confident that this investment is resulting in an excellent return in terms of outcomes for individuals, their families, their communities as well as the wider public sector and justice system.

The SHINE women's mentoring service won the Partnership Award at the **Herald Society Awards** at a ceremony in Glasgow on 4 November. This was great recognition for the joint work of all partners in developing and rolling out the service across Scotland.

## 3. CHILDREN AFFECTED BY PARENTAL IMPRISONMENT

It is estimated by Families Outside that 27,000 children each year are affected by parental imprisonment. Earlier this year, CJAs submitted a response to a consultation by Mary Fee MSP on a proposed private members bill, the **Support for Children (Impact of Parental Imprisonment) Bill**. This would require a Child and Family Impact Assessment to be completed where any child was impacted by a parent being sentenced to custody. The Assessment would be carried out post-sentence, within the Getting It Right for Every Child (GIRFEC) framework, to ensure that the situation facing the child was fully understood, any needs were identified, and support was offered, if required.

Whilst Mary Fee's Bill did not progress due to time limitations within Parliament, the Justice Committee has supported a similar amendment to the **Criminal Justice Bill**, which is currently progressing through Parliament. This is now being considered by the Scottish Government before the Bill progresses further through Parliament. There remain many issues to consider, but the CJAs

welcome this opportunity to recognise and respond to the impact of parental imprisonment on children. For more on this development, see:

[http://www.barnardos.org.uk/news/press\\_releases.htm?ref=108358](http://www.barnardos.org.uk/news/press_releases.htm?ref=108358).

#### 4. COMMUNITY JUSTICE BILL

The CJAs continue to engage constructively with the process of community justice redesign. The **Community Justice Bill** is progressing through the Scottish Parliament and has just completed Stage One with a parliamentary debate on 19 November. The Chair of the CJA Convenors Group and SWSCJA Convenor, Cllr Peter McNamara, gave evidence to the Justice Committee along with many other stakeholders as part of this process. A number of amendments are anticipated in the Government's written response to Stage One, but the detail of these is not yet known.

The Scottish Government has published a 'Frequently Asked Questions' document, and an Overview document of the proposed changes (the Overview is attached). These can be accessed at: <http://www.gov.scot/Topics/Justice/policies/reducing-reoffending/community-justice>

The Scottish Government is holding four regional consultation events focusing on the new national **Community Justice Strategy** in October and November, in Edinburgh, Glasgow, Aberdeen and Dumfries. The Dumfries event is being hosted by SWSCJA, with almost 80 people booked to attend. These events will give partners the opportunity to comment on the emerging themes of the new Strategy, which themselves have been developed by a wide range of stakeholders.

Both NSCJA and SWSCJA are continuing to support their local **Community Planning Partnerships** (CPPs) to prepare for the transfer of local community justice planning, coordinating and reporting responsibilities from CJAs to CPPs. Whilst CJAs will remain in place until 31 March 2017, parallel 'shadow' arrangements will be in place in 2016/17. Our support includes hosting a number of joint meetings, briefings, visits and events for community planning and community justice partners.

#### 5. POLICY DEVELOPMENT

We have recently made a joint CJA submission to the Scottish Parliament Finance Committee's call for evidence on **Prevention**. In issuing their call for evidence, the Finance Committee noted that although there is some evidence of progress they have been continually frustrated by the lack of evidence of any large scale shift towards prevention. The submission by the CJAs covers all questions asked by the Committee, including why progress has been so slow; barriers to change; culture change; innovation; digital technology; community planning; international evidence and the implications of failing to achieve a decisive shift to prevention.

We are also currently drafting a joint response to the Scottish Government's Consultation on **Proposals to Strengthen the Presumption against Short Periods of Imprisonment**. The Cabinet Secretary for Justice believes that more can be done to strengthen the current presumption to have a more direct impact on reducing short-term imprisonment in favour of robust community-based disposals. The consultation can be viewed at: <http://www.gov.scot/Publications/2015/09/8223>.

## 6. ANNUAL REPORTS

CJAs have recently submitted their **Annual Reports for 2014-15** to the Scottish Government, outlining our work over the previous financial year and summarising plans for this year. These can be viewed at:

<http://www.swscja.org.uk/south-west-scotland-cja-annual-report-2014-15.html>

<http://www.nscja.co.uk/publications/>

# The New Model for Community Justice in Scotland



The Scottish Government and partners are working together to reduce re-offending and secure better outcomes for communities. The '*New Model for Community Justice*' places planning at the local level where decisions can be made by people who know their area best. A legal duty will be placed on a number of statutory Community Justice Partners to engage in this planning process. A new National Strategy for Community Justice, which is being prepared with partners and stakeholders, will enable partners to collaboratively address priority areas through a joint approach that is both outcomes-focused and evidence-based.

## Where we've come from

Community Justice was defined in The Scottish Government's publication *Future Model for Community Justice in Scotland – Response to Consultation* as:

*"The collection of agencies and services in Scotland that individually and in partnership work to manage offenders, prevent offending and reduce reoffending and the harm that it causes, to promote social inclusion, citizenship and desistance."*

Since we announced our intention to develop a new model for community justice in 2012, we have worked closely with a broad range of partners and stakeholders who have an interest in this sector. The new model, published in December 2014, was developed out of those engagements and two public consultations.

With collaboration being a key theme of the new model, on-going engagement will continue to be vital to its success.

## Contact us

Should you have any further questions about any aspect of the new model, please e-mail us at:

[Redesignofcommunityjustice@gov.scot](mailto:Redesignofcommunityjustice@gov.scot)



## Where we are going to

### The new model – an overview

**The new model has been designed to deliver a community solution to achieving improved outcomes for community justice; to reducing re-offending; and to support desistance.**

Under the model, a strategic vision for community justice in Scotland will be provided through a new *National Outcomes, Performance and Improvement Framework* and *National Strategy* which will set out the aims for improved community justice outcomes. It will be for each statutory Community Justice Partner to work together and agree which of those outcomes will be priorities for improvement action for their area. The statutory Community Justice Partners are required to engage and involve the Third Sector, who have contributed positively to the delivery of outcomes for community justice, in the planning and delivery of effective and efficient services. As the new model presents a more holistic and collaborative approach to community justice, partners will then plan and prepare together the activities they need to work on collectively to drive and deliver improvement with the common aim of securing better outcomes for communities across Scotland.

Specifically, the new model will allow for:



A new body, Community Justice Scotland, will be established in October 2016 and fully operational by 1 April 2017. It will work closely with statutory Community Justice Partners, the Third Sector and a range of other parties to provide support and leadership for community justice.



The body will bring enhanced opportunities for innovation through the establishment of a Hub for the promotion of learning and development. It will also provide assurance to Scottish Ministers and Local Government leaders on the delivery of improved outcomes for community justice.

It is for a local area to identify the needs and priorities of the community. The collaborative identification of these needs will allow partners to contribute to and plan services according to local need. While this planning will be done at a local level, if benefits can be realised that allow for wider partnership delivery then these can be established and this will be for local areas themselves to decide together. The Hub for innovation, learning and development, which is part of Community Justice Scotland, will be there to support the sharing of best practice.

The key building blocks to the new model are:



## Local strategic planning and delivery

**Local strategic planning, delivery and monitoring of services through statutory Community Justice Partners is one of the key elements of the new model.**

The statutory Community Justice Partners will be:



The statutory Community Justice Partners have been chosen because of their role, individually and collectively, in delivering services which will improve community justice outcomes. It is for these partners to determine how they will plan together. However, to both manage and support

people with convictions or a history of offending and assist in their journey to desistance, a broader partnership approach than just the statutory Community Justice Partners will be required and engagement with the Third Sector and other partners will be vital for planning and delivery.

We would expect community justice planning to take place within the wider community planning arrangements and as Community Planning Partnerships (CPPs) are established at a local level, they will have an important role in this planning arrangement.

## The practicalities of planning at a local level

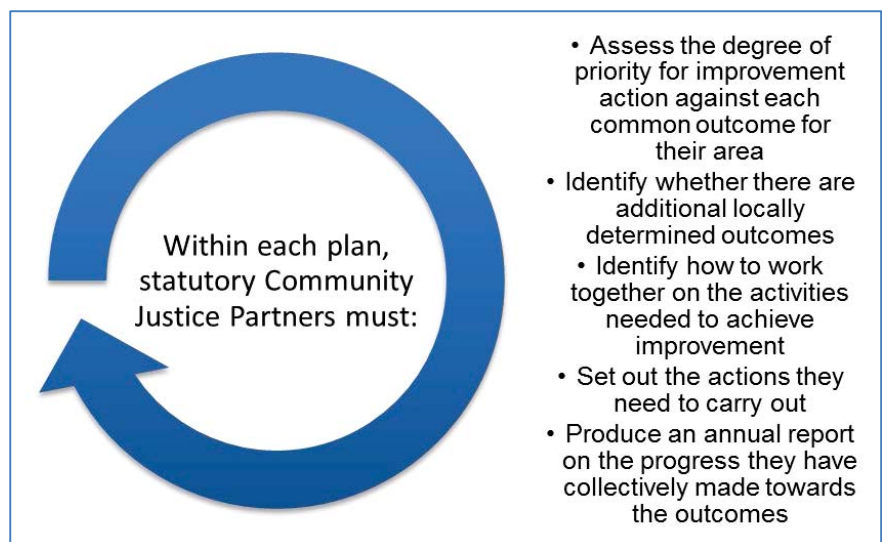
From 2017/18, statutory Community Justice Partners will be responsible for preparing, delivering and reviewing a *Community Justice Outcomes Improvement Plan* for their local area.

Within each plan, statutory Community Justice Partners must:

- Have regard to the National Outcomes, Performance and Improvement Framework, Local Outcome Improvement Plans produced by the CPP under the Community Empowerment (Scotland) Act 2015 and the National Strategy which sets out our collective vision for Community Justice.

- In addition, statutory Community Justice

Partners must consult with Community Justice Scotland and other appropriate community bodies.



The planning horizon is to be decided locally.

## Community justice reporting

**The new model will have a set of common outcomes to allow for a consistent approach to both planning and reporting.**

The National Outcomes, Performance and Improvement Framework will include a set of common outcomes and indicators applicable across Scotland at a local level. Having a set of common outcomes, supplemented by any locally determined outcomes and indicators, allows statutory Community Justice Partners to plan required action, report upon their progress, identify trends in their area and benchmark with other areas.

The new model will promote an improvement culture. Each Community Justice Outcomes Improvement Plan will be evidenced through annual reporting, offering transparency. The statutory Community Justice Partners will reflect on the previous year's work and produce an annual report on the progress they have made in delivering the outcomes, improvement actions and other activity set out in their plans.

Community Justice Scotland will consider the annual reports and provide assurance, in the form of an annual report, to Scottish Ministers and Local Government leaders on the progress across Scotland towards meeting the common outcomes. This will offer transparency in the community justice reporting process and will provide opportunities for driving improvement and the identification and dissemination of best practice.



## **Community Justice Scotland – leadership; assurance; Hub for innovation, learning and development; supporting improvement**

**Community Justice Scotland will provide leadership for the community justice sector; offer opportunities for innovation, learning & development; provide independent assurance on the delivery of improved outcomes; and provide improvement support where required.**

Fundamentally, Community Justice Scotland will be established to support statutory Community Justice Partners, the Third Sector and others to work towards better outcomes for community justice in Scotland. To heighten the profile of Community Justice, the Chief Executive of Community Justice Scotland will be tasked with championing the role of community justice in parity with that for the custodial sector.

The relationship between Community Justice Scotland and those involved in community justice, both across Scotland and locally, will be one of mutual support, characterised by open and transparent communication.



Community Justice Scotland will be a Non Departmental Public Body directed by its Board, consisting of between 6 and 9 members which includes the Chair, and will have approximately 20 staff. Scottish Ministers will, through fair and open recruitment, appoint the Board members and the first Chief Executive.

If it is decided that Community Justice Scotland should take on additional functions, Scottish Ministers must consult with relevant parties and must lay the changes before Scottish Parliament. This will allow for future proofing and will allow the addition; transfer; or removal of functions from the new body.

## **Governance, accountability and driving improvement**

**In placing responsibility for strategic planning and delivery of services and improved outcomes at a local partner level, the new model respects the relationship between national and local government and wider Community Justice Partners.**

Statutory Community Justice Partners will jointly plan, deliver and report on outcomes for community justice in their local area. Local governance arrangements for the planning process will be decided by these partners - for example, they may wish to align their planning arrangements to dovetail with those for wider community planning. The responsibility for resolving any local issues, with planning or the quality of delivery, rests with the statutory Community Justice Partners of that local area.

Statutory Community Justice Partners **will not** be accountable to Community Justice Scotland and vice-versa. Accountability for the performance of individual statutory Community Justice Partners will remain through existing accountability lines of their respective organisations. Ultimately partnerships will be accountable to the local communities they serve for the improvement in outcomes for their area.

Should partners request assistance on issues that they have not been able to resolve locally, then Community Justice Scotland will be able to offer support and advice. Community Justice Scotland may also provide support to statutory Community Justice Partners in their delivery of improved outcomes.

Scottish Ministers and Local Government leaders need to be assured that progress is being made towards better outcomes for community justice. Community Justice Scotland will also have the ability to make recommendations to Scottish Ministers and relevant Local Government Elected Members on potential further improvement actions. Recommendations could be made around the need for a rescue taskforce to effect sustainable and long lasting improvement; improvements in data sharing; on how funding is allocated and used; or the need for a formal inspection.

## Commissioning

**The development of a strategic approach to commissioning will ensure an evidence-led and co-ordinated long term approach for community justice in Scotland. This will be transparent in nature and will build upon existing good practice.**

The definition of commissioning for the purposes of community justice is:

*"supporting the shared assessment of and forecast of needs, linking investment to outcomes, considering options and supporting partners to plan the nature, range and quality of future services in support of community justice outcomes. Contracting and procurement procedures will support the commissioning process and will rest with the appropriate local or national body or bodies."*

The commissioning of services will not be done by Community Justice Scotland alone. In fact, one of Community Justice Scotland's first actions will be to work with partners and stakeholders to develop and agree a strategic approach to commissioning.

Community Justice Scotland will be able to commission and procure services where that is appropriate, although we anticipate this being the exception rather than the norm. The primary responsibility for carrying out the strategic commissioning of services built upon existing good practice, will remain locally with statutory Community Justice Partners. Community Justice Scotland will provide support where required based upon analysis of local needs, evidence of what works and best value.

Where benefits are recognised at the national, regional and local level for shared services or collective and collaborative undertakings, organisations will be expected to work in partnership in establishing these. Commissioning and procurement may, therefore, take place at a national, regional or local level and organisations will be expected to work together to commission services in order to realise benefits where they have been identified.



Where appropriate and desirable, Community Justice Scotland would provide opportunities for economies of scale to achieve value for money commissioning of some nationally delivered services. Likewise, training, learning and development are areas where commissioning on a national level could be beneficial.

Technical processes such as procurement and contracting follow on from these commissioning exercises and will rest with the appropriate body or bodies at a local, regional or national level. Community Justice Scotland may undertake this at a national level where it is appropriate to do so.

In exceptional circumstances, where a national initiative is established by Scottish Ministers, Community Justice Scotland will take the lead. In any decision which has an impact on local financial and commissioning decisions, Scottish Ministers would consult with COSLA Leaders.

## Planned timescales

| Year           | Month               | Planned activities  |
|----------------|---------------------|---|
| <b>2015/16</b> | Throughout the year | Awareness raising, the delivery of information from Community Justice Authorities (CJAs) to their respective Community Planning Partnerships (CPPs) and Community Justice Partners during the transition process. |
|                | 7 May 2015          | Introduction of Community Justice (Scotland) Bill by the Scottish Parliament.   |
|                | Throughout the year | National Strategy for Community Justice to be developed.  |
|                | Throughout the year | National Outcomes, Performance and Improvement Framework will be developed (including agreement on scrutiny and inspection).  |
|                | Throughout the year | Partners commence their collective planning and capacity-building activities – supported by transitional funding and in the community planning context.   |
|                | January 2016        | CPPs share with Scottish Ministers their intentions for how they plan to take forward arrangements for strategic planning & delivery of community justice.  |
|                | January 2016        | Partners make their transition plans for 2016/17 available to the Scottish Government for comment.  |
| <b>2016/17</b> | 1st April 2016      | Partners assume their responsibilities under the new model under a transition arrangement (with full responsibility from 1st April 2017, once the required legislation has been enacted).                         |
|                | Throughout the year | Enactment of the Community Justice (Scotland) Bill is anticipated during 2016. Guidance will follow the enactment.  |
|                | 2nd half 2016       | Community Justice Scotland established.   |
|                | December 2016       | Partners produce their first plan for community justice, using the new National Strategy and National Outcomes, Performance and Improvement Framework.  |
|                | 31st March 2017     | CJAs are formally dis-established.  |
| <b>2017/18</b> | 1st April 2017      | The new model for community justice in Scotland comes fully into effect.  |




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**To: Joint Meeting with North Strathclyde Sheriffs**

**On: 4<sup>th</sup> December 2015**

**Community Justice (Scotland) Bill – Stage 1 Scrutiny**

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## 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 11<sup>th</sup> November. On the 19<sup>th</sup> 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 be4 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. 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.

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### **Briefing: Community Justice Redesign: Transition Plan**

From 2017-18 responsibility for strategic planning and delivery of community justice will transfer from the eight Community Justice Authorities (CJA) to Community Planning Partnerships (CPP). The new arrangements use CPPs as the vehicle to bring partner organisations together to plan and deliver community justice outcomes. Criminal Justice Social Work remains accountable to and subject to the governance by the organisational arrangements which accommodate Social Work Services within each local authority.

Community Justice is defined by the Scottish Government as *“the collection of agencies and services in Scotland that individually and in partnership work to manage offenders, prevent offending and reduce reoffending and the harm it causes, to promote social inclusion, citizenship and desistance”*. Outcomes for Community Justice will be supported by effective local planning and delivery of services by a range of partners in the public and third sector.

Currently there is a formal strategic and operational partnership between West Dunbartonshire, Argyll and Bute, and East Dunbartonshire Councils. They share a single strategic partnership manager, single budget, and deliver common outcomes within a joint planning and performance framework, commissioning strategy and report to a joint committee with delegated powers. These arrangements have been in place since 2002.

In order to ensure as smooth as possible transition to the new model local authorities are required to submit a transition plan setting out how they plan to manage this process over 2016-17. The plan has to be submitted by 31<sup>st</sup> January 2016. The Criminal Justice Partnership authorities have been working together to create the transition plan, drawing on the experience of inter-authority partnership and creating efficiencies for partner agencies in terms of consistency. The plan has been drawn up and is due to be considered at the relevant committees and groups within partner authorities in mid -December.

The partnership authorities have pooled transition funding allocated by the Scottish Government in order to derive maximum benefit in terms of resourcing a post to drive matters forward and to support local partnership working and consultation initiatives.

Preparatory work for the transition is being undertaken between the criminal justice social work partnership and officers from the respective Community Planning Partnerships. The Criminal Justice Partnership Committee are also involved in the development of transitional planning arrangements. A consultation event was held on 30<sup>th</sup> October 2015 bringing together statutory partners and third sector representatives. The transition plan reflects the issues raised at that event. Further consultation is planned both individually and collectively with partners to further develop the potential for the new model to extend and strengthen the value and benefit of collaboration across a number of issues.

In the course of transition there will be a focus on the establishment of links between community justice statutory partners and with the Third Sector, service users and communities. The plan also addresses governance and accountability and how most effective use will be made of the transition funding offered to local authorities to support the process.

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