
To: North Strathclyde Community Justice Authority

On: 11 December 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** On 7th May 2015 The Community Justice (Scotland) Bill was introduced to the Scottish Parliament. The Bill is currently going through its first stage of scrutiny which is being led by the Justice Committee. A full and helpful briefing on the measures in the Bill has been prepared by CJVSF (Criminal Justice Voluntary Sector Forum) and is attached at Appendix 1 to assist members and partners understanding of the proposed new legislation and some of the context and timescales.
- 1.3** The Justice Committee issued a Call for Evidence on the Bill on 19th May with a deadline of 12th August for submissions. The CJA Conveners Group have prepared a joint submission which is reported separately to this meeting of NSCJA.
- 1.4** The Finance Committee of the Scottish Parliament also issued a Call for Evidence on the Bill on 22nd June with a deadline for submissions of 14th August. Again, the CJA Conveners Group have prepared a joint response which is also reported separately to this meeting.
- 1.5** Preparations are underway to identify the knowledge and skillset for both the Chair and Chief Executive of Community Justice Scotland. Provided the Bill progresses to timescale it is hoped both of these appointments will be made in Spring 2016.

Subsequent appointments to the Board and body of CJS will be made through to Autumn of 2016 to enable preparation for the “go live” date of 1st April 2017.

1.6 An equality impact assessment is also being undertaken by Community Justice Division which will help determine the location of CJS Headquarters. No decision on that has been made at this time.

1.7 A number of Steering Groups and Working Groups have been established to develop the new National Strategy and the Performance Framework. Both these workstreams are being given significant support from CJAs via Planning Officer secondments and both involve a range of key stakeholders. The National Strategy should be completed by early 2016 and there will be several initiatives to pilot the performance framework in different local authorities prior to national rollout in 2017.

1.8 The CPP Transitions Group continues to develop various workstreams to support the transition process. With significant support from CJAs the group have produced a “toolkit” on Community Justice matters to assist the new partnerships undertake their duties. The toolkit or resource pack has been uploaded to the Knowledge Hub which is frequently accessed by CPP staff. The CPPTG has held one National Event for CPPs and is planning a second event for 1st October at which we hope to engage the full range of statutory partners.

1.9 Community Justice Division have written to all CJA Conveners asking they prepare a “scheme of severance” for approval by the Justice Secretary. Scottish Government have confirmed they will meet the full financial liabilities for the disestablishment of CJAs. The deadline for submission to CJD is the 17th July.

1.10 On 31st July, the Deputy Director, Community Justice Division wrote to Community Planning Chairs to clarify what is required in the shadow year Transition Plans which CPPs require to submit by 31st January 2016. A copy of the letter is attached at Appendix 2 for members information.

2. Recommendations

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

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.

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The Community Justice (Scotland) Bill

A CJVSF Briefing

On 7th May 2015, the [Community Justice \(Scotland\) Bill](#) was introduced to the Scottish Parliament, to take forward the legislative change needed to establish the new community justice model in Scotland. This builds on the Scottish Government's [response](#) to the Future Model for Community Justice in Scotland Consultation, published on 15th December 2014.

Under the new model, the Community Justice Authorities (CJAs) will be disestablished and new community justice arrangements will be put in place at both a national and a local level. A brief summary of the plans set out in the Bill is provided below¹. These plans are subject to the parliamentary process and therefore may still change.

Defining Community Justice

The Bill defines 'community justice' as:

- *"Giving effect to community disposals and post-release control requirements*
- *Managing and supporting offenders in the community with a view to reducing offending by them*
- *Arranging general services in ways which facilitate offenders in the community accessing and using them*
- *Preparing offenders for release from imprisonment or detention in a penal institution"*

This is a legal definition, for the purposes of the Bill.

Community Justice Partners

For the purposes of this legislation, the following are considered Community Justice partners		
Each local authority	Each health board	Chief constable of the Police Service in Scotland
Scottish Fire and Rescue Service	Skills Development Scotland	Each Integration Joint Board
Scottish Courts and Tribunals Service	Scottish Ministers (the Scottish Prison Service will represent Ministers in carrying out certain functions under the Bill)	

Community Justice at a National Level

A new national body will be established, called Community Justice Scotland (in Gaelic, Ceartas Coimhearsnachd Alba), to provide national, professional and strategic leadership for community justice in Scotland. Its functions and powers are set out in the table below. CJS

¹ Further information about the new community justice model can be found in the CJVSF briefing, available at: <http://www.ccpscotland.org/cjvsf/resources/cjvsf-briefing-future-model-community-justice-scotland/>

will need to publish a corporate plan setting out how it intends to exercise its functions. It will also be expected to produce annual reports and accounts.

Functions and powers of Community Justice Scotland (CJS)

Topic	Function/Powers
Main functions of CJS	<ul style="list-style-type: none"> To promote the national strategy To oversee and keep the Scottish Ministers informed about performance (particularly in relation to the achievement of nationally determined outcomes) To promote and support: <ul style="list-style-type: none"> Improvement in the quality and range of provision of community justice Making the best use of facilities, people and other resources available To promote public awareness of the benefits arising from (i) offenders being sentenced to community disposals rather than imprisonment or detention in penal institutions and (ii) managing and supporting people in the community with a view to reducing reoffending by them
Changes to functions	<p>The Bill also allows for additional functions to be conferred, functions to be transferred or removed and for changes to be made to existing functions. Appropriate consultation must take place before such regulations can be made.</p>
Powers relating to the strategy for innovation, learning and development	<p>CJS will have powers to do the following in furtherance of the strategy:</p> <ul style="list-style-type: none"> conduct, commission or coordinate research about community justice, or activity elsewhere in the world which corresponds with, or is reasonably similar to, community justice identify, establish or promote good practice in relation to community justice develop or provide education or training in relation to community justice (including procuring and funding the development and provision)
Ability of CJS to develop and arrange services	<p>Community Justice Scotland will have the power to:</p> <ul style="list-style-type: none"> Identify a desirable service in relation to community justice (includes procuring and funding the identification of a service) Design an appropriate model for the provision of such a service (includes procuring and funding the design of a service) Make arrangements for the provision of such a service Encourage or assist, or act in collaboration with, any of the community justice partners to do any of the above. <p>These powers will be for services covering all of Scotland, as well as for services for particular local areas. Before exercising the above powers, CJS must:</p> <ul style="list-style-type: none"> Have regard to the desirability of services in a particular area being best suited to the needs of that area Have regard to the desirability of working in collaboration with others, where appropriate Consult each of the community justice partners, and such other persons as it considers appropriate. <p>These requirements will not apply where CJS is complying with a requirement by the Scottish Ministers to exercise a power in relation to a service of a particular description. Before making such a requirement, the Scottish Ministers must consult each of the other community justice partners and such other persons as they consider appropriate.</p> <p>CJS is not authorised to provide a service in relation to community justice itself.</p>

National Strategies and the National Performance Framework

The following items will be published and regularly reviewed (no later than 5 years after publication/the previous review).

National Community Justice Strategies and Performance Frameworks			
Item:	A National Strategy for community justice in Scotland	A National Performance Framework for Community Justice	A Strategy for Innovation, Learning and Development in relation to Community Justice
What will it contain?	A statement of the aims of community justice and the proposed actions to achieve those aims.	<ul style="list-style-type: none"> National outcomes, which are to be achieved in each local authority area National indicators for measuring performance. 	Such material about innovation, learning and development in relation to community justice as CJS considers appropriate.
Who will be responsible for preparing & publishing it?	Scottish Ministers	Scottish Ministers	Community Justice Scotland
Who will need to be consulted as part of the initial preparation?	<ul style="list-style-type: none"> Each of the other community justice partners Such other persons as Scottish Ministers consider appropriate 	<ul style="list-style-type: none"> Each of the other community justice partners Such other persons as Scottish Ministers consider appropriate 	<ul style="list-style-type: none"> Each of the other community justice partners Such other persons as CJS consider appropriate
Who will be responsible for reviewing it?	Scottish Ministers	Community Justice Scotland	<ul style="list-style-type: none"> Community Justice Scotland
Who will need to be consulted as part of the reviews?	<ul style="list-style-type: none"> Community Justice Scotland Each of the other community justice partners Such other persons as Scottish Ministers consider appropriate 	<ul style="list-style-type: none"> Each of the other community justice partners (other than Scottish Ministers) Such other persons as Scottish Ministers consider appropriate 	<ul style="list-style-type: none"> Each of the other community justice partners Such other persons as CJS consider appropriate

Community Justice Planning at a Local Level

Local community justice partners will be responsible for preparing, delivering and reviewing a Community Justice Outcomes Improvement Plan for their local area. Further details about what will be in the plan and how it will be developed and reviewed are provided below.

Summary of local Community Justice Planning	
What will be in the plan?	<p>The plan should set out, in relation to each of the <i>nationally determined outcomes</i>:</p> <ul style="list-style-type: none"> Assessment of each outcome - The community justice partners' assessment of whether the outcome is being achieved in the area (and, if not, how near the outcome is to being achieved) Priorities for action - Whether the outcome requires to be a priority for action Intended actions: The action they intend to take (individually or jointly) to achieve or maintain achievement of the outcome

	<p>The plan may also set out other outcomes in relation to community justice that the community justice partners consider should be achieved in their local area (<i>'locally determined outcomes'</i>) as long as these are consistent with nationally determined outcomes. Where additional locally determined outcomes are included, the plan will need to set out:</p> <ul style="list-style-type: none"> • The indicators that community justice partners intend to use to measure performance in achieving the outcome • The action that community justice partners intend to take (individually or jointly) to achieve or maintain the achievement of the outcome.
How will the plan be prepared?	<p>In preparing the local community justice plan, community justice partners must:</p> <ul style="list-style-type: none"> • Have regard to the national strategy, the national performance framework and the local outcomes improvement plan² in relation to the area • Consult with Community Justice Scotland, such community bodies and other persons in relation to the area as they consider appropriate. Third sector service providers will fall under the definition of 'community bodies'³ • Consider which community bodies are likely to be able to contribute to the preparation of the plan and make all reasonable efforts to secure their participation. Where a community body wishes to participate in the preparation of the plan to any extent, the community justice partners must take such steps as are reasonable to enable it to do so.
When will the plan be reviewed?	<p>The plan must be reviewed:</p> <ul style="list-style-type: none"> • When a revised national strategy for community justice is published; • When a revised national performance framework in relation to community justice is published; • When a revised local outcomes improvement plan is published; or • From time-to-time.

Performance Reporting

Both local community justice partners and CJS will be expected to report on performance. Further details of the local and national performance reports are provided below.

Performance Reporting Requirements		
	Local Performance Reports	National Performance report
Who will be responsible for publishing this report?	Local community justice partners	Community Justice Scotland (CJS)
How often will the report be produced?	Annually	Annually
What will the report include?	<p>Local community justice partners' assessment of whether:</p> <ul style="list-style-type: none"> • each <i>national outcome</i> was being achieved in relation to their area and any progress that has been made towards its achievement • any <i>local determined outcomes</i> were being achieved in relation to their area and any progress towards their achievement. 	<p>CJS's assessment of performance in Scotland as a whole in relation to the achievement of nationally determined community justice outcomes. The national performance report may also include guidance as to action which CJS considers is necessary to enable the achievement of a nationally determined outcome, or would help to improve performance in Scotland as a</p>

² This is the plan that is prepared and published under section 5(1) of the Community Empowerment (Scotland) Act 2015.

³The Bill states that "*'community bodies', in relation to the area of a local authority, means bodies (whether or not formally constituted) established for purposes which consist of, or include, promoting or improving the interests of any communities (however described) resident or otherwise present in the area.*"

		whole.
How should progress be assessed?	Progress should be assessed using the relevant indicators: <ul style="list-style-type: none"> the national indicators should be used for <i>national outcomes</i> the indicators set out in the community justice outcomes improvement plan should be used for <i>locally determined outcomes</i> 	Progress should be assessed using the national indicators.
Who should be consulted as part of the preparation of the report?	<ul style="list-style-type: none"> such community bodies in the area as local community justice partners consider appropriate such other persons as local community justice partners consider appropriate. 	<ul style="list-style-type: none"> Each of the community justice partners Such other persons as it considers appropriate

How will performance be monitored?

Community Justice Scotland will monitor performance in each local area in terms of the achievement of both nationally and locally determined outcomes. From time to time, it will report to the community justice partners for the area on its assessment of that performance. In making an assessment of progress, CJS must use the relevant indicators.

When reporting to local community justice partners, CJS may include guidance as to action which it considers is necessary to enable the achievement of a particular outcome in the local area concerned, or might help to improve performance in achieving such an outcome in the area. Local community justice partners will be expected to notify CJS (within such period as may be specified) of the action the local partners have taken or propose to take in response to the report, or their intention not to take any action in response to the report.

CJS will be able to make recommendations to the Scottish Ministers as to action (either at a Scotland level or at the level of a particular local authority) which it considers is necessary to enable the achievement of a nationally determined outcome or would help to improve performance in achieving such an outcome or otherwise in relation to community justice.

Guidance on CJ outcomes improvement planning

Local community justice partners must have regard to any Guidance issued by the Scottish Ministers about the preparation, review or reporting of progress on the local plan. Before issuing (or revising) any guidance, Scottish Ministers must consult each person to whom it would relate and any other such persons as they consider appropriate.

Duties on community justice partners

The following duties will be placed on partners:	
Duty	Description of duty
<i>Duty to have regard to the local community justice outcomes improvement plan</i>	In exercising their functions in relation to community justice in a local area, partners must have regard to the community justice outcomes improvement plan for the area.
<i>Duty of cooperation</i>	Community Justice Scotland, each of the CJ partners and the CJ partners for the area of each local authority must, so far as reasonably practicable, co-operate with each other in the exercise of their respective functions in relation to community justice. Such co-operation may include: <ul style="list-style-type: none"> sharing information providing advice and assistance

	<ul style="list-style-type: none"> • co-ordinating activities (and seeking to prevent unnecessary duplication) • funding activities together.
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Proposed timescales

The above plans are subject to the parliamentary process and therefore are subject to change. Below is a rough timescale of expected activities.

Proposed timescales		
Year	Month	Planned activities
2015/16 (Planning Year)	Throughout the year	Awareness raising, information provision from CJAs to Community Justice Partners and support on transition
	May 2015	Introduction of the Community Justice (Scotland) Bill
	Throughout the year	National Strategy for Community Justice to be developed (Publication will not take place until after the Bill has been enacted)
	Throughout the year	National Outcomes, Performance and Improvement framework will be developed and finalised (Including agreement on scrutiny and inspection)
	Throughout the year	Community Justice Partners commence their planning activities
	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	CPPs make their transition plans for 2016/17 available to Scottish Government for comment and to COSLA in support of the transition process (The current set of CJA Area Plans runs until the end of 2016/17, which is the transition year and first year of CPP plans and reports. It will be necessary to ensure alignment between plans during the transition year)
2016/17 (Transition year)	1 st April 2016	Community Justice Partners assume their responsibilities under the new model under a shadow transition arrangement (with full responsibility from 1 st April 2017, once the required legislation has been enacted)
	2016	Enactment of the Community Justice Bill is anticipated during 2016. Guidance for Community Justice Partners will follow the enactment.
	2 nd half of 2016/ 17	Community Justice Scotland established
	December 2016	Community Justice Partners produce their first local plan for community justice, using the new national strategy and performance/outcomes/indicators framework.
	31 st March 2017	CJAs are formally disestablished.
2017/18 (New model operating)	1 st April 2017	The new model for community justice in Scotland comes fully in to effect.

About CJVSF

The Criminal Justice Voluntary Sector Forum (CJVSF):

- Supports voluntary sector providers to continuously improve their own criminal justice services through collaboration and sharing of good practice
- Assists voluntary sector providers to understand, navigate and influence the complex and changing environment in which they operate
- Promotes broader awareness of the activities, value and impact of voluntary sector services within criminal justice.

The CJVSF is hosted by CCPS (the Coalition of Care and Support Providers in Scotland) and receives financial support from The Robertson Trust and The Monument Trust. Further details about the Forum can be found at: www.ccpscotland.org/cjvsf

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Community Planning Partnership Chairs

31 July 2015

Dear Community Planning Partnership Chair

NEW MODEL FOR COMMUNITY JUSTICE – TRANSITION PLAN 2016/17

A successful transition to the new model for community justice is key to ensuring that partners build their capability and capacity to work together to achieve improved outcomes. I write to provide you with clarification of what is required to be included in the CPP transition plans for 2016/17.

In December 2014, the Future Model For Community Justice in Scotland: Scottish Government Response to Consultation¹ highlighted the following milestones for Community Planning Partnerships **in January 2016:**

- CPPs share with Scottish Ministers their intentions for how they plan to take forward arrangements for the strategic planning and delivery of community justice
- CPPs make their plans for 2016/17 available to the Scottish Government for comment and to COSLA in support of the transition process

In recent years there has been extensive engagement on the new model for community justice and a transition workstream has been established to support a successful transition to the new model. This engagement has shown that partners and stakeholders are keen for further details about what should be included within the transition plan referred to in the second milestone. The work associated with both of the milestones referred to above may be contained within this transition plan. There is no need to provide two separate documents.

As you are aware, local strategic planning and delivery of services by community justice partners through the context of community planning is central to the new model for community justice. When the community justice authorities are disestablished, decision-making will be placed into the hands of local people and agencies who know their communities best, understand the problems that are unique to their region, and will be most affected by community justice issues. Consequently, it is vital that the **transition plans should contain detailed information under the following headings:-**

¹ <http://www.gov.scot/Publications/2014/12/9083/downloads> published Dec 15th 2014

- How CPPs plan to build links with and between community justice partners²
- How CPPs plan to involve the Third Sector, service users, people with convictions, and communities in their local arrangements, planning and delivery in 2016/17;
- How CPPs intend to work with CJAs to ensure that community justice issues that are led on by CJAs are picked up, where appropriate, by the relevant CPPs in 2016/17;
- Looking to 2016/17 and beyond, what the local governance arrangements will be for:
 - community justice, including accountability lines;
 - which organisations and individuals will be involved across the statutory, non-statutory and community sectors;
 - how community justice arrangements will link into the wider CPP; and
 - how links will be made from broader community planning themes to the community justice agenda and vice versa;
- How partner resources will be leveraged to support change and innovation locally, making the most effective use of transition funding³.

The Community Justice (Scotland) Bill⁴ puts a duty on community justice partners to prepare a community justice outcomes improvement plan and report on it each year. The first community justice outcomes improvement plan will be due in early 2017. The transition plan is not a community justice outcomes improvement plan but seeks to lay the foundation for future planning.

Transition plans should be submitted to redesignofcommunityjustice@scotland.gsi.gov.uk by 31st January 2016.

²The Community Justice (Scotland) Bill provides that the following persons are “community justice partners” —

- (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,
- (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,
- (h) the Scottish Ministers (In practice, the Scottish Prison Service)

³ On the 13th March 2015 a letter was sent to the Chief Executives of Local Authorities confirming approval of £50,000 to financially assist the work to facilitate the transition to the new model for community justice in Scotland. The Scottish Government’s intention is for this fund to be available for 3 years, ending 2017/18. However, this position will be reviewed at the end of 2015/16 in light of the outcome of the next UK Comprehensive Spending Review that is expected to take place following the May 2015 Parliamentary election. This is in line with other public funding decisions.

⁴ <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/88702.aspx>

I hope you find this letter provides helpful clarification. If you have any further queries about the transition plan please address them to Alastair.Bowden@Scotland.gsi.gov.uk; 0131 244 7310.

Andy Bruce
Deputy Director
Community Justice Division

Copied to

CC Chief Executives of Local Authorities;
Chief Executives of Health Boards;
Chief Constable of Police Scotland;
Chief Executive of Scottish Fire and Rescue Service;
Chief Executive of Skills Development Scotland;
Chief Executive of Scottish Prison Service;
Chief Officers of Integration Joint Boards;
Chief Executive of Scottish Courts and Tribunals Service;
Community Justice Authority Conveners;
Community Justice Authority Chief Officers;
Community Planning Partnership Managers.
Chair Criminal Justice Voluntary Sector Forum
Chief Executive of Voluntary Action Scotland