



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.

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

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

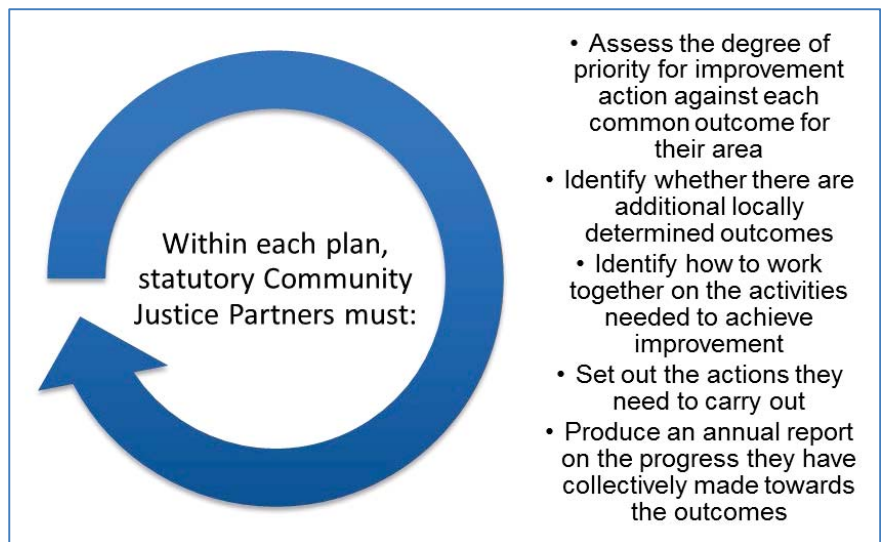
From 2017/18, statutory Community Justice Partners will be responsible for preparing, delivering and reviewing a *Community Justice Outcomes Improvement Plan* for their local area.

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
2015/16	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.
2016/17	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.
2017/18	1st April 2017	The new model for community justice in Scotland comes fully into effect.