
To: North Strathclyde Community Justice Authority

On: 10th June 2016

Report by: Chief Officer

Heading: Final Year Governance Documents

1. Summary

- 1.1** At the request of Scottish Government Officers the eight CJAs have been asked to create Resilience Plans to ensure we can continue to discharge our full duties throughout our final year.
- 1.2** The Resilience Plan (appendix 1) details how we will manage staff shortages and keep the operation of the organisation running.
- 1.3** In addition, the joint CJA Conveners Group requested Chief Officers create and maintain a Joint Risk Register for the transition year. This is attached as appendix 2.

2. Recommendations

- 2.1** The Authority is asked to note the content of this report and delegate authority to the Chief Officer in consultation with the Convener to manage resilience issues so that NSCJA can function fully until 31/03/2017.

3. Background

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

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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Resilience Planning for Community Justice North Strathclyde Community Justice Authority Updated May 2016

Background

This paper outlines key issues in relation to the resilience for Community Justice. The focus is on the role of Community Justice Authorities (CJAs), with a particular recognition to the critical time period from the start of 2016 through to the proposed disestablishment of CJAs in March 2017 (when staffing arrangements are most likely to be impacted upon). The issues highlighted are necessarily cast more widely than organisational resilience, in reflection of the importance to minimise the disruption to the work of CJAs and partnerships beyond the CJA structural lifespan.

The CJA and its partners are in a strong position to plan for resilience, with a clear timeframe for change, an outline of the changes anticipated and planning arrangements in place with partners to identify risks and plan for mitigation. This paper highlights the risks and identifies anticipated disruptions to the NSCJA and the Community Justice agenda and to support a lasting legacy for Community Justice under the new model arrangements.

Resilience is a proactive and determined approach to maintain a flourishing enterprise despite anticipated and unanticipated challenges that will emerge. This paper provides a platform for partners to look beyond a defensive posture and apply the inherent strength of partnership to withstand the challenges of change and evolve an approach to manage change.

Current Context of CJA Operations

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

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

The legal minimum structure for CJAs is:

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

The legal statutory duties for CJAs are:

- **Prepare an area plan** for reducing reoffending
- **Monitor performance** of local authorities and Scottish ministers in complying/co-operating
- **Promote good practice** in reducing reoffending – bridging between local and national
- **Allocate s27 grant** to local authorities, ensure Audit and report - Accountable Body
- **Report annually** on activities and performance of CJA

Identification of Risks

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

Statutory Obligation	Risk Features	Likelihood of Impact
Maintain CJA Board including 1 Convener and 1 Vice Convener	Holyrood Elections 2016	Low
	Political focus shifts	Medium
	Maintaining Quorate attendance at Board meetings	High
Chief Officer in post	Staff look for other positions and leave organisation	High
Treasurer in place	While the Chief Officer is not the Treasurer, who is secured via the host Authority, the Chief Officer is the "Accountable Officer" and instructs the Treasurer, thus there is reliance on having the Chief Officer in post and risk in staff leaving this post	High
Prepare an area plan for reducing reoffending	Area Plan 2014/17 finishes on 31/03/2017. Engagement with Community Justice leads on preparing Community Justice Outcome Improvement Plans.	Low
Monitor performance	Failure to finalise National Performance Framework	Medium

	Aligning with SOA performance framework requires staff time	Medium
	CJA support staff look for other positions	High
Promote good practice	CJA support staff look for other positions and are unable to drive this responsibility	High
	Communication barriers with the Scottish Government and Partners	High
Allocate s27 grant - Accountable Body	Board operations affected by staff reduction and/or political disinterest – unable to ratify allocations (Quorate Board)	High
	No arrangements agreed for final Audit September 2017	High
	Delays in national allocation	High
Report annually	CJA support staff look for other positions	High
	No arrangements agreed for final Annual Report September 2017	High

Mitigation

The Chief Officer post will require to be covered as a statutory obligation, and other non-statutory posts are at a high risk of becoming vacant, especially during this last year of CJA

operations. Cover will be required on either a full time or part time basis. Open recruitment will prove challenging as the end date approaches, and seems highly improbable in the last 6-12 months.

Options for coverage are as follows, with status of actions in **RED**:

1. Ensuring Chief Officer post remains filled:
 - a. Temporary upgrade for Planning Officer to cover Chief Officer post **(viable option)**
 - b. CJA partner organisation seconds a senior manager in Chief Officer's vacancy either part time or full time. **(could be pursued)**
 - c. Approach known retirees from partner agencies to cover the Chief Officers post for final months. **(could be pursued)**
 - d. Share posts across CJA boundaries. **(agreed in principle with other CJAs)**
2. Ensuring adequate support to CJA functioning (Planning / Admin posts)
 - a. Partner organisations second staff to cover on a part time or full time basis. **(could be pursued)**
 - b. Extend existing SLAs with lead local authority to provide part time or full time cover. **(could be pursued)**
 - c. Employ agency admin cover. **(could be pursued)**
 - d. Share posts across CJA boundaries. **(agreed in principle with other CJAs)**
3. Maintain Political Focus
 - a. Regular correspondence with the Scottish Government. **(locally and nationally via CJA Chief Officer Group and via National Convenors' meetings)**
4. Maintain Partner Engagement
 - a. Board continues to meet regularly and function, and to hold statutory partners to account. **(ongoing)**

- b. CJA maintains good lines of communication with regular updates on developments. **(ongoing)**
 - c. Engage same partners through Community Planning, both directly through Shadow Arrangements in 2016/17 and with main CPP structures. **(ongoing)**
- 5. Arrangements for activities delivered post April 2017 (including Annual Report 2016/17)
 - a. Extend existing SLAs with lead local authority to provide Treasurer and Governance/Audit arrangements. **(agreed in principle – details to be agreed)**
 - b. Confirm statutory responsibilities beyond April 2017 (to prepare Annual Accounts and Report on Performance) within new legislation.(including dialogue with Scottish Government for this provision) **(pending national discussion)**
- 6. Closure Plan
 - a. Establish clear plans for closure of NSCJA, including arrangements with premises, property and knowledge transfer to new local partnership arrangements. **(draft plan established)**

Staff Welfare

While work has been underway to support CJA staff as they looked to the future, it is now time for the CJA (and Board) to formalise planning for the anticipated redundancies.

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

Local Planning within a National Context

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

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

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

The transition to the shadow arrangements, which is underway, is critical to a successful new community justice arrangement. The process of transition should continue in recognition of the work required to prepare the CPP for its new responsibilities and to establish the foundations for the new national body. As a Board there is scope to press for and support an active process of transition.

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

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

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

Conclusions

The concept of resilience is a practical response to the needs of each CJA to effectively anticipate disruptions to the Community Justice agenda, to adapt to the evolving pace of change and to support a lasting legacy for Community Justice under new, redesign arrangements. Success will come through collective commitments within local partnerships and across the 8 CJAs and national structures and partners.

CJA National Transition Risk Register 2014 - 2017

Risk	Description	Impact	Controls	Actions Planned	Progress Update
1	Disengagement of Scottish Government and key partners in joint planning / practice	Loss of joint effective practice, possible threat to reoffending rates. CJAs fail to comply with statutory duties	CJA Legislation still in place. CJA structures continuing.	<p>Monitor engagement levels and brief Conveners / Scottish Government regularly</p> <p>Scottish Government and COSLA to raise on the agenda of the new Community Justice Sub group if disengagement continues to be a problem</p>	Partner engagement is holding up reasonably well although CJA demands on partner involvement is reducing through 2016/17. The last 3 Board meetings have been quorate.

2	Lack of engagement by CPPs in the transition process with CJAs	CPPs will not be ready to take on their new duties. Possible leadership / governance vacuum	Joint structures being developed to engage all key stakeholders Transitions funding provided	A series of national and local workshops during 2016/17 aimed at continuing to prepare CPPs for their new duties	CPP staff across all Local Authorities have engaged in national events and organised local events. All transition plans have been submitted on time.
3	CJAs begin to lose more staff through 2015/16	The skills and knowledge will be difficult to replace on a temporary basis. CJAs may fail due to lack of capacity	Regular briefings for all staff. Include appropriate staff in the transitions processes	Consider sharing CJA resources. Consider short term partners secondments CJA Resilience Plans being developed	So far this has not been a problem for NSCJA. Our Planning Officer is seconded 2 days per week to the Scottish Government but remains an employee.

4	<p>Loss of CJA influence or transition arrangements and poor CJA involvement in the process</p>	<p>Confusion about the process of transition amongst CJA partners. Loss of skills and knowledge within the process which could lead to avoidable mistakes</p>	<p>CJAs fully engaged in all the redesign workstreams</p>	<p>Chief Officers have lead roles in all workstreams and regularly brief Conveners, Planning Officers involved with appropriate workstreams and briefing Chief Officers</p>	<p>Both the Chief Officer and the Planning Officer are fully involved in various transition groups. The Convener meets regularly with the Scottish Government.</p>
5	<p>Loss of momentum on existing projects / services which adversely effects performance</p>	<p>Outcomes deteriorate and the development of good practice ceases</p>	<p>Early and ongoing engagement with CPPs and other key partners to identify priorities for 2016 onwards</p>	<p>CJAs will brief CPPs and other partners on existing best practice services and help CPPs make links between them</p>	<p>CJAs have posted details of shared services on the CPP Knowledge Hub along with examples of good practice.</p>