

**PERTH AND KINROSS COUNCIL****Community Safety Committee****18 January 2017****Community Justice Redesign****Director (Housing and Social Work)****PURPOSE OF REPORT**

This report provides an update for the Committee on the redesign of Community Justice in Scotland and current progress on the transitional arrangements on both a national and local level.

**1. BACKGROUND / MAIN ISSUES**

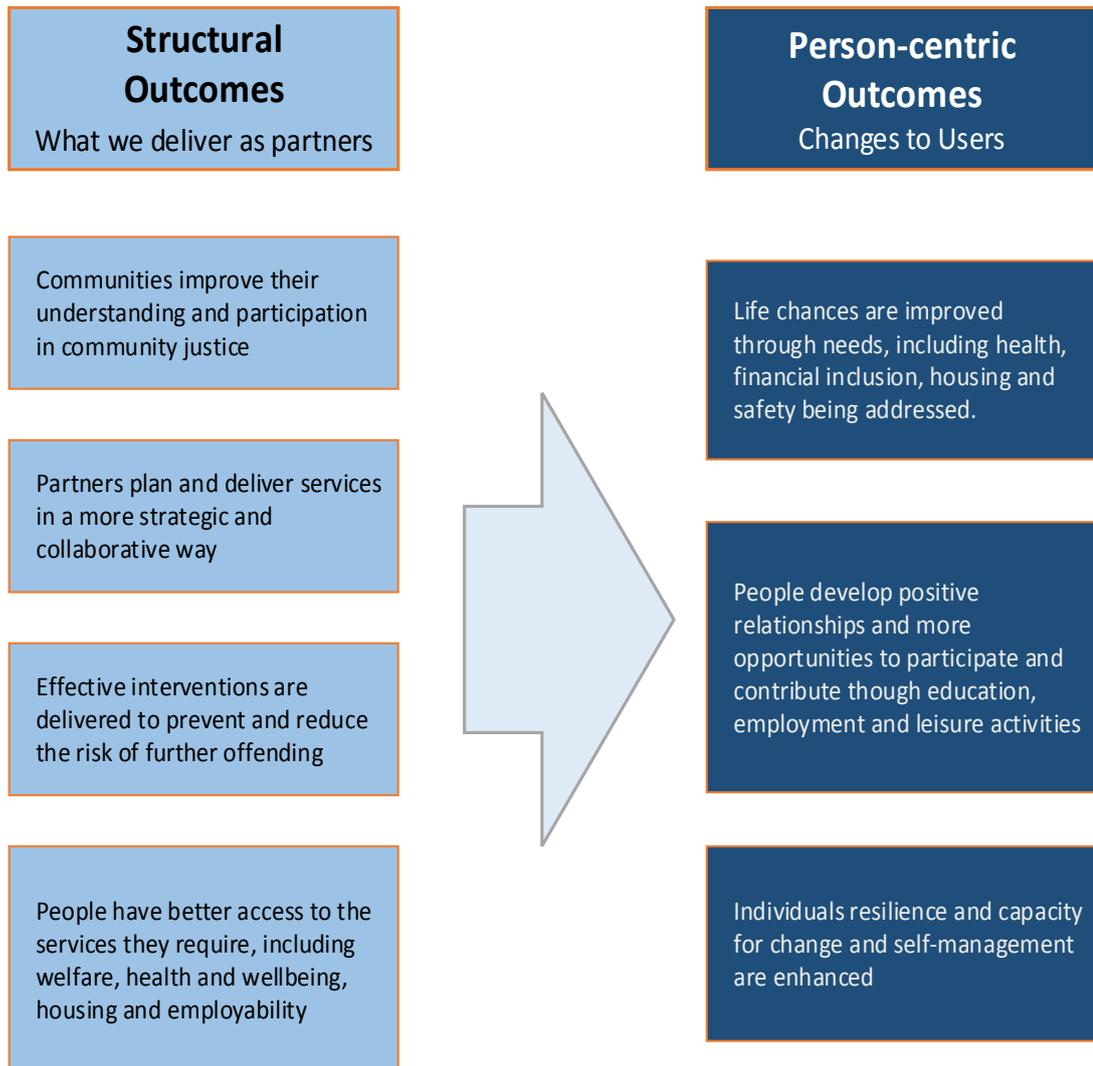
- 1.1 The Community Justice (Scotland) Act 2016 was passed by the Scottish Parliament earlier this year. The purpose of the Act is to establish a new model for the governance and delivery of Community Justice in Scotland.
- 1.2 The Act dissolves Community Justice Authorities (CJAs) with effect from 1 April 2017 and replaces them with Community Justice Partnerships in each of the 32 local authority areas in Scotland.
- 1.3 The Act defines Community Justice and who the Statutory Partners are. It requires the Statutory Partners to;
  - focus on improving community justice outcomes locally
  - publish a community justice outcomes improvement plan
  - publish a Participation Statement on their engagement with third sector and communities as part of the community justice planning process
  - review plans periodically
  - take account of the National Strategy for Community Justice when developing their plan and the Local Outcomes Improvement Plan (LOIP) when developing their own plan
  - annually report progress against the plan using the national outcomes for community justice outlined in the National Performance Framework
- 1.4 The statutory partners for community justice as outlined in the Act are:
  - Chief Constable of Police Scotland
  - Health Boards
  - Integration Joint Boards for Health and Social Care
  - Local Authorities
  - Scottish Courts and Tribunals Service
  - Scottish Fire and Rescue Service

- Scottish Ministers (i.e. Scottish Prison Service, Crown Office & Procurator Fiscal Service)
  - Skills Development Scotland
- 1.5 At its meeting on 24 February 2016 the Council approved the establishment of a shadow Community Justice Partnership to ensure the development of the necessary arrangements for the changeover from CJAs to the local Community Justice Partnership in 2017 ( Report No.16/73).
- 1.6 Whilst the Act states that Community Justice Partnerships are only answerable to the statutory partners own governance arrangements, the Perth and Kinross Community Planning Partnership has agreed that the Community Justice Partnership should be part of the local community planning process and will report to it. Most Community Justice Partnerships in Scotland are being positioned in local Community Planning Partnerships and the Scottish Government considers this to be best practice.
- 1.7 In addition to the statutory partners Perth and Kinross Association of Voluntary Service (PKAVS) have been co-opted as a member of the shadow partnership. Discussions are being held with groups representing victims and people with lived experience of the community justice system to also be co-opted.
- 1.8 On 24 November 2016 the Cabinet Secretary for Justice launched the National Community Justice Strategy. In addition two other documents;
- Guidance for Community Justice Partners
  - Outcomes and Improvement Framework for Community Justice
- were published.
- 1.9 These documents are available at -  
<http://www.gov.scot/Publications/2016/11/5600>

## **2. NATIONAL COMMUNITY JUSTICE STRATEGY**

- 2.1 The National Strategy provides a vision for community justice in Scotland - 'Scotland is a safer, fairer and more inclusive nation where we:-
- Prevent and reduce further offending by addressing its underlying causes; and
  - Safely and effectively manage and support those who have committed offences to help them reintegrate into the community and realise their potential for the benefit of all citizens'
- 2.2 Community Justice is defined in the draft Strategy as:  
 'the collection of individuals, agencies and services that work together to support, manage and supervise people who have committed offences, from the point of arrest, through prosecution, community disposal or custody and alternatives to these, until they are reintegrated into the community. Local communities and the third sector are a vital part of this process which aims to prevent and reduce further offending and the harm that it causes, to promote desistance, social inclusion, and citizenship'.

2.3 The Strategy will have seven outcomes which are shown in the diagram below-



2.4 In addition there are four priorities identified in the National Strategy:

**Improved community understanding and participation** – this section is focussed on increasing awareness of community justice issues to improve understanding and reduce stigma; as well as strengthening participation in the planning, delivery and evaluation of community justice services and policy.

**Strategic planning and partnership working** – the new model for community justice requires a wide range of statutory and non-statutory partners to work together to improve community justice outcomes. This section of the strategy focuses on how to ensure these partners work together effectively, that there is a strong leadership at national and local level, resources are used strategically, and that there is a well-trained and effective community justice workforce.

**Effective use of evidence-based interventions** – this section recommends improvement actions to ensure the delivery of effective, evidence-based interventions at all appropriate points in the community justice system, as well as adopting a person-centred approach, tailored to meet the differing demands of specific groups and focused on getting people into support.

**Equal access to services** – this section is focused on ways to make equal access to services a reality and to ensure that people who have committed offences and their families have equal access to the services that will help them to desist from offending such as health, housing and welfare.

- 2.5 The National Strategy is set for a five-year period but can be refreshed by Scottish Ministers at any time. Statutory partners must give due consideration to the strategy when preparing their community justice plans.

### **3. GUIDANCE FOR LOCAL PARTNERSHIPS**

- 3.1 This guidance specifies who the statutory partners are and outlines their roles in relation to the new model for community justice. It is intended to provide support and advice to the statutory partners in the development of their community justice outcomes improvement plan for the local authority area as required by the Act as well as to wider community justice partners and stakeholders.
- 3.2 The guidance also outlines the requirements for a publication of a Participation Statement as part of the plan approach. It can be published as part of the plan or separate to the plan. The Participation Statement will allow the statutory partners to identify how they have consulted and engaged with the third sector involved in community justice and relevant local community bodies in the preparation of the plan.
- 3.3 One of the key building blocks of the new model is collaborative working. The statutory partners must work together to prepare, publish and annually report on the plan for the local authority area in relation to the performance framework and national strategy for community justice. It also reinforces the statutory partners' joint responsibility for the preparation, implementation and review of the plan.

### **4. OUTCOMES, PERFORMANCE AND IMPROVEMENT FRAMEWORK**

- 4.1 The Outcomes, Performance and Improvement (OPI) Framework is intended to provide community justice partners and Community Justice Scotland with opportunities to measure progress, drive improvement, offer consistency and transparency and link decisions and actions to analysis of need and what works, leading to increased efficiency and effectiveness. It is not intended as a simple performance management tool but as a means to provide community justice partners with the information they need to focus efforts on the improvements that matter to their local areas. It is intended to allow community justice partners and Community Justice Scotland to report on

achievements as well as identify issues and blockages and evaluate the impact of services on personalised outcomes.

#### 4.2 The OPI identifies;

- 31 Improvement Actions for the 4 Priorities
- 6 Principles (3 Quality Ambitions – 3 Quality Principles)
- 27 common indicators

#### 4.3 Key to the development of the 27 common indicators has been striking the correct balance to ensure that statutory Community Justice Partners demonstrate the achievement of outcomes to communities and their lines of accountability. In addition, there will be assurance provided across Scotland by Community Justice Scotland while ensuring that this does not become a major data collection exercise.

The following types of indicator have been developed;

**Quantitative:** those which require statistical data and analysis. If something is defined as a common indicator here, it must be measured consistently and robustly across local areas. We also need to be clear that some measures will be contextual due to issues of attribution.

**Change and impact:** affords the opportunity to show activity that has been carried out, what this has meant for the local area, the impact of the activity, the resultant change, user and community views; leading to the sharing of good practice. Undertaking the activity is not an end in itself but a precursor to achieving an improved outcome. Partners should consider and measure the improvement, the movement for the service or individual, the impact and the change for people and communities brought about as a result of the activity. The '5 Step Approach to Evaluation' explains this in more depth.

**Contextual information:** contextual drivers, including those of demand, to guide planning rather than direct indicators of performance.

#### 4.4 The starting point is that all indicators must be used. However, where statutory Community Justice Partners for an area collectively identify that a particular indicator is not relevant for them at that point in time, they must specify their reasons for this conclusion in their Community Justice Outcomes Improvement Plan.

#### 4.5 Where Partners choose not to report on a common indicator the partners must specify in their plan why they feel it does not apply in their area. Partners may also indicate that they will not report on a common indicator on the ground that it is irrelevant for their area.

#### 4.6 Partners may identify additional locally determined outcomes (and associated indicators), targets and initiatives as they consider appropriate based on the profile and needs of the local area.

- 4.7 When providing evidence against the indicators, there must be examples of both good practice and examples where lessons can be learned to effect improvement.

## **5. COMMUNITY JUSTICE SCOTLAND**

- 5.1 A new body, Community Justice Scotland, is being established and will be 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 and provide improvement support as required.
- 5.2 It is for the statutory partners locally to identify the local needs and priorities to be addressed in the local plan. Any best practice initiatives developed by local partners may be shared via Community Justice Scotland's proposed Hub for Innovation Learning and Development.
- 5.3 Community Justice Scotland is required to publish an annual report on performance in relation to National Community Justice Outcomes. As part of this Community Justice Scotland may make improvement recommendations to the statutory partners at any time. The statutory partners will be required to take account of these when they review their own performance against their plan and report on progress achieved or where progress is still to be achieved.
- 5.4 On 18 September 2016 the Scottish Government announced the appointment of Karyn McCluskey as Chief Executive of Community Justice Scotland. For the last 21 years she has worked for the Police and was the Director of the Scottish Violence Reduction Unit. She is a member of the World Health Organisation Violence Prevention Alliance and helped set up the charity "Medics Against Violence" which goes into schools to deliver inputs on violence reduction, injury and keeping safe. In addition she has published work on Armed Robbery teams, Alcohol and Violence Interventions in a clinical setting and Violence Reduction.
- 5.5 The appointment of Jean Couper as Chair of Community Justice Scotland was also announced. She has extensive governance experience and has contributed to Scotland's justice system in senior non-executive roles. She has held a number of Board appointments in the Public, Private and Voluntary sectors and was awarded a CBE in June 2006 for services to the administration of justice. She was also Chairman for the Scottish Criminal Cases Review Commission.

## **6. LOCAL ARRANGEMENTS**

- 6.1 The Shadow Perth and Kinross Community Justice Partnership are presently working on the local Community Justice Outcomes Improvement Plan. To assist in its completion there are a number of activities taking place;
- Gaps Analysis
  - Self-Evaluation with Statutory Partners
  - Community Consultation
  - Consultation with the Third Sector
- 6.2 There will be opportunities whereby Elected Members will be able to participate in this process and details of which will be circulated in the near future.
- 6.3 The draft Community Justice Improvement Plan will be submitted to the March 2017 meeting of the Committee for their approval.

## 7. CONCLUSION AND RECOMMENDATION(S)

- 7.1 It is recommended that the Committee:
- I. Note the contents of this report
  - II. Instruct the Director (Housing and Social Work) to bring a further report outlining the draft Perth and Kinross Community Justice Outcomes Improvement plan for the Committee's approval in March 2017.

### Author(s)

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### Approved

Name	Designation	Date
Bill Atkinson	Director (Housing & Social Work)	<b>2 November 2016</b>

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## ANNEX

## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

The undernoted table should be completed for all reports. Where the answer is 'yes', the relevant section(s) should also be completed. Where the answer is 'no', the relevant section(s) should be marked 'not available (n/a)'.

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	<b>Yes</b>
Corporate Plan	<b>Yes</b>
<b>Resource Implications</b>	
Financial	<b>None</b>
Workforce	<b>None</b>
Asset Management (land, property, IST)	<b>None</b>
<b>Assessments</b>	
Equality Impact Assessment	<b>None</b>
Strategic Environmental Assessment	<b>None</b>
Sustainability (community, economic, environmental)	<b>None</b>
Legal and Governance	<b>None</b>
Risk	<b>None</b>
<b>Consultation</b>	
Internal	<b>None</b>
External	<b>None</b>
<b>Communication</b>	
Communications Plan	<b>None</b>

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

1.1 The recommendation in this report will assist in the delivery of both the Perth and Kinross Community Plan and Single Outcome Agreement in respect of the following local outcomes:

- (i) *Developing educated, responsible and informed citizens*
- (iii) *Promoting a prosperous, inclusive and sustainable economy*
- (iv) *Supporting people to lead independent, healthy and active lives*
- (v) *Creating a safe and sustainable place for future generations*

#### Corporate Plan

1.2 The Councils Corporate Plan 2013 – 2018 lays out five strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. The relevant strategic objectives in respect of this report are as follows:

- (ii) *Developing educated, responsible and informed citizens;*
- (iii) *Promoting a prosperous, inclusive and sustainable economy;*
- (iv) *Supporting people to lead independent, healthy and active lives; and*
- (v) *Creating a safe and sustainable place for future generations.*

## 2. Resource Implications

### Financial

- 2.1 This report contains no proposals which would have a financial impact on the Council.

### Workforce

- 2.2 There are no workforce implications arising from this report.

### Asset Management (land, property, IT)

- 2.3 There are no Asset management implications arising from this report.

## 3. Assessments

### Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

This section should reflect that the proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

- (i) Assessed as **not relevant** for the purposes of EqIA

### Strategic Environmental Assessment

- 3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. However, no action is required as the Act does not apply to the matters presented in this report. This is because the Committee are requested to note the contents of the report only and the Committee are not being requested to approve, adopt or agree to an action or to set the framework for future decisions.

### Sustainability

- 3.3 There are no issues in respect of sustainability from the proposals in this report.

Legal and Governance

- 3.4 This report contains no proposals which would have a legal or governance impact on the Council.

Risk

There are no issues in respect of risk from the proposals in this report.

**4. Consultation**

Internal

- 4.1 None.

External

- 4.2 None.

**5. Communication**

- 5.1 There are no communication issues in respect of the proposals in this report.

**2. BACKGROUND PAPERS**

- 2.1 None.

**3. APPENDICES**

- 3.1 None