

PERTH AND KINROSS COUNCIL

Community Safety Committee – 20 March 2013

**SCOTTISH GOVERNMENT'S CONSULTATION
"REDESIGNING THE COMMUNITY JUSTICE SYSTEM"**

Report by Executive Director (Housing and Community Care)

ABSTRACT

This Report outlines details of the Scottish Government's consultation on the Community Justice system in Scotland - "Redesigning the Community Justice System" and gives a suggested response to it.

1. RECOMMENDATION

- 1.1 It is recommended that the Community Safety Committee:
- (i) note the contents of this report
 - (ii) approve the suggested response to the consultation as detailed at Appendix II and its emphasis upon local coordinated support and supervision.

2 BACKGROUND

- 2.1 In December 2012 the Scottish Government issued its consultation on the Community Justice system in Scotland - "Redesigning the Community Justice System". This is attached to this report at Appendix I.
- 2.2 It outlines the Scottish Government's reasoning for issuing the consultation following on from a series of reports which highlighted shortcomings in the existing system for delivering offender services in the community.
- 2.3 In April 2012, a report by the Commission on Women Offenders ("Angiolini Commission") concluded that "there still exist inherent barriers in the structural and funding systems for criminal justice social work, and working practices which inhibit greatly the potential to reduce reoffending" and that "radical transformation is required". The Commission reported that although there was some evidence, over the past 10 years, of improvements in how criminal justice bodies work together there are inherent barriers in the existing structural, funding and delivery arrangements which inhibited the potential to reduce reoffending.
- 2.4 In November 2012 Audit Scotland published a report on reducing reoffending which found that there are many bodies involved in reducing reoffending with "different governance and accountability arrangements and geographic boundaries, resulting in a complex landscape". It acknowledged that Community Justice Authorities (CJAs) have "brought people together", but stated that they have made little progress on reducing reoffending and commented that "the way they were set up and inflexible funding have

significantly limited their effectiveness". It called for "stronger leadership at a national, regional and local level" if reoffending is to be tackled effectively.

- 2.5 The consultation however recognises that positive progress has been made in creating safer and stronger communities in Scotland over the past 5 years. Nationally reoffending rates are at their lowest in over a decade; recorded crime has fallen by 25% since 2006-07 and there are 126,000 fewer victims of crime in 2010-11 than in 2006.
- 2.6 During the period 2004-10 the reconviction rate for Perth and Kinross came down by between 15 and 16%. Perth and Kinross was the fifth best placed Local Authority in Scotland in terms of its reduction in reconvictions and saw the second highest reduction in the frequency of reconviction in Scotland. We are now in the top 33% of Local Authorities in terms of reduction in reconvictions and the top 25% of Local Authorities in terms of reduction in the frequency of reconvictions.
- 2.7 In addition in Perth and Kinross services will focus on the coming year and will move towards the following areas:
- Offenders receiving sentences of 0-6 months, including a number of persistent offenders who commit multiple offences of dishonesty in order to feed a drug habit. Tayside Intensive Support Project (led by Tayside Police and based within the Community Safety Service office, St Martin's House, Perth) will focus precisely on this group. We will lend every support to our Police colleagues
 - Younger adults exiting the Criminal Justice System through the Right Track Scheme, who may now be offered a Mentor/Befriender prior to exiting the service
 - The development of a broader Mentoring/Befriending Service focussing on women offenders, but with the potential to deliver a Mentoring Service to other offenders on supervision requirements/Unpaid Work Order
 - The development of a Women's Centre in Drumhar Health Centre, Perth to further support women out of offending lifestyles
- 2.8 Offending is a complex problem and there are well established links between persistent offending and, for example, poverty, homelessness, addiction and mental health. The whole of the public sector also faces unprecedented financial challenges. The Scottish Government is examining how all public services, including community justice, are planned, designed and delivered to create more equal access, improve outcomes and make the best use of public resources. Preventative spending is key to reducing demand for public services, improving outcomes and making savings in the longer term.

3. POSSIBLE OPTIONS FOR REFORM

- 3.1 The consultation paper sets out three possible options for reform:

Option A: Enhanced Community Justice Authority (CJA) model, where changes are made to CJS membership and functions.

Under Option A, it is proposed that CJAs would continue to be the key strategic body, with the same geographical boundaries, responsible for reducing reoffending but three key changes would be made:

- (i) A chair for each CJA would be appointed by Scottish Ministers and Board membership would be widened to include an appointed member of the Health Board. Registered Social Landlords (RSLs) would become a partner body.
- (ii) A statutory duty would be placed on all partner bodies to work together to develop a local plan for reducing reoffending and engage in its delivery.
- (iii) CJAs statutory functions would be expanded to include strategic commissioning of services and to promote the CJA's role in the community and represent community justice interests with the local judiciary, media and public.

Option B: Local authority model, where local authorities assume responsibility for the strategic planning, design and delivery of offender services in the community.

Under Option B it is proposed that CJA's are abolished and local authorities would assume **both** strategic and operational responsibility for the planning, designing and delivery of services for offenders in their area.

To enable this, a statutory duty would be placed upon local authorities to work in consultation with partner bodies to produce and deliver a strategic plan for reducing reoffending in their area. This duty would be in addition to existing local authority duties to work with offenders in the community as set out under the Social Work (Scotland) Act 1968. It would be up to local authorities to decide how best to deliver these duties.

It is also proposed that the scope of the Risk Management Authority (RMA) is extended to include community justice more broadly. In particular, the RMA would take on responsibility for some of the improvement functions currently undertaken by the Community Justice Division of the Scottish Government. This would include performance management, production of guidance, programme development and workforce development.

Option C: Single service model, where a new national social work led service for community justice (separate to sitting alongside the Scottish Prison Service (SPS)) is established.

Under Option C it is proposed that CJA's are abolished and a national social work-led service for community justice is established with strategic and operational responsibility for the planning, managing and delivery of community based offender services. Central to the creation of a single service would be the core values and principles of social work which is key to their professional identity. It would be separate to, and sit alongside, the SPS and would incorporate the existing functions of the RMA.

The new service would be a Non-Departmental Public Body (NDPB), headed by a Chief Executive, with appropriate strategic and operational experience in criminal justice, who would be appointed through open recruitment by the Board of the new service, Scottish Ministers would set the strategic framework for the body but the NDPB (and services it manages and delivers) would be able to take decisions at some distance from Government. Ministers would appoint a Board which could include locally elected members, if appropriate, and the Board would hold the Chief Executive to account.

Local authority criminal justice social workers (and other applicable staff currently funded under Section 27A and 27B of the Social Work (Scotland) Act 1968), as well as relevant RMS staff, would transfer to the new service. There are important practical issues that would need to be considered in detail if this option was progressed.

- 3.2 These options are based on discussions that the Scottish Government have held with key internal and external partners including COSLA, the Association of Directors of Social Work (ADSW), CJAs and the Programme Board of the Reducing Reoffending Programme.
- 3.3 All three options will require primary legislation in order to implement the proposed changes. Any new model will need to be achieved largely through reconfiguration of the resources (money, staff and buildings) already committed by the Scottish Government and other partners to reducing reoffending in Scotland.

4. CONSULTATION

- 4.1 Consultation has been carried out with Elected Members, Community Planning Partners and staff. The views received have been reflected in the draft submission to the consultation.
- 4.2 The consultation period ends on 30 April 2013.

5. RESOURCE IMPLICATIONS

- 5.1 There are no resource implications arising from this report.

6. COUNCIL CORPORATE PLAN OBJECTIVES 2009-2012

- 6.1 The Council's Corporate Plan 2009-2012 lays out five Objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. The relevant three objectives are as follows:-
 - (i) A Safe, Secure and Welcoming Environment
 - (ii) Healthy, Caring Communities
 - (v) Confident, Active and Inclusive Communities

7. EQUALITIES IMPACT ASSESSMENT (EqIA)

- 7.1 An equality impact assessment needs to be carried out for functions, policies, procedures or strategies in relation to race, gender and disability and other relevant protected characteristics. This supports the Council's legal requirement to comply with the duty to assess and consult on relevant new and existing policies.
- 7.2 The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- (i) Assessed as **not relevant** for the purposes of EqIA

8. STRATEGIC ENVIRONMENTAL ASSESSMENT

- 8.1 Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies (PPS).
- 8.2 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.

9. CONCLUSION

- 9.1 The provision of an effective and flexible community justice service is of vital importance if we are to reduce reoffending and remove the harm done to individuals and communities. However this can best be achieved by embedding this within a local social work setting with support from the local community planning process.

DAVID BURKE
Executive Director (Housing and Community Care)

Contact Officer: John Irons, 01738 472569, jimirons@pkc.gov.uk

Address of Service: Housing & Community Care, St Martins House
North, King Edward Street, PERTH, PH1 5UT

Date: 27 February 2013

If you or someone you know would like a copy of this document in another language or format, (on occasion only, a summary of the document will be provided in translation). this can be arranged by contacting John Irons



Council Text Phone Number 01738 442573

Redesigning the Community Justice System

A Consultation on Proposals

December 2012

MINISTERIAL FOREWORD

Over the past five years the Scottish Government and local partners have made solid progress in tackling reoffending. Reoffending rates are at their lowest in a decade and recorded crime now stands at a 37 year low. The Scottish Government have successfully implemented the Community Payback Order and are rolling out the Whole System Approach for young people who offend.

But there is more that the Scottish Government and local partners can do.

In keeping with our wider vision of public service reform we need to ensure that we tackle deep-rooted inequalities in our communities by adopting an approach which has prevention at its heart and which brings together partners across the public, third and private sectors around delivering improved outcomes.

Our vision of a successful community justice system is one which delivers positive outcomes for victims, for offenders and their families and for communities. One where services are person-centred, based on evidence of what works and makes best use of public resources. One where there is strong leadership, collaborative working and robust accountability.

Delivering our vision will be challenging. There have been a series of reports which have identified serious shortcomings in the community justice system. We are also facing intense pressures on budgets across the whole of the public sector. The cost of reoffending is around £3 billion per annum. And we cannot afford for the prison population to continue rising. Public spending should aim to prevent rather than only react to crimes and harms. This approach will lead to better results in the long term for individuals, families and communities and save money for the public purse.

I strongly believe the status quo is untenable and it is now time to look at how we plan, deliver and manage offender services in the community. It is critical that we have the right structures in place. Working with people who offend and who often have complex and entrenched problems can be very demanding. Structural arrangements should support, rather than hinder, practitioners, managers and leaders working in the field.

But I am not under any illusions that structural change alone will result in transformation of the community justice system. Cultural change – what people do and how they behave - is of fundamental importance. I am clear that any reforms must support desistance, must provide for stronger leadership, must encourage partnership working and must deliver clearer accountability. We need to build on the core values and principles at the heart of community justice and empower professionals to develop and make best use of their skills, knowledge and expertise to deliver services which meet the needs of people and communities.

This consultation sets out three options for redesigning the existing arrangements to realise our vision of a successful community justice system. Building a constructive community justice system and approach that reduces reoffending requires a wide partnership of agencies and services to work together, beyond the justice sector, engage with local communities and listen to the voices of those affected by offending. I urge everyone with an interest to respond and I look forward to hearing your views on our proposals.



Kenny MacAskill MSP
Cabinet Secretary for Justice

CONTENTS	PAGE
Chapter 1: Introduction	5
Chapter 2: The case for change	9
Chapter 3: Options for reform	15
Option A: Enhanced CJA model	18
Option B: Local authority model	23
Option C: Single service model	30
Chapter 4: Consultation questions	36
Chapter 5: Equality impact assessment	40
Chapter 6: Business regulatory impact assessment	41
Chapter 7: How to respond	42
Annex A – Map of Eight Community Justice Authorities	
Annex B – Respondent Information Form	

CHAPTER 1: INTRODUCTION

1. Positive progress has been made in creating safer and stronger communities in Scotland over the past 5 years. Reoffending rates are at their lowest in over a decade; recorded crime has fallen by 25% since 2006-07; illegal drug use in the general adult population has declined by more than a fifth since 2006; and there are 126,000 fewer victims of crime in 2010-11 than in 2006¹.

2. The Government's vision for a safe, fair and stronger Scotland is set out in its strategy for justice². It provides a framework, consistent with the Scottish Government's purpose and National Performance Framework, to guide everyone working in the justice system to align their efforts to deliver goals which make a real difference to both our society and economy.

3. Tackling reoffending is a key element of the justice strategy. Reoffending creates victims, damages communities and wastes potential. The Scottish Government want to minimise reoffending and deliver better outcomes for everyone. The Scottish Government's Reducing Reoffending Programme is leading this work with partners across Scotland's justice system, working with people who have offended persistently to reduce crime, victimisation, and the negative effects these can have on society and the economy.

4. Phase 1 of the Programme put in place the foundations for credible alternatives to prosecution and custody. Phase 2 is focused on making sure people who have offended use services and make the most of opportunities so that they fulfil their responsibilities as citizens by moving away from offending. We want them to be people who contribute to their communities rather than damaging them. Redesigning the community justice system is a project under this Programme and links closely to other projects in the Programme on performance management and funding.

5. The Scottish Government has also recently established the Reducing Reoffending Change Fund. It is one of three funds established by the Government, to place a greater focus on preventative spending, where public sector and third sector bodies co-design services or interventions to deliver agreed outcomes. The fund is worth £7.5m between now and March 2015, and has two key aims:

- to provide people who have offended with substantial one-to-one support through evidence-based mentoring schemes
- to promote strong, equal partnership working between third and public sector organisations

6. The change fund favoured a Public Social Partnership model which places the third sector at the heart of service design, encourages collaboration and is focused on meeting the needs of service users. The third sector's distinctive attributes of responsiveness and flexibility, innovation, connectivity and community assets and the

¹ Scottish Government (2012) *The Strategy for Justice in Scotland*

² Scottish Government (2012) *The Strategy for Justice in Scotland*

trust and relationships it can build with offenders gives it an essential and increasing role to play in reducing reoffending.

7. Despite this solid track record of progress, there is much work still to be done. Offending is a complex problem and there are well established links between persistent offending and, for example, poverty, homelessness, addiction and mental health. The whole of the public sector also faces unprecedented financial challenges. This makes it imperative that the Scottish Government now looks at how all public services, including community justice, are planned, designed and delivered to create more equal access, improve outcomes and make the best use of public resources. Preventative spending is key to reducing demand for public services, improving outcomes and making savings in the longer term.

8. The Commission on the Future Delivery of Public Services³ (“Christie Commission”) argued for a radical change in the design and delivery of public services to address the intense pressures on budgets and tackle Scotland’s deep-rooted social problems. In particular, it called for public services to be built around people and communities; organisations to work collaboratively to achieve outcomes; prioritisation to be given to prevention; and for all public services to constantly seek to improve performance, reduce costs and be open, transparent and accountable.

9. Changes are already afoot across the public sector to address these issues. The Government has embarked on a wider public service reform programme and our reform approach is based on four pillars:

- a decisive shift towards prevention
- greater integration and collaboration between public services at a local level
- greater investment in workforce development and leadership
- a sharp focus on improving performance

10. Legislation has been passed by the Scottish Parliament to create a single Police Service of Scotland and a single Scottish Fire and Rescue Service which will make significant savings and protect local services for local communities. The Crown Office and Procurator Fiscal Service (COPFS) recently introduced a new federation structure. The Scottish Courts Service (SCS) is also currently consulting on how the provision of courts at all levels can best be provided to meet new and changing needs. In addition, a national group has been established to help deliver the Scottish Government and the Convention of Scottish Local Authorities (COSLA) Statement of Ambition on community planning.

11. Perhaps most relevant to those working in the reducing reoffending field is the Government’s plans to integrate health and social care to improve the quality and consistency of adult care. For the first time, health boards and local authorities will be jointly and equally responsible for the delivery of nationally agreed outcomes (through new Health and Social Care Partnerships), with integrated budgets and a jointly accountable officer in each partnership. These proposals may have implications for how criminal justice social work in local authorities is currently planned, organised and delivered.

³ Commission on the Future Delivery of Public Services (2011)

12. This consultation follows on from a series of reports which highlighted serious shortcomings in the existing system for delivering offender services in the community. On 7 November 2012 Audit Scotland published a report on reducing reoffending which found that there are many bodies involved in reducing reoffending with “different governance and accountability arrangements and geographic boundaries, resulting in a complex landscape”. It acknowledged that Community Justice Authorities (CJAs) have “brought people together”, but stated that they have made little progress on reducing reoffending and commented that “the way they were set up and inflexible funding have significantly limited their effectiveness”.

13. Earlier in 2012, a report by the Commission on Women Offenders concluded that “there still exist inherent barriers in the structural and funding systems for criminal justice social work, and working practices which inhibit greatly the potential to reduce reoffending” and that “radical transformation is required”. In response to the report, on 25 June 2012, the Cabinet Secretary for Justice stated that the status quo was untenable and that the Scottish Government would publish a consultation on the options for redesigning community justice by the end of the year. You can read the text of the response here:

<http://www.scotland.gov.uk/Publications/2012/06/2387>

14. This consultation sets out three possible options for reform:

Option A: Enhanced CJA model

Option B: Local authority model

Option C: Single service model

15. These are based on discussions that the Scottish Government have held, over the past year, with key internal and external partners including COSLA, the Association of Directors of Social Work (ADSW), CJAs and the Programme Board of the Reducing Reoffending Programme.

16. The consultation provides the opportunity to offer your views on the specific options set out above as well as giving general comments. In particular, the Scottish Government would welcome your views on which option(s) is more likely to meet the key characteristics (on pages 15 and 16) that, if integral to any new community justice system, are more likely to lead to better outcomes for victims, for people who have offended and their families and for local communities. Consultation questions are set out on page 36 onwards.

17. There will also be opportunities for professionals, service users, victims and members of the public to attend consultation workshops. More detail on how to respond to the consultation paper and the consultation events is in Chapter 7.

18. This consultation focuses on services for people aged 16 and over who are dealt with under the Criminal Proceedings (Scotland) Act 1995. The Children’s Hearing System holds most of the responsibility for dealing with children and young

people under 16, and in some cases under 18, who commit offences or who are in need of care and protection. The paper covers people already in the criminal justice system. Significant work is ongoing by other parts of the Scottish Government and local partners in relation to prevention, early intervention and diversion from prosecution especially in relation to children and young people.

19. The consultation will last until 30 April 2013 with a view to the Scottish Government making an announcement on the way forward in late 2013, and subject to Parliamentary approval, implementation from 2016 onwards. The Scottish Government will ensure that links are made with other relevant policy and legislation, in particular the integration of health and social care and proposed legislation on community planning.

CHAPTER 2: THE CASE FOR CHANGE

Current system

20. There are many different bodies – public, private and third sector - involved in the strategic and operational planning, design and delivery of services for offenders in the community. This includes large national organisations such as Scottish Prison Service (SPS), Police, SCS, and COPFS through to criminal justice social work in local authorities, as well as third sector organisations which provide specialist services aimed at reducing reoffending. People who have offended also receive support from a wide range of services which are not specifically offender services but may help reduce reoffending. For example, local authority services such as housing, education, children and families; NHS; Registered Social Landlords (RSLs); local colleges and Jobcentre Plus.

21. CJAs are the main bodies responsible for providing a co-ordinated approach for the local delivery of offender services. The Management of Offenders etc (Scotland) Act 2005 created provision for eight CJAs across Scotland with planning, monitoring and reporting functions. CJAs are independent statutory bodies with no operational responsibility for delivery of criminal justice services. CJAs are not directly accountable to Scottish Ministers or local authorities. CJA duties include:

- working with local authorities, SPS and others to prepare joint plans to tackle reoffending
- reporting annually to Scottish Ministers on delivery of services in compliance with the plan
- distributing funding for criminal justice social work services in local areas and ensuring this is being used effectively to improve the management of offenders
- monitoring and reporting on the performance and effectiveness of joint working among bodies responsible for the delivery of these services
- supporting better information sharing and the sharing of good practice

22. The Board of each CJA is restricted to elected members from each constituent local authority. A Chief Officer is appointed by the CJA to ensure the CJA's affairs are conducted with probity.

23. The Act also defines the police, NHS Boards, SCS, local Procurator(s) Fiscal, Victim Support Scotland and organisations receiving funding over £100,000 per year as partner bodies.

24. In 2012-13, the Scottish Government allocated approximately £111 million to community justice. From this, approximately £100 million is provided to CJAs for the delivery of criminal justice social work services, which is in turn, distributed to local authorities. CJAs receive £1.5 million annually for staff and running costs. The remainder of the funding is used on centrally managed initiatives such as electronic monitoring and funding to voluntary organisations that provide rehabilitation services. The overall funding picture for community justice funding is complex and other justice funding in the system beyond these dedicated amounts, comes from specific budgets for areas such as addiction services, community safety etc.

25. Other strategic partnerships such as Alcohol and Drug Partnerships (ADPs), Community Health Partnerships⁴ and Community Planning Partnerships (CPPs) also have an interest as offenders often have complex, multi-faceted problems which require joined up working and input from a range of professionals.

26. It is clear that community justice goes beyond criminal justice social work. Successful delivery of better outcomes for victims, for people who offend and their families and for communities relies upon a wide partnership of agencies and services working together, engaging with local communities and listening to the voices of those affected by offending.

Why do we need change?

27. Continued progress has been made over the last 5 years to put in place the foundations for a more effective community justice system which reduces reoffending. Reconviction rates are at their lowest point since 1997-98. As noted earlier, in recent years there have been a number of successes, including the delivery of effective community sentencing through the new Community Payback Order. The Scottish Government will continue to build on this through Phase 2 of the Reducing Reoffending Programme and other work that is being taken forward across Government to support victims and witnesses, early intervention with children and young people at risk and individuals with mental health and/or addiction problems.

28. But there is still more central Government and local partners can do.

29. The total economic and social cost of reoffending in Scotland is around £3 billion per annum⁵ much of which can be attributed to people who offend persistently thus placing significant burden on victims, communities, local agencies and public sector budgets. In addition, Scotland continues to have one of the highest incarceration rates in Europe and our projections⁶ suggest that if nothing is done to address the situation, it will continue to rise placing an increased strain on the public purse. Even a small reduction in reoffending has the potential to deliver significant savings – both financial, and in limiting the wider social costs of crime. Preventative spending in this area will improve outcomes in the longer term so it is critical that we maximise expenditure on what actually works to stop reoffending, rather than simply process.

30. There have also been a number of recent reports which have highlighted serious shortcomings in the existing community justice system. They suggest significant areas for improvement, including stronger leadership, clearer accountability, and strategic planning, commissioning and delivery of services which are based on analysis of need, evidence of what works and cost.

31. The case for change is set out in more detail on the following pages.

⁴ To be replaced by Health and Social Care Partnerships

⁵ Audit Scotland (2012) *Reducing reoffending in Scotland*

⁶ Scottish Government (2012): Justice Analytical Services

Evidence from reports

32. In September 2011 Audit Scotland published “An overview of Scotland’s criminal justice system”⁷. It highlighted that reoffending is a continuing problem in Scotland and reported that people who offend have a wide range of needs and that the services to address these needs vary across the country and are delivered by many different bodies. Audit Scotland also said there was limited information about what services are available and a lack of good, consistent performance information. In addition, the complex funding arrangements do not provide a financial incentive to reduce reoffending.

33. The Scottish Parliament’s Public Audit Committee took evidence on the findings of the Audit Scotland report and published a report in February 2012⁸. It highlighted its concerns about the lack of information on the range, capacity and effectiveness of offender services. It also asked questions about how the public sector partners in each CJA are individually held accountable by the Scottish Government for their contribution towards delivering services and achieving outcomes.

34. In June 2011, the Cabinet Secretary for Justice established an independent Commission on Women Offenders, chaired by The Right Hon Dame Elish Angiolini DBE QC, to consider how to improve outcomes for women in the criminal justice system and reverse the recent increase in the female prisoner population. A report⁹ was published in April 2012. Although the majority of its recommendations related to adult women in the criminal justice system, some of its findings and recommendations are applicable across both the male and female offender population.

35. The Commission reported that although there was some evidence, over the past 10 years, of improvements in how criminal justice bodies work together there are inherent barriers in the existing structural, funding and delivery arrangements which inhibited the potential to reduce reoffending. In particular they highlighted:

- a lack of strategic leadership and direction in the delivery of offender services in the community
- a “grossly” cluttered landscape with over 200 organisations and partnerships working to reduce reoffending
- unclear accountability arrangements
- an inconsistent service provision and difficulties in measuring impact
- short-term and fragmented funding which affects service provision and the ability to attract and retain the right calibre of staff

36. The Commission heard evidence from some practitioners that CJAs brought “an extra layer of complexity, disproportionate in a country of five million people”. Others argued that CJAs had needed time to “bed in” but are now working more

⁷ Audit Scotland (2011) *An overview of Scotland’s criminal justice system*.

⁸ Scottish Parliament Public Audit Committee, *1st Report, 2012 (Session 4)*, An overview of Scotland’s criminal justice system

⁹ *Commission on Women Offenders* report, April 2012

effectively. The Commission could find no evidence of regional services that local authorities within a CJA area commissioned together. The Commission also noted that engagement between CJAs and CPPs was “often weak which limited the effectiveness of partnership working and joint agreement on priorities and resourcing in this area”.

37. In conclusion, the Commission recommended “radical reform” of the existing arrangements for community justice and, in particular, the establishment of a national community justice service to commission, provide and manage adult offender services in the community. The Scottish Government’s response to the report was published on 25 June 2012¹⁰ and, in relation to this specific recommendation the Scottish Government committed to publishing a consultation paper with options for reform by end 2012.

38. A subsequent audit of reoffending was carried out by Audit Scotland in 2012¹¹. Its overall aim was to assess the efficiency and effectiveness of approaches taken to reduce reoffending, in particular the effectiveness of partnership working, including the role of CJAs.

39. Like the Commission on Women Offenders, Audit Scotland found that many bodies are involved in reducing reoffending with “different governance and accountability arrangements and geographic boundaries, resulting in a complex landscape”. It acknowledged that CJAs have “brought people together”, but stated that they have made limited progress on reducing reoffending and commented that the “way they were set up and inflexible funding have significantly limited their effectiveness”. It called for “stronger leadership at a national, regional and local level” if reoffending is to be tackled effectively. Audit Scotland recommended that the Scottish Government should:

- improve arrangements for funding community justice to ensure that the money is targeted towards effective approaches to reducing reoffending
- improve the range of performance measures to assess effectiveness of SPS, CJAs and councils in reducing reoffending
- review current arrangements for managing offenders in the community to ensure that those working to reduce reoffending have appropriate powers
- ensure that there is clear accountability and a mechanism to promote collective responsibility for reducing reoffending
- put in place arrangements that promote and support what works in reducing reoffending
- ensure there is a more co-ordinated and strategic approach to working with the third sector
- work with SPS, CJAs and councils, as well as other relevant public and third sector providers to improve how services are planned, designed and delivered

40. In responding to this, the Government highlighted that significant work is underway, as part of Phase Two of the Reducing Reoffending Programme, to put in place arrangements where services and interventions provided are based on an

¹⁰ Scottish Government (2012) *The Scottish Government’s Response to the Commission on Women Offenders*

¹¹ Audit Scotland (2012) *Reducing reoffending in Scotland*

assessment of need; the performance of services and interventions are measured; and those most successful are funded. It is also undertaking work to improve the accountability of bodies that work to reduce reoffending.

41. In summary, there are many common themes among these reports, in particular the need for stronger and more visible leadership, transparent and robust accountability arrangements, and services which meet the needs of people and communities and demonstrate effective use of public resources. These challenges are not unique to the criminal justice system but are also echoed across wider public services. Indeed, as noted earlier, there are plans underway, in other areas of social work, to integrate health and social care to improve the quality and consistency of adult care. This raises questions about the future location of criminal justice social work within local authorities and their planning frameworks. Changes to arrangements may also place constraints on career progression and training opportunities, especially in relation to criminal justice.

Costs of reoffending

42. There are significant costs associated with reoffending, and therefore potential to deliver savings. Each time someone is sentenced or convicted is an opportunity to help them desist from crime and recover from problems which might include drug or alcohol misuse and mental health issues. A good example of where direct public sector savings have been made is the Persistent Offender Project in Glasgow where social workers and police work together to target prolific offenders and divert them into addiction services. An evaluation¹² found that each spend of £1 leads to benefits of up to £14 in the form of reduced economic and social costs of crime. This corresponds to a total net benefit from the project of £10 million over 3 years.

43. Evidence¹³ suggests that community sentences are more effective at reducing reoffending than short-term prison sentences. Prison is also more expensive than community disposals. The average cost of a community payback order is around £2,400 (including an allowance for the cost of requirements attached to the order) which is approximately half the cost of a three-month prison sentence¹⁴. Prison can also have a negative impact on families with approximately 30 per cent of children with imprisoned parents developing physical and mental health problems, as well as a higher risk of these children themselves also ending up in prison¹⁵.

44. However, Audit Scotland found that access and availability of services to support community supervision varied across the country and there was “a mismatch between what is currently being delivered and what is known to be effective”¹⁶. This can significantly impact on the potential to rehabilitate offenders, but also undermines confidence in the efficacy of community disposals. The judiciary will only use disposals like the Community Payback Order, and prosecutors will only divert

¹² Scottish Government (2010) *Persistent Offender Project: An Analysis of the Costs and Benefits*

¹³ Scottish Government (2011) *What Works to Reduce Reoffending: A Summary of the Evidence*

¹⁴ Commission on Women Offenders report, April 2012

¹⁵ Murray, J. and Farrington D.P (2005) Parental Imprisonment: effects on boys antisocial behaviour and delinquency throughout the life course, *Journal of Child Psychology and Psychiatry*, 46:1269-78

¹⁶ Audit Scotland (2012) *Reducing reoffending in Scotland*

people from prosecution, if there are clear and effective alternatives that they consider to be in the public interest.

45. However, the statistics suggest inconsistent service provision. For example, 44% of cases diverted from prosecution to social work were in Edinburgh City¹⁷. In addition, not all local authority areas operate supervised bail schemes (aimed at those people who would otherwise be remanded in custody) and indeed the number of cases where bail supervision is used has dropped by 17.5%¹⁸. Yet, a large proportion of prisoners are on remand awaiting trial, and a significant proportion of those convicted are not sentenced to imprisonment.

46. In 2010-11, there were around 9,000 liberations from custody from sentences of less than 4 years and therefore were eligible for voluntary assistance, rather than compulsory statutory throughcare. Yet, in the same period, only 997 individuals requested voluntary assistance (other than addiction services) on their release. Research suggests that the provision of throughcare support services can increase the likelihood that an individual will desist from further offending.

47. This evidence presents a strong and convincing case for reforming the community justice system and potential options for reform are set out in the next chapter.

¹⁷ Bradford and MacQueen (2011) *Diversion from prosecution to social work in Scotland: a snapshot of current patterns and an examination of practice in 3 CJAs*

¹⁸ Commission on Women Offenders report, April 2012

CHAPTER 3: OPTIONS FOR REFORM

Our vision of a successful community justice system

48. The Scottish Government set out its approach to reform in our response to the Christie Commission. Our vision is of public services built around local people's needs with public, third and private sectors working collaboratively with communities to deliver shared outcomes. Partners should constantly seek to improve performance and secure maximum public value from investment by delivering services in an integrated way which empowers staff and prioritises prevention. Form must follow function; and the Scottish Government acknowledges that there is no research which suggests a direct correlation between specific organisational models and reductions in reoffending.

49. The Government is, however, of the view that there are a number of key characteristics that, if integral to a community justice system, would make it more likely to deliver better outcomes for victims, for people who offend and their families, and for local communities. These draw on and encompass our wider principles of public service reform. They are:

- strategic direction and leadership to drive forward performance improvements and deliver public services that protect victims and communities and meet the needs of people who offend
- a focus on prevention and early intervention
- better and more coherent person-centred opportunities for supporting desistance which focus on developing the capacities and capabilities of offenders to enable them to make a positive contribution to their families and communities
- clearer lines of strategic, political and operational accountability to support continuous improvement
- effective local partnership and collaboration that brings together public, third and private sector partners, including non justice services, and local communities, to deliver shared outcomes that really matter to people
- strategic commissioning of services that are based on a robust analysis of needs, evidence of what supports desistance and best value for money
- a strong and united voice that represents community justice interests with the judiciary, public and media
- better data management and evaluation to assess organisational and management performance, including the impact of services
- involvement of service users, their families and the wider community in the planning, delivery and reviewing of services

- provision of an overview of the system as a whole, including consistency and breadth of service provision
- better integration between partnership structures, services and organisations working with offenders and their families
- a more co-ordinated and strategic approach to working with the third sector
- a strategic approach to workforce development and leadership for criminal justice social work staff that is based on evidence of what supports desistance and builds expertise, capacity and resilience and encourages collaborative working with other professionals towards shared outcomes
- greater professional identity for community justice staff which builds on their existing values and provides well defined opportunities for career progression
- ability to follow innovation nationally and internationally, as well as develop and share evidence based good practice

50. The Government wants to redesign the current community justice system to include the key characteristics described above and, in doing so, simplify rather than complicate the existing landscape.

51. In evaluating the potential of any model to deliver these characteristics, consideration would also be given to sustainability of services; affordability; ability to deliver; the viability of moving to an alternative model; accountability to local people and communities; and ability to support the delivery of national and local outcomes.

52. Whatever the changes to the leadership and delivery arrangements for community justice, what people do and how they behave is of fundamental importance. The Government is strongly of the view that changes in culture and practice can only be achieved by building upon the existing core values and principles of the social work sector, and the wider community justice field, which are underpinned by the Social Work (Scotland) Act 1968 and more recent publications such as the Changing Lives (the 21st Century Social work Review)¹⁹ and the National Outcomes and Standards for Social Work Standards in the Criminal Justice System²⁰.

53. Unlocking the creativity and potential of people at all levels of public service and empowering them to work together in innovative ways is at the centre of public service reform. Practitioners, managers and leaders who work with people who offend must be supported to develop and make best use of their skills, knowledge and expertise to deliver services which transform people's lives and protect communities. The Scottish Leaders Forum (SLF)²¹ is taking forward a range of cross

¹⁹ Scottish Government (2009) *Changing Lives, Report of the 21st Century Social Work Review*

²⁰ Scottish Government (2010) *National Outcomes and Standards for Social Work Services in the Criminal Justice System*

²¹ Scottish Leaders Forum (SLF) is a group of all the Chief Executives from across public services in Scotland which come together regularly to define common priorities and collectively tackle shared challenges.

public service workforce development initiatives with the aim of ensuring that Scottish public services are delivered by a highly skilled and engaged workforce. In particular, it is focusing on building skills and engagement through sector specific and professional training, as well as ensuring there is access to high quality multi-disciplinary learning and development opportunities to facilitate work across organisational boundaries. Any changes to existing workforce development arrangements for community justice staff will be closely aligned to the ongoing work of the SLF.

Options for reform

54. Over the past year the Scottish Government has engaged with key stakeholders to seek their views on alternatives to the current arrangements. Based on these discussions this consultation proposes three options for reform. These are:

Option A: Enhanced CJA model

Option B: Local authority model

Option C: Single service model

55. All three options will require primary legislation in order to implement the proposed changes.

56. Any new model will need to be achieved largely through reconfiguration of the substantial resources (money, staff and buildings) already committed by the Scottish Government and other partners to reducing reoffending in Scotland. Detailed financial work will be undertaken alongside the consultation.

57. More detail on the three options is set out on the following pages. General views on the consultation paper are welcomed and specific questions are set out on page 36 onwards.

Option A: Enhanced CJA model

Summary

58. Under Option A, it is proposed that CJAs would continue to be the key strategic body, with the same geographical boundaries, responsible for reducing reoffending but three key changes would be made:

- I. A chair for each CJA would be appointed by Scottish Ministers and Board membership would be widened to include an appointed member of the Health Board. RSLs would become a partner body.
- II. A statutory duty would be placed on all partner bodies to work together to develop a local plan for reducing reoffending and engage in its delivery.
- III. CJAs statutory functions would be expanded to include strategic commissioning of services and to promote the CJA's role in the community and represent community justice interests with the local judiciary, media and public.

59. There is also a further option to give CJAs operational responsibility for the delivery of criminal justice social work services in the community.

60. More detail is set out below.

Chair and membership

61. The CJA would be managed by a Board and the Board would be led by a Chair.

62. As described in Chapter 2, CJA boards currently consist of elected members from constituent councils. The Management of Offenders etc (Scotland) Act 2005 placed a legal duty on Scottish Ministers (and therefore SPS) and councils to co-operate with CJAs, and defines the Police, NHS Boards, SCS, local Procurator(s) Fiscal, Victim Support Scotland and third sector organisations receiving funding over £100,000 a year as partner bodies.

63. The Audit Scotland report "Reducing reoffending in Scotland" published on 7 November 2012 found that "councillors can find it difficult to separate their responsibility to the CJA and to the council, and do not always consider issues from a CJA perspective". They state that this has "limited CJAs' ability to move funds between constituent councils to meet the needs of local offenders". It is possible there is an inherent conflict of interest and this may be further evidenced by the Commission on Women Offenders who heard concerns that CJAs tended to allocate funding to local authorities based on historical levels, without taking a strategic perspective.

64. It is proposed that for each CJA a Chair is appointed by Scottish Ministers based on the public appointment approach. The Board would continue to include locally elected members but would be expanded to include an appointed member of

the Health Board who is a key player in providing non-justice services to people who offend.

65. Boards would also have the option to co-opt up to two non-executive members as appropriate, for example from the private sector or academia.

66. An alternative option to adjusting the Board membership as above would be to appoint all CJA Board members based on the public appointment process taking account of skills, experience and knowledge required. Views on this idea are welcomed.

67. The list of partner bodies under the Management of Offenders etc (Scotland) Act 2005 would be amended to include RSLs, as accommodation is a crucial issue for people leaving prison and RSLs provide a significant proportion of social housing.

CJA functions

68. The current statutory functions of CJA Boards are to:

- prepare in consultation with other bodies responsible for the delivery of services, a plan for reducing reoffending in their area
- report annually to Ministers on that plan
- distribute money provided by the Government to council criminal justice social work services
- monitor and report on the performance and effectiveness of joint working among bodies responsible
- better support information sharing and sharing of good practice

69. The current arrangements for scrutinising CJA area plans would continue.

70. In addition to their existing functions, it is proposed that CJAs are given responsibility to carry out strategic commissioning and procurement of services. This should enable a more strategic approach to planning, designing and delivery of services to ensure they are cost-effective and meet the needs of people who offend and communities. CJAs would then be able to allocate funding more effectively to local authorities on the basis of need, moving funds between constituent councils as necessary. It should also allow a more strategic approach to be taken to working with the third sector.

71. CJA Boards would also be given responsibility for promoting the CJA's role in the community and representing community justice interests with the local judiciary, media and public.

72. It is proposed that the new Chair would have some additional responsibilities over and above those of the other CJA Board members. This would include:

- providing strategic direction and leadership for the CJA
- taking lead responsibility in representing the CJA in links with Scottish Ministers and the Scottish Parliament

- taking the lead in building links, at Board level, with partner organisations and other stakeholders
- ensuring that the Board carries out its essential functions efficiently and effectively
- advising the Scottish Government and Scottish Minister about Board appointments
- ensuring that all Board members have a proper knowledge and understanding of their roles and responsibilities and that the Chief Officer of the CJA and other staff are provided with appropriate training and development opportunities to enhance their performance, which will be reviewed on an annual basis

73. The Audit Scotland report “Reducing reoffending in Scotland” found that CJA effectiveness has also been limited by their lack of operational control of the delivery of offender services in the community. In considering the functions of CJAs, a further possibility is the transfer of responsibility for operational delivery of criminal justice social work services from the local authority to CJAs. Section 8 of the Management of Offenders etc (Scotland) Act 2005 already provides for this in certain circumstances. Views on this suggestion are welcomed.

74. To facilitate the CJA in carrying out its duties, the existing requirement on Scottish Ministers (and in effect the SPS), CJAs and local authorities to co-operate with one another in relation to reducing reoffending, would continue.

75. However, it is proposed that in order to improve partnership working, service integration and accountability a further statutory duty would be placed on all partner bodies to work with the CJA to develop and deliver a local plan for reducing reoffending and engage in its delivery. This would include the provision of non-justice services, such as health, housing, education and employment which are likely to reduce reoffending and promote rehabilitation.

76. In addition, the Scottish Government would expect local representatives of the Department for Work and Pensions (DWP), further education colleges and appropriate others to be involved in the development of and delivery of reducing reoffending plans, although specific duties would not be placed on them.

77. There would also be an expectation that members of the community, service users and their families, as well as the judiciary would be consulted on these plans, although clearly there would not be a statutory duty to participate.

Accountability and performance

78. It is proposed that the existing powers of the Chief Officer and Scottish Ministers to take action where there are failures (sections 5, 6, 7 and 8 of the Management of Offenders Act etc (Scotland) 2005) would be retained. These legislative powers would be supplemented by good practice guidance developed by the Scottish Government. This would include, among other obligations, a requirement for the chair of each CJA to meet, on an annual basis, the Cabinet Secretary for Justice or deputy to review performance against agreed outcomes and outputs.

79. In relation to performance management, work is already underway under Phase Two of the Reducing Reoffending Programme to agree a national performance management framework for reducing reoffending. This would be an important part of any new arrangements. As with all the models the Care Inspectorate and the Accounts Commission would continue to play a scrutiny role.

Funding

80. It is proposed that funding continues to be ring fenced for criminal justice social work and allocated to CJAs under sections 27A and 27B of the Social Work (Scotland) Act 1968 as amended. Chief Officers, as budget holders, would continue to be responsible for the effective financial management of the funds allocated to their CJA, and for resource allocations across their constituent local authorities. Consideration could be given to widening the powers of CJAs to allow them to receive funding from different funding streams which might enable joint commissioning.

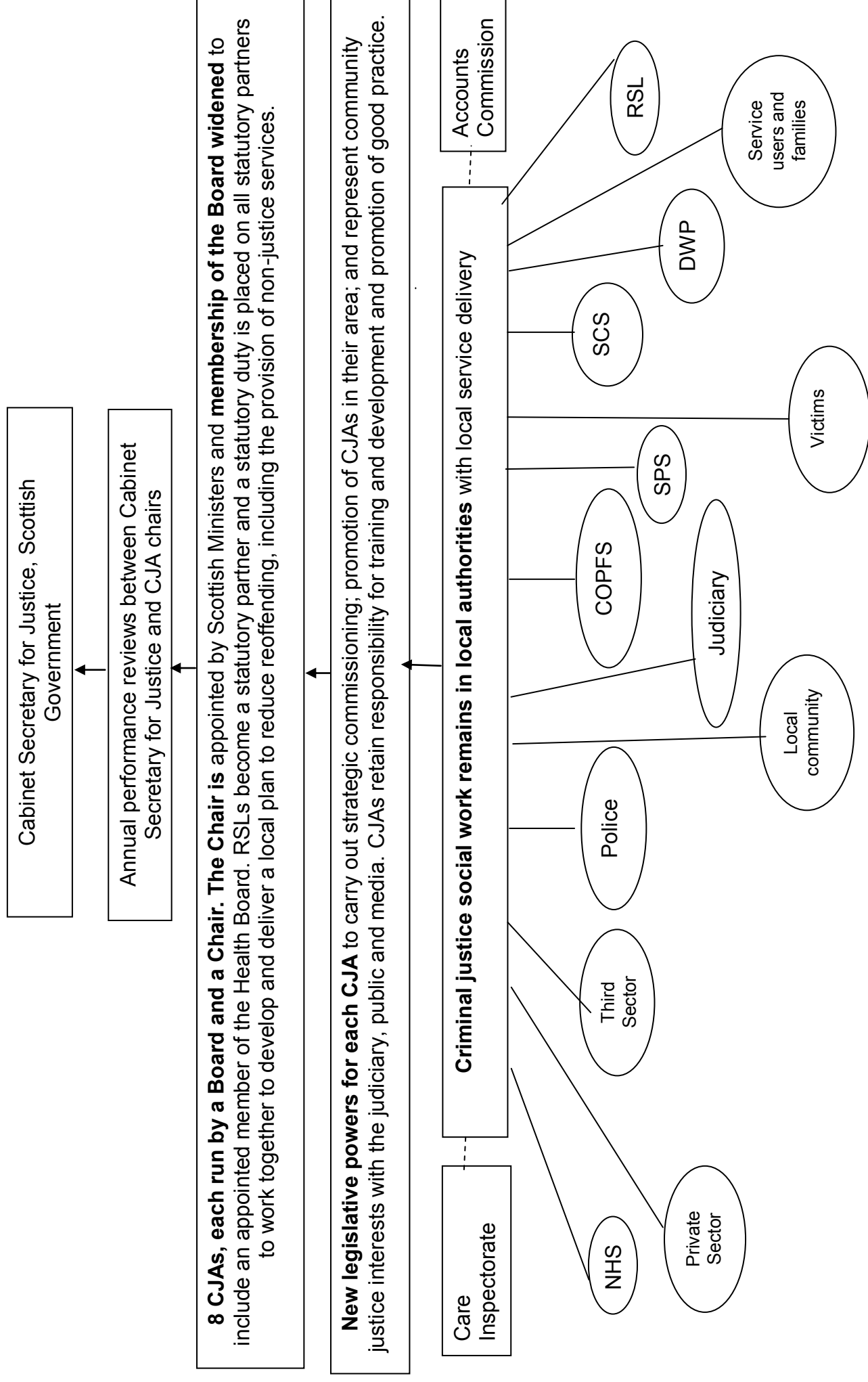
Workforce development

81. The Scottish Government currently funds eight Training and Development Officers (one for each CJA) to support the delivery of change in practice and skills development required to achieve the wider outcomes of reductions in reoffending.

82. Under Option A, it is proposed that this arrangement would continue although the Government would issue refreshed guidance on the role of Training and Development Officers. As part of this there would be an expectation that Training and Development Officers and CJAs (which have a legislative responsibility to promote good practice) develop closer relationships with the Risk Management Authority and other organisations with a role to play in workforce development, for example the Scottish Social Services Council (SSSC), Institute for Research and Innovation in Social Services (IRISS) and the knowledge portal Social Services Knowledge in Scotland (SSKS) as well as with Higher Education Institutions (HEIs).

83. In addition, Training and Development Officers would be expected to consider how best to support staff in working collaboratively with other professionals to deliver outcomes and to implement person-centred preventative approaches which focus on delivering improved outcomes for victims, offenders, their families and communities.

Option A: Enhanced CJA model



Option B: Local authority model

Summary

84. Under Option B it is proposed that CJAs are abolished and local authorities would assume both strategic and operational responsibility for the planning, designing and delivery of services for offenders in their area.

85. To enable this, a statutory duty would be placed upon local authorities to work in consultation with partner bodies to produce and deliver a strategic plan for reducing reoffending in their area. This duty would be in addition to existing local authority duties to work with offenders in the community as set out under the Social Work (Scotland) Act 1968. It would be up to local authorities to decide how best to deliver these duties.

86. There would be a direct relationship, set out in legislation, between the Scottish Government and local authorities in terms of allocation of funding, and accountability and performance requirements.

87. It is proposed that the scope of the Risk Management Authority (RMA) is extended to include community justice more broadly. In particular, the RMA would take on responsibility for some of the improvement functions currently undertaken by the Community Justice Division of the Scottish Government. This would include performance management, production of guidance, programme development and workforce development.

88. More detail is set out below.

New duties for local authorities

89. It is proposed that CJAs are abolished as the strategic partnership responsible for providing a co-ordinated approach for the local delivery of offender services. Some of the existing CJA duties, as well as others which the Government deem necessary to address the shortcomings in the current arrangements for delivering community justice, would be given to local authorities.

90. In summary, it is proposed that a statutory duty is placed on a local authority to carry out the following key functions:

- strategic commissioning and procurement of offender services working with other bodies responsible for the delivery of such services
- preparation, in consultation with other relevant bodies, and also service users and the local community, of a strategic plan for reducing reoffending in their area
- agreeing with Scottish Ministers national and local outcomes and outputs
- reporting annually to Ministers on the plan and progress towards outcomes and outputs
- questioning, scrutinising and challenging other local partners for the delivery of the plan, in particular priorities to reduce reoffending and access to mainstream services

- facilitating better information sharing and sharing of good practice

91. It would be up to local authorities to decide how best to deliver these new duties within the broad strategic framework for partnership, outcome focused working provided through community planning and Single Outcome Agreements (SOAs). For example, from 2013 SOAs will have a particular focus on reducing reoffending. Other relevant partnerships, such as Health and Social Care or Alcohol and Drug partnerships, focused on particular issues or services will also have a key role.

92. These new duties would be in addition to the existing functions of local authorities in relation to the delivery of offender services are set out in section 27 of the Social Work (Scotland) Act 1968. This includes making available to any court social background reports as well as the supervision and provision of advice, guidance and assistance in relation to persons under supervision by order of court or on supervision following release from prison. Guidance on the role of the registered Social Worker in statutory interventions was published by the Scottish Government in 2010²².

93. Existing Multi-Agency Public Protection Arrangements (MAPPA) are geographically structured around CJAs areas and CJAs receive MAPPA funding to distribute locally. Consideration would need to be given to possible alternative arrangements if CJAs are abolished.

Funding

94. It is proposed that funding for criminal justice social work services remains ring fenced and would be allocated directly to local authorities by the Scottish Government via section 27A and 27B of the Social Work (Scotland) Act 1968.

Accountability and performance

95. As set out in paragraph 90, local authorities would have a statutory duty to work with local partners to produce a strategic plan for reducing reoffending. It is proposed that it would be a legal requirement for the plan to be approved by Scottish Ministers and for local authorities to report annually, in writing, on progress towards, and achievement of agreed outcomes and outputs (which would link to the wider performance management framework being developed under Phase Two of the Scottish Government's Reducing Reoffending Programme). All strategic plans and annual reports would be published on the Scottish Government web site.

96. There is currently a requirement, within section 3 of the Social Work (Scotland) Act 1968 for every local authority to appoint a professionally qualified Chief Social Work Officer. The qualifications of the Chief Social Work Officer are set down in regulations²³ and there is guidance on the Role of the Chief Social Work Officer²⁴.

²² Scottish Government (2010) *The Role of the Registered Social Worker in Statutory Interventions: Guidance for Local Authorities*

²³ 1996 No. 515 (s.49) *The Qualifications of Chief Social Work Officers (Scotland) Regulations 1996* HMSO

²⁴ Scottish Government (2009) *Role of the Chief Social Work Officer*

97. As under Option A, it is proposed that a statutory duty is placed on all the partners, listed below, to work with the local authority to develop a local plan for reducing reoffending and engage in its delivery, including the provision of non-justice services which are likely to reduce reoffending and promote rehabilitation.

- Police
- Health Board
- Third sector
- RSL
- SCS
- COPFS
- Victim Support Scotland

98. Similar to the Management of Offenders etc (Scotland) Act 2005, Scottish Ministers (and in effect the SPS) would have a duty to co-operate with local authorities in relation to reducing reoffending.

99. In addition, the Scottish Government would expect local representatives of DWP and further education colleges, and appropriate others, to be involved in the development of and delivery of reducing reoffending plans, although specific duties would not be placed on them.

100. There would also be an expectation that members of the community, service users and their families, as well as the judiciary would be consulted on these plans although clearly there would not be a statutory duty to participate.

101. Under Option B, the Scottish Government proposes that local authorities, as the lead agency, would have a statutory duty to work with other partners to develop and deliver the local plan, in particular priorities to reduce reoffending and access to mainstream services. It would be up to local authorities to decide how best to deliver these duties taking into account the strategic planning of CPPs. Close working relationships between the body with statutory responsibility for reducing reoffending (whether that is the local authority, CJAs or a single national service) and CPPs are important.

102. A National Community Planning group involving the Scottish Government, COSLA and a range of other key partners has been established to provide strategic leadership to our ambitions for community planning and SOAs. The Group has recently agreed that reducing reoffending should be a key policy priority for SOAs from 2013. This is reflected in recent guidance on SOAs.

103. Community planning would continue to be examined as part of the audits of local authorities in relation to best value and community planning, of which the frequency and scope are determined through a shared risk assessment process. The Accounts Commission is also taking forward scrutiny pathfinders looking at the role of CPPs, as a whole, and individual partners. Like the other models, the Care Inspectorate would continue to have a scrutiny role.

104. A wide range of partners currently sit on CPPs, including the third sector. There would be an expectation from the Scottish Government that the Chief Social Work Officer would have a key role in community planning arrangements.

105. In developing the accountability and governance arrangements further, consideration would need to be given to whether the Scottish Government could utilise existing enforcement provisions and/or whether new statutory provisions would be required.

Strategic commissioning and procurement

106. As set out in paragraph 90 it is proposed that each local authority would have a legal responsibility to work with local partners to undertake strategic commissioning of services required for that local area which would be based on a robust analysis of needs, evidence of what works and best value for money. This would be aligned to work already underway by other agencies to promote strategic joint commissioning, including commissioning across boundaries.

107. It would be up to local authorities and their partners to decide which services were to be delivered by the local authority and/or other partners and which services would be commissioned from the third sector. It is expected that the local authority would procure the services, with the service level agreement between themselves and any provider(s).

Scope and functions of the Risk Management Authority

108. The RMA was established as an executive non-departmental public body by section 3 of the Criminal Justice (Scotland) Act 2003. It has specific responsibilities in relation to the management of the risk of serious harm presented by violent and sexual offenders in Scotland. However, it also has functions to promote effective practice generally: giving advice on policy; research and development; setting standards and preparing practice guidelines; education and training; and gathering information on the provision of services in Scotland. It now works with partner agencies to implement a common set of practice standards that have been agreed by those agencies, and are applicable to work with all offenders.

109. There are a number of functions, for example development of good practice guidance, that need to be carried out at a national level and would be most effectively and efficiently delivered by social work and other professionals with experience of managing and delivering community justice services and working with offenders.

110. As an outcome of a review of the RMA's remit under the simplification of the public landscape policy, in 2009 a three year framework agreement between SG and RMA aligned the RMA's 'promotion of effective practice' functions with the then priorities of the Community Justice Division. Option B represents a timely and logical extension of this agreement.

111. Under option B, it is proposed that the role of the RMA stays the same but its framework agreement is reviewed to include the following additional performance improvement functions:

- considering local authority strategic plans and annual reports and providing an overview, including the provision of services to reduce reoffending, to the Leadership Group (see paragraph 114 below)
- analysing data, conducting and/or commissioning research on the effectiveness of services to reduce reoffending and providing an overview of performance to the Leadership Group
- communicating and engaging on community justice interests with the judiciary, public and media at a national level
- developing and delivering a training plan which meets the needs of community justice professionals and takes account of national priorities and local needs
- promoting joint training across the different professions who work with offenders and their families in order to implement a person-centred preventative approach focused on delivering improved outcomes
- developing evidence based practice guidance in relation to reducing reoffending drawing on national and international research
- facilitating a service provider's forum at a local/regional level to create opportunities for managers, across sectors, to share good practice, inform policy and service development and support workforce development

112. Under Option B the Scottish Government would review the budget, organisational structure and name of the RMA to ensure that it was adequately resourced and its staff appropriately skilled to deliver its new functions. It is likely that the funding currently allocated to CJAs for Training and Development Officers would transfer to the RMA to help deliver the extra functions set out above. The Scottish Government would also expect the RMA to develop closer working relationships with SSSC, IRISS and HEIs as well as those involved in scrutiny activities.

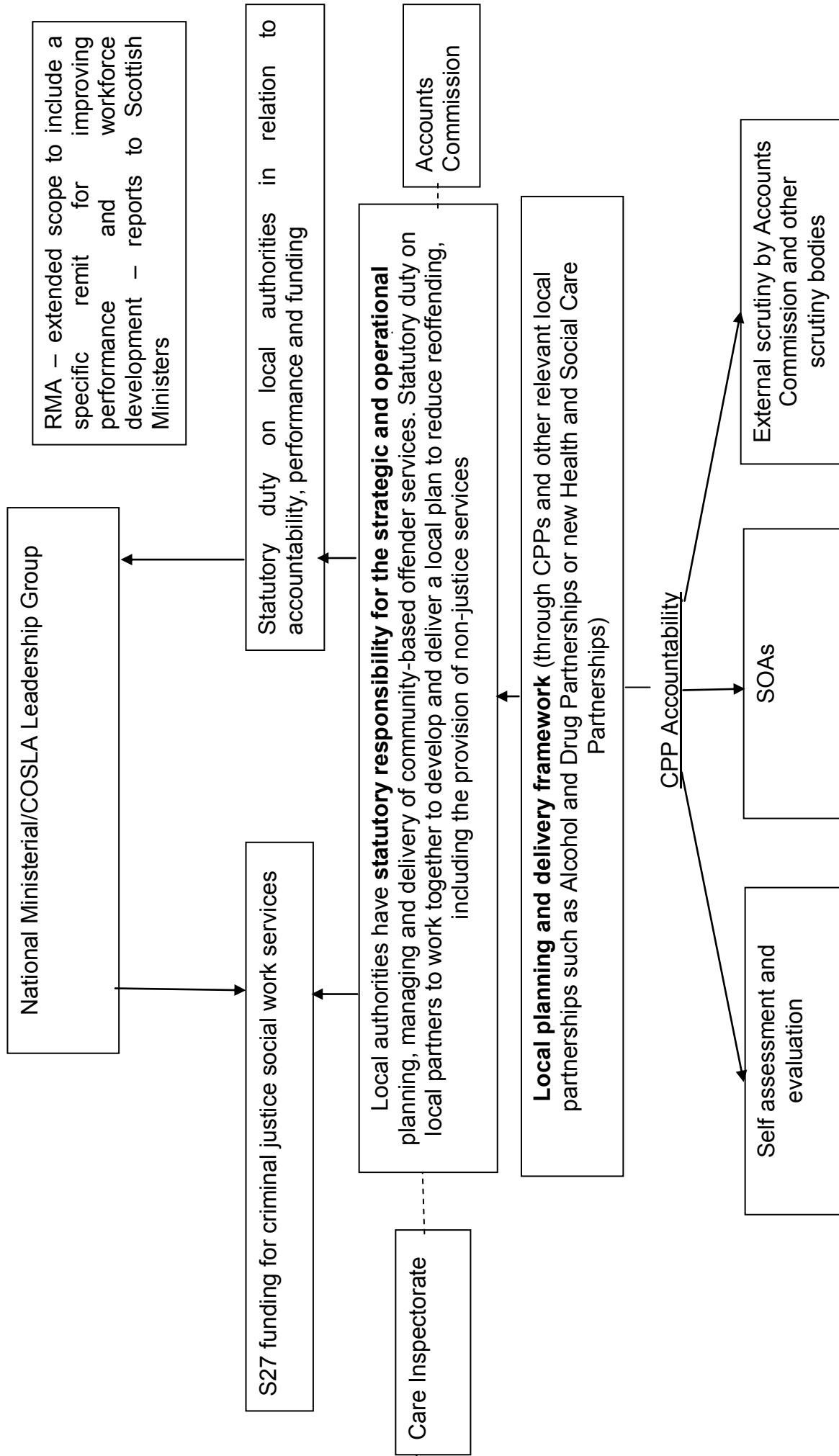
113. There may be alternative mechanisms or models (which do not involve extending the scope of RMA) by which the national functions set out in paragraph 111 could be delivered. We would welcome your views on this issue.

Leadership Group

114. Under this option it is also proposed that a joint Scottish Government Ministerial and COSLA Leadership Group is set up to provide national leadership and strategic direction in relation to community justice, including addressing barriers to improvement and monitoring of outcomes. The remit of the Group would be to focus on where it could add value to what is already being provided nationally, (for

example under the national Scottish Government/COSLA CPP Group), as well as regionally and locally.

Option B: Local authority model



Option C: Single service model

Overview

115. Under Option C it is proposed that CJAs are abolished and a national social work-led service for community justice is established with strategic and operational responsibility for the planning, managing and delivery of community based offender services. Central to the creation of a single service would be the core values and principles of social work which is key to their professional identity. It would be separate to, and sit alongside, the SPS and would incorporate the existing functions of the RMA.

116. The new service would be a Non-Departmental Public Body (NDPB), headed by a Chief Executive, with appropriate strategic and operational experience in criminal justice, who would be appointed through open recruitment by the Board of the new service. Scottish Ministers would set the strategic framework for the body but the NDPB (and the services it manages and delivers) would be able to take decisions at some distance from Government. Ministers would appoint a Board which could include locally elected members, if appropriate, and the Board would hold the Chief Executive to account.

117. Local authority criminal justice social workers (and other applicable staff currently funded under section 27A and 27B of the Social Work (Scotland) Act 1968), as well as relevant RMA staff, would transfer to the new service. There are important practical issues that would need to be considered in detail if this option was progressed.

118. Community justice services would continue to be delivered locally.

119. More detail is set out below.

Key functions

120. It is proposed that the key functions of the single social work led service for community justice would be:

- to provide national leadership and direction for community based offender services, working with local partners to prepare and publish national and local plans for reducing reoffending
- to undertake strategic commissioning and procurement of services to deliver the sentences of the court, protect the public and reduce reoffending
- to manage contracts and service level agreements for service delivery
- to directly provide and manage offender services in the local community setting
- to develop and deliver a workforce development strategy for staff employed by the service, including developing and sharing evidence based good practice which promotes collaborative working with other professionals to ensure a person-centred preventative approach which is focused on delivering improved outcomes

- overall responsibility for achievement of outputs and outcomes specified in corporate and business plans agreed with Scottish Ministers
- to represent community justice interests with the judiciary, media and public
- to promote public protection by supporting and developing professional practice in the management of violent and sexual offenders (currently the responsibility of RMA)

121. In essence, the single service would have strategic and operational responsibility for the planning, managing and delivery of community based offender services. Central to the creation of a single service would be the core values and principles of social work which is key to their professional identity.

Service delivery

122. Services would continue to be delivered locally grouped geographically on the three Federation model of COPFS and Police to allow some co-terminosity with other community justice partners.

Strategic commissioning and procurement

123. It is proposed that each Federation would be headed up by a local Area Director at a level senior to existing criminal justice social work managers. The overall objective of these posts would be to ensure the provision of effective professional advice to each Federation area, and the wider service, in discharging its statutory community justice duties. Area Directors would be responsible for promoting the values and standards of professional practice, providing professional leadership and would report directly to the Chief Executive. It is envisaged the post of Area Director would hold broadly similar duties and powers to the Chief Social Work Officer post and would work closely with them in relation to wider social work and local authority issues. There would also be an expectation that the local Area Directors (or their delegate) would have a key role in community planning arrangements to represent community justice interests.

124. At an operational level, the local Area Director would hold overall responsibility (although he/she may delegate it) for working with local partners to undertake strategic commissioning of services that are based on a robust analysis of needs, evidence of what supports desistance and best value for money.

125. A report on the outcome of the strategic commissioning exercise (including those services which should be delivered in-house and those to be delivered by the third sector) would be submitted from each Area Director to an executive committee of the management board of the new service. On approval of the report by the executive committee, procurement would be undertaken by the service itself. This would be aligned to work already underway by other agencies to promote strategic joint commissioning.

126. There would be flexibility to commission services on a national basis where there was a proven need across the whole of Scotland for particular interventions and/or there was potential to make financial savings whilst maintaining or improving outcomes.

Accountability and performance

127. A Board would be appointed, through the public appointments process, by Scottish Ministers. The Board would be small and members would include the COSLA spokesperson for Community Wellbeing and Safety and Victim Support Scotland. The Board would appoint a Chief Executive. It is envisaged that community members and service user(s) would have an opportunity to feed into the Board.

128. The Chief Executive would be held accountable by the Board for performance and, in turn, the Board would be directly accountable to Ministers and, through Ministers, to the Scottish Parliament. The Chief Executive would be responsible for use of resources but Ministers would remain accountable to the Scottish Parliament for the allocation of public funds. The Chief Executive would be supported by a senior management team.

129. Scottish Ministers would agree the new service's corporate and business plans (including output and outcome targets) and the service would be required by law to publish annual reports and accounts which are presented to Ministers and laid in Parliament. Scottish Ministers would also have powers to direct the service as necessary. Both the Care Inspectorate and Auditor General would continue to have a scrutiny role.

130. To ensure an effective interface between the new service and SPS at a strategic level it is proposed that there would be biannual meetings between the Cabinet Secretary for Justice, Chief Executive of the new social work led single service and Chief Executive of SPS. Links would also need to be made to the Parole Board and other relevant organisations.

131. As under Options A and B, it is proposed that a statutory duty is placed on all the partners, listed below, to work with the single service to develop local plans for reducing reoffending and engage in its delivery, including the provision of non-justice services which are likely to reduce reoffending and promote rehabilitation.

- Local authority
- Police
- Health Board
- Third sector
- RSL
- SCS
- COPFS
- Victim Support Scotland

132. In addition, the Scottish Government would expect local representatives of the DWP and further education colleges, and appropriate others, to be involved in the development of and delivery of reducing reoffending plans.

133. There would also be an expectation that members of the community, service users and their families, as well as the judiciary would be consulted on these plans although clearly there would not be a statutory duty to participate.

134. Given the significant level of organisational change required under this option the Scottish Government plans to establish a small short-life team of professionals to work with local partners to provide practical support to put in place the new arrangements and deliver improvements to services and outcomes.

Access to mainstream services

135. People who offend still require to access mainstream services such as health, housing and education as these would not be provided direct by the new service. A statutory duty on partners, as set out in paragraph 131, could help ensure that the positive relationships that already exist with practitioners across local authorities and the health service and others, and access to local mainstream services are maintained.

136. More generally, it would be expected that the Chief Executive of the new single social work led service for community justice would have considerable leverage to liaise and negotiate on an equal footing with other national agencies or bodies for access to services that offenders need and develop appropriate protocols.

Workforce development

137. It is proposed that a dedicated community justice unit would be established as part of the new service. Its key function would be to develop and deliver a strategic approach to workforce development and leadership to build expertise, capacity and resilience in the sector.

138. The unit would also be responsible for:

- developing and delivering its own training, including risk management (currently carried out by RMA) as well as developing programmes for accreditation
- developing evidence based practice guidance in relation to reducing reoffending drawing on national and international research
- promoting joint training and exchange of good practice and learning across the different professions who work with people who offend
- benchmarking performance of local authorities in relation to reducing reoffending to help improve performance

139. The unit would be staffed by a mix of qualified social workers, professional trainers and others from the community justice field to ensure that the values and professionalism of social work are embedded in any learning activity. Work undertaken by the unit would also be aligned with current policy on the regulation and role of social work.

140. Links would be made to academic institutions, as well as other relevant organisations such as SSSC, IRISS and HEIs to avoid duplication and achieve best value for money.

Further considerations

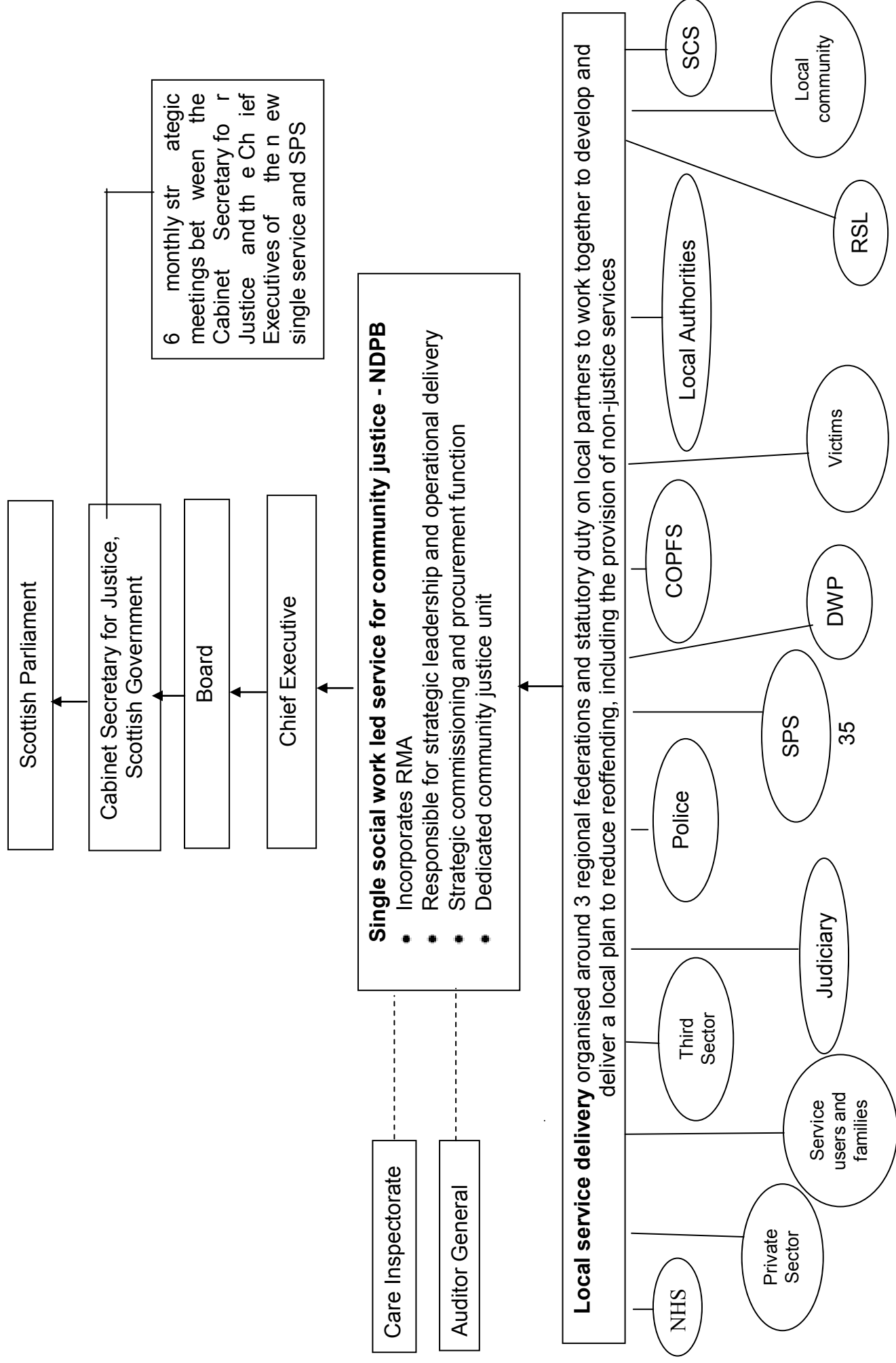
141. While the single service is primarily focused on community services it would also undertake the specific tasks associated with Orders for Lifelong Restrictions while the individual is in custody.

142. Therefore, further consideration will be required to the implications of the new service and dedicated community justice unit incorporating the RMA's duties in relation to accrediting assessors to undertake risk assessment reports under section 210(b) of the Criminal Justice Scotland Act (2003); to approve/reject risk management plans for offenders subject to an Order for Lifelong Restriction; and to monitor the implementation of those plans.

143. This will require that the new service has sufficient clinical and legal expertise, and staff performing regulatory functions would need a degree of professional independence and separation from staff performing operational functions.

144. It will also be necessary to ensure that the professional identity of the service does not align it too closely with one agency to ensure that decision making on accreditation and risk management are seen to be impartial.

Option C: Single service model



CHAPTER 4: CONSULTATION QUESTIONS

The consultation questions are split into two parts, those which are:

- i. applicable to all options; and
- ii. specific to either Option A, B or C.

Respondents can reply to all of the questions, or a selection, depending on where their interests lie. General views on the consultation paper are also welcomed.

All options

1. Which option(s) do you think is more likely to meet the key characteristics (set out on pages 15 and 16) that, if integral to any new community justice system, are more likely to lead to better outcomes?

Key characteristic (pages 15 and 16)	Option (please specify A, B or C or a mix of all three)
Strategic direction and leadership to drive forward performance improvements and deliver public services that protect victims and communities and meet the needs of people who offend	
A focus on prevention and early intervention	
Better and more coherent person-centred opportunities for supporting desistance which focus on developing the capacities and capabilities of offenders to enable them to make a positive contribution to their families and communities	
Clearer lines of political, strategic and operational accountability for performance and mechanisms to support continuous improvement	
Effective local partnership and collaboration that brings together public, third and private sector partners, including non-justice services, and local communities to deliver shared outcomes that really matter to people	
Strategic commissioning of services that are based on a robust analysis of needs, evidence of what supports desistance and best value for money	
A strong and united voice that represents community justice interests with the judiciary, public and media	
Better data management and evaluation to assess organisational and management performance, including the impact of services	
Involvement of service users, their families and the wider community in the planning, delivery and reviewing of services	
Provision of an overview of the system as a whole, including consistency and breadth of service provision	
Better integration between local partnership structures, services and organisations working with offenders and their families	
A more co-ordinated and strategic approach to working with the third sector	
A strategic approach to workforce development and leadership for criminal justice social work staff that is based on evidence of what supports desistance and builds expertise, capacity and resilience and encourages collaborative working with other professionals	

towards shared outcomes	
Greater professional identity for community justice staff which builds on their existing values and provides well defined opportunities for career progression	
Ability to follow innovation nationally and internationally, as well as develop and share evidence based good practice	

2. Which option(s) will result in the significant cultural change required to redesign services so that they are based on offender needs, evidence of what works and best value for money?

3. Which option(s) will result in improvements in engagement with, and quicker access to, non-justice services such as health, housing and education?

4. Do you think a statutory duty on local partners will help promote collective responsibility for reducing reoffending among all the bodies who work with offenders? If not, what would?

5. Under options A and B should funding for criminal justice social work services remain ring-fenced?

6. Are there specific types of training and development that would be beneficial for practitioners, managers and leaders working in community justice? Who is best placed to provide them?

7. Is there potential for existing organisations such as SSSC, IRISS and knowledge portal SSKS to take on a greater role in supporting and developing the skills and expertise of professionals working with offenders?

8. What do you think are the equalities impact of the proposals presented in this paper, and the effect they may have on different sectors of the population?

9. What are your views regarding the impact that the proposals presented in this paper may have on the important contribution to be made by businesses and the third sector?

10. Are there other options, or permutations of the options presented in this paper, which should be considered? Please provide details.

Option A: Enhanced CJA Model

11. What are your overall views on retaining CJAs but changing their membership and functions?
12. Will appointing a chair and expanding the membership of the CJA Board to include the Health Board help remove any potential conflict of interest and promote collective responsibility for reducing reoffending?
13. What do you think of the alternative proposal for all Board members to be recruited through the public appointments system based on skills, knowledge and experience?
14. Do the proposals under Option A give CJAs sufficient levers and powers to reduce reoffending efficiently and effectively?
15. Do you think CJA's should be given operational responsibility for the delivery of criminal justice social work services? Do CJAs currently have the skills, expertise and knowledge to take on these functions?
16. Should CJAs geographical boundaries remain the same? If not how should they be redrawn?
17. Do you agree that the Scottish Government should retain the current arrangements for training and development? Should they be reviewed for effectiveness?
18. What could be done differently to build expertise, capacity and resilience in the community justice sector and ensure evidence based good practice is shared widely?

Option B: Local authority model

19. What do you think of the proposal to abolish CJAs and give the strategic and operational duties for reducing reoffending to local authorities?
20. What do you think will be the impact on consistency of service provision, good practice and the potential to plan and commission services across boundaries (and hence value for money) of moving from eight CJAs to 32 local authorities?
21. Do you think there is still a requirement for a regional partnership, provision or co-ordination role (formally or informally) in this model? If so, how would it work?
22. What do you think would be the impact of reducing reoffending being subsumed within community planning, or other local authority planning structures?
23. Do you agree that functions such as programme accreditation, development of good practice, performance management and workforce development should be devolved from the Government to an organisation with the appropriate skills and experience?

24. What are your views on the proposal to expand the functions of the RMA to take responsibility for improving performance?

25. What are your views on the proposal to set up a national Scottish Government/COSLA Leadership Group to provide national leadership and direction?

Option C: Single service model

26. What are your views on the proposal to abolish the eight CJAs and establish a new single social work led service for community justice?

27. What do you think of the proposal to incorporate the functions of the Risk Management Authority into a new single service?

28. What do you think about grouping local delivery around the three Federation model currently employed by COPFS and police?

29. Does the approach to strategic commissioning and procurement provide a good balance between local and national service priorities and needs?

30. Do you think that placing a statutory duty on local partners and a strong Chief Executive negotiating on behalf of the new single service will help facilitate access to mainstream non-justice services?

31. What do you think of the proposal to establish a dedicated community justice unit as part of the new service?

CHAPTER 5: EQUALITY IMPACT ASSESSMENT

The public sector equality duties require the Scottish Government to pay "due regard" to the need to:

- eliminate discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010
- advance equality of opportunity between people who share a protected characteristic and those who do not
- foster good relations between people who share a relevant protected characteristic

These three requirements apply across the "protected characteristics" of age; disability; gender reassignment; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

In effect, this means that equality considerations are integrated into all functions and policies of Scottish Government Directorates and Agencies.

A key part of these duties is to assess the impact of all of our policies to ensure that the Scottish Government do not inadvertently create a negative impact for equality groups, and also to ensure that the Scottish Government actively seek the opportunity to promote equality of opportunity and to foster good relations.

As part of our consultation process, the Scottish Government will run a series of workshops on the proposals set out in this document to seek the views of practitioners, managers and leaders working with offenders. The Scottish Government will also run events for the wider public, including victims, local communities and service users and their families. During these events the Scottish Government will seek views on the impacts of these proposals on different sectors of the population which will contribute towards the development of an Equalities Impact Assessment.

More generally, the Scottish Government welcomes your feedback regarding the equalities impact of the proposals presented in this paper, and the effect they may have on different sectors of the population.

CHAPTER 6: BUSINESS REGULATORY IMPACT ASSESSMENT

The Scottish Government is committed to consulting with all parties potentially affected by proposals for new legislation, or where any regulation is being changed significantly. All policy changes, whether European or domestic, which may have an impact upon business or the third sector should be accompanied by a Business Regulatory Impact Assessment (BRIA).

The BRIA helps policy makers to use available evidence to find proposals that best achieve the policy objectives, whilst minimising costs and burdens. Through consultation and engagement with business, the costs and benefits of the proposed legislation can be analysed. It also ensures that any impact on business, particularly small enterprises, is fully considered before regulations are made.

As part of our consultation process, the Scottish Government will run a series of workshops on the proposals set out in this document to seek the views of practitioners, managers and leaders working with offenders. The Scottish Government will also run events for the wider public, including victims, local communities and service users and their families. During these events the Scottish Government will seek views on the impacts of these proposals on businesses and will contribute towards the development of a BRIA.

More generally, the Scottish Government welcomes your views regarding the impact that the proposals presented in this paper may have on businesses.

CHAPTER 7: HOW TO RESPOND

The Scottish Government are inviting written responses to this consultation paper by **30 April 2013**.

Please send your response with the completed Respondent Information Form (see "Handling your Response" below) to:

Consultation.RedesignCommunityJustice@scotland.gsi.gov.uk

or Marion Goodall, The Scottish Government, Community Justice Division, Area GWR, St Andrew's House, Regent Road, Edinburgh, EH1 3DG.

Handling your response

The Scottish Government need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the Respondent Information Form (Annex B) as this will ensure that the Scottish Government treat your response appropriately. If you ask for your response not to be published the Scottish Government will regard it as confidential, and the Scottish Government will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Alternative formats and community languages

If you require a copy of this paper in an alternative format or different language please contact Consultation.RedesignCommunityJustice@scotland.gsi.gov.uk

or Marion Goodall, The Scottish Government, Community Justice Division, Area GWR, St Andrew's House, Regent Road, Edinburgh, EH1 3DG.

Next steps in the process

Where respondents have given permission for their response to be made public and after the Scottish Government have checked that they contain no potentially defamatory material, responses will be made available to the public in the Scottish Government Library and will also be on the Scottish Government consultation pages. You can make arrangements to view responses by contacting the SG Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

Consultation events

The Scottish Government will also be holding a range of consultation events for practitioners, managers and leaders across the public, private and third sector who work with offenders. There will be separate events for the wider public, including

victims, local communities and service users and their families. More information is available at <http://www.scotland.gov.uk/Topics/Justice/public-safety/offender-management>

What happens next?

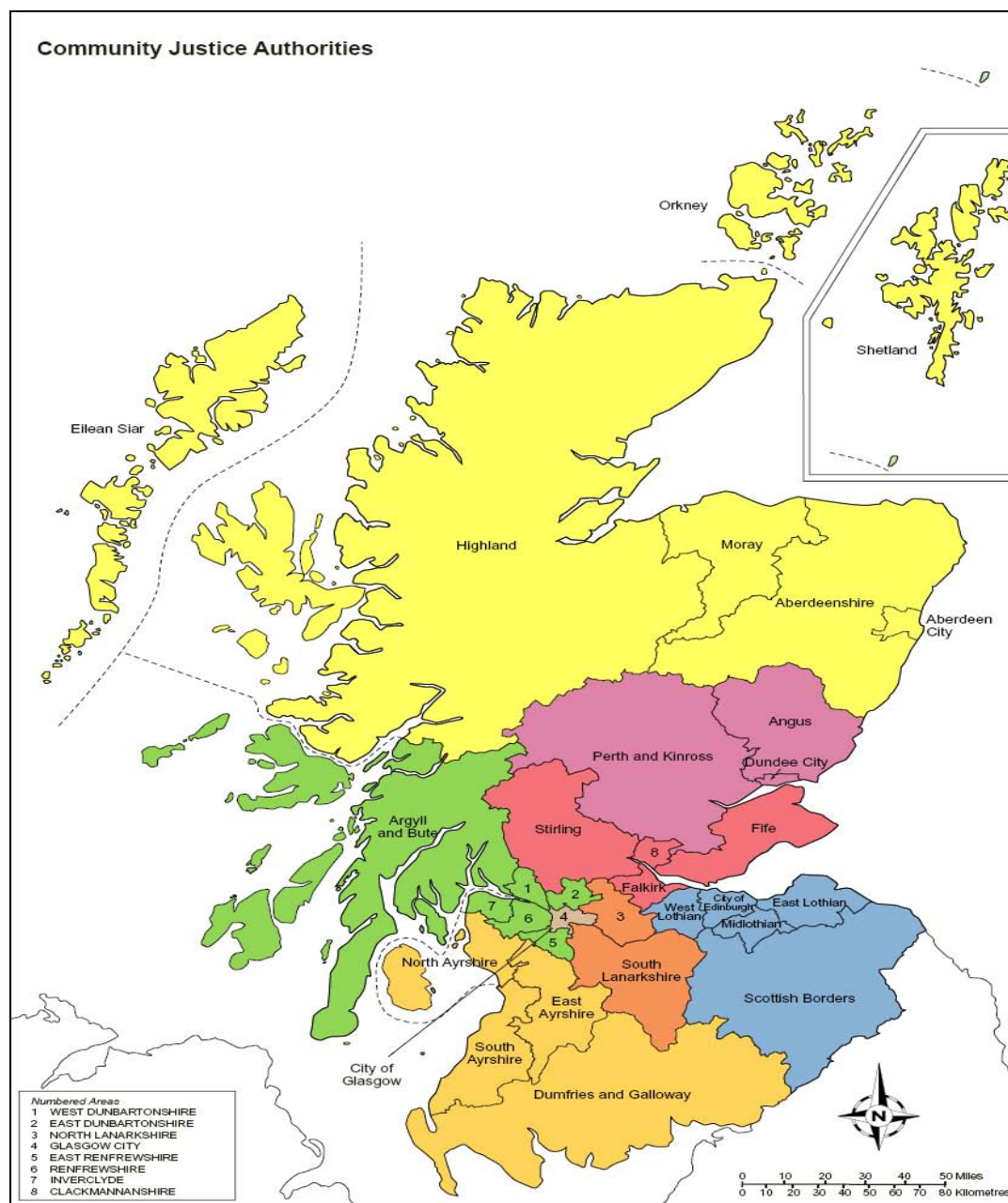
Following the closing date, all responses will be analysed and considered along with any other evidence, including feedback from the consultation events, to help us progress.

An announcement on the way forward is likely to be made in late 2013, with provisional implementation from 2016 onwards. The Scottish Government will ensure that implementation plans take account of the timetable for other work, such as the integration of health and social care, which is likely to impact on community justice.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the Scottish Government at the address noted at the top of page 42.

EIGHT COMMUNITY JUSTICE AUTHORITIES



Northern	Tayside	Fife & Forth Valley	Lanarkshire	South West Scotland	North Strathclyde	Lothian & Borders
Highland	Dundee	Fife	North	E Ayrshire	Renfrewshire	Edinburgh
Moray	Angus	Falkirk	Lanarkshire	N Ayrshire	E Renfrewshire	E. Lothian
Aberdeen	Perth &	Stirling	South	S Ayrshire	Inverclyde	Midlothian
Aberdeenshire	Kinross	Clackmannan	Lanarkshire	Dumfries & Galloway	W Dunbartonshire	W. Lothian
Eilean Siar					E Dunbartonshire	Scottish
Orkney					Argyll & Bute	Borders
Shetland						

City of Glasgow is a Unitary Authority CJA

REDESIGNING THE COMMUNITY JUSTICE SYSTEM A CONSULTATION ON PROPOSALS

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Perth and Kinross Council

Title Mr x Ms ☐ Mrs ☐ Miss ☐ Dr ☐

Please tick as appropriate

Surname

Irons

Forename

John

2. Postal Address

Community Safety Services

St Martins House

King Edward Street

Perth

Postcode PH1 5UT

Phone 01738 472569

Email jmirons@pkc.gov.uk

3. Permissions - I am responding as...

Individual

☐

/ Group/Organisation

Please tick as appropriate

☒

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate ☒ Yes ☐ No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available ☒

or

Yes, make my response available, but not my name and address ☐

or

Yes, make my response and name available, but not my address ☐

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate ☒ Yes ☐ No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

☒ Yes

☐ No

CONSULTATION QUESTIONS

The consultation questions are split into two parts, which are:

- applicable to all options; and
- specific to either Option A, B or C.

Respondents can reply to all of the questions, or a selection, depending on where their interests lie. General views on the consultation paper are also welcomed.

All options

Which option(s) do you think is more likely to meet the key characteristics (set out on pages 15 and 16 of the Consultation) that, if integral to any new community justice system, are more likely to lead to better outcomes?

Key characteristic (pages 15 and 16 of the consultation)	Option (please specify A, B or C or a mix of all three)
Strategic direction and leadership to drive forward performance improvements and deliver public services that protect victims and communities and meet the needs of people who offend	B
A focus on prevention and early intervention	B
Better and more coherent person-centred opportunities for supporting desistance, which focus on developing the capacities and capabilities of offenders to enable them to make a positive contribution to their families and communities	B
Clearer lines of political, strategic and operational accountability for performance and mechanisms to support continuous improvement	B
Effective local partnership and collaboration that brings together public, third and private sector partners, including non-justice services, and local communities to deliver shared outcomes that really matter to people	B
Strategic commissioning of services that are based on a robust analysis of needs, evidence of what supports desistance and best value for money	B & C
A strong and united voice that represents community justice interests with the judiciary, public and media	B & C
Better data management and evaluation to assess organisational and management performance, including the impact of services	B & C
Involvement of service users, their families and the wider community in the planning, delivery and reviewing of services	B
Provision of an overview of the system as a whole, including consistency and breadth of service provision	B & C

Better integration between local partnership structures, services and organisations working with offenders and their families	B
A more co-ordinated and strategic approach to working with the third sector	B
A strategic approach to workforce development and leadership for criminal justice social work staff that is based on evidence of what supports desistance and builds expertise, capacity and resilience and encourages collaborative working with other professionals towards shared outcomes	B & C
Greater professional identity for community justice staff which builds on their existing values and provides well defined opportunities for career progression	B & C
Ability to follow innovation nationally and internationally, as well as develop and share evidence based good practice	B

Which option(s) will result in the significant cultural change required to redesign services so that they are based on offender needs, evidence of what works and best value for money?

Perth and Kinross Council is satisfied that the current local Community Justice Service works in an effective and flexible manner and delivers good outcomes for individuals and for our communities. During the period 2004-10 the reconviction rate for Perth and Kinross came down by between 15 and 16%. Perth and Kinross was the fifth best placed Local Authority in Scotland in terms of its reduction in reconvictions and saw the second highest reduction in the frequency of reconviction in Scotland during the period 2009/10. We are now in the top 33% of Local Authorities in terms of reduction in reconvictions and the top 25% of Local Authorities in terms of reduction in the frequency of reconvictions. Of particular note has been the reduction in reconvictions involving Short Term Prisoners over recent years. This would suggest that the work of the Scottish Prison Service, our Resettlement Service and the range of other local agencies who contribute to the resettlement of Short Term Prisoners has proved highly effective. Locally we are already in the process of redesigning our services to meet local challenges. We will focus in the coming year on the following areas:

- Offenders receiving sentences of 0-6 months, including a number of persistent offenders who commit multiple offences of dishonesty in order to feed a drug habit. The Tayside Intensive Support Project in partnership with Tayside Police and co-located with the Council's Community Safety Service (CJS) will focus precisely on this group.
- Younger adults exiting the Criminal Justice System through the Right Track Scheme, who may now be offered a Mentor/Befriender prior to exiting the service
- The development of a broader Mentoring/Befriending Service focussing on women offenders, but with the potential to deliver a Mentoring Service to other offenders on supervision requirements/Unpaid Work Order

- 91% of offenders participating in the “Right Track” project have successfully completed their period of supervision during the initial 12 months of this project – a compliance rate far above that ever achieved in relation to Probation Orders for young people within the same age group.
- The development of a Women’s Centre in a local Health Centre, Perth to further support women out of offending lifestyles

We are not convinced that a national body would have the flexibility, local understanding or contacts to improve on this and in fact is likely to detract from the concerted, local integration strategies and services which have delivered on our reducing reconviction outcomes.

Which option(s) will result in improvements in engagement with, and quicker access to, non-justice services such as health, housing and education?

The evidence in Perth and Kinross has shown that local connections have been instrumental in the positive outcomes and performance in respect of the reduction of reoffending in this area. Examples of this are the “Pathways For Short Term Prisoners” protocols. The initiative has been led by Perth and Kinross Council and involved partnership working with the two other Tayside local authorities – Dundee City and Angus, Tayside Community Justice Authority, NHS Tayside, the Scottish Prison Service and Perth Prison. The protocols see short-term prisoners attend ‘surgeries’ when they are six to eight weeks away from release. Staff from local authority housing departments and Shelter, local authority drug and alcohol teams, health workers, and staff from employment and training agencies such as Jobcentre Plus and Perth College provide help and support to prisoners to ensure they have the best chance possible of getting on with their lives after release. Help is also given to set up prisoners in short-term accommodation, tackle substance abuse and health issues, and to get them into jobs or training. These are factors which are proven to divert people away from crime, thus preventing people coming back into the prison system, and saving money which can be reinvested. This was a major local initiative which has had a national impact.

Do you think a statutory duty on local partners will help promote collective responsibility for reducing reoffending among all the bodies who work with offenders? If not, what would?

Most statutory partners already have a duty to engage in community planning and within the Perth and Kinross SOA there is a commitment to reducing reoffending. Whilst a new statutory duty on local partners not included in this may help to promote collective responsibility for reducing reoffending, experience has shown that local negotiation and successful joint working can be more persuasive and provide better outcomes.

Under options A and B should funding for criminal justice social work services remain ring-fenced?

We do not support the ring fencing of funding. The primary aim may have been to protect dedicated funding for Criminal Justice Social (CJS) Work services but its impact has been that of constraining the manner in which CJS resources are deployed and placed across related social work service areas. It also reduces the opportunities for integrating funding across social work services.

Are there specific types of training and development that would be beneficial for practitioners, managers and leaders working in community justice? Who is best placed to provide them?

We would support a consistent approach to training on a national basis that would enhance local delivery of specialist services. Increasingly however local practitioners will also need to develop a broader range of competencies and knowledge in related fields. Coordination of such training sits most comfortably with key partner agencies already involved in delivering front line services.

Is there potential for existing organisations such as Scottish Social Services Council, Institute for Research and Innovation in Social Services and knowledge portal Social Services Knowledge in Scotland to take on a greater role in supporting and developing the skills and expertise of professionals working with offenders?

Yes – this could support a uniform approach towards local delivery of services. The Governments reform agenda however will also require the development of broad competencies, as noted above, reflecting the complex needs of offenders resident within particular localities.

What do you think are the equalities impact of the proposals presented in this paper, and the effect they may have on different sectors of the population?

Perth and Kinross covers a large rural area. We feel strongly that any move from a local community justice service to a national one would limit the flexibility to provide an appropriate service in these areas. A national service would have to primarily respond to national crime issues which are to be found in urban areas with the greatest concentration of social need. This potentially could discriminate against those living in other areas. Moves to divert funding away from areas with a successful track record in reducing offending may result in reluctance, locally, to a continuation of additional funding to this area of activity.

What are your views regarding the impact that the proposals presented in this paper may have on the important contribution to be made by businesses and the third sector?

We feel that the connection between businesses and the third sector is best found at the local level. It is not clear how a national or regional service would enhance this in any way.

Are there other options, or permutations of the options presented in this paper, which should be considered? Please provide details.

Comments

Option A: Enhanced Community Justice Authority (CJA) model

What are your overall views on retaining CJAs but changing their membership and functions?

We believe that CJAs provide an additional level of complexity which is no longer required as the relationship between the national and local level is very much improved. We do not believe that the changes outlined in this consultation would add value to their role.

Will appointing a chair and expanding the membership of the CJA Board to include the Health Board help remove any potential conflict of interest and promote collective responsibility for reducing reoffending?

We already have a good working relationship with the local health board through the community planning process. This will be enhanced further through the current work being carried out on the social care/health agenda.

What do you think of the alternative proposal for all Board members to be recruited through the public appointments system based on skills, knowledge and experience?

If a CJA board is to be retained this would sensible for non elected members.

Do the proposals under Option A give CJAs sufficient levers and powers to reduce reoffending efficiently and effectively?

There are concerns in respect of the effectiveness of the current CJA setup. These proposals do not significantly address these concerns. We also have concerns that the setting up of CJA's on a geographical basis does not take any cognisance of the completely different issues that affect the constituent areas. The proposals do not enhance local accountability in any way, which was one of the main drivers in Police/Fire and Rescue reform.

Do you think CJAs should be given operational responsibility for the delivery of criminal justice social work services? Do CJAs currently have the skills, expertise and knowledge to take on these functions?

We do not agree that CJAs should be given operational responsibility for Criminal Justice Social Work. CJAs currently have no operational responsibility and do not have the skills, expertise and knowledge to take on these functions.

Should CJAs geographical boundaries remain the same? If not how should they be redrawn?

Any proposed redrawing of CJA boundaries seems unlikely to address the very different needs and different working relationships within different Council areas.

Do you agree that the Scottish Government should retain the current arrangements for training and development? Should they be reviewed for effectiveness?

Yes - a review as a matter of good practice would be supported.

What could be done differently to build expertise, capacity and resilience in the community justice sector and ensure evidence based good practice is shared widely?

The establishment of an Effective Practice Unit would be beneficial. It could seek out good practice from local areas and further afield and ensure that this was retained in a knowledge hub that could be accessed by practitioners. (Similar to the one developed by the Scottish Government Community Safety Unit and the Scottish Community Safety Network)

Option B: Local authority model

What do you think of the proposal to abolish CJAs and give the strategic and operational duties for reducing reoffending to local authorities?

We would welcome this proposal. The reduction in re-offending is not just the roll of Criminal Justice Services but also the Police, Housing, Economic Development, Health and communities themselves. This is best co-ordinated through the Community Planning process. Local Authorities and their Community Planning partners have successfully delivered positive outcomes through SOA's for their communities over a wide range of issues.

What do you think will be the impact on consistency of service provision, good practice and the potential to plan and commission services across boundaries (and hence value for money) of moving from eight CJAs to 32 local authorities?

Consistency of delivery and good practice can be ensured by close cooperation and communication at a local and national level. The removal of CJA's would in its self provide a significant financial saving that could be reinvested in local services.

Do you think there is still a requirement for a regional partnership, provision or co-ordination role (formally or informally) in this model? If so, how would it work?

There are already effective informal arrangements across the Tayside area which could be easily enhanced. We already have a MAPPA Strategy Group, Short Term Prisoner protocols and Substance Misuse Strategy Groups. The high level strategic planning of services is best done at Community Planning level.

What do you think would be the impact of reducing reoffending being subsumed within community planning, or other local authority planning structures?

From the first SOA agreed in Perth and Kinross reduction in reoffending has been a priority. Close working with Community Planning Partners is ongoing at present and is getting stronger as we all look to be as efficient as possible in delivering good outcomes for local communities. Keeping services local would also allow for greater direction and scrutiny from elected members. In addition community justice social workers would have the support from their adult, child and family colleagues with the local authority. This also allows for closer holistic working across all ages and sectors in social work.

Do you agree that functions such as programme accreditation, development of good practice, performance management and workforce development should be devolved from the Government to an organisation with the appropriate skills and experience?

As previously stated we would support a consistent approach to training on a national basis that would enhance local delivery of specialist services. Increasingly as we move towards greater local integration practitioners will also need to develop a broader range of competencies and knowledge in related fields.

What are your views on the proposal to expand the functions of the Risk Management Authority to take responsibility for improving performance?

This would appear to be a sensible move.

What are your views on the proposal to set up a national Scottish Government/ Convention of Scottish Local Authorities Leadership Group to provide national leadership and direction?

We would welcome this proposal.

Option C: Single service model

What are your views on the proposal to abolish the eight CJAs and establish a new single social work led service for community justice?

We would not support this proposal. As previously stated we believe that an effective, flexible and robust service could be delivered locally, taking advantage of the community planning process and the advantages it brings. It is highly unlikely that a national service would be able to respond as flexibly as a local one, would not have the connections with local housing, health and third sector partners and would be most unlikely to attract complementary funding from local authorities to support new initiatives. It would also isolate and disconnect criminal justice social work from adult and children and family social work. It is now well recognised that "early years" and youth justice work with children and young people plays an ever important role in reducing reoffending and crime. There would also be significant start up costs for a new service. There would no guarantee that a national service would reflect local needs and may be only targeted at national priorities. There would be no local scrutiny.

What do you think of the proposal to incorporate the functions of the Risk Management Authority into a new single service?

If a national service was to be developed this might seem a sensible suggestion, unless the Risk Management Authority is intended to develop a "risk and balance" function in terms of scrutiny.

What do you think about grouping local delivery around the three Federation model currently employed by the Crown Office and Procurator Fiscal Service and police?

Any such proposal would run completely counter to the Government's own reform agenda and its emphasis on real change at the level of place. There is little evidence if any to show that this particular model is effective or successful. The Police model has not yet started.

Does the approach to strategic commissioning and procurement provide a good balance between local and national service priorities and needs?

There are concerns that any national commissioning and procurement strategy would be heavily influenced by the national agenda and skewed away from local needs and well established, productive, relationships.

Do you think that placing a statutory duty on local partners and a strong Chief Executive negotiating on behalf of the new single service will help facilitate access to mainstream non-justice services?

A significant number of non justice mainstream services are delivered at a local level and these are best influenced at that level. It is unlikely that a Chief Executive would be any more successful than the present local arrangements.

What do you think of the proposal to establish a dedicated community justice unit as part of the new service?

We consider that the Risk Management Authority may be able to fulfil this role.

Any additional comments

Perth and Kinross Council strongly support Option B: Local Authority Model.

We consider that a forward thinking, effective, flexible local service, working within the community planning process, would provide the best outcomes for both offenders and our communities.

An electronic copy of this document is also available on request to
Consultation.RedesignCommunityJustice@scotland.gsi.gov.uk