

**REPORT TO:** East Lothian Council

**MEETING DATE:** 23 April 2013

**BY:** Executive Director (Services for People)

**SUBJECT:** Response to the Scottish Government's Consultation on  
Proposals for Redesigning the Community Justice System

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## **1 PURPOSE**

- 1.1 The Scottish Government has stated its intention to redesign the Community Justice System. How we plan, deliver and manage offender services in the community forms the focus of this consultation paper. This response document (Appendix 1) details the view of East Lothian Council.

## **2 RECOMMENDATIONS**

- 2.1 East Lothian Council recommends 'Option B' as the preferred option. This is the Local Authority model where local authorities would assume responsibility for the strategic planning, design and delivery of offender services in the community.

## **3 BACKGROUND**

- 3.1 Following the publication of the Commission on Women's Offenders report in April 2012, as well as Audit Scotland's report on 'Reducing re-offending in Scotland' published in November 2012, a series of recommendations were proposed which suggested that outcome improvements for offenders as well as a reduction in offending could be achieved if changes to the criminal justice system were made.
- 3.2 These reports are set against a background of wider public reform. This includes the integration of adult health and social care, community planning partnerships, as well as intense pressures on budgets across the whole of the public sector.
- 3.3 The consultation document sets out three possible options for reform. These options include:

- Option A: Enhanced Community Justice Authority (CJA) model
- Option B: Local authority model
- Options C: Single service model

#### **4 POLICY IMPLICATIONS**

- 4.1 The Scottish Government's consultation period will last until 30 April 2013 with a view to the Government making an announcement on the way forward in late 2013, and subject to Parliamentary approval, implementation from 2016 onwards.

#### **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 The Scottish Government acknowledges the importance of this assessment. During this consultation process, the Scottish Government is running a series of workshops on the proposals and views collected will then contribute towards the development of an Equalities Impact Assessment.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial - N/A at moment
- 6.2 Personnel - N/A at moment
- 6.3 Other - N/A at moment

#### **7 BACKGROUND PAPERS**

- 7.1 Consultation document attached.

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<b>DATE</b>	10 April 2013

# 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

East Lothian Council

Title Mr  Ms  Mrs  Miss  Dr

*Please tick as appropriate*

Surname

Forename

### 2. Postal Address

Postcode	Phone	Email

### 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?

<b>Key characteristic (pages 15 and 16 of the consultation)</b>	<b>Option (please specify A, B or C or a mix of all three)</b>
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>B</b>
A focus on prevention and early intervention	<b>B</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>B</b>
Clearer lines of political, strategic and operational accountability for performance and mechanisms to support continuous improvement	<b>B or C</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>B</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>B</b>
A strong and united voice that represents community justice interests with the judiciary, public and media	<b>B or C</b>
Better data management and evaluation to assess organisational and management performance, including the impact of services	<b>B</b>
Involvement of service users, their families and the wider community in the planning, delivery and reviewing of services	<b>B</b>
Provision of an overview of the system as a whole, including consistency and breadth of service provision	<b>B or C</b>
Better integration between local partnership structures, services and organisations working with offenders and their families	<b>B</b>

A more co-ordinated and strategic approach to working with the third sector	<b>B</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>B or C</b>
Greater professional identity for community justice staff which builds on their existing values and provides well defined opportunities for career progression	<b>B or C</b>
Ability to follow innovation nationally and internationally, as well as develop and share evidence based good practice	<b>B or C</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?

Option B, the local authority model would be best placed to do this. The 'what works' model clearly shows that re-offending is reduced the more an individual is re-integrated into society by having access to family, employment, housing, addiction services, etc. Developing and building on existing partnerships can help to promote desistance. Performance measures are in place to assess the impact of services on reducing re-offending. Further, East Lothian Council's Single Outcome Agreement has a commitment to reduce repeat offending and work towards making the community a safer place to live in.

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

The local authority model is best placed as offenders will need access to local services and agencies to assist them address their often complex and multiple needs. As resources become scarcer, we need to work together more effectively and efficiently rather than treat people in silos. East Lothian's Single Outcome Agreement clearly reflects local needs and priorities. It is fully committed to building on partnerships already established through the 'One Council' vision.

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?

It does not necessary require this. Good working relationships are central to promoting collective responsibilities for reducing reoffending. Further, working together also helps tackle institutional discrimination as agencies need to work with criminal justice clients as members of society, rather than simply offenders.

By including a reducing re-offending outcome within the SOA, the need for local partners to work together in order to achieve this, is clearly stated.

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

Yes. However, as CPP and SOAs are developed, it may be that funding should move into the remit of the local authority so that more integration is achieved. On a local level, joint commissioning should help improve access to services that are required by those living in our local community.

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?

Further education (degree standard) may be appropriate whether it be criminology; drug misuse; etc. particularly as the Msc in Advanced Social Work studies is no longer available. Further, there appears to be minimal use of research particularly through PHDs. This would seem to be a missed opportunity.

Joint training – such as Level of Service/Case Management Inventory; training to use sex offender risk assessment tools; etc, - have worked well. However, ensuring that new personnel to criminal justice receive the required level of training in order for them to carry out their duties, needs to be maintained. This is a challenge that needs to be addressed.

There does not appear to be a preferred option in relation to this.

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?

They contribute at the moment and this needs to be encouraged.

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?

A significant percentage of criminal justice clients are from marginalised parts of society, with poverty being a significant factor. There are high numbers who have alcohol and/or drug issues, mental health problems, etc who require input from various partners. Links need to be in place between agencies to enable appropriate treatment. Priority groups include young people, women (specifically those subject to domestic abuse) and vulnerable adults. East Lothian's stated vision and aim of 'One Council', is to ensure that we all work together in partnerships to address needs within the local community.

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?

Business input is currently minimal and is one area that we would like to increase involvement with. Opportunities exist within the Council for schemes such as apprenticeships as well as voluntary work placements.

Within East Lothian Council, young people leaving school are a priority group for accessing employment and/or training. Links with local businesses and enterprises are being built. This area could potentially contribute to preventative work for avoiding offending within this age group and is something that we want to build on.

Within the voluntary sector, we currently utilise projects and placements for unpaid work. However, this is another area that we need to develop so that offenders are introduced to new skills and opportunities which may contribute to a reduction of offending.



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

No: option B is the preferred option.

## Option A: Enhanced Community Justice Authority (CJA) model

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

CJAs do not appear to have been effective in solving difficulties or issues that have arisen financially, operationally or politically. Further, CJAs could be viewed as adding bureaucracy to the criminal justice arena. To change and adapt their functions would involve much time and energy which could be used more productively and constructively if focussed on developing services instead.

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?

Unsure how or why the appointment of a chair would remove any conflict of interest or promote collective responsibility

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?

Rather than improving skills, knowledge and experience, building the links with local authorities and local partners would seem much more significant and appropriate.

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

CJAs cannot reduce reoffending. It is local authorities and partners working together through agreed and identified local arrangements (particularly the development of Community Planning Partnerships, and the introduction of the Integration of Health and Social Care), that are best placed to tackle and reduce reoffending.

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?

No. The majority of offenders have complex and inter-connected issues which require input from a variety of different organisations and agencies. Further, high incidencies of child and adult protection issues, substance misuse, mental health, poverty and deprivation, domestic abuse, etc require clear and robust procedures and pathways for individuals to follow. Whilst these have been developed within local authorities and partner agencies, they need to be developed within CPPs to ensure local need is identified and addressed.

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

No comment due to not supporting this option.

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

The use of a training and development officer within the Lothian and Borders area pre-dates CJAs. Through this, a strong commitment to learning has been clearly established. Further, this culture of learning has focussed on professional development. This type of arrangement needs to be continued.

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?

Having a varied staff mix can significantly enhance the service available. However, it is vital that all staff receive training appropriate to their job role and task. Utilising skills and knowledge 'in-house' to share good practice also helps to break down potential working barriers.

## 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?

The local authority model would build on current structures. Further, this would enable integration with local partners and agencies to be developed to the full, thus focussing on local needs.

Strong structures and partnerships already exist within local authorities (ie Multi Agency Public Protection Arrangements; Whole Systems Approach; Girfec; Alcohol and Drug partnerships, etc) all of which are helping to reduce re-offending and monitor risk. It would seem logical to build on these.

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?

The Scottish Government has established clear standards and guidelines expected within criminal justice. These, linked to data collection, provide evidence of what is being done nationally, and to what standard. This is something that should be built on.

Within Lothian and Borders, there has been a strong commitment to cross-councils working. Whilst East Lothian is a relatively small council in terms of resources, it has a history of utilising services and agencies in neighbouring areas thus ensuring that client need is addressed. Future commissioning of services will require innovative thinking and work practices – flexibility in working practice is key to this.

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 would appear to be no need for a formal regional partnership. Each local authority has a local strategic plan that clearly details priority areas. Further, how this is to be achieved is also identified. Working across council boundaries and in partnership with other agencies has, and will continue to be, crucial to the success of this.

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

Community planning partnerships offer the potential for developing services which will lead to reducing re-offending, due to an increased awareness of, and working towards, integration in the community. East Lothian's vision of 'One Council' is a commitment to us all working together in partnerships, sharing resources and services, to help address local need. This will increase flexibility and enable resources and skills to be used to their full potential.

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?

Whilst networks are firmly in place to share good practice, an organisation with this specific role would ensure that information and examples of good practice are shared nationally and in a co-ordinated way. The internet has enhanced the sharing of knowledge and practice. However, excessive quantities, and sometimes dubious qualities of what is available, require to be dissected.

Performance management/key performance indicators need to have more consistency. Too many different tools are currently used – many of which have different parameters. This is confusing and often unnecessary.

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

The RMAs knowledge and expertise in areas such as identifying, assessing and working with high risk offenders has been a welcome addition to CJ social work. However, accountability for improving performance should remain firmly with local authorities so any issues can be addressed effectively and efficiently.

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?

This would be welcomed as it could provide a clear identity as well as direction and leadership.

## 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?

It would remove local networks. Due to the complexity of offending behaviour, no one agency can reduce offending itself. Consequently, close links need to be in place between criminal justice, housing, employability, drug and alcohol services, etc. There is nothing to suggest that establishing a single agency would contribute to this. Rather, a national agency would remove itself from the local community it serves.

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

If Option C was chosen, this would appear to be a sensible proposal.

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?

Whilst it would seem to make sense to share administrative boundaries, the large geographical areas would not enhance cultural or local identities. There is no evidence to show that this model would improve outcomes for people.

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

This proposal appears to be complex and potentially confusing. It appears further removed for local level, thus potentially losing sight of what the local priorities and needs actually are.

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?

No. The implementation of a national service would require significant time, resources and cost. Building on the current partnerships and community links would seem to be a more logical approach which ultimately, would seem more effective and achievable.

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

Under the current structure, training and best practice are already delivered through the training and development officer. Further, staff are encouraged to access websites such as Social Services Knowledge in Scotland; Edinburgh University Criminal Justice Development Centre for Scotland; etc as these actively promote examples of good practice as well as highlight the most up-to-date research topics and findings.

Any additional comments

We strongly support **option B** - the local authority model.

The Christie Commission stressed the need for services to grow within local communities, with emphasis on prevention. In order to achieve this, we need to be in partnership with other agencies creating services that are required and needed within the community. By reducing bureaucracy and encouraging community justice services to be innovative and responsive to need, we would be actively working towards positive outcomes for people.

East Lothian Council is committed, via the Single Outcome Agreement, to reduce re-offending and make the community a safer place to live.

**An electronic copy of this document is also available on request to [Consultation.RedesignCommunityJustice@scotland.gsi.gov.uk](mailto:Consultation.RedesignCommunityJustice@scotland.gsi.gov.uk)**