

REPORT TO: East Lothian Council

MEETING DATE: 24 June 2014

BY: Depute Chief Executive (Partnership and Community Services)

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

1 PURPOSE

- 1.1 The Scottish Government has stated that as part of the redesign of the Community Justice System, criminal justice services should remain in local authority control with emphasis on building local partnerships. Questions regarding the impact of the proposed changes to the community justice system were identified by the Scottish Government and have formed the basis of this consultation paper. This response document details the view of East Lothian Council.
- 1.2 To inform Members of this consultation process and attach the proposed response report from East Lothian Council. This report will be submitted to the Scottish Government for the end of the consultation process – 2 July 2014.

2 RECOMMENDATIONS

That Council accept the contents of this report and agree its submission to Scottish Government by 2 July 2014.

3 BACKGROUND

- 3.1 The Scottish Government's agenda on the redesign of Community Justice has been driven by a number of critical audit reports and a recommendation by the Commission on Women Offenders for a single centralised service for criminal justice.
- 3.2 The Scottish Government began a consultation on the redesign of Community Justice in 2012. The first response document was submitted in April 2013 which recommended that East Lothian Council supported

the local authority model whereby local authorities would assume responsibility for the strategic planning, design and delivery of offender services in the community.

- 3.3 In December 2013, the Scottish Government published its response and advised that the 8 Community Justice Authorities would cease their role in 2016/17, with community justice moving towards a local model with a national body (the Community Justice Improvement Scotland: CJIS) overseeing matters. Community Planning Partnerships would be central to the strategic planning and delivery of services. A further consultation would take place to comment on and contribute to, the development of this new model. This consultation lasts until 2 July 2014.

4 POLICY IMPLICATIONS

- 4.1 The Scottish Government's consultation paper poses 15 questions.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 Question 14 in the consultation paper specifically relates to this.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – Commented on in the consultation paper
6.2 Personnel - As above
6.3 Other – As above

7 BACKGROUND PAPERS

- 7.1 Consultation document attached.

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DATE	12 th June 2014



The Future Model of Community Justice in Scotland

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

Leitch

Forename

Angela

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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

- (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

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

(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

Chapter 2

Question 1: Do you have any general comments on the overview of the new arrangements for community justice?

The local model with local accountability is positive as this is what we want to build on and enhance. Developing partnerships will enable us to address local need as the individuals requiring help, often have multiple and complex needs which require multi-agency input.

Criminal Justice has developed nationally over the past 20 years or so (ie National Standards; national programmes for sex offenders; national templates; etc). Whilst there remains a need for national direction and governance to provide consistency across Scotland, there is also the need for autonomy within local authorities and community partnerships. Finding the correct balance within this is crucial to the future success of criminal justice and community justice.

There remain questions as to whether the new arrangements, as currently stated, have the correct balance and mix required.

Chapter 3

Question 2: What are your views on the governance and accountability arrangements?

Reducing re-offending is a complex issue. As such, members of the national board will need to have the correct balance of knowledge and experience. Making membership to the board for a time limited period (ie.3 years), may help maintain drive, commitment and focus.

There is slight confusion as to the type and number of documents that could arise from this - CJ annual reports, CPP plans, CPP annual reports, etc. Whilst there needs to be governance and accountability, the Scottish Government needs to ensure that this is done in an agreed and informed way rather than duplication and possible confusion.

The creation of another national body, and the subsequent inspection/auditing powers that goes with it appears to be against the spirit and practice of the Crerar Report (2007) which stressed the importance of reducing the burden of inspection and audit to leave a simpler and less cluttered landscape.

National commissioned services can be restrictive. For example, the current mentoring process does not offer enough flexibility to local authorities. As a result, those who could benefit from this service are not being able to access it in an effective way as the nationally identified target group is not appropriate for East Lothian clients. This is frustrating as the resource could be hugely beneficial if we had the room to adapt the service to meet local needs.

Chapter 4

Question 3: What are your views on the arrangements for local strategic planning and delivery of services for community justice?

Local services already exist. However, we do need to build on these as working relationships can vary enormously.

The new arrangements would add another layer onto SOAs and Community Planning. Again, this has the danger of complicating the delivery on and reporting to, of outcomes. What should be locally determined outcomes and indicators, would under this arrangement, also have the added layer of reporting on national outcomes and indicators.

The paper raises the issue of MAPPA. Currently aligned with CJAs, this process is highly effective in ensuring multi agency risk assessments and monitoring are in place. As CJAs are to be removed under the new model, significant thought and work needs to be done in this area so that the effectiveness of this process is not lost.

Chapter 5

Question 4: What suggestions do you have on how a national performance framework for community justice in Scotland could operate under the new model?

Measuring outcomes is vital. Having a nationally agreed criteria framework should be encouraged as there currently exist different recording and measuring criteria depending on who is requesting information. This is confusing and time consuming. Consideration may need to be given to IT and computer programming as this is very under resourced by national government. What is available within local authorities may not be appropriate or able to meet the needs of what the Scottish Government is requesting.

Consideration also needs to be given to the supervision and monitoring of high risk offenders. Whilst the aim will always be to reduce re-offending, there will also be a group of clients who require multi-agency monitoring and supervision aimed at restricting their behaviour, managing their risk, and working to protect victims.

Chapter 6

Question 5: What are your views on the functions to be delivered by Community Justice Improvement Scotland?

The CJIS, as a national body driving forward the CJ agenda, is positive. However, it is questionable whether the CJIS can be the 'voice' of CJ due to the potential divergent membership of the Board.

What requires more clarity is whether the functions of the CJIS are to support, inform and advise, or whether, it will have more formal powers to influence. Until this is specified, it is difficult to comment further regarding this.

Question 6: Does the name “Community Justice Improvement Scotland” adequately reflect the responsibilities of the new national body and the functions?

Using ‘improvement’ in the title is confusing. Keeping it simple and to the point – eg. Community Justice Scotland – would help provide clarity.

Chapter 7

Question 7: Are the skills and competencies in paragraph 105 and referenced in paragraph 106 sufficient to allow the body to fulfil its functions as noted in Chapter 6?

The balance of skills and competencies is essential, as is the need to support and advise rather than simply instruct.

Question 8: Is the organisational structure shown at Figure 3 and the expected size of the staffing complement sufficient to allow Community Justice Improvement Scotland to fulfil its functions as noted in Chapter 6?

Whilst we are working towards ‘de-cluttering’ the landscape, this appears to be doing the opposite. The senior managers to staff ration appears to be quite hierarchical and potentially inflexible.

Question 9: What other suggestions do you have for the organisational structure for Community Justice Improvement Scotland to allow it to fulfil its functions as noted in chapter 6?

No comment

Question 10: What are your views on the proposed location for the headquarters of Community Justice Improvement Scotland?

No comment

Chapter 8

Question 11: Are the professional areas noted in the list at paragraph 114 appropriate to allow the Board of Community Justice Improvement Scotland to fulfil its functions?

Again, the correct balance of experience, knowledge and skills is crucial.

Chapter 9

Question 12: What are your views on the arrangements for the national Hub for innovation, learning and development?

This has the potential to duplicate what already exists. It would make sense to improve funding streams to things that already exist (ie the CJ SW Development Centre) rather than create something new only to do the same thing.

The Training and Development Officers attached to CJAs have provided excellent training programmes for staff. This is something that needs to be continued.

Access to national training is an issue for new staff, particularly newly qualified CJ social workers. If they cannot access training for our risk assessment tool (Iscomi) they cannot carry a caseload. A national Hub may be better placed to co-ordinate this type of training rather than on a local level.

Chapter 10

Question 13: What are your views on the arrangements in support of the transition process?

There is a significant time gap between this consultation and the actual changes taking place. The need for good communication with clear timescales is paramount. There is also the possibility that areas will establish different working arrangements – eg. local authorities are discussing whether criminal justice should join the H+SC Partnership now or later – this is on a local basis, not nationally. Possible confusion in relation to this therefore exists.

How criminal justice will be funded remains unclear. The concern is that if ring-fenced funding is removed, priorities may not be met. Further, funding for the collation of data; research findings; and recording processes for outcomes continue to be under-financed. As some of this is currently done by the CJA, the onus for collecting this information in the future would appear to lie within the local authority. This cost needs to be highlighted.

Chapter 12

Question 14: What impact on equalities do you think the proposals outlined in this paper may have on different sectors of the population?

By focussing on local need and designing services to address these, there should be a positive impact on equalities in the community. However, there needs to be improved working relationships between agencies and partners so that we move away from working in 'silos' to more effective working and targeting of resources to needs.

Chapter 13

Question 15: What are your views regarding the impact that the proposals in this paper may have on the important contribution to be made by businesses and the third sector?

There appears to be a potential difficulty here in relation to the third sector and CPPs between what is required and what would be imposed. There are suggestions that legal changes may be introduced so that the third sector must be involved in the delivery of community justice rather than when necessary/appropriate.

As employment is a major factor in helping to reduce re-offending, encouraging private businesses to build some links with agencies working with offenders would make good sense. There may be an opportunity to do this.