

## The Highland Council

### Education, Children and Adult Services Committee 20 January 2016

Agenda Item	20.
Report No	ECAS 16/16

#### Community Justice Governance

#### Report by Director of Care and Learning

##### Summary

This report updates members on progress in relation to the redesign of Community Justice in Scotland, transition arrangements and plans for future governance of Community Justice in Highland.

#### 1. Background

- 1.1 As previously advised, the Scottish Government launched a consultation on the redesign of the Community Justice System in 2012. This closed in 2013 and the Government response was published in 2014. The outcome was that Community Justice Authorities (CJA) cease to exist with:
- local planning and delivery of community justice services being delivered on a partnership basis under the existing 32 community planning partnerships (CPPs) from 2017; and
  - a new national body to provide: (a) independent professional assurance to Scottish Ministers on the collective achievement of community justice outcomes (Community Justice Scotland [CJS]), and (b) a hub for community justice innovation, learning and development.
- 1.2 The Community Justice (Scotland) Bill was published in May 2015 and would require Scottish Ministers to publish a national strategy and a national performance framework in relation to community justice. It would create and give powers to CJS to oversee performance, promote improvement, and publish a strategy for innovation, learning and development regarding community justice. It would also define a set of community justice partners with responsibility for planning, delivery and monitoring of community justice services at local authority level. Enactment of the Bill is anticipated during 2016 and guidance will follow this.
- 1.3 The Justice Committee has since taken written (including from The Highland Council as previously advised) and oral evidence and its Stage 1 Report on the Bill was published on 11 November – available at: <http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/93907.aspx>.
- 1.4 The Justice Committee broadly supports the general principles of the Bill but made a number of recommendations. These include:
- giving further consideration to the definition of community justice, including to try and better reflect the evidence heard on incorporating reference to prevention and early intervention;
  - consideration of how the interests of victims can be better represented;

- doubts as to whether the Bill will de-clutter the complex community justice landscape and suggested that more can be done to simplify the arrangements by setting out clear roles and responsibilities for those involved, thereby supporting relevant bodies to interact effectively;
- that reoffending rates are not the only indicator of success and broader outcomes should be included in the national performance framework;
- Community Justice Scotland does not have adequate powers as outlined in the Bill to measure and drive forward improvements in performance, with a danger that weaknesses in relation to accountability, strategic leadership and the ability to properly measure outcomes in the existing arrangements will persist
- the Committee notes the concerns of a number of witnesses that the power to confer additional functions on CJS could lead to an erosion of local authority functions and responsibilities relating to community justice and asks that this is monitored to ensure that CJS does not intrude into areas best dealt with at local level;
- the Bill clearly specifies that CPPs have responsibility for community justice planning with a view to making the new arrangements as clear and as simple as possible; and
- the local partnerships must be properly resourced to exercise their increased duties and for the government to review its position on funding at the end of the agreed three-year period (£50,000 per annum/ CPP).

## **2. Transition Arrangements**

- 2.1 The Scottish Government continues to anticipate that CPPs will be able to assume their responsibilities under the new model in transition from 1 April 2016, with full responsibility being conferred from 1 April 2017 once the required legislation comes into force. Community Justice Scotland will be established during the latter part of 2016/17.
- 2.2 CJAs will be formally dis-established on 31 March 2017 with the full model coming into effect on 1 April 2017.
- 2.3 The Scottish Government is currently consulting on the national strategy for community justice – four regional events were held, including in Aberdeen on 29 October attended by council officers – and the performance framework continues to be developed. However, both these documents will not be published until mid-2016. The following link is to a useful overview document provided by the Scottish government at the national strategy regional event <http://www.gov.scot/Resource/0048/00486498.pdf>
- 2.4 At the strategy event, the Scottish Government outlined its vision as one where “Scotland is a safer, fairer and more inclusive nation where we reduce reoffending by addressing underlying causes, while safely and effectively managing those who have committed offences, to help them integrate into the community and realise their potential for the benefit of all citizens”. The four elements to the draft strategy being consulted on were:
1. Empowering communities – so that stronger engagement with communities informs effective policy and services; key areas – increasing community awareness and understanding and reducing stigma

2. Improving partnership planning and performance – so that partners work together to improve outcomes; key areas – strategic approach, effective use of resources between statutory and non-statutory partners, strong leadership and accountability and workforce development
3. Improving access to services – so that people get the help they need; key areas – needs-led access to universal services and ensuring an effective transition between custody and community
4. Effective use of interventions – so that fewer people go to and return to prison; key areas – delivery of effective interventions and adoption of a person-centred approach

The final elements of the strategy will not be confirmed until mid-2016.

2.5 Across Scotland, the 32 CPPs are at various stages in commencing planning. They are required to make their plans for 2016/17 available to the Scottish Government for comment and to COSLA in support of the transition process, in January 2016. This includes a requirement to share forward arrangements for the strategic planning and delivery of community justice. In December 2016, CPPs will produce their first plan for community justice.

### **3. Plan for Community Justice in Highland**

- 3.1 A letter issued to Community Planning Partnership Chairs on 31<sup>st</sup> July 2015 from Scottish Government, outlined expectations that
- CPPs share with Scottish Ministers their intentions for how they plan to take forward arrangements for the strategic planning and delivery of community justice
  - CPPs make their plans for 2016/17 available to the Scottish Government for comment and to COSLA in support of the transition process
- 3.2 The Scottish Government have outlined that transition plans should contain detailed information under the following headings
- How CPPs plan to build links with and between community justice partners
  - How CPPs plan to involve the Third Sector, service users, people with convictions, and communities in their local arrangements, planning and delivery in 2016/17
  - How CPPs intend to work with CJAs to ensure that community justice issues that are led on by CJAs are picked up, where appropriate, by the relevant CPPs in 2016/17
  - Looking to 2016/17 and beyond, what the local governance arrangements will be for community justice including accountability lines
  - Which organisations and individuals will be involved across the statutory, non-statutory and community sectors
  - How community justice arrangements will link into the wider CPP
  - How links will be made from broader community planning themes to the community justice agenda and vice versa
  - How partner resources will be leveraged to support change and innovation locally, making the most effective use of transition funding.

- 3.3 The Scottish Government allocated £50,000 to each local authority to help plan for the new model of Community Justice. The intention is for this funding to be available for 3 years ending in 2017/18 - albeit this is dependent on the UK Comprehensive Spending Review. The aim of the funding is to:
- Encourage core partners to co-operate with each other on planning for and delivering improved outcomes for community justice, delivering lasting change to take forward into the new model which will be fully operational from 01 April 2017
  - Actively involve the Third Sector, Community Based Organisations, communities and service users, including offenders and victims, in the planning and delivery of community justice within their areas, in accordance with procurement rules and local needs and circumstances
  - Secure the partners' contribution of community justice funds, information, staff and other resources as is required to meet the outcomes noted in their local plan to deliver community justice outcomes
  - Helping partners and CPPs establish local partnership arrangements for the strategic planning and delivery of community justice during the financial year 2015/16 for those to come into effect by the end of that financial year
  - Prepare by January 2016 a transitional plan for the delivery of Community Justice, to be developed in partnership with CJAs pending the introduction of the new duties on partners to prepare Community Justice plans arising from the proposed Community Justice (Scotland) Bill and to prepare and submit a report to Scottish ministers on how they have delivered against this plan
  - Liaise with the relevant Community Justice Authority (CJA) to consider which existing partnerships and jointly funded services will be taken forward under their CPP.
- 3.4 A job description has been developed and the plan is for the Third Sector Interface to employ a Project Manager to undertake development work and assist in drawing up the Community Justice Plan for Highland.
- 3.5 In taking the plan forward in Highland, there are currently good links between Criminal Justice Social Work, Police Scotland and the Third Sector. The focus however, is on offenders and not on the wider preventative agenda. There is a need to consider how links with other partnership groups, such as the Anti-Social Behaviour Strategy Group, can be strengthened.
- 3.6 The current Northern CJA Plan has a range of actions it would seem appropriate for Highland to continue to pursue. These are:
- To reduce the reconviction rate by 1%
  - To work with Victim Support to ensure victims interests are acknowledged and represented
  - Develop services for Women Offenders
  - Implement Moving Forward Making Changes programme for sex offenders
  - Deal with perpetrators of Violence Against Women
  - Implement the extension of MAPPA to Serious Violent Offenders
  - Promote the use of Fiscal and Police Direct Measures

- Reduce the numbers remanded in custody
- Facilitate the roll out of Fiscal Work Orders
- Promote the use of Community Sentences
- Ensure the opportunity to enhance family links for prisoners are maximised

3.7 The Community Justice Partnership needs to consider how it will develop links with other theme groups within the CPP such as Employability, to prevent duplication of resource and to widen the range of resources available for offenders. A key part of the new arrangements is pooling resources to enable services to be delivered in a different way, and to consider how to attract additional funding.

#### **4 Governance of Community Justice in Highland**

4.1 How local partners should work together within Community Planning Partnerships, is at local discretion.

4.2 In June 2015, the Highland Community Planning Partnership endorsed the position adopted by this Committee in May, not to develop a new structure but to build on existing arrangements for scrutinising Community Justice in Highland. The intention is to widen the remit of the Criminal Justice Sub-Committee and to include colleagues from NHS Highland, Police Scotland, Scottish Prison Service, Victim Support Scotland and the Third Sector Interface.

4.3 A shadow Committee requires to be established in 2016/17, with a full Committee meeting from April 2017. In discussion with partner agencies, it is proposed that the Committee is composed of:

- Elected Members: 6
- NHS Highland: 2 (executive and non-executive)
- Police Scotland: 2 (senior officers)
- Scottish Prison Service: 2 (senior officers)
- Third sector interface: 2 (identified by HTSI)
- Victim Support: 1 (senior officer)

4.4 It is suggested that the six elected members should be confirmed using a skills set scoring matrix, as agreed for appointment to ALEOs.

4.5 It is proposed that the Committee would meet quarterly, subject to review.

4.6 A key part of moving to the new arrangements should be changing the name of the subcommittee from Criminal Justice to Community Justice. Within the Council, it should continue to be a sub-committee of the Education, Children & Adult Services Committee.

4.7 The local authority has a specific remit to:

- be accountable for the outcomes achieved by the local authority;
- work with local partners to respond to matters raised locally relating to the work of their partnership;
- respond to any recommendations from Community Justice Improvement Scotland pertaining to performance concerns about a local partnership.
- through COSLA, reach any necessary collective agreements with the Scottish

Government;

- contribute to the development of the Community Justice Improvement Scotland programme planning and comment on its implementation and delivery.

4.8 It may be that only Highland Council members should vote on matters relating to Criminal Justice Social Work, should that continue to be a dedicated local authority budget.

4.9 It is essential though, that there is a shift away from Criminal Justice Social Work to wider Community Justice outcomes across the Partnership. Accordingly, the new Committee should have decision making and governance responsibilities for all of the partners – the details of this will require to be confirmed in early 2016.

4.10 It is intended to support the Community Justice Committee with an Officer Group, and the following agencies have agreed to be involved:

- Highland Council Care & Learning and Community Services
- NHS Highland
- Police Scotland
- Procurator Fiscal
- Scottish Fire & Rescue
- Scottish Prison Service
- Skills Development Scotland
- Third sector Interface
- Victim Support Scotland

4.11 Albeit Scottish Government guidance indicates that the Scottish Courts and Tribunals Service should be included, it has declined, saying that: “We do not at this time consider it appropriate to engage as a statutory partner until our position in that role is fully clarified with Scottish Government, since the position of the SCTS is principally a constitutional one, to support an independent judiciary and the courts in the administration of justice.”

## 5. Implications

5.1 **Resources:** The Scottish Government has provided some additional funding to the Community Planning Partnership to ensure widespread collaboration on the development of the local plan.

5.2 **Legal:** Setting up the Partnership as detailed above will ensure the authority is meeting legal requirements for joint planning of Community Justice Services

5.3 There are no Gaelic, Rural, Equalities, Climate Change/Carbon Clever or Risk Implications

**6 Recommendation**

- 6.1 Members are asked to agree to the arrangements outlined for the formation of the Community Justice Partnership, including that six members are identified using a skills set scoring matrix.

Designation: Director of Care and Learning

Date: 13 January 2015

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