
Report To:	Community Health & Care Partnership Sub Committee	Date:	28th August 2014
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Subject:	Scottish Government Proposals to Redesign the Community Justice System		

1.0 PURPOSE

- 1.1 The purpose of this report is to update the Sub Committee on the Scottish Government's proposals to redesign the Community Justice System in Scotland and specifically to advise of the Inverclyde response to the latest consultation paper. Comment is also made with regard to the preparatory work that will be required to support the transition from the existing arrangements to the new model.

2.0 SUMMARY

- 2.1 The Scottish Government has been consulting on the future of Community Justice structures since December 2012. The direction of travel has been towards a predominantly local model, which would see local authority responsibility and accountability for delivery of offenders services extend beyond the current operational responsibility for Criminal Justice Social Work to include strategic multi-agency planning and performance.
- 2.2 The latest consultation, the 'Future Model for Community Justice', captures current Scottish Government thinking on the new model and covers a breadth of detail. The consultation ran until the 2nd July 2014. In essence, it proposes replacing Community Justice Authorities (CJAs) with a local system, strategically planned and delivered through local partnerships set up within the context of Community Planning Partnerships (CPPs). The proposals also outline the establishment of a national body fulfilling an independent advisory and oversight function and to deliver those Scottish Government and current CJA functions best continued on a national basis.
- 2.3 The response supports the position being put forward by COSLA, ADSW and SOLACE.
- 2.4 Whilst the details of new arrangements are currently under consultation, with an announcement anticipated in the Autumn, it is clear that local arrangements for the strategic planning and delivery of community justice will be for CPPs to determine. Thus there is a need for local authorities to look beyond the present consultation process and to begin to consider how these new responsibilities might be implemented.

3.0 RECOMMENDATIONS

3.1 The Sub Committee is asked to note the contents of this report.

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4.0 BACKGROUND

- 4.1 COSLA, ADSW and SOLACE have acted together to promote and strengthen the local elements within the new model for delivery of criminal justice. There is recognition this has resulted in a number of gains that have been reflected in the proposed model. However, there also remains concern that some gains, which are the subject of open questions in the consultation paper, could be at risk of being eroded before the proposals are finalised and become law.
- 4.2 The principle concern is around the possible subordination of local community justice priorities, partnerships, democratic autonomy and accountability to the national body, Community Justice Improvement Scotland (CJIS).
- 4.3 Although the consultation paper envisages the national body being a small light touch organisation, the functions that are proposed for it could undermine such a vision in that they could potentially grow the body into something larger and more dominating than is required.
- 4.4 A further major concern is around the current lack of costing of the new proposal and the local partnership arrangements in particular. Indeed, the consultation does not specifically ask for a response to the issue of funding.
- 4.5 COSLA, ADSW and SOLACE have asked Councils to ensure their own response is supportive of all aspects of 'the local' within the proposed system.
- 4.6 There is an element of continuity within the new model, in that CJSW will continue to be managed and delivered at a local level. However, it will also require CPPs to have a closer relationship with CJSW, not least in terms of CPPs being aware of those statutory duties under the Social Work (Scotland) Act 1968 that will continue to exist at a local level. Moreover, how these duties might be supported within the CPPs' new functions of strategic planning and delivery of community justice will also require to be worked through. In addition, the balancing of existing statutory duties to work with offenders in the community alongside the suggested new duty to prioritise preventative approaches could prove challenging if funding remains an issue.

5.0 PROPOSALS

- 5.1 The Inverclyde consultation response has argued robustly in favour of the responsibility, leadership and accountability for local partnerships, their plans and performance remaining with CPPs, with the national body's role confined to being consultative and enabling. It has also commented on the resourcing of the new arrangements and challenged the assumption that this could be delivered on a cost neutral basis.
- 5.2 The Scottish Government, COSLA and CJAs have stated their commitment to ensuring that the move from the current structures to the new model for Community Justice in Scotland is as smooth as possible for all partners.
- 5.3 To facilitate this transition process the Scottish Government has intimated it will establish a change project to work with local partners to assist them in implementing the required local partnership structures.
- 5.4 CPPs are expected to play a full part in the transition arrangements in terms of beginning planning for their responsibilities under the new arrangements. Both the Scottish Government and CJAs have intimated that there will be awareness raising sessions and training on these new responsibilities.
- 5.5 As part of the preparatory work for this transition discussions are beginning at a local level to scope out what support and resources the Inverclyde CPP might require in the short, medium and long term to assist with the implementation of the new model.

Critical to this is to develop the thinking around where these new responsibilities will be placed within the CPP governance arrangements. To facilitate the transition process it may also be helpful to consider identifying a lead officer to plan and oversee this.

6.0 IMPLICATIONS

Finance

- 6.1 A review of the funding arrangements for those monies currently allocated to CJAs for the planning and delivery of services, most notably Criminal Justice Social Work Services, is currently underway. While no decisions have been made, there is growing consensus that the current funding formula is not fit for purpose. This work is being taken forward under the auspices of Reducing Reoffending Programme 2 (RRP2). However, under the new model it is proposed that the Scottish Government will retain responsibility for the allocation of funding, with advice from the new national body as appropriate.

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (If Applicable)	Other Comments
N/A					

Legal

- 6.2 A legal framework will be required to support the new model. The indicative timetable for implementation suggests the legislation will not be implemented before 2016/17.

Human Resources

- 6.3 At present there are no staffing implications.

Equalities

- 6.4 The justice system continues to have a differential impact in relation to specific equality groups. The Scottish Government have indicated their intention to consult with the wider public, including victims and service users. As noted previously there is still a significant amount of detail to be worked through in relation to the proposed model. Thus an Inverclyde Council equalities impact assessment is not required at this juncture.

Has an Equality Impact Assessment been carried out?

√	YES
	NO –

Repopulation

6.5 None

7.0 CONSULTATIONS

7.1 The Scottish Government has held consultation events regarding the current proposals, which have been attended by both CHCP and Council staff.

8.0 CONCLUSIONS

8.1 The local dimension within the proposed model will involve Community Planning Partnerships in new duties and responsibilities with regard to strategic planning and service delivery for community justice. To date much of the focus has been on attempting to influence the new model within both the responses to the current and previous consultations. However, there is now urgency in commencing preparations for the shift from the existing structures to the new model.

9.0 BACKGROUND PAPERS

9.1 Consultation Response to Scottish Government