



Community Justice Redesign

Purpose

1. To seek comment on recent developments and seek approval for proposed work relating to Community Justice redesign including the creation of a Community Justice Conveners Sub Group.

Recommendations

2. Executive Group is asked to:
 - i. Note recent developments in relation to community justice redesign;
 - ii. Consider and agree the creation of a Community Justice (CJ) Conveners sub group to maintain local political oversight of the redesign initiative and to provide regular reports to the Executive Group;
 - iii. Suggest items for the first agenda of the group; and
 - iv. Invite the Cabinet Secretary to attend the initial meeting of the CJ Sub Group.

Background

Consultation on Community Justice Redesign

3. The Executive Group at its June 2014 meetings agreed a COSLA response to the Scottish Government's consultation on the future model of Community Justice in Scotland. This response endorsed by COSLA Convention and issued by the Spokesperson contained the following key messages:
 - a. That any local model must ensure that the ability to determine local priorities and shape the basis of local delivery according to local need and circumstance is promoted and protected.
 - b. That leadership, responsibility and accountability of local strategic planning and delivery arrangements cannot be fragmented or diluted by the wider system and in particular by the proposed national body.
 - c. The relationship between the national body and local partnerships must be one of equality rather than hierarchy and mutually supporting rather than directive.
 - d. That a meaningful and strong mechanism for collaboration and negotiation between local and Scottish politicians needs to be clearly established as part of the redesign, and that recommendations of the national body which will impact local partnerships need to be agreed politically through this mechanism in order to progress.
 - e. The national body remit and consequent legislative provisions should keep at their heart the principle of a small light touch structure whose focus should be equally on supporting and working with the national partners as much as local arrangements.
 - f. That collaboration and collective/shared services do not need to equate to national provision and delivery, and that the new system needs to empower and support the use of lead authority arrangements as well as the use of organisations such as Scot Excel in favour of the national body.
 - g. Any commissioning agreements reached with the national body should be subject to a review process that maintains the ability for local partnerships to design

services based on an understanding of local need and circumstance – even when that may result in different provision across the country.

- h. That the new system needs to ensure that sufficient resource is provided to the local partnerships to deliver their legislative commitments. Any changes to the financial arrangements currently in place need to be negotiated through the Settlement and Distribution Group and agreed by Leaders.
 - i. Transition to the new arrangements need to be managed and supported, and Scottish Government needs to ensure that the new arrangements are adequately financed.
4. Our response highlighted that the Scottish Government proposal was light on substantive detail in relation to local partnerships given the timing of the reforms coinciding with other significant structural and legal reforms such as the Community Empowerment Bill and the Integration of Health and Social Care. COSLA's response also highlighted the major issue of lack of costing of the new proposal.
5. The legal foundations of CPPs and the nature and composition of local partnerships are expected to change substantially in the near future. The proposals for community justice partnerships which will sit within CPPs needs to be responsive to this environment.
6. While many of the principles and duties of local partnerships will be established in Legislation in 2016/17, they are not dependent upon legislation to exist. The Scottish Government, supported by COSLA, is keen that the transition to and establishment of local partnerships happens as quickly as possible.
7. The final outcome of SG consultation is not yet available at the time of writing this report and is expected during week ending 3 October. In the spirit of the ongoing partnership working between Government and COSLA on this issue COSLA officers are seeking early sight of the analysis in order to provide a feedback to elected members at the Executive Group. Due to timings this may be verbal.

Proposal for Community Justice Conveners Sub Group

8. To provide political oversight of the redesign as it goes ahead it is proposed that a Community Justice Conveners Sub Group of this Executive Group is established. If agreed, invitations will be extended to the 32 local authority political leads for community justice as well as the Conveners of the 8 Community Justice Authorities. The first meeting could consider a proposed remit for the group, further details on the Scottish Government consultation response/next steps, any relevant feedback from the CPP Transitions working group and other Government workstreams and how to progress key discussions around funding and other issues raised in the COSLA response. Members views on items for the initial agenda are sought.

CPP Transition Working Group

9. The Scottish Government have been clear that they do not intend to impose one model of partnership on local arrangements. They are committed to working with Local Government and CJAs, as well as wider justice partners to develop guidance which identifies models of best practice etc to inform local thinking. This work is being taken forward by COSLA, CJAs, CPP managers and Scottish Government in a Transitions Working Group which sits within the Scottish Government Redesign Project.
10. The CPP Transition Working Group is beginning to progress a programme of work to communicate the new model to CPPs but also to support local partnerships as they establish and progress with Transition.

11. This group has developed a working remit, attached for Executive Group's information and to note that this is a work in progress dependent on developments arising from the recent consultation.
12. COSLA's request for a Development Manager post based at COSLA was approved by Scottish Government and our new employee began working for the Communities team on 8 September. Joint reporting arrangements will be primarily via this Executive and the proposed Community Justice Conveners group. However given the complexity of the agenda it will also be necessary to work with the CPP Transitions Group and the Scottish Government's Redesign Team as well as other officer and stakeholder groups as identified.

Feedback from recent meetings and events

13. Members will recall that there was a meeting of the COSLA Spokesperson with the Cabinet Secretary on 18th June. Also three engagement events were co-hosted by Scottish Government and COSLA in the early summer. Members who attended may wish to comment on the effectiveness of these meetings. Key challenges identified were as follows:
- i. Capacity and capability of CPPs to deliver community justice and potential loss of expertise
 - ii. Retention of current arrangements
 - iii. Relationships between the CPPs and the proposed national body Community Justice Improvement Scotland
 - iv. Role and remit of the new national body and how it will be held to account.
 - v. Communication and engagement with key stakeholders in CPPs
 - vi. Transitional arrangements including funding

Conclusion

14. Executive Group is asked to note recent developments in relation to community justice redesign and to agree the creation of a community justice conveners sub group of this Executive Group to provide political oversight and support to this Executive Group.

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