

**Community Safety and Justice Partnership Governance****Report by Eibhlin McHugh, Director of Health and Social Care****1. Purpose of Report**

This report sets out proposals for the remit and operation of the Safer Communities and Shadow Reducing Reoffending Partnership and proposed alternative scrutiny arrangements for local Police and Fire and Rescue services.

As this report contains proposals to alter a Council decision approved within the past 6 months, Council will need to agree to suspend Standing Orders prior to agreeing the report recommendations.

**2. Background**

The Scottish Government's new model for Community Justice sets out a requirement for the formation of Reducing Reoffending partnerships for each Local Authority Area. On 23 June 2015 Council agreed that the Community Safety Partnership would take on this role and from 10<sup>th</sup> November 2015 has been known as the Safer Communities and Shadow Reducing Reoffending Partnership. The shadow element of this arrangement will cease on 1<sup>st</sup> April 2017 when Community Justice Authorities (CJA) will be dis-established.

The Safer Communities and Shadow Reducing Reoffending Partnership is currently led by the Safer Communities and Shadow Reducing Reoffending Board (SCSRRB).

Since the Council meeting in June, 2015 the national model for Community Justice has continued to evolve via the development of the Community Justice Bill, and the focus has moved from Reducing Reoffending to Community Justice overall.

**3. Safer Communities Board current arrangements**

On 19<sup>th</sup> March, 2013 Midlothian Council agreed to incorporate the remit of the Shadow Police and Fire Board and the Community Safety Partnership's strategic role into the Safer Communities Board. This was in order to minimise duplication and repetition of business at meetings in the existing governance arrangements.

This arrangement resulted in the Safer Communities Board as a standing committee of Midlothian Council, and as such, it is included in the Council's scheme of administration.

The Board has the following key functions:

- Sign off Community Safety Strategy and Anti-social Behaviour Strategy and Community Safety Strategic Assessment;
- Scrutiny of Police and Fire Plans and Community Safety Strategy;
- Ratify funding proposals for Community Safety Projects;
- Receive strategic reporting from the Joint East Lothian and Midlothian Child Protection Committee and Adult Protection Committee.

However, the Child Protection Committee and Adult Protection Committee have subsequently been replaced by the joint East and Midlothian Public Protection Committee. Also, the Community Safety funding has since been included within the Council Grants review and is no longer a separate source.

In respect of specific Police and Fire & Rescue scrutiny responsibilities, the Board:

- Performance Reporting and statistical reports of complaints and policing and fire and rescue Midlothian;
- Recommending improvements in local policing and fire and rescue service;
- Sign off of the Police and Fire Plan;
- Providing comments/replies on any consultation documents pertaining to policing and fire and rescue services; and
- Notification of any Midlothian policing and fire rescue matters subject to independent national review bodies.

Currently the Safer Communities Board undertakes its statutory scrutiny as initial agenda business as it includes members of the former Shadow Police and Fire and Rescue Board as well as additional partners previously represented on the Community Safety Partnership as optional participants and Social Work criminal justice and Public Protection services as mandatory.

The voting members are all elected members of Midlothian Council. Since the establishment of the Safer Communities Board, membership has included 6 elected Members. 2 of these spaces have been held for the Labour Group which have not been taken up to date.

The remainder of the business agenda addresses non-scrutiny matters with the established 5 non- voting members from the former Community Safety Partnership.

In conducting business at present the Police and Fire & Rescue Services scrutiny items take up the majority of business at the meeting and while there is sufficient time for Community Safety matters there is likely to be insufficient time for discussion of Community Justice matters if the Board continues in its existing format.

## 4. Legislation/ national requirements

### 4.1 Police and Fire Act requirements:

The requirements for Police and Fire Services planning and scrutiny are outlined in the Police and Fire Act 2012. The Act sets out Requirement for local authority to:

- Sign off Police and Fire plans
- Scrutinise plans
- Hold police and fire services to account

The Act sets out that Local Commanders must involve the local authority in priority setting. However, the act is not prescriptive about how these duties should be delivered. The act also strengthens the Police and Fire & Rescue service's duty to participate in Community Planning. At present all plans are agreed at the Safer Communities Board and then submitted to full Council.

Research of other Local Police and Fire and Rescue scrutiny arrangements across local authorities indicates that the following scrutiny models are most common:

- Dedicated Police and Fire and Rescue/ blue light scrutiny board
- Public policy/ resilience committee
- Community Safety/ Community Planning Partnership group
- Performance review and Scrutiny committee

All of the above models satisfy the Act as the above meetings include Council representation.

### 4.2 Reducing Reoffending requirements:

The new model currently places an emphasis upon collective responsibility in local partnerships, in a linear relationship rather than a hierarchical relationship, as it may have been viewed with existing CJAs.

There is an expectation that Community Planning Partnerships (CPPs) will be responsible for the strategic planning and design of community justice and for gathering local intelligence to inform the Community Justice Strategic Plan.

The Scottish Government Response to the second consultation, published in December 2014, states that:

*CPPs **will not** be directly accountable to Community Justice Scotland either for their performance or that of their constituent partners as this would cut across established lines of accountability. The Scottish Government recognises that there is no single neat line of accountability for the delivery of community justice services. Given the range of organisations involved, it is not possible to design a model that would provide a single line of accountability without a significant restructuring and centralisation of the public sector landscape in Scotland.*

## **5. Proposed changes to Midlothian Safer Communities Board**

### **5.1 Partnership name**

In light of the above change in national focus towards community justice, it is proposed that the Safer Communities and Shadow Reducing Reoffending Partnership is renamed as the 'Community Safety and Justice Partnership'

### **5.2 Partnership matters**

The current scrutiny role of the Board does not sit well within a partnership environment, in which all partners should be equal. As the Board is a Committee of the Council, the meeting must be recorded and currently the Council Chambers is the only room in which this is possible. The Council Chambers formal environment is not conducive to a wider partnership discussion.

The remit and operation of the Safer Communities Board is revised to ensure there is an appropriate partner balance and time for the necessary business and participation in both Community Safety and Reducing Reoffending issues.

It is recommended that the proposed 'Community Safety and Justice Partnership Board' be established, with a remit of:

- Overseeing the development of a local offending profile
- Agree and oversee the delivery of a strategic plan for community justice in the area.
- Produce an annual report setting out progress against the framework.
- Sign off Community Safety Strategy and Anti-social Behaviour Strategy and Community Safety Strategic Assessment;
- Produce an annual performance report setting out progress against the Community Safety Strategy
- Partnership scrutiny of Community Safety Strategy and Community Justice Strategic Plans;
- Receive strategic reporting from the Joint East Lothian and Midlothian Public Protection Committee.

Membership arrangements will develop as the Scottish Government issues guidance as the National model is developed towards 2017, but initial local membership is expected to include:

- Midlothian Council (cross party elected members and required officers)
- Skills Development Scotland
- Police Scotland
- Scottish Fire and Rescue Services
- Community Safety
- Social Work criminal justice/ adult protection
- Community Justice Authority
- NHS Lothian

- Voluntary sector
- Scottish Prison Service

The new Partnership Board will report to the Community Planning Working Group, Community Planning Board and Council. As it is proposed that it will not operate as a formal committee of the Council, there will be no requirement for recording of meetings, allowing these to be held in a less formal environment, outwith the Council chambers.

## **6. Scrutiny of Police and Fire and Rescue Services**

Consequently, it is also proposed that scrutiny of Police and Fire & Rescue services is separated from the 'Community Safety and Justice Partnership'.

It is recommended that a 'Midlothian Police and Fire and Rescue Board' is established in the Scheme of administration for dedicated scrutiny of Police and Fire matters. Membership would include: Cross party elected members, Police and Fire & Rescue commanders, the Scottish Police Authority and the Scottish Fire Authority.

This option would ensure elected member representation as a Committee of the Council. These meetings would continue to be held in the Council Chambers, and the voting element of the meeting would remain. .

This option separates the required Police and Fire & Rescue scrutiny from the Reducing Reoffending and Community Safety agenda issues which are jointly linked in Community Justice outcomes.

Whilst this proposal creates an additional meeting for Police and Fire & Rescue services to attend, with potential pressure on their ability to attend the extended partnership meeting; it is proposed, to mitigate this risk, that Police and Fire & Rescue Board meetings are scheduled to take place immediately after the Community Safety and Justice Partnership Board meetings.

Appendix 1,2 and 3 contain further detail regarding the current and proposed structure.

## **7 Resources**

The Council has been granted £50,000 from the Community Justice transitional fund for 2015/16. The Scottish Government's intention is for this fund to be available for 3 years, ending 2017/18. However, this position will be reviewed at the end of 2015/16 in light of the outcome of the next UK Comprehensive Spending Review that is expected to take place following the May 2015 Parliamentary election.

The majority of the Midlothian transitional fund has been used to recruit a Planning Officer whose role is to:

- Plan and manage change at the strategic level to facilitate the development of a new structure for Community Justice

- Prepare a Transitional Plan for the delivery of Community Justice
- Assist partners and the Community Planning Partnership to establish local partnership arrangements for the strategic planning and delivery of Community Justice.

## 8 Risk

In the current arrangements for the Safer Communities Board. The Council is at continuing risk regarding its lack of cross party scrutiny of Police and Fire & Rescue services.

## 9 Report Implications

### 9.1 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☒ Community safety
- ☒ Adult health, care and housing
- ☒ Getting it right for every Midlothian child
- ☒ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- ☐ None of the above

### 9.2 Ensuring Equalities

This report does not have any equalities implications

## 10 Recommendations

Council is recommended to:

- 1) Suspend standing orders to allow consideration of this report
- 2) Agree to:
  - a) Agree to establish a “Community Safety and Justice Partnership Board” which will operate as the lead group for the Partnership for the revised remit.
  - b) Agree to establish a ‘Midlothian Police and Fire & Rescue Board’ to alter the remit and replace the statutory scrutiny requirements of the current Safer Communities and Shadow Reducing Reoffending Board.

Date: 18th November 2015

Report Contact:

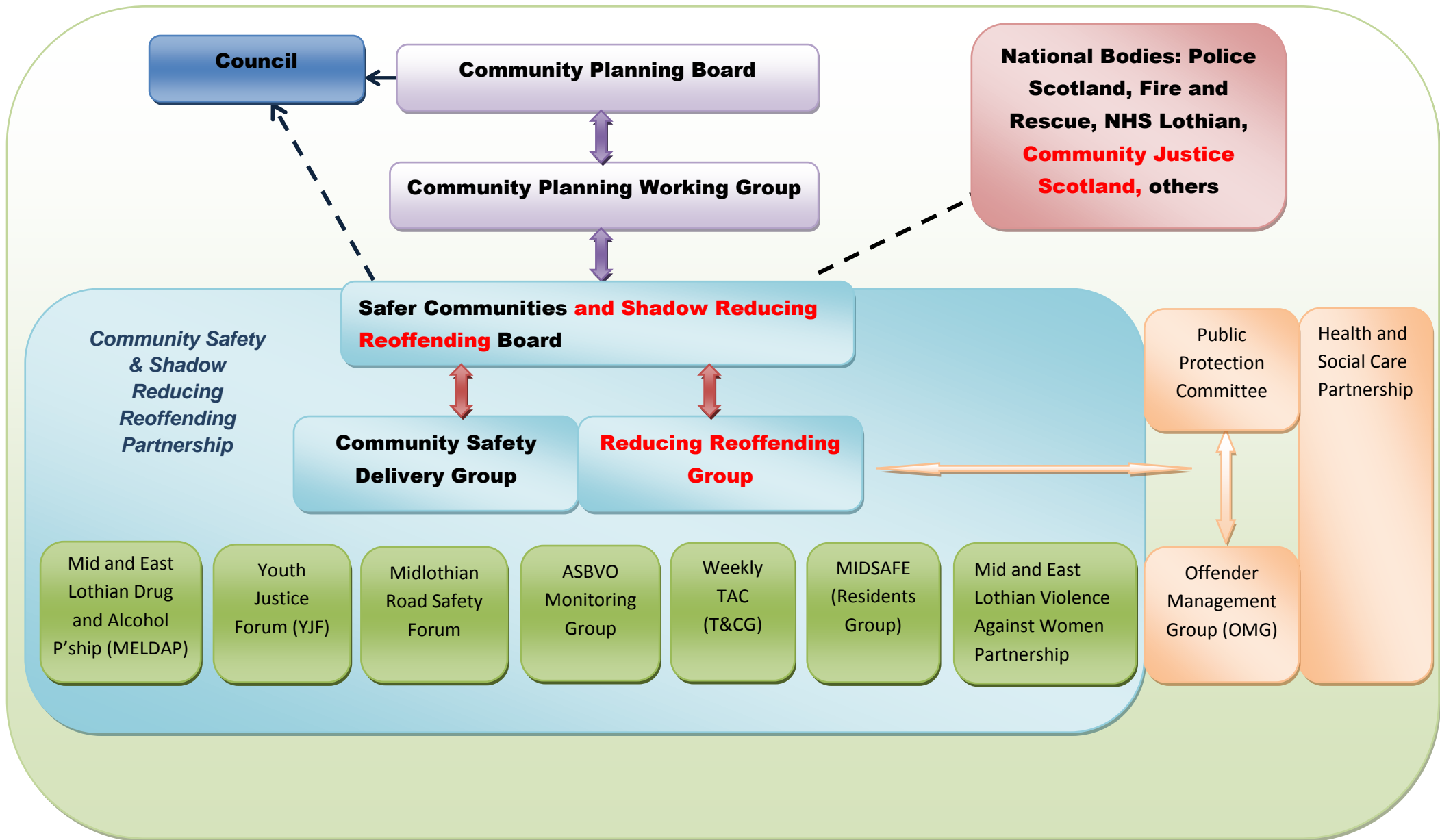
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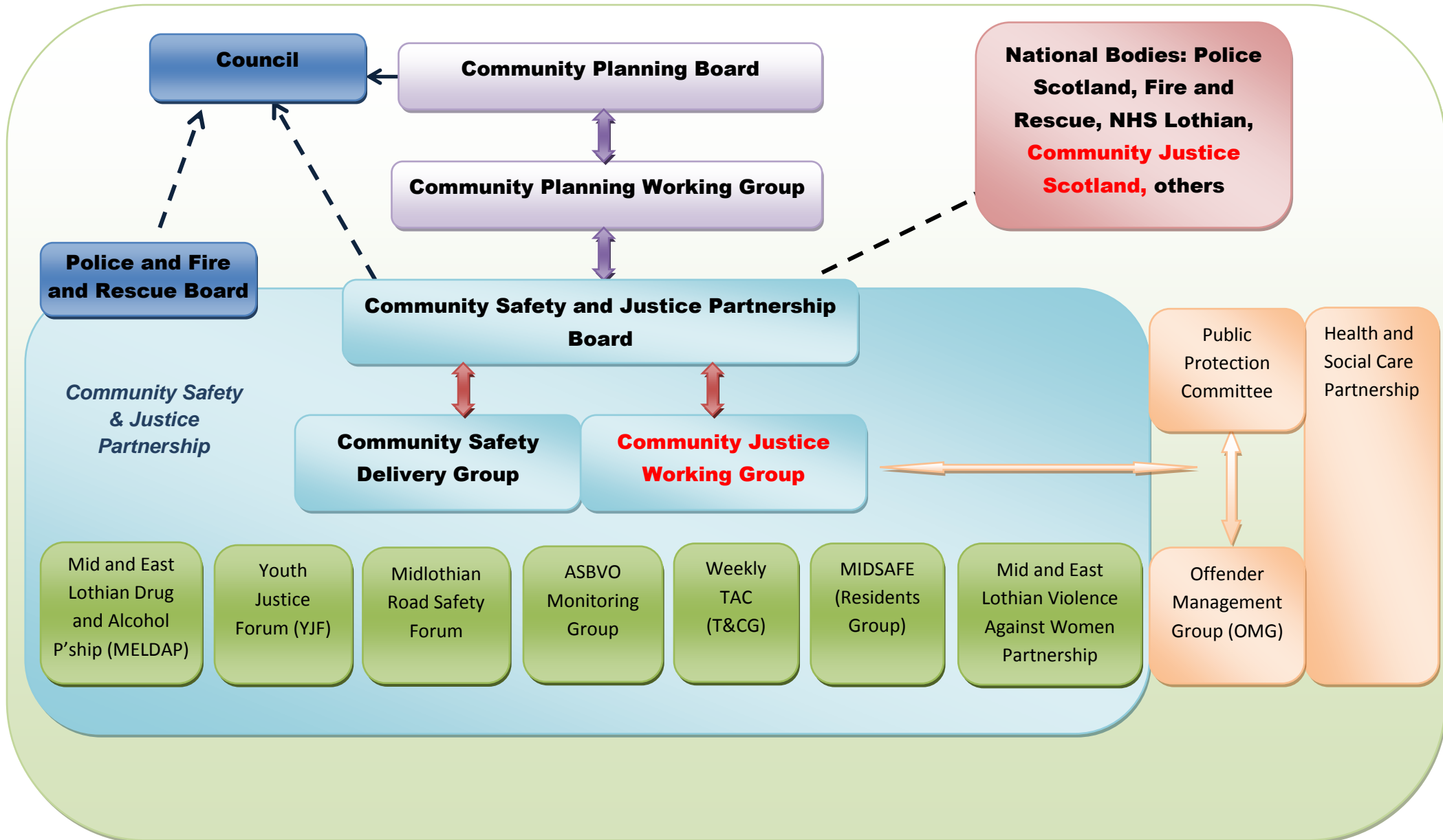
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Background Papers: None

## Appendix 1: Current Structure:



## Appendix 2: Proposed structure





## Appendix 2. Proposed governance arrangements

The revised remit of each group will agreed with partners to reflect the specific roles and function to overall contribute towards reducing re-offending, as detailed in the undernoted table:

Group/ Structure	Remit	Reporting Structure
<b>Community Safety and Justice Partnership Board</b>	<p>Inherited from Community Safety Partnership</p> <ul style="list-style-type: none"> <li>• Sign off of Community Safety Strategy and Anti-social Behaviour Strategy and CS Strategic Assessment</li> <li>• Monitor performance</li> </ul> <p>Community Justice:</p> <ul style="list-style-type: none"> <li>• Sign off local offending profile</li> <li>• Sign off a strategic plan for community justice for Midlothian.</li> <li>• Monitor performance against the framework.</li> </ul>	Reports to Council and the Community Planning Workshop/Board
Police and Fire and Rescue Board	<ul style="list-style-type: none"> <li>• Scrutiny of Police and Fire Plans</li> <li>• Performance Reporting and statistical reports of complaints and policing and fire and rescue Midlothian;</li> <li>• Notification of any Midlothian policing and fire rescue matters subject to independent national review bodies;</li> <li>• Providing comments/replies on any consultation documents pertaining to policing and fire and rescue services; and</li> <li>• Recommending improvements in local policing and fire and rescue service.</li> </ul>	
Midlothian Council	<ul style="list-style-type: none"> <li>• Sign off of the Police and Fire Plan;</li> </ul>	
ASBVO	<p>Remit will remain the same but new reducing reoffending requirements will need to be incorporated into the way the group works, for example:</p> <ul style="list-style-type: none"> <li>• The ability to access and sustain suitable accommodation</li> <li>• The ability to live independently if they choose</li> <li>• Improvements in the attitudes and behaviour which lead to offending and;</li> <li>• Greater acceptance of responsibility in managing behaviour and understanding the impact on offending on victims and families</li> </ul>	Reports to the Community Safety Delivery Group Also links with the Reducing Reoffending Group
Community Safety Delivery Group	<ul style="list-style-type: none"> <li>• Development of Single Midlothian Plan: Community safety Theme; Community Safety strategy and action plan; Anti- Social Behaviour Strategy</li> <li>• Developmental and preventative project work based on monthly/quarterly tactical assessments</li> <li>• Recommend projects to be funded</li> </ul>	Reports to the Safer Communities and Shadow Reducing Reoffending Board
Community	<ul style="list-style-type: none"> <li>• Provision of Risk Assessment of the CS Strategic</li> </ul>	Reports to the

Group/ Structure	Remit	Reporting Structure
Justice Working Group	<p>Assessment</p> <ul style="list-style-type: none"> <li>• Criminal Justice Social Work Reports</li> <li>• Parole Home Background Reports</li> <li>• HDC Reports</li> <li>• Community Payback Orders including Unpaid Work</li> <li>• Fiscal Work Orders</li> <li>• MAPPA</li> <li>• Caledonian system</li> <li>• Prison Throughcare</li> <li>• Spring project</li> </ul> <p>Community Justice:</p> <ul style="list-style-type: none"> <li>• Develop a local offending profile</li> <li>• Produce and deliver a strategic plan for community justice in Midlothian.</li> <li>• Produce an annual report setting out progress against the framework.</li> </ul>	Safer Communities and Shadow Reducing Reoffending Board
Weekly TAC	<p>Remit will remain the same</p> <ul style="list-style-type: none"> <li>• Responding to specific issues</li> <li>• Tasking and coordinating</li> <li>• Weekly tactical report</li> </ul>	Reports to the Reports to the Community Safety Delivery Group