

Redesigning the Community Justice System – a Consultation on Proposals

Report by Eibhlin McHugh Acting Director Communities and Well Being

1 Purpose of Report

The purpose of this report is to outline the rationale for Midlothian Council to respond to the Scottish Government's consultation on the future structure of community justice services by favouring option B, the local authority model. The completed questionnaire is attached as Appendix 1.

2 Background

- 2.1** In December 2012 the Scottish Government launched a consultation on the future structure of community justice services. A month earlier, on 7th November 2012, Audit Scotland produced a report on reducing reoffending and when describing community justice services commented on 'different governance and accountability arrangements and geographic boundaries, resulting in a complex landscape.' The Audit Scotland report argued that Community Justice Authorities (CJAs) had, 'brought people together' but felt that they had made little progress on reducing reoffending and commented that, 'the way they were set up and inflexible funding have significantly limited their effectiveness.'

Earlier in 2012 a report by the Commission on Women Offenders stated that, 'there still exist inherent barriers in the structural and funding systems for criminal justice social work, and working practices which inhibit greatly the potential to reduce reoffending' adding that, 'radical transformation is required'.

In the introduction to the consultation paper the Cabinet Secretary for Justice, Kenny McAskill MSP, states that, 'I strongly believe that the status quo is untenable and it is now time to look at how we plan, deliver and manage offender services in the community. The Cabinet Secretary goes on to say that 'Structural arrangements should support, rather than hinder, practitioners, managers and leaders working in the field'.

- 2.2** The report by the Commission on the Future Delivery of Public Services (the Christie report) published in 2011 commented about public services in Scotland that, 'As a whole, the system can be "top down" and unresponsive to the needs of individuals and communities.' The report goes on to argue that, 'We believe that building services around people and communities should be a key objective of the reform of public services.'
- Of the three options in the consultation it is clear that the local authority option, option B, would be more effective in building the community

justice service around people and communities than either of the other options.

The three options are as follows:

- Option A (enhanced CJA model). This option would maintain the CJAs as the main strategic body responsible for reducing reoffending with these key changes:
 1. A chair for each CJA would be appointed by Scottish Ministers and membership would be widened to include an appointed member from the Health Board.
 2. A statutory duty would be placed on all partner bodies to develop a local plan for reducing reoffending and engage it its delivery.
 3. The statutory functions of the CJA would be expanded to include strategic commissioning of services.
 4. There is mention of the possibility of the CJAs assuming operational responsibility for criminal justice social work but this is not developed in the consultation paper.
- Option B (local authority model)
 1. This option would involve CJAs being abolished and local authorities would assume strategic and operational responsibility for the planning, designing and delivery of community justice services in their area.
 2. A statutory duty would be placed on local authorities to work in consultation with partner bodies to produce and deliver a strategic plan for reducing reoffending in their area.
 3. There would be a direct relationship between the Scottish Government and local authorities in relation to allocation of funding and accountability/performance requirements.
 4. The Risk Management Authority (RMA) would take on responsibility for some of the improvement functions currently undertaken by the Community Justice Division of the Scottish Government including performance management and workforce development.
- Option C (single service model)
 1. Under this option CJAs would be abolished and a national service would be established with strategic and operational responsibility for the planning, management and delivery of community based offender services. The single service would incorporate the RMA and would be separate from, but sit alongside, the SPS.
 2. The new service would be a Non-Departmental Public Body (NDPB) headed by a Chief Executive. Scottish Ministers would set the strategic framework but the NDPB would be able to take decisions at some distance from Government.

3. All local authority criminal justice social work staff would transfer to the new service.
4. Community justice services would continue to be delivered locally (but this is not expanded on in the consultation document).

Summary of response to options (for more detail please see Appendix A):

- Option A –since established in 2007, the CJA model has led to an additional layer of bureaucracy, diverting resources and attention from frontline services. Changing the structure of CJAs would not address this and funds would be better diverted to local services. Within Lothian and Borders the five constituent authorities worked well together and shared services, discussed best practice, developed common policies and jointly commissioned and organised training well before the CJAs were established. The fact that we have continued to work well together is due to these long-established relationships, not to the CJA. Other partnerships, such as MAPPA, public protection, the Offender Management Committee are not reliant on CJA support for their successful functioning.

In relation to the Christie report recommendation that we should 'build services around people and communities', CJAs can only determine local need through close collaboration with local authorities and their partners.

- Option B – this is the preferred option because criminal justice services should be based on performance, on engagement with offenders, their families and communities; on transparent self-evaluation, on local political leadership and on effective joint working across agencies and sectors. Many local authorities, including Midlothian, have a strong track record in this area. We need to maintain this way of working and it would be put at risk if criminal justice social work services were to be disaggregated from all the partner agencies on which offenders and communities depend.

The local authority model should build on current good practice, while supporting strategic commissioning and public social partnerships, which would include the Scottish Government, the third sector, trusts and charities, independent funders, local government, local communities and offenders.

It is very important given the size of Midlothian that we keep joint working across local authority boundaries at the forefront of our thinking going forward, to avoid issues with sustainability. An example of this is the plan for Midlothian Council and the City of Edinburgh Council to jointly commission an Offender Recovery Service.

- Option C – this option would uproot existing structures and services when reoffending rates are at their lowest in a decade and recorded crime stands at a 37 year low.

There is a consensus that reducing reoffending relies on many Council services, including housing, employability and welfare rights. Isolating one part from the rest is not likely to deliver improved outcomes.

A national agency would disconnect criminal justice social work from the mainstream services which offenders need to access. That disconnect would also extend to the effective relationships which criminal justice social workers have with colleagues in other parts of the local authority, where criminal justice social work is a core component of an integrated, multi-agency public protection response, including child and adult protection services. To remove from local decision-making such an essential contributor to the shared responsibility for very high risk individuals would be a serious concern. Elected members will be only too aware of the recent situation in Midlothian with a high profile offender. The role of the local authority in ensuring effective co-ordination of risk management was critical to the successful outcome achieved. It is difficult to imagine that this situation would have been managed better had criminal justice social work been an agency outwith the Council.

3 Report Implications

3.1 Resource

The resource implications of the three proposals would clearly be different. On a national basis the proposal that would depend on the greatest level of resources would be option C. This would involve significant human resources issues with all criminal justice staff leaving the Council and transferring to the national service. The detail of such a transfer of staff is unclear.

The other two options would have less of an impact on resources. Option A would involve some additional cost with an increased board membership and the cost of the new Chair post. There would be no impact on Midlothian Council staff or resources unless the transfer of operational responsibilities to CJAs was progressed.

Option B would involve some start-up costs but there is no detail about this at present. There would be an added responsibility on local authorities to produce a local strategic plan to reduce reoffending. As already stated it would be important to maintain a focus on opportunities to work across boundaries to achieve economies of scale.

3.2 Risk

There is potential risk with all the options. Option A would create an additional layer of bureaucracy with the creation of a government appointed Chair as it would appear that the Chief Officer would remain in place. It is unclear therefore who would be the spokesperson for the CJA, the Chair or the Chief

Officer. If operational responsibilities were transferred to CJAs this would have human resource implications.

Option B would potentially make communication with the Scottish Government more complicated with 32 budgets and plans rather than 8. However this is the only option that would lead to a community justice service that is fully accountable through the democratic process. The local authority option would contextualise the reducing reoffending agenda with other key services and maximise existing structures and partnerships.

Option C would be expensive, time consuming and disruptive to both staff and service users and would reduce local accountability. As already stated this option could lead to a less co-ordinated approach to the management of high risk offenders.

3.3 Policy

3.3.1 Strategy

Option B would be the most likely to ensure that the reducing reoffending-related outcomes in the Single Midlothian Plan are achieved. One sub action is 'Increase confidence in community safety via distribution of information on Community Payback activities and outcomes.' In Midlothian we have a Community Payback Order Stakeholder Forum that allows us to meet with local partners regularly to both report on CPO activity and develop new opportunities. For instance through the Stakeholder Forum we have established a partnership with Newbattle Abbey College whereby offenders on CPOs do a five day rural skills taster programme. So far five service users have gone on to enrol on the full or part time rural skills course at Newbattle as a result. We are very keen to continue to develop relationships with local partners, including community groups, through the Stakeholder Forum or any other setting.

The Whole System Approach is being launched in Midlothian in April 2013, led by children and families social work. Criminal justice social workers will work in partnership with colleagues in children and families to ensure that the approach is in place for 16 and 17 year old offenders. This would be made much more difficult were criminal justice social work to move outwith the Council.

Under Future Models of Service Delivery, Midlothian Council is adopting a targeted and preventative approach to service delivery where we work with partners to achieve better outcomes for the people of Midlothian. Option B clearly aligns most closely with this approach.

3.3.2 Strategic Principles

As previously alluded to, the principle of building services around and in conjunction with local communities would be best met by option B. We have made significant progress in recent years in relation to reducing reoffending being seen as part of the core role of the Community Safety Partnership and we have made links with local partners and communities through the CPO Stakeholder Forum and a considerable programme of communication with

Community Councils. A national service would not necessarily promote local communities' contribution to community justice as effectively as a local service.

In relation to the service users who are clients of criminal justice social work, their lives are frequently chaotic and blighted by drug and alcohol misuse, accommodation difficulties and a lack of employment and training opportunities. We need to find local solutions to these problems and Midlothian communities have an important part to play in this.

Again option B appears best placed to operate in alignment with the Council's strategic principles.

3.3.3 Consultation

The Government consultation on the options ends on 30th April 2013 and the result of the consultation should be known by the end of 2013. All three options would require primary legislation and the new structure will not be in place until 2016.

In Midlothian we have consulted with the CPO Stakeholder Forum and with the Community Safety Partnership. The Director Communities and Wellbeing and the Criminal Justice service manager also met with three Elected Members in mid-January for an initial discussion. A further meeting with the SNP administration took place on 19th March 2013.

We have also consulted with three of the other four Criminal Justice service managers in Lothian and Borders CJA and all are in favour of option B, as are ADSW and COSLA. There is no criminal justice manager in Scottish Borders at present.

3.3.4 Equalities

It will be up to the Scottish Government to carry out an Equalities Impact assessment on whichever option is eventually agreed. The option that would potentially have the greatest impact on equalities would be option C, the single service option.

3.3.5 Sustainability

It is possible that Unpaid Work projects could contribute to the Council's environmental strategy by carrying out tasks that would improve and maintain the environment. This kind of partnership planning would be most likely to be achieved with option B.

3.4 IT Issues

There would be no IT issues for the Council under options A or B. Option C would have significant IT implications but these would be for the Scottish Government to resolve.

4 Summary

In summary having considered the options and consulted with partners, option B would be best placed to:

- Increase local accountability through inclusion of reducing reoffending in the Single Outcome Agreement
- Ensure community justice is answerable to local communities through the democratic process
- Maximise the use of local intelligence to deliver targeted services
- Build on established collaborative partnership approaches
- Further develop established links and structures with local communities and stakeholders

5 Recommendations

It is recommended that Cabinet:

- a) agrees that Midlothian Council responds to the Scottish Government's consultation on Community Justice Services by favouring option B;
- b) agrees that option B is best placed to develop community justice services which offer local accountability and focus on outcomes; and
- c) arranges for the submission of Appendix A, as attached, as our Consultation Response.

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ANNEX A

REDESIGNING THE COMMUNITY JUSTICE SYSTEM A CONSULTATION ON PROPOSALS

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

Midlothian Council

Title Mr ☐ Ms ☐ Mrs ☐ Miss ☐ Dr ☐
as appropriate

Please tick

Surname

McHugh

Forename

Eibhlin

2. Postal Address

Fairfield House

Postcode

Phone

Email

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
- Yes, make my response, name and address all available ☐
- or

- (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 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

The consultation questions are split into two parts, which are:

- applicable to all options; and
- specific to either Option A, B or C.

Respondents can reply to all of the questions, or a selection, depending on where their interests lie. General views on the consultation paper are also welcomed.

All options

Which option(s) do you think is more likely to meet the key characteristics (set out on pages 15 and 16 of the Consultation) that, if integral to any new community justice system, are more likely to lead to better outcomes?

Key characteristic (pages 15 and 16 of the consultation)	Option (please specify A, B or C or a mix of all three)
Strategic direction and leadership to drive forward performance improvements and deliver public services that protect victims and communities and meet the needs of people who offend	B or C
A focus on prevention and early intervention	B
Better and more coherent person-centred opportunities for supporting desistance, which focus on developing the capacities and capabilities of offenders to enable them to make a positive contribution to their families and communities	B
Clearer lines of political, strategic and operational accountability for performance and mechanisms to support continuous improvement	B or C
Effective local partnership and collaboration that brings together public, third and private sector partners, including non-justice services, and local communities to deliver shared outcomes that really matter to people	B
Strategic commissioning of services that are based on a robust analysis of needs, evidence of what supports desistance and best value for money	B
A strong and united voice that represents community justice interests with the judiciary, public and media	C

Better data management and evaluation to assess organisational and management performance, including the impact of services	B
Involvement of service users, their families and the wider community in the planning, delivery and reviewing of services	B
Provision of an overview of the system as a whole, including consistency and breadth of service provision	B or C
Better integration between local partnership structures, services and organisations working with offenders and their families	B
A more co-ordinated and strategic approach to working with the third sector	A, B or C
A strategic approach to workforce development and leadership for criminal justice social work staff that is based on evidence of what supports desistance and builds expertise, capacity and resilience and encourages collaborative working with other professionals towards shared outcomes	A or B
Greater professional identity for community justice staff which builds on their existing values and provides well defined opportunities for career progression	A, B or C
Ability to follow innovation nationally and internationally, as well as develop and share evidence based good practice	A, B or C

Which option(s) will result in the significant cultural change required to redesign services so that they are based on offender needs, evidence of what works and best value for money?

The local authority model would allow local intelligence to inform the planning of criminal justice social work around local issues. This would include information from offender profiling and also information about the needs of communities.

A range of agencies need to work in partnership to reduce reoffending. This includes mental health services, housing and homelessness, employability services and drug and alcohol agencies amongst others. Criminal justice social work already works in partnership with these other professionals in a number of settings including Community Safety Partnerships. Offender needs are complex and often many agencies are involved with the same individuals. It is important to use our existing partnerships to become smarter and better co-ordinated in our approach to offending behaviour, as well as to early intervention programmes such as family projects. **Option B** would be the best option to achieve this.

In relation to What Works, research indicates that offenders are likely to desist from reoffending when they have a stake in their communities, whether that be through employment and training, access to housing, or being able to access the right kind of mental or physical health care (at the right time) to address issues such as substance misuse. For these services to be effective they have to be locally accessible and relevant to the needs of individuals, enabling them to build social capital and become useful members of their communities. **Option B** would allow criminal justice social

work to build on existing partnerships and work towards all relevant agencies feeling they have a role to play in promoting desistance.

In relation to Best Value, we already have good relationships with other local authorities within the CJA-area and have been sharing good practice and bench-marking with each other well before the setting up of CJAs in 2007. Criminal justice social work should continue to share best practice and bench-mark, particularly in relation to the move towards a more outcome focused community justice service. The challenge of moving towards a performance management framework that measures outcomes rather than process means that it is important to continue to measure ourselves against other authorities and to continue sharing ideas. In Lothian and Borders we are confident that we will be able to do this under **option B** as the inter-authority relationships are well established. It is however less clear how these local partnerships would be affected were we to move to a single service.

Which option(s) will result in improvements in engagement with, and quicker access to, non-justice services such as health, housing and education?

Again it is difficult to see how improvements in engagement with non-justice services would be improved by removing criminal justice social work from local authorities. There is a risk that a move to a single service would lead to a disconnect between criminal justice social work and the universal services referred to in the question. We have built these relationships over a number of years but there is still room for improvement, for instance with Health.

In Midlothian we have a CPO Stakeholder forum and through this partnership we have established new ways of working with, for example, Newbattle Abbey College which has increased the social capital of many of our offenders. We have formed a very productive relationship with our local housing service that now provides temporary housing to high-risk offenders - this assists in risk management but also in community reintegration. We work closely with mental health and drug and alcohol services to help improve health outcomes for offenders as well as reducing reoffending.

Again there is more work to do but **option B** seems best placed to allow us to take these issues forward. The CJA has played a minimal role in the development of these partnerships.

Do you think a statutory duty on local partners will help promote collective responsibility for reducing reoffending among all the bodies who work with offenders? If not, what would?

While placing a statutory duty on local partners would help promote a collective responsibility for reducing reoffending. It is important however to develop good working relationships, recognising that 'offenders' are also citizens, tenants, patients, employees, benefit claimants, students, parents etc. We have to ensure that agencies do not see offenders as a separate, discrete group from their usual clientele. Many agencies are already working with offenders but not in relation to their offending. It is important for agencies to work together to avoid duplication and confusion. If agencies

see smarter partnership working as leading to better outcomes for the people they are working with this will also be a powerful force to increase collaboration..

Again it seems that **option B** would be the most likely to achieve this. The proposed inclusion of a reducing reoffending outcome in the SOA should cement the relevance of a focus on reducing reoffending for partner agencies.

Under options A and B should funding for criminal justice social work services remain ring-fenced?

Yes for the short term ring-fenced funding should remain. However it is important that criminal justice social work is seen as an integral part of local authorities and not as a service parallel to the rest of the Council. The proposed governance arrangements under CPPs and the SOA should encourage this integration and this would take place under **option B**. It is also important that we are able to maintain services funded under the previous 'non-core' allocation such as the Caledonian System and the Community Integration Service for Sex Offenders but also to have the flexibility to fund targeted services that reflect local issues.

Are there specific types of training and development that would be beneficial for practitioners, managers and leaders working in community justice? Who is best placed to provide them?

Lothian and Borders has a long track record of designing and delivering training for criminal justice staff, which pre-dates the CJA. This training has been well received by staff and should be developed further to meet the needs of a more outcome focused community justice service.

There is currently no MSc in criminal justice social work. Consideration should be given to re-introducing this or a similar qualification. This would be in line with the recommendation in the Changing Lives report that, '...it is essential that we create new roles that allow the best practitioners to stay and progress in practice, at the same time as expanding their professional skills and combining this with professional leadership, research and/or teaching.'

It is also important that training programmes based on SVQs are available for non-social work qualified staff such as Unpaid Work staff.

Joint training with other sectors of the local authority and outside agencies should also be encouraged to promote a mutual understanding of roles and better partnership working.

No one option would be better placed to meet the training needs of criminal justice staff than any other.

Is there potential for existing organisations such as Scottish Social Services Council, Institute for Research and Innovation in Social Services and knowledge portal Social Services Knowledge in Scotland to take on a greater role in supporting and developing the skills and expertise of professionals working with offenders?

There is potential for all of these organisations to contribute to training for criminal justice staff. It is also important to promote e-learning courses that focus on working with offenders. Multi-agency training should also take place.

What do you think are the equalities impact of the proposals presented in this paper, and the effect they may have on different sectors of the population?

Criminal justice social work clients are often from marginalised groups. There are particular issues in different areas; for example in 2012 Midlothian had the lowest percentage of school leavers in Scotland in positive destinations three months after leaving school. This is a challenge for all Council services including criminal justice social work. Again the proposal in **option B** that governance for criminal justice social work would be under the auspices of the CPP would help us to work better together to tackle this and other issues.

Midlothian also has a particular problem with domestic abuse, although this is significant in all local authorities. We have been able to ensure through the Violence Against Women Partnership that information about the Caledonian System is distributed and understood by partners and we have worked in partnership with Midlothian Women's Aid to ensure a wider understanding across the workforce of the needs of women and children who are at risk of domestic violence.

Option B provides the best opportunity to address equalities issues due to local knowledge about the particular aspects of marginalisation in each local authority area and the ability to join with local partners to tackle these issues.

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

The third sector in Midlothian is represented in the CPO Stakeholder Forum and a presentation on CPOs has been delivered to colleagues from third sector organisations.

There is further work that we can do to involve the third sector. We already have Unpaid Work projects and placements in voluntary agencies but this could be developed further and more creatively.

Employment services staff in the Council are already engaging with employers in relation to the low numbers of school leavers in positive destinations. This is an opportunity to begin a dialogue with the private sector about training and employing ex-offenders.

Midlothian employment levels are likely to improve with the new Borders rail link running through the local authority area. We need to get better at communicating with the private sector about the potential benefits of employing ex-offenders who may well have skills but who are at a disadvantage in relation to securing employment because of their offending history.

Option B, the local authority option, would be the most likely to enable us to work with local third sector organisations and the private sector to improve the employment prospects of offenders.

Are there other options, or permutations of the options presented in this paper, which should be considered? Please provide details.

No, the preferred option is **option B**.

Option A: Enhanced Community Justice Authority (CJA) model

What are your overall views on retaining CJAs but changing their membership and functions?

We do not support option A. In Lothian and Borders the introduction of the CJAs in 2007 did not 'bring people together' as stated in the Audit Scotland report as strong working partnerships across the CJA area already existed.

The CJA has taken up a lot of time and energy that would have been better used in developing the service. It has created an additional layer of bureaucracy that has not been helpful.

Will appointing a chair and expanding the membership of the CJA Board to include the Health Board help remove any potential conflict of interest and promote collective responsibility for reducing reoffending?

As already stated we do not support option A. We have outlined earlier how we feel collective responsibility for reducing reoffending can be improved.

What do you think of the alternative proposal for all Board members to be recruited through the public appointments system based on skills, knowledge and experience?

The issue here is that no skills, knowledge or experience can be a substitute for local partners working together with a good understanding of local issues.

Do the proposals under Option A give CJAs sufficient levers and powers to reduce reoffending efficiently and effectively?

Knowledge about local issues and needs rests within local authorities and CPPs and however board members are recruited they will not be familiar with these issues without recourse to the local authority.

Do you think CJA's should be given operational responsibility for the delivery of criminal justice social work services? Do CJAs currently have the skills, expertise and knowledge to take on these functions?

No, this comes back to the fact that offenders are not a discrete group but are individuals involved with a range of agencies. For instance in Midlothian Council the criminal justice team is co-located with one of the children and families teams. Therefore if a criminal justice social worker has a concern about how their client's substance misuse may be affecting their ability to look after their child they can easily communicate with a Council colleague with whom they already have a working relationship. This could not easily be replicated if there was a single service or if the CJA had operational responsibility for criminal justice social work.

If we want other sectors of local authorities and other agencies such as Health to feel they have a role in reducing reoffending this has to happen through existing partnerships such as CPPs, who can provide governance.

Should CJAs geographical boundaries remain the same? If not how should they be redrawn?

We do not have any comment on this as we do not support option A.

Do you agree that the Scottish Government should retain the current arrangements for training and development? Should they be reviewed for effectiveness?

Since before the introduction of the CJAs in 2007 we have had a staff member responsible for planning and or delivering criminal justice training over the Lothian and Borders area. We would support a continuation of this co-ordinated training whatever option is implemented.

What could be done differently to build expertise, capacity and resilience in the community justice sector and ensure evidence based good practice is shared widely?

We should continue to train staff across local authority boundaries and also to offer secondment opportunities across the Lothian and Borders area as happens at present. For instance one criminal justice social worker from Midlothian is currently seconded one day a week to the Community Reintegration Service for Sex Offenders which is based in Edinburgh. Another Midlothian criminal justice social worker recently spent one day a week for several months in Edinburgh co-facilitating the Caledonian groupwork programme.

These arrangements were not made by the CJA but between the relevant managers in each authority. They help to cross-fertilise ideas and give staff development opportunities that can keep the work fresh and support resilience. They also facilitate the sharing of best practice.

Option B: Local authority model

What do you think of the proposal to abolish CJAs and give the strategic and operational duties for reducing reoffending to local authorities?

We would be in favour of this. Since CJAs were established in 2007 a great deal of energy and time has had to be diverted into CJA business. This has not translated into better partnership working or more effective frontline services for offenders. CJAs can only gauge the level of need and particular characteristics of offending in local authorities by liaising with the local authorities themselves and their partners. If we are to build services around communities as Christie suggests then local authorities are best placed to determine the strategic direction of community justice services.

What do you think will be the impact on consistency of service provision, good practice and the potential to plan and commission services across boundaries (and hence value for money) of moving from eight CJAs to 32 local authorities?

In Lothian and Borders we have a culture of cross-border working and this pre-dates the CJA. We have had joint training and shared monitoring and evaluation for a number of years. Each authority will continue to work to National Outcomes and Standards but will be able to direct service provision to particular issues relevant to our area. It is critical that we retain a focus on planning and commissioning services across boundaries. At present Edinburgh and Midlothian Councils, in partnership with NHS Lothian, are jointly commissioning an Offender Recovery Service and although this is being supported by the CJA, it was initiated by the three partners. Midlothian is a small Council area and cross border working and commissioning is crucial for future sustainability.

Do you think there is still a requirement for a regional partnership, provision or co-ordination role (formally or informally) in this model? If so, how would it work?

There was already a regional partnership in Lothian and Borders prior to the introduction of the CJA. We had a Lothian and Borders –wide Criminal Justice training officer and we undertook joint monitoring of practice. The Caledonian System is overseen by a committee of Lothian and Borders System Managers and East and Midlothian ‘share’ the Caledonian Children’s Worker. As indicated above there is also current joint commissioning between Midlothian and Edinburgh. It would benefit all authorities if this partnership was to continue whatever option is chosen.

What do you think would be the impact of reducing reoffending being subsumed within community planning, or other local authority planning structures?

As already stated I think this would have a very positive impact as reducing reoffending has for too long been seen as the sole preserve of criminal justice social work. The challenge for criminal justice managers is to raise the profile of reoffending within their authorities and also to emphasise the benefits of all relevant parts of the Council of working together in a more considered and co-ordinated way. In Midlothian we had to manage a very high profile offender in 2012 and we worked alongside many different parts of the Council to manage this situation. For example demonstrations were leading to roads having to be closed so we had to communicate with that department and press coverage and social networking sites meant we had to work closely with the Communications section. Throughout all this we also had to ensure that elected members were kept informed. It is difficult to see how any of this would have been easier if criminal justice social work had been a separate agency from the Council. As already stated criminal justice social work has not always been as fully integrated into local authorities as it might be. If option B is favoured we need to focus on how to do achieve this integration. Governance by CPPs would be one important element of this.

Do you agree that functions such as programme accreditation, development of good practice, performance management and workforce development should be devolved from the Government to an organisation with the appropriate skills and experience?

It seems likely that if the RMA were to take on these functions there would be an increase in consistency. Staff have come and gone in the Effective Practice Unit, as happens everywhere, but the RMA has built up an expertise and level of knowledge about risk management issues that would be sufficiently robust to survive changes in personnel. It is also well placed to roll out new initiatives such as EEPICS. However local authorities would have to retain overall responsibility and ownership for performance management through the CPP structure.

What are your views on the proposal to expand the functions of the Risk Management Authority to take responsibility for improving performance?

As already stated we have to be accountable within local authorities for improving performance and if criminal justice social work is integrated into CPPs these partnerships must have a role in monitoring and improving performance. However there is a role for the RMA and we would see this as a dynamic process whereby the RMA would become more aware of the different issues facing criminal justice social work at the front line and criminal justice social work would benefit from its specialist knowledge and expertise.

What are your views on the proposal to set up a national Scottish Government/ Convention of Scottish Local Authorities Leadership Group to provide national leadership and direction?

It would be beneficial to have a national body to provide overall strategic direction. **Option B** can fulfil this function on a local basis through the CPP and SOA structure but in order to ensure that this is successful there needs to be an overview at Scottish Government level.

Option C: Single service model

What are your views on the proposal to abolish the eight CJAs and establish a new single social work led service for community justice?

A national agency would separate criminal justice social work from local communities and partners. No one agency can reduce reoffending and it is critical that we work together in a smarter and more co-ordinated way with local partners to achieve better outcomes for offenders and communities.

We would be concerned that the good partnership relationships that have been built up over the years would be damaged by the introduction of a national service.

A national service would also be by far the most costly and disruptive option and there would be concern about maintaining business continuity through such as fundamental transition.

The development of the National Offender Management Service in England and Wales has led to criticism that the important relationship between the offender and the probation officer has been eroded. Research suggests that this relationship is crucial to effectiveness.

Much of the day to day business of criminal justice social work is shared with colleagues nationally. We are all working to National Outcomes and Standards and writing Criminal Justice Social Work Reports and supervising Community Payback Orders to the same guidelines. This has been achieved without a national service.

What do you think of the proposal to incorporate the functions of the Risk Management Authority into a new single service?

We do not support option C but if this is chosen as the preferred option it would make sense to incorporate the RMA's functions into the new service.

What do you think about grouping local delivery around the three Federation model currently employed by the Crown Office and Procurator Fiscal Service and police?

Again we do not support a national service. However if this is the chosen option it would seem reasonable to use shared administrative boundaries. The geographical areas would be very large and the only advantage would be an alignment with the other services mentioned in the question; staff are unlikely to develop a sense of identity with their Federation.

Does the approach to strategic commissioning and procurement provide a good balance between local and national service priorities and needs?

It is difficult to imagine that most commissioning would take place across the large Federation areas. If we are to provide targeted services then commissioning would have to take place, at least some of the time, at a much more local level. The approach outlined also appears to add an added layer of complexity.

Do you think that placing a statutory duty on local partners and a strong Chief Executive negotiating on behalf of the new single service will help facilitate access to mainstream non-justice services?

We believe that it is good working relationships with other local agencies that will facilitate access to mainstream non-justice services. While a statutory duty can ensure the co-operation of the relevant bodies a shared understanding of local issues that are impacting on reoffending will also be of particular importance e.g. local levels of unemployment. We need to enhance these relationships further and ensure that criminal justice social work is fully integrated into local authority services and works in a co-ordinated way with other partners.

What do you think of the proposal to establish a dedicated community justice unit as part of the new service?

We do not support option C. However the dedicated unit could be established whichever option is chosen.

Any additional comments

We strongly believe that we need to:

- build community justice services that are responsive to the needs of offenders and communities
- recognise that criminal justice social work needs to work in partnership with others to reduce reoffending
- ensure that time and resources are spent on frontline services and not diverted to maintaining over-bureaucratic structures
- remain open to ways of intervening earlier in people's lives to achieve more positive outcomes

Option B is the most likely structure to enable us to work towards these outcomes and build safer communities.

An electronic copy of this document is also available on request to
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