

## **Options for Reducing Reoffending Partnership**

### **Report by Rosie Kendall, Community Safety Manager**

#### **1. Purpose of Report**

This report seeks the Council's agreement for proposals to widen the scope and change the governance and remit of the Midlothian Safer Communities Board to incorporate the new Community Justice requirements.

#### **2. Background**

The Scottish Government has worked with key stakeholders and partners, including the Convention of Scottish Local Authorities (COSLA), Community Justice Authorities (CJAs), the Association of the Directors of Social Work (ADSW, now Social Work Scotland) and the third sector to develop a model for community justice which meets the needs of service users, victims, their families and the communities of Scotland.

Detailed guidance outlining specific requirements has not yet been produced however a broad model has been outlined in documents referring to 'A future model for Community Justice in Scotland'

Under the new model, CJAs will cease to exist. The main features of the model are:

- Local strategic planning and service delivery as part of Community Planning Partnerships (CPPs);
- Duties on a defined set of partner bodies, including local authorities, NHS boards and Police Scotland, to engage in this local strategic planning and delivery, with accountability for planning and performance residing at this level;
- A national body, with the suggested name of Community Justice Scotland, established to provide independent professional assurance to Scottish Ministers on the collective achievement of community justice outcomes across Scotland;
- Collective or collaborative arrangements for services which may be best commissioned, managed, researched, evaluated or delivered nationally; and
- A mechanism, reflecting national and local democratic responsibilities, to afford discussion and agreements as necessary, on aspects of mutual concern.

The new Community Justice structure will place a statutory responsibility on Midlothian Council to set up a local Reducing Reoffending Partnership and assume

responsibility for the strategic and operational planning, design and delivery of services for community justice, 'to reflect local need and in accordance with the national strategy for reducing reoffending' (Future Model for Community Justice in Scotland, Scottish Government 2014).

Under the proposed structure a range of partners will be expected to actively contribute to reducing reoffending. There will also be an expectation that the principles of prevention and early intervention will be built into the outcomes, performance and improvement framework that will drive activity across community justice.

For some partners this will be a change in culture and expectation as they may not previously have seen their role as in any way relevant to community justice. How local arrangements for the strategic planning and delivery of services for community justice are taken forward will be at local discretion. Jointly developed guidance will be produced to assist CPPs in developing these arrangements.

The identified core partners are listed below:

- Local authorities
- NHS boards
- Integrated Health and Social Care Boards
- Police Scotland
- Scottish Fire and Rescue Service
- Scottish Prison Service (SPS)
- Skills Development Scotland

National justice organisations, including Police Scotland and SPS, have a significant contribution to make to reducing reoffending and will be expected to participate and contribute to improving outcomes in community justice in a manner which is appropriate and meaningful to the local partnership and area. It is expected that partners such as the Scottish Court Service, the Crown Office and Procurator Fiscal Service and Victim Support Scotland, as well as other relevant third sector organisations, will also be involved at a local level. The extent of involvement will reflect the profile of each area. For instance in Midlothian there is no Court or prison, but some level of partnership working with the SPS, COPFS and sentencers will still be required to ensure that the local service is effective.

Each partner organisation within the CPP will be held accountable for its performance, including its contribution to community justice, through its existing governance and accountability arrangements.

### **3. National proposals**

A national body will be created established in statute as an Executive Non Departmental Public Body. The name 'Community Justice Scotland' is proposed as a working title.

The national body will develop a national strategy and a national performance framework for community justice that will inform local plans.

At a high level, the national body will be responsible for:

- Providing national, professional and strategic leadership for community justice in Scotland;
- Offering expert advice to Scottish Ministers and COSLA leaders, as required; Providing oversight of the delivery of the new national performance framework for community justice in Scotland;
- Identifying and advising on how justice and other resources can be better aligned to improve outcomes for community justice;
- Management of any services which have been identified and agreed as being best delivered on a national basis by the national body.

Consideration needs to be given to how the Midlothian Reducing Reoffending Partnership will link in with the national body. However it is expected that further guidance on this relationship will be published over the next few months.

### **4. Reducing Reoffending Partnerships**

#### **4.1 Membership**

Local partners to be included

- Local authorities;
- Integrated Joint Boards (health and Social Care)
- Police Scotland;
- Scottish Fire and Rescue Service
- Scottish Prison Service (SPS);
- Alcohol and Drug Partnerships;
- Court and tribunal service/SCTS
- Skills Development Scotland.
- Any other partner or organisation considered locally relevant.

#### **4.2 Topics and items the partnership needs to cover**

- Develop a local offending profile
- Produce and deliver a strategic plan for community justice in their area.

- Produce an annual report setting out progress against the framework.

The proposed model for Community Justice should improve performance and outcomes for offenders and communities. However an important part of the proposed structure is the recognition that no one agency can reduce reoffending. Improved outcomes will depend on a number of agencies working together. The Scottish Government has set out the areas services should focus on to reduce reoffending as follows:

- Sustained or improved physical and mental well being
- Reduced or stabilised substance misuse
- Improved literacy skills
- Employability prospects increased
- Maintained or improved relationships with families, peers and community
- The ability to access and sustain community support, including financial advice and education
- The ability to access and sustain suitable accommodation
- The ability to live independently if they choose
- Improvements in the attitudes and behaviour which lead to offending and;
- Greater acceptance of responsibility in managing behaviour and understanding the impact on offending on victims and families

Achieving these outcomes will depend on agencies working together in a more co-ordinated way. Improved communication and the recognition that many services have a role to play in making communities safer will be crucial to success.

As well as helping those involved in offending behaviour to achieve these outcomes we also have to manage risk on a multi-agency basis to protect the public, particularly in relation to sex offenders and high risk violent offenders.

### **4.3 Resources**

Given the expectation that 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 it is expected that at the very least the Council will require additional research and analysis capacity.

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.

It is proposed that the majority of the Midlothian transitional fund is used to fund the cost of a planning officer whose role will be 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.

#### 4.4 Governance and reporting

##### Community Justice

The Scottish Government has made clear that Community Planning Partnerships will be locally responsible for the new Community Justice structure in each area. This will involve creating a local profile, publishing a strategic plan on reducing reoffending in line with the national performance framework and reporting on progress. The annual progress report will be sent to the national body, Community Justice Scotland.

One of the concerns expressed by organisations, particularly COSLA, during the consultation periods, was the exact relationship between local CPPs and Community Justice Scotland. 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.*

This reflects the complexity of a structure that involves a number of different organisations with greater or lesser roles in reducing reoffending. Criminal Justice Social Work will continue to sit within the Council's Adults and Social Care directorate. MAPPA partners, including Criminal Justice social work, police and Health will report to the Public Protection Committee. We are expecting further guidance from the Scottish Government on governance arrangements and further work will have to be done on this issue at a local level, but it is clear that a linear governance structure will not be an option.

## 5 Timescales

It is proposed that elements of the transition will come into effect at different times throughout the period 2015-16 to 2016-17.

It is proposed that the shadow reducing reoffending board is established by April 2016.

## National timetable for implementing the new model for Community Justice:

Timescale	Activity
Until 2017	Awareness raising, the delivery of information from Community Justice Authorities (CJAs) to their respective CPPs and support for the transition process
During 2015/16	The national strategy for community justice will be developed in consultation with key partners and stakeholders and will encompass the outcomes, performance and improvement framework for community justice
During 2015/16	The national outcomes, performance and improvement framework will be finalised, having been discussed with key partners and stakeholders. This will include agreement of the approach to scrutiny and inspection
During 2015/16	CPPs commence their planning activities
January 2016	CPPs share with Scottish Ministers their intentions for how they plan to take forward arrangements for the strategic planning and delivery of community justice
January 2016	CPPs make their plans for 2016/17 available to the Scottish Government for comment and to COSLA in support of the transition process
1 April 2016	CPPs will be able to assume their responsibilities under the new model in transition with full responsibility being conferred from 1 April 2017 once the required legislation has been enacted
During second half of 2016/17	Community Justice Scotland will be established, including formal establishment of the body; appointment of Chair; appointment of Board members, recruitment of staff and commencement of sponsorship arrangement with the Scottish Government
31/03/2017	CJAs are formally dis-established
<b>1 April 2017</b>	<b>The new model for community justice in Scotland comes fully into effect.</b>

## 6 Options for establishing a reducing reoffending partnership

### 6.1 Integrate into health and social care board

While Criminal Justice Social Work will continue to be managed within Adults and Community Care, it would be unrealistic to expect the Integrated Joint Board (IJB) to also fulfil the function of the Reducing Reoffending Partnership. Given the range of health and social care issues the IJB will be responsible for, it would be extremely difficult for the board to devote enough time and attention to issues relevant to Community Justice. However Health involvement is important for Community Justice outcomes and Criminal Justice Social Work's relationship with Health through the

IJB will ensure that the links between mental health, substance misuse and offending behaviour are understood and that services are co-ordinated.

## **6.2 Run as independent partnership**

This model would have the benefit of the partnership being dedicated to reducing reoffending issues. However setting up and running an independent partnership would have significant resource implications and the partnership may not benefit from existing joint working arrangements.

## **6.3 Incorporate the Reducing Reoffending Partnership into the CSP including adapting the Safer Communities Board to form a new Safer Communities and Reducing Reoffending Partnership**

This model would take advantage of established partnership working and reduce bureaucracy by building on and enhancing structures that are already in place. Community Justice priorities are already incorporated into the Community Safety Partnership so there is a strong rationale for this. The partnership would need to make some changes to incorporate Community Justice requirements. These may include:

- Changing the name of the partnership
- Altering the remit of some of the partnership groups to incorporate the Community Justice requirements (the Safer Communities Board and delivery group). This may include changing the style of the Safer Communities Board meetings, for example by moving them to the Committee Room.
- Enhancing the scope of membership of each group, for example widening membership of the Safer Communities Board to include those specified in the national Community Justice proposals. Initial changes may include inviting the following to join the partnership/ Board:
  - Scottish Prison Service (SPS)
  - Alcohol and Drug Partnerships; - would be invited to join SCB (already on CSP)
  - Skills Development Scotland
  - Victim support Scotland
  - Scottish Court Service, crown office & PF
  - Any other organisation seen as relevant in a local context

Current membership would require reviewing to ensure that the Board membership is an appropriate size.

The above proposal would require alignment with the work of the Integrated Joint Board and Public Protection Committees.

## **7 Recommendations**

It is proposed that the Community Safety Partnership takes on this role and from 10<sup>th</sup> November 2015 becomes known as the Safer Communities and Reducing Reoffending Partnership. This will be a shadow arrangement until 1<sup>st</sup> April 2017 when CJAs will be disestablished. Appendix 1 contains a detailed outline of this proposal

## **8 Report Implications**

### **8.1 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

### **8.2 Ensuring Equalities**

This report does not have any equalities implications

## **9 Recommendations**

The Safer Communities Board is requested to:

- Agree to propose to Council that the Community Safety Partnership takes on this role and from 10<sup>th</sup> November 2015 becomes 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 CJAs will be disestablished.
- Note that a formal remit and membership list will be submitted to the next Safer Communities Board for onward approval.

Date 8<sup>th</sup> May 2015

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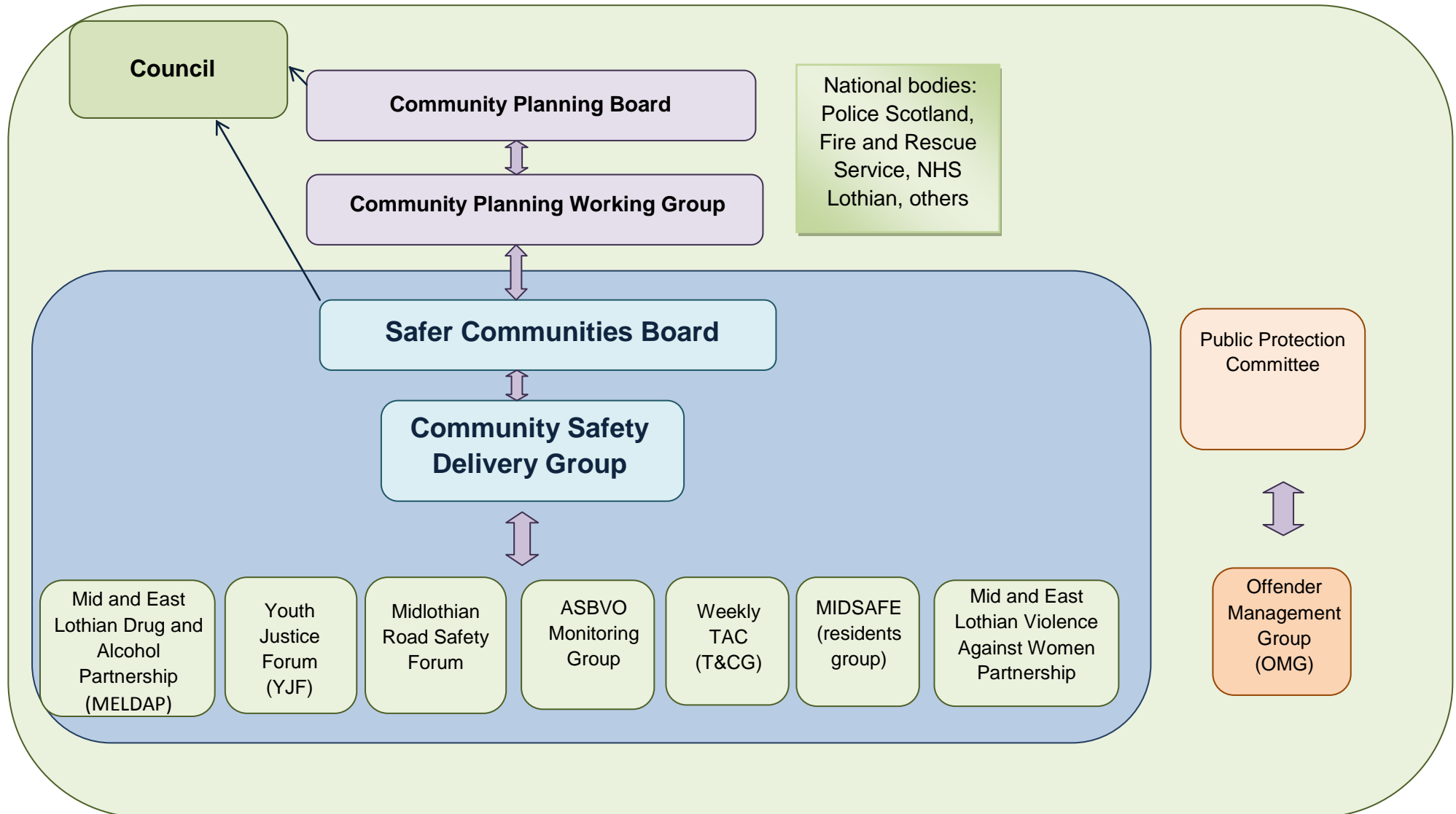
Email: [Rosie.Kendall@midlothian.gov.uk](mailto:Rosie.Kendall@midlothian.gov.uk)

Background Papers: None

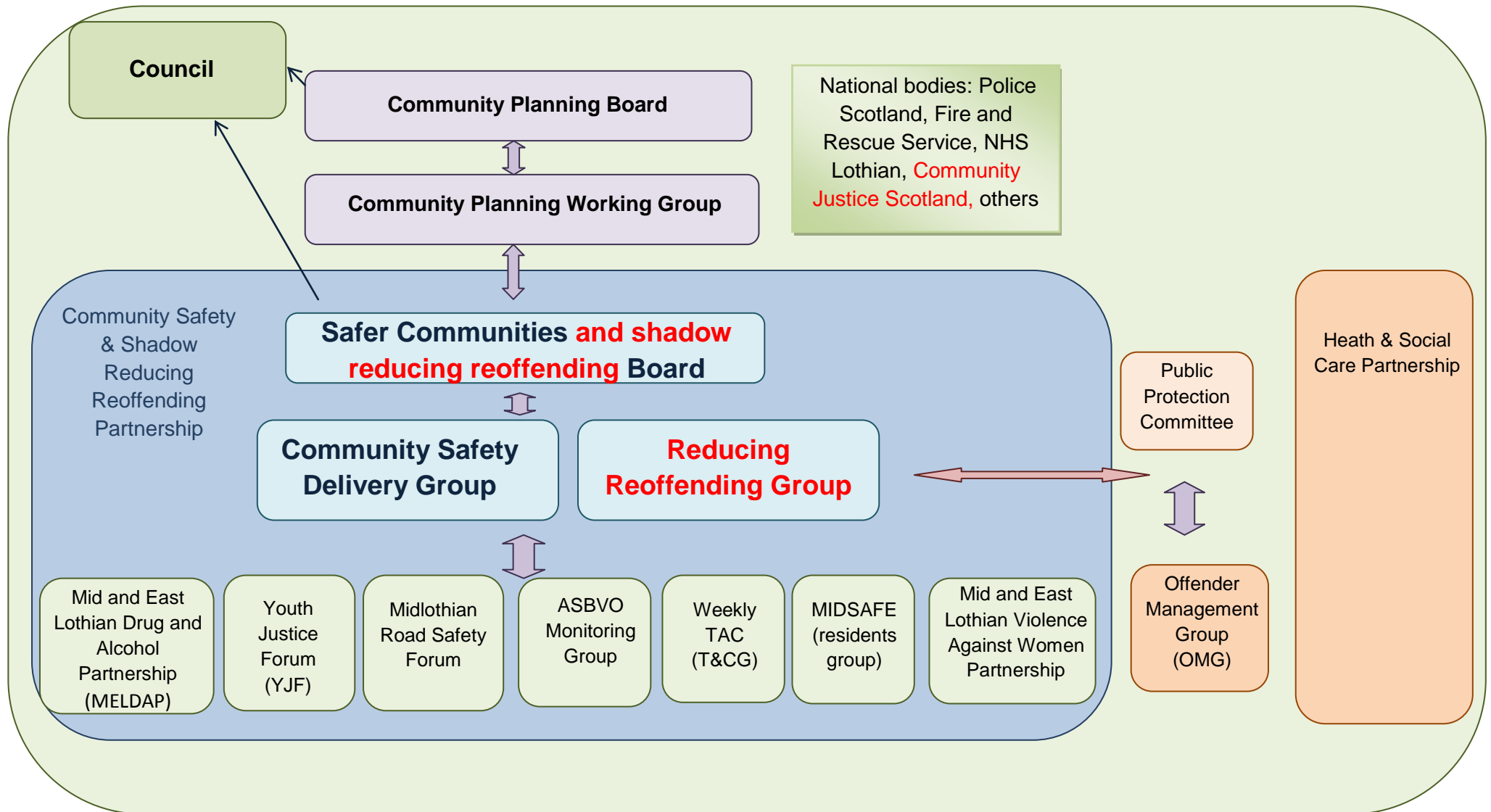


## Appendix 1: Detailed proposal

### 1.1 Current Structure



## 1.2 Proposed structure:



## 2.1 Governance

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>Safer Communities and Shadow Reducing Reoffending 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>• Scrutiny of Police and Fire Plans and Community Safety Strategy</li> </ul> <p>In respect of specific Police and Fire and Rescue Act:</p> <ul style="list-style-type: none"> <li>• Sign off of the Police and Fire Plan;</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> <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>• Scrutinise performance against the framework.</li> </ul>	Reports to Council and the Community Planning Workshop/Board
ASBVO	Remit will remain the same but new reducing reoffending requirements will need to be incorporated into the way the group works, for example:	Reports to the Community Safety

Group/ Structure	Remit	Reporting Structure
	<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>	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
Reducing Reoffending Group	<ul style="list-style-type: none"> <li>• Provision of Risk Assessment of the CS Strategic Assessment</li> <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>	Reports to the Safer Communities and Shadow Reducing Reoffending Board
Weekly TAC	Remit will remain the same <ul style="list-style-type: none"> <li>• Responding to specific issues</li> <li>• Tasking and coordinating</li> </ul>	Reports to the Reports to the Community Safety

Group/ Structure	Remit	Reporting Structure
	<ul style="list-style-type: none"> <li>Weekly tactical report</li> </ul>	Delivery Group

### **Governance details – reporting**

#### **Community Justice Model**

This sets out that CPP's will be responsible for the Community Justice Structure. The CPP will not become fully responsible for this until the abolition of the CJA's in 2017.

#### **Police and Fire Act 2012**

The requirements for Police and Fire planning and scrutiny are outlined in the Police and Fire Act 2012. The act sets out that Local Commanders must involve the local authority in priority setting. However, the act is not prescriptive about how this should be delivered. The act also strengthens the Police and Fire and Rescue services duty to participate in Community Planning. At present all plans are agreed at the Safer Communities Board and then via full Council. There is a voting structure in place which currently only includes Elected Members.

#### **Shadow Partnership**

The National Community Justice Model requires Community Planning Partnerships to Establish a Reducing Reoffending Partnership by April 2016. The Partnership will operate as a shadow partnership during its first year when the CJA's will retain their current governance of reducing reoffending. During the first year, plans requiring approval will also be submitted to the CJA Board for approval.

### 3. Membership

#### 3.1 Safer Communities Board – Current membership:

	Name	Remit
Voting members	Owen Thompson	MLC Councillor (SNP)
	Peter De Vink	MLC Councillor (Independent)
	Ian Baxter	MLC Councillor (Green)
	Joe Wallace	MLC Councillor (SNP)
	Vacant	MLC Councillor (Labour)
	Vacant	MLC Councillor (Labour)
Non voting members	George Wilson	MVA (Third/voluntary sector rep)
	CJA nominee	CJA
	Army nominee	Army
	NHS nominee	NHS Lothian
	Vacant	Partner rep
Mandatory members	Statutory service manager, Midlothian Council	Social Work Criminal Justice and Adult Protection representative
non-voting attendees	Chief Superintendent Gill Imery	Police Scotland
	Chief Inspector Kenny Simpson	Police Scotland
	Alasdair Perry, Local Senior Officer: Scottish Borders, East Lothian & Midlothian	Fire and Rescue Scotland
	Dean Mack, East & Midlothian Group Commander	Fire and Rescue Scotland
	Vacant	Violence against women strategy co-ordinator, East and Midlothian.
	Rosie Kendall	Community Safety Manager
	Eibhlin McHugh	Director of Health and Social Care
	Kevin Anderson	Head of Customer and Housing services

### 3.2 Reducing Reoffending & Safer Communities Board – Proposed membership:

	Name	Remit	Required as part of Community Justice Model?
Voting members	<i>Owen Thompson</i>	<i>MLC Councillor (SNP)</i>	<i>Yes – local authority involvement – however consideration could be given to reducing the number of elected members</i>
	<i>Peter De Vink</i>	<i>MLC Councillor (Independent)</i>	
	<i>Ian Baxter</i>	<i>MLC Councillor (Green)</i>	
	<i>Joe Wallace</i>	<i>MLC Councillor (SNP)</i>	
	<i>Vacant</i>	<i>MLC Councillor (Labour)</i>	
	<i>Vacant</i>	<i>MLC Councillor (Labour)</i>	
	<i>To be confirmed in light of amended remit</i>	<i>Third/ voluntary sector rep</i>	<i>No – to be discussed</i>
	Fiona Young	CJA Chief Officer (Until March 2017)	<i>No but will be essential during Shadow arrangements</i>
	<i>Army nominee</i>	<i>Army</i>	<i>No</i>
	NHS nominee	Integrated Joint Boards (health and Social Care)	Yes
		Scottish Prison Service	Yes
		Alcohol & Drug Partnerships	Yes
		Skills Development Scotland	Yes
		Victim Support Scotland	<i>No but propose locally relevant to include</i>
		Scottish Court Service	Yes
Mandatory members	Statutory service manager, Midlothian Council	Social Work Criminal Justice and Adult Protection representative	<i>Yes – local authority involvement</i>
non-voting attendees	Chief Superintendent Gill Imery	Police Scotland	Yes
	Chief Inspector Kenny Simpson	Police Scotland	
	Peter Heath, Local Senior Officer: Scottish Borders, East Lothian & Midlothian	Fire and Rescue Scotland	Yes

	Name	Remit	Required as part of Community Justice Model?
	Dean Mack, East & Midlothian Group Commander	Fire and Rescue Scotland	
	Anne Thompson	Public Protection Manager	Yes – local authority involvement
	Rosie Kendall	Community Safety Manager	
	Eibhlin McHugh	Director of Health and Social Care	
	Alison White	Head of Adults and Community Care	
	Kevin Anderson	Head of Customer and Housing services	

#### 4. Timetable

Proposed timetable for developing the reducing Reoffending & Safer Communities Partnership (RRSCB)

Timescale	
<b>19 May 2015 SCB</b> 28 May CPWG 4 June CPP 23 June Council	Agree approach
May – August	<ul style="list-style-type: none"> <li>Review existing membership and hold discussions with new partners and agreement regarding who will sit on the Board</li> <li>Recruitment of planning officer</li> <li>Finalisation of reducing reoffending Profile</li> <li>Establishment of Reducing Reoffending Group</li> </ul>
<b>18 August – SCB meeting</b>	<ul style="list-style-type: none"> <li>New members attend meeting</li> <li>Reducing Reoffending Profile submitted for approval</li> </ul>
Aug – Nov	<ul style="list-style-type: none"> <li>Continued development work with partners</li> <li>Formulation of draft RR plan</li> </ul>
<b>10 Nov 2015 – RRSCB meeting</b>	First meeting of shadow RRSCB <ul style="list-style-type: none"> <li>Draft Community Justice Strategic Plan agreed by board</li> </ul>
Feb 2016 (meeting date TBA)	<ul style="list-style-type: none"> <li>Final Community Justice Strategic Plan agreed by board</li> </ul>

*Note – Taking on the shadow role from November 2015 will allow the new board and reducing reoffending group to be sufficiently involved and lead on the development of the Community Justice Plan for Midlothian.*