

Report by Director of Community Health and Care Partnership

Community Health and Care Partnership Committee: 19th February 2014

Subject: Scottish Government Response to Consultation on Proposals to Redesign the Community Justice System

1. Purpose

- 1.1 The purpose of this report is to advise the Committee of the Scottish Government's response to consultation on the future structures for delivery of community justice services in Scotland.

2. Recommendations

- 2.1 The Committee are asked to note the contents of this report.

3. Background

- 3.1 Community Justice Services refers to Criminal Justice Social Work Services delivered by local authorities under the terms of section 27 of the Social Work Scotland Act 1968 and subsequent legislation. Community Justice Authorities (CJAs) were established by the Management of Offenders Scotland Act 2005 to support the planning and co-ordination of the delivery of community justice services and allocate funding. West Dunbartonshire have had a formal strategic partnership with Argyll and Bute and East Dunbartonshire Council since 2002.

- 3.2 In December 2012 the Scottish Government launched a consultation on redesigning community justice. The proposals and subsequent consultation originate in a recommendation made by the Commission on Women Offenders (2012). The Commission identified existing structural, funding and delivery arrangements as an impediment to progress. This conclusion echoed that of an overview of the Criminal Justice System as a whole undertaken in 2011 by Audit Scotland and a subsequent report by the same body focusing upon Reducing Re-offending (2012).

- 3.3 The Scottish Government consulted on three options for Community Justice

- Option A: An Enhanced Community Justice Authority model
- Option B: A Local Authority model
- Option C: Single (National) Service model

- 3.4 The Scottish Government responded to the consultation in December 2013. They concluded to adopt Option B with criminal justice returning to local authorities and that CJA's across the country will be abolished and their functions passed to local authorities. However they have also added that there should be local strategic planning and delivery of Community Justice Services through Community Planning Partnerships (CPPs). This is in effect is a hybrid of the original Option B. There will also be a national body providing professional and strategic leadership and offering advice to Scottish Ministers and COSLA leaders.
- 3.5 Whilst this is similar to the arrangements of the Alcohol and Drug Partnership arrangements which is also aligned to the CPP structure it does not take adequate account of the continued move towards greater integration as directed by the Public Bodies (Joint Working) (Sc) Bill.
- 3.6 The proposed arrangements will require legislation and involve new duties and responsibilities falling to local authorities with regard to consultation with partner organisations, a new relationship with the Scottish Government and a closer strategic relationship with alignment to the community planning process.
- 3.7 The Scottish Government will consult with relevant bodies regarding the role of the national body until the end of May and respond in September 2014. It is understood that the legislative process will commence before the end of 2014 with full implementation in April 2016.

4. Main Issues

- 4.1 The Scottish Government favours a local model for the strategic planning and delivery of Community Justice Services through CPPs and the creation of a national statutory body to provide professional and strategic leadership. There a number of areas requiring further clarification and negotiation affecting strategic and operational relationships and accountability within and between local authorities and with regard to the role of the national body. The relative silence regarding funding suggests that current and historical challenges to this effect will not diminish.
- 4.2 In responding to the consultation the preference of our partnership (West and East Dunbartonshire and Argyll and Bute) was option B; with criminal justice services coming within the operational responsibility of the Council or in West Dunbartonshire's case the CHCP. This reflects the significant contribution that Criminal Justice makes to public protection across both adult and children's services.

- 4.3 At the time of the consultation, the collective feedback of the Partnership included a commitment to continuing our collaborative and collective arrangements under option B. With the Scottish Government's intention to align Criminal Justice to local CPPs this will need to be reconsidered in full, particularly given the further move towards integration and what this may mean for our two partners and the view of respective CPPs.

5. People Implications

- 5.1 At present there are no people implications.

6. Financial Implications

- 6.1 The Community Justice Service will continue to receive ring fenced funding. This will be routed via Community Justice Authorities until 2015/2016 and thereafter directly to Local Authorities. The Scottish Government have committed to a review of funding arrangements as the present, largely activity based formula has been criticised in a number of quarters.

7. Risk Analysis

- 7.1 A full risk analysis will be possible when more detail regarding the proposed change, governance and financial arrangements become clear. The most immediate risk relates to the potential for strategic planning and decision making to become atrophied. In this regard the Argyll Bute and Dunbartonshire's' Criminal Justice Social Work Partnership revised its Commissioning Strategy to take account of the impact of potential organisational change.

8. Equalities Impact Assessment (EIA)

- 8.1 An equalities impact assessment is not required at this time.

9. Consultation

- 9.1 The Scottish Government consulted widely amongst relevant organisations and agencies and facilitated a number of regional events to which local partner agencies and front line staff were invited. One of these events was held in West Dunbartonshire. In addition there were sessions arranged by local authorities specifically designed to brief and canvas the opinion of front line Criminal Justice Social Work staff.

10. Strategic Assessment

- 10.1 The consultation took place against a background of concern regarding the most effective means of delivering community justice services and achieving a sustained reduction in re-offending.
- 10.2 The choice of a local authority option avoids the negative impact on established and constructive relationships with other local authority services (Social Work and others) and unhelpful additional levels of complexity and accountability inherent in the alternative options.
- 10.3 The local authority option involves new duties and responsibilities with regard to consultation with partners, a new relationship with the Scottish Government and a closer relationship to Community Planning Partnerships. The relationship between local authority community justice services and the new national body is yet to be fully defined as are the opportunities for inter authority service strategic and operational partnerships.

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