
STRENGTHENING SCOTTISH BORDERS APPROACH TO THE RESTRUCTURING OF COMMUNITY JUSTICE

Report by Chief Social Work Officer

SCOTTISH BORDERS COMMUNITY PLANNING STRATEGIC BOARD

11 June 2015

1 PURPOSE AND SUMMARY

- 1.1 This report sets out the process for making the changes in preparation for the legislative changes to Community Justice arrangements arising from the implementation of the draft Community Justice Bill including the appointment of a Project Officer.**
- 1.2 The Scottish Government is establishing a new model of community justice in Scotland as part of a Community Justice Bill and plans for this to be implemented at the end of March 2016. This report proposes a way forward to deliver the new model of community justice in the Scottish Borders through the Community Planning process. The proposal will strengthen community justice in the Scottish Borders and will develop and deliver the Community Justice action plan. It will provide a robust framework for the involvement by partners within the Scottish Borders Community Planning process.
- 1.3 An allocation of £50,000 has been made to Scottish Borders Council from the Scottish Government in 2015/16 to support this work.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Strategic Board agrees:-**
 - (a) to the establishment of an inter-agency Scottish Borders Community Justice Group that would report into the Joint Delivery Team and the Scottish Borders Community Planning Partnership Board; and**
 - (b) that the Scottish Borders Community Justice Group be chaired by the Chief Social Work Officer.**

3 REDESIGNING COMMUNITY JUSTICE

- 3.1 On 20 December 2012, the Scottish Government launched a consultation paper "Redesigning the Community Justice system: A consultation on proposals". The consultation followed the publication of two reports: one by the Commission on Women Offenders and another by Audit Scotland on reducing re-offending.
- 3.2 The consultation ran until 30 April 2013 with the outcome being translated into the Community Justice Bill. The Bill will replace the existing arrangements for Community Justice Authorities (CJAs) with a new model which will introduce:
- (a) Provision for local planning and delivery of community justice services through Community Planning Partnerships (CPPs);
 - (b) A national body to provide assurance on the delivery of outcomes for community justice and reducing reoffending, and to provide strong leadership for the sector;
 - (c) A duty on a defined set of partner bodies (including local authorities, NHS Boards and Police Scotland) to engage in local strategic planning and delivery of community justice services;
 - (d) Accountability for planning and performance at a local level; and
 - (e) The commissioning, management or delivery of services nationally, where appropriate.
- 3.3 The view of Scottish Borders Council in the consultation was that the proposed model which is now to be implemented through the Bill is an opportunity to create an improved approach to community justice, with improved services and outcomes for offenders, families and communities, adopting a holistic approach to practice and the strategic design of services.
- 3.4 The present timescale for the change to the new model indicates that current structures will continue until the end of March 2016.
- 3.5 An allocation of £50,000 has been made to Scottish Borders Council from the Scottish Government in 2015/16 to support the transition process.

4 CURRENT COMMUNITY JUSTICE STRUCTURE

- 4.1 Currently Lothian and Borders Community Justice Authority (LBCJA) is responsible for providing a co-ordinated approach to the delivery of offender services in Lothian and Borders. The Authority is governed by a Board, comprising elected members from the five local authorities in the LBCJA area namely Edinburgh City Council, West Lothian Council, Midlothian Council, East Lothian Council and Scottish Borders Council. LBCJA is managed by a Chief Officer, and the main duties are:
- (a) Working with partner agencies to prepare joint plans to tackle re-offending;
 - (b) Reporting annually to Scottish Ministers on delivery of services in compliance with the plan;
 - (c) Distributing funding for criminal justice social work services in local areas and ensuring this is being used effectively to improve the management of offenders;
 - (d) Monitoring and reporting on the performance and effectiveness of joint working among bodies responsible for the delivery of these services;
 - (e) Supporting better information sharing and the sharing of good practice.

- 4.2 The current shared high level priorities, identified and agreed between NHS Lothian and NHS Borders, Police Scotland, the 5 Councils in Lothian and Borders, the Crown Office Procurator Fiscal Service (COPFS), the Scottish Courts Service (SCS) and Victim Support are as follows:
- (a) Persistent/Prolific offenders
 - (b) High risk offenders
 - (c) Women
 - (d) Young people
 - (e) Chaotic and marginalised families
- 4.3 The delivery of operational Criminal Justice Social Work services in the Scottish Borders is currently situated in the People area and is managed by a group manager who reports to the Chief Social Work Officer. The services provided relate to the provision of services to the court, community-based disposals, and prison through-care.
- 4.4 There is a Scottish Borders Community Justice Group which is chaired by the group manager, Criminal Justice Social Work and comprises representatives from Chief Executives department, Housing/Employment, Police Scotland, NHS Borders (Public Health), Alcohol and Drug Partnership, Scottish Court Service, Addaction, the Crown Office and Procurator Fiscal Service. This Group has not met for some time and there is no current identified formal role and remit for it, other than a collective acknowledgement that a multi-agency approach towards delivering local services for offenders is required.
- 4.5 Community Justice was also featured within the joint Feasibility Study for the Delivery of Justice Services in the Scottish Borders which was carried out by the Scottish Court Service, the Crown Office Procurator Fiscal Service, Police Scotland and Scottish Borders Council and was published in June 2014. This report highlighted the potential of developing a comprehensive pathways process for offenders, focusing on strong partnership processes in the Scottish Borders, and this work needs to be further progressed by this group.

5 TOWARDS A NEW MODEL OF COMMUNITY JUSTICE IN THE SCOTTISH BORDERS

- 5.1 The changes being proposed offer a major opportunity to reshape and transform community justice based on prevention and early intervention particularly in relation to the key priority groups. This links well with the work elsewhere in tackling domestic abuse, community safety, drugs and alcohol and inequalities.
- 5.2 Given the changes that are to be implemented it is considered that there is a need for a more strategic approach to the restructuring of community justice and the delivery of the current community justice action plan. This would position Community Justice within the Community Planning process and build on the partnership work already taking place within the Community Justice Group and elsewhere.

6 THE WAY FORWARD FOR COMMUNITY JUSTICE IN THE SCOTTISH BORDERS

Positioning Community Justice in the Scottish Borders Community Planning Process

- 6.1 The intention of the changes in Community Justice is that it is embedded in the Community Planning process. It is considered that this can best be

achieved by a Community Justice Group being established that would report into the Joint Delivery Team and the Scottish Borders Community Planning Board. The Strategic Board will provide high level oversight of the arrangements and will receive regular updates on progress from the Community Justice Group.

The Scottish Borders Community Justice Group

- 6.2 It is considered that the Scottish Borders Community Justice Group would be an ideal group to ensure that the current and future key priority areas are progressed within the Scottish Borders. The Group would have the following role and remit:
- (a) Align resources to agreed priorities within the CJA statutory plan for reducing re-offending (persistent/prolific offenders, women offenders, high risk offenders, young offenders and marginalised families)
 - (b) Integrate planning and delivery across all partner agencies
 - (c) Target resources based on the risks and needs of offenders whilst supporting Early Intervention and Prevention approaches
 - (d) Monitor performance across partner agencies
 - (e) Identify and share good practice examples
 - (f) Ensure that interagency training and support needs are identified and implemented
 - (g) Use relevant data, information and research to inform the work of the group
 - (h) Monitor and review information regarding outcomes
 - (i) Commission research for the purpose of building on existing knowledge
 - (j) Provide a collective response to government and other consultation exercises, whilst recognising the rights of members of the partnership to provide an individual response
 - (k) Liaise with other relevant groups e.g. Violence Against Women (VAW), Alcohol and Drug partnership (ADP), Child Protection Committee, Adult Protection Committee and MAPPa Committee, in order to ensure effective communication and governance arrangements are in place
 - (l) Manage the transition between the Lothian and Borders Community Justice Authority and Scottish Borders Community Planning Partnership and take responsibility for the delivery of Community Justice, to include the provision of regular reports in accordance with governance reporting structures.
- 6.3 It is proposed that the Scottish Borders Community Justice Group is chaired by the Chief Social Work Officer, Scottish Borders Council. Its membership would comprise officers from Scottish Borders Council (Children and Young People Support, Criminal Justice Social Work, Housing, Employment and Community Safety), Skills Development Scotland, Scottish Fire & Rescue, NHS Borders, Police Scotland, Lothian and Borders CJA, the Health and Social Care Partnership, and the third sector. The representatives should be of a sufficient grade to be able to make resource commitments and

negotiate on behalf of services and agencies. There would be benefit in representation from Crown Office and Procurator Fiscal Service, Scottish Court Service, and Scottish Prison Service, however the centralisation of these services may result in attendance not being possible and communication channels will be required to ensure that all relevant partners contribute to developments. It is proposed that the group would meet monthly initially.

6.4 There are a number of existing inter – agency groups that would report directly or provide input to the Scottish Borders Community Justice Group. The current inter-agency groups that would report directly are:

- (a) The Women’s Steering Group chaired by the Group Manager, Criminal Justice social work which focuses on improving outcomes for women in the criminal justice system.
- (b) The Social Justice Group chaired by the Team Leader, Criminal Justice Social Work which looks at improving information and services available to service users involved in the criminal justice system who are either living in the community or are in custody.

There would be benefit in reviewing the remit and membership of these groups. It may be that further groups are required. However, this should be a decision taken by the Community Justice Group.

6.5 There is also a need to look at the opportunities around developing partnerships with other local authority areas particularly those within the Lothian and Borders Community Justice Authority area to deliver community justice.

Officer Resource and Support Requirements

6.6 A project officer needs to be identified to:

- (a) Enable the effective establishment of the Scottish Borders Community Justice Group
- (b) Develop the Community Justice action plan and an effective performance management system
- (c) Establish effective reporting arrangements within the Council and the Scottish Borders Community Planning process
- (d) Manage the transition from the present arrangements carried out by the Lothian and Borders Criminal Justice Authority.

This will be funded from the allocation to the Council from the Scottish Government. Any remaining funding will be used to support stakeholder involvement and engagement.

Benefits and Outcomes

6.7 The benefits of these changes would be:

- (a) A stronger framework for the restructuring of community justice in the Scottish Borders
- (b) A robust framework for involvement by partners within the Scottish Borders Community Planning process including community and voluntary sector bodies.
- (c) A stronger linkage at strategic and operational level between agencies in the delivery of the current community justice area plan.

6.8 The outcome would be:

- (a) An enhanced commitment to reducing re-offending
- (b) The development of strong and robust prevention and early intervention pathways for people at risk of offending which would lead them to have much more positive and healthier lives and that would provide savings to services and partners in the medium to longer term.

7 IMPLICATIONS

7.1 Financial

A Project Officer will be appointed to take forward the work outlined in this report and the allocation of £50,000 which has been made by the Scottish Government in 2015/16 to Scottish Borders Council will be used for this purpose.

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