



**COUNCIL EXECUTIVE**

**REPORT ON WEST LOTHIAN COUNCIL'S RESPONSE TO SCOTTISH GOVERNMENT SUPPLEMENTARY CONSULTATION ON COMMUNITY JUSTICE REDESIGN (April 2014)**

**REPORT BY HEAD OF SOCIAL POLICY**

**A. PURPOSE OF REPORT**

The Council is responding to this Scottish Government consultation, which follows a previous consultation in 2013. This report outlines the background to the consultation and the process through which West Lothian Council's response has been collated. The formal response document highlights various issues that will be significant for services and for the council.

**B. RECOMMENDATION**

That the Executive:

1. Notes that the proposed model is in general terms similar to that endorsed by the council and its partners in 2013.
2. Agrees to the submission of this formal response to the Scottish Government's supplementary consultation on Community Justice Redesign.
3. Acknowledges that updates on Scottish Government planning on this matter will be provided as they become available.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; developing employees; making best use of our resources; working in partnership
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	None.
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	None.
<b>V Relevance to Single</b>	Outcome 9 - We live our lives free from crime,

	<b>Outcome Agreement</b>	disorder and danger
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	No implications at this time.
<b>VII</b>	<b>Consideration at PDSP</b>	Report was considered by Social Policy PDSP on 26.06.14, and was referred to the Council Executive.
<b>VIII</b>	<b>Other consultations</b>	This response has been developed involving the Community Health and Care Partnership and the Community Planning Partnership.

## **D. TERMS OF REPORT**

### **Background**

In 2011, the Scottish Government set up a Commission on Women Offenders, which reported in April 2012. That report identified that across Scotland there were significant barriers that inhibit the potential to reduce re-offending among all offenders, not only women. Specifically, it highlighted structural and funding systems, and working practices, and recommended the establishment of a national community justice service to commission, provide and manage adult offender services in the community.

In response to these specific issues, the Cabinet Secretary for Justice, Kenny MacAskill, stated in June 2012 that the status quo was unacceptable, and that a consultation on the options for redesigning community justice would be published by the end of the year.

The consultation 'Redesigning The Community Justice System' ended on 30th April 2013, and West Lothian Council and its partners submitted a response, agreed through local governance processes. (Appendix 1.) West Lothian supported Option B (the local authority model), as did the majority of those respondents submitting written responses.

In December 2013, the Scottish Government published its response to the consultation. It noted that there were elements of support for each of the previously suggested options, and put forward a compromise proposal for subsequent consultation, which included:

- Local strategic planning and delivery of Community Justice services through Community Planning Partnerships (CPPs);
- The creation of a national body to provide assurance and recommendations to Scottish Ministers and Local Government elected members as well as professional strategic leadership for the sector;
- A focus on collaboration, including the opportunity to commission, manage or deliver services nationally where appropriate;
- A mechanism, reflecting the national and local democratic responsibilities, to afford discussion and agreements as necessary, on aspects of mutual concern.

The Scottish Government advised it would proceed in due course with a further consultation exercise.

In April 2014, the Scottish Government launched the next stage of consultation, entitled 'Future Model for Community Justice in Scotland'. (Appendix 2). This made proposals on the following:

- Overview of the new model for community justice in Scotland;
- Governance and accountability for the new model;
- Local arrangements;
- Outcomes, performance and improvement;
- Functions of Community Justice Improvement Scotland;
- Structure of Community Justice Improvement Scotland;
- Composition of the Board for Community Justice Improvement Scotland;
- National hub for community justice innovation, learning and development;
- Transition arrangements – from existing structures to the new model;
- Funding the model for community justice in Scotland.

### **Consultation processes and timetable**

Unfortunately, the timescales for this consultation are very constrained. The Scottish Government invited written responses to this consultation paper by 2nd July 2014, which did not allow formal ratification by due processes of governance in West Lothian. It was therefore agreed, with the Scottish Government, that following consultation with the Social Policy PDSP a draft response would be submitted by deadline and that the formal response would be submitted following approval by the Council Executive.

### **Summary of new model for Community Justice**

West Lothian's community justice agencies have not identified any serious areas of disagreement with the proposals, and the draft response (shown at Appendix 3) generally focuses on points of detail.

### **Local arrangements**

The focus will be on local planning and delivery of services, with Community Planning Partnerships taking a lead role in partnership planning, commissioning and delivering of a range of justice services. The document offers flexibility about how local services are planned and delivered, but confirms that guidance will be produced on this. It is likely that local partners will include: local authorities; NHS boards; Police Scotland; Scottish Prison Service (SPS); Alcohol and Drug Partnerships; third sector organisations; Skills Development Scotland.

Proposed legislation (the Community Empowerment (Scotland) Bill) will introduce arrangements to strengthen community planning by placing new duties on public sector partners to play a full and active role in CPPs and to deliver outcomes for communities through effective integrated working.

In support of this responsibility, Community Planning Partnerships will be required to produce a single strategic plan for Community Justice. This is something that West Lothian already does, having produced the West Lothian Reducing Re-offending Strategic Plan 2013-18, and having multi-agency structures in place to support and develop the required work-flows.

The current Community Justice Authorities will cease to exist. Their responsibilities will be shared between local co-ordinating bodies, and a new national body, provisionally called Community Justice Improvement Scotland.

### **The role of the new national body**

- 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.

### **The role of the Risk Management Authority**

While in earlier proposals, the role of the Risk Management Authority could have been incorporated in the new national body, it has now been decided that it should remain separate and independent. Nevertheless, it appears that the two bodies will work closely together in developing services.

### **Governance and accountability**

The consultation paper (Chapter 3) identifies roles and responsibilities for:

- Scottish Ministers;
- Local partners, including local authorities and other public sector bodies designated as local partners;
- The national body, Community Justice Improvement Scotland;
- The Board of Community Justice Improvement Scotland;
- The Chief Executive of Community Justice Improvement Scotland.

The demands to be made on Community Planning Partnerships appear reasonable, and in line with the approach already adopted within West Lothian. It appears that relatively small modifications would be needed to existing practices and procedures to ensure the success of this framework in West Lothian. The proposed statutory duty on local authorities and other statutory bodies across the public sector to focus upon preventative approaches to reduce reoffending is entirely in line with West Lothian's approach.

We welcome the Scottish Government's stated intention to make this a 'light-touch' arrangement, and note the statement that the Scottish Government does "not propose to duplicate or cross over any established lines of accountability for CPPs, local authorities and other partners who must come together locally in order to effect improved outcomes for community justice." The long-existing and effective arrangements in south-east Scotland for specialist service delivery should not be adversely affected by these proposals.

### **Funding**

The document makes no specific comments about the future funding of community justice services, other than a commitment to the principle that funding will follow function. By this, the document explains that "where a new function is created or existing function moved, existing funding resources will be moved in line with this." A separate and ongoing national review of funding will report in due course.

## **E. CONCLUSION**

The Council's draft response to this Consultation acknowledges that the outcome of the first phase of the consultation on this service redesign resulted in a proposed way forward that in general meets the aspirations of justice partners in West Lothian. We

consider that the explicit commitment to a locally-managed model for future delivery of community justice services is welcome.

Subsequent developments in this redesign process will be notified to the Panel.

## **F. BACKGROUND REFERENCES**

Appendices/Attachments:

**Appendix 1:** West Lothian response to Scottish Government consultation on 'Redesigning The Community Justice System' (February 2013)

**Appendix 2:** Scottish Government Consultation document - 'Future Model for Community Justice in Scotland' (April 2014)

**Appendix 3:** West Lothian Council Draft Consultation Response - 'Future Model for Community Justice in Scotland' (June 2014)

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Date of meeting: 5<sup>th</sup> August 2014