

# 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

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### 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

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

**(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

**(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?

<b>Key characteristic (pages 15 and 16 of the consultation)</b>	<b>Option (please specify A, B or C or a mix of all three)</b>
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	A, B or 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
Better integration between local partnership structures, services and organisations working with offenders and their	B

families	
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, B or C
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?

We consider that there are strong examples of such significant cultural change already being seen in justice services at a local authority level. Within West Lothian, these include:

- design and roll-out of new interagency developments;
- development of new and strengthened partnerships to address the 'Reducing Re-offending' agenda, including a Reducing Re-offending committee and three year Reducing Re-offending Strategic Plan;
- enhancing processes for shared planning and continuous review of provision. As a part of the current Community Health and Care Partnership (CHCP), services are ideally placed to take advantage of the value of integrated health and care arrangements. Youth Justice services are fully integrated already and as such interfaces with the 'Whole System Approach' are achieving the best value possible.
- the West Lothian Community Planning Partnership has adopted the Life Stages approach to driving forward prevention, early intervention and an outcomes approach.

It is our view that such developments can be achieved without increasing centralised and detailed control of services and practice, as suggested by Model C. The same results should be achievable within other models by a more effective process of self-regulation/evaluation and inspection. Our view would be that **option B** is therefore the best placed to achieve the necessary cultural change.

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

We are concerned about the implications of Model C in terms of disconnection from established and effective local relationship and practice.

While it will remain true that Criminal Justice services' most demanding and difficult service users are also the clientele of other organisations, we have to date been able to draw upon non-contractual relationships to support the work that we are doing to reduce re-offending, including statutory conditions of court orders.

Local partnerships among councils appear an effective and flexible way to deliver shared services.

Services are well integrated at a local level, particularly with youth justice and other statutory Social Work services. We have established joint working approaches with housing, police and health services. There are clear advantages of being part of the integration of health and social care services. An example of this would be the responsibility of Criminal Justice staff to be mindful and knowledgeable about both Child and Adult Protection, where access to shared training on Public Protection and to shared information systems is crucial.

**Option B** would clearly be the best placed to support this local working.

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

While legislating for a statutory duty could assist in a few situations in providing a clear direction to local authorities and their key partners, it is our view that in general this may provide unnecessary complication. The ongoing review of Single Outcome Agreements, which in any case brings together key partners, appears a logical framework to support principles of collective responsibility for reducing re-offending.

There are other effective ways of achieving such collective responsibility. West Lothian has a Reducing Re-offending Committee that reports up through the Community Safety Board or the Community Health and Care Partnership, which both report to the Community Planning Partnership Board. This will clearly be easily transferable though any Integrated Health and Social Care arrangements.

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

We consider that ring-fencing of funding remains relevant, in order that the courts, Parole Board and organisations scrutinising our effectiveness are each assured that we are providing consistent services to reduce re-

offending, based on best practice.

However, we would note that the logic of the approach in which a variety of service providers contribute to the overall outcomes clearly indicates that such funding should not be purely for local authority expenditure and future financial returns should demonstrate what expenditure is made on commissioning of services. There is already the experience of jointly commissioning services across partner agencies such as the Tobacco, Alcohol and Drug Partnership.

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?

There is a diverse range of training needs for workers in the community justice field. Existing models for providing training appear to work well in developing consistency.

Nothing in any of these models would preclude continuing this useful and positive mix of local, regional and national training.

Previous experience in Scotland of the MSc in Advanced Social Work Studies in Criminal Justice suggests that provision of post-graduate training is an important vehicle for maintaining in-house professional development across the service. This appears particularly important when the roles of workers within Criminal Justice social work services are becoming increasingly specialised, and when the proportion of non-Social Work-trained staff is at an all-time high.

The development of Scottish Vocational Qualifications for non-qualified staff would be helpful.

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?

Experience tells us that utilising a wide range of skills and agencies is helpful.

West Lothian has worked with the SSSC and IRISS on increasing understanding and awareness of leadership in early years and on delivering an outcomes approach.

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?

We do not consider there are any clear negative impacts from any of these models. However, Option B would best take into account the diversity issues within a community or local area.

West Lothian's Reducing Re-offending Strategy has been Equality Impact-assessed. This process confirmed that developments proposed in the plan should help redress some of the inequalities experienced by offenders, such as women who offend.

West Lothian Community Planning Partnership is currently working on a new Single Outcome Agreement and community planning development plan. Our CPP has recently adopted the theme 'Tackling Inequality'. We will link reporting on our partners' equality outcomes to reporting on our new SOA.

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?

We would suggest that the organisational arrangements through which effective criminal justice practice is delivered may have an effect on the contribution that may be made by business and by the third sector, and that these two groups are not entirely comparable. There are some businesses that may be able to deliver national services, but probably few that would deliver small or local interventions. Third Sector organisations might well be able to demonstrate greater flexibility. Smaller third sector organisations are frequently providing employment to local people and have been able to deliver on our reducing re-offending priorities.

We consider that engagement of the business/commercial sector will require detailed regulation to ensure that the best possible services are delivered, and that the needs of the offender are not over-shadowed by commercial imperatives.

The third sector and local and national businesses are represented on the Community Planning Partnership and through the Economic Forum. Through this, there is increasing understanding of what we can all do collectively to keep our communities safer and to create and develop effective environments.

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

No additional comments.

## Option A: Enhanced Community Justice Authority (CJA) model

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

The effectiveness of Community Justice Authorities (CJAs) to date has been restricted in a variety of ways. Their lack of executive authority in implementing the Reducing Re-offending agenda is a reflection of their structure and role as defined by statute.

It would appear that of the three options offered in this consultation, Option A is the weakest, combining as it does a lack of tight operational oversight with its appropriately limited ability to alter or intervene in working relationships at a local authority level. CJAs have made a very limited contribution to date to the successes in West Lothian (lowest reconviction rate in Scotland apart from the Shetland Islands), We consider that this success is attributable to the strength of local partnership working and a focus on 'what works'.

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 re-offending?

It would appear that this could be a useful adjustment, should such limited change be seen as appropriate. It is, however, difficult to see how this would increase performance of CJAs in Reducing Re-offending.

We are already reviewing relationship and governance structures across the community planning partnership to ensure better links between health, community justice, community safety and the economic forum.

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?

It is almost certainly the case that the majority of elected members who sit on CJA Boards have no specific expertise in Criminal Justice. While the recruitment of 'expert' members would strengthen the role of the CJA, the link with local communities and structures remains significant, and such new membership should be on top of, rather than instead of, local representation.



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

It is felt that newly re-configured CJAs will have limited impact on reducing re-offending and that this is best achieved by strengthening and supporting local arrangements through Community Planning Partnerships, the integration of Health and Social Care, and continuing engagement with Community Safety partners.

Do you think CJAs 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?

We do not agree that CJAs should be given operational responsibility for delivering criminal justice social work services. They do not have the requisite knowledge and experience to do so.

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

We do not have a strong view on this, but would note that existing and longstanding relationships within south-east Scotland would assure us of the viability of the current Lothian and Borders CJA. Removing geographical boundaries would allow local council areas to work more imaginatively with other neighbouring authorities.

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

We have seen evidence of effective partnerships between CJAs and the Scottish Government in the delivery of criminal justice-specific training, and would support the continuation of this relationship for delivering improved practice.

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?

While social work-qualified criminal justice staff have a strong grounding in the philosophy and principles under-pinning the 'Reducing Re-offending' agenda, the increasing reliance on non-social work qualified staff across the community justice sector creates new challenges.

Recent training developed for non-social work qualified staff in West Lothian Council was also offered to staff from partner agencies, both statutory and Third Sector, thereby ensuring that all staff share an understanding of issues and of effective and consistent practice. This approach would be difficult to successfully deliver except at the local level, and builds robust working relationships.

## Option B: Local authority model

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

We consider that this option would be strong and sustainable, and that it would allow optimal operational integration with partner services, particularly in the context of integrated health and care services. Local Authorities have strong governance structures and substantial experience in delivering criminal justice social work. The local authority model would allow continued integration with reducing re-offending, health and care, the whole systems approach, early intervention, Multi-Agency Public Protection Arrangements, and Tobacco, Alcohol and Drug Partnerships.

We would suggest that this model offers the best way to deliver both on national expectations and on services that focus on local objectives.

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?

With the current standards of the Scottish Government's dissemination of its standards for service provision, and its clear focus on good practice (both of which we expect to continue), we are confident that service provision can not only continue at a good standard, but may be improved. The opportunity to plan and commission services jointly with other councils should be confirmed in legislation, and we believe that opportunities could be created for joint work among councils that may not have been traditional partners.

Lothian and Borders has a history (that preceded the setting up of CJAs) of jointly commissioning services, such as CRANE and the Community Integration Service for Sex Offenders.

We consider that providing inherent flexibility in partnership arrangements would effectively reduce costs; this should prove less expensive than sustaining the CJA model.

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?

Where there are longstanding relationships and multiple shared local or regional resources (which may include jointly commissioned services), it clearly makes sense for a local partnership to monitor the effectiveness of joint activity. This could in principle include other significant partners (e.g. NHS, SPS). Such a forum could also monitor training needs.

The Lothian and Borders criminal justice social work service managers have been working together successfully for in excess of twenty years and can do

this in future without the need for a formal requirement as we acknowledge it is in the best interests of us all to share best practice.

We would expect that wider issues of co-ordination could continue to be addressed by the ADSW Principal CJ Officers' meeting.

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

We are confident that within local authority structures for Community Planning and public safety, there is sufficient resilience and knowledge to make this a straightforward process.

West Lothian's Community Planning Partnership has a robust knowledge and understanding of prevention, early intervention and an outcomes approach. We were early adopters of these via our Life Stages programme. The CPP Board already receives regular performance reports and updates from the Reducing Re-offending board.

We would note that within West Lothian, we have already agreed and published a shared Reducing Re-offending Plan 2012-15, and that we have now developed a Reducing Re-offending Committee owned by Chief Officers and engaging a wide range of partners in high-level shared planning and policy implementation.

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?

We consider that this would be a reasonable approach.

However, we would expect that whichever organisation takes on this role will recognise the important activity already taken on by many local authorities, in terms of assessing their own performance in the widest possible context. Such initiatives include the Public Service Improvement Framework (PSIF), originally developed as the West Lothian Assessment Model and now used by a number of Scottish local authorities. The role of Customer Service Excellence (CSE) inspections should also be considered.

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

We consider that the Risk Management Authority may be an appropriate organisation to take on this function, although local authorities already have a degree of experience in this area. The government needs to complete its deliberations over indicators it desires to see reported on and set targets (similar to HEAT targets) and local authorities can report as required thereafter.

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

We consider this should offer opportunities to learn from best practice and innovation, as well as identifying and analysing, through community planning processes, the most significant patterns and trends identified within communities across Scotland.

It will provide the strong national governance necessary to take Reducing Re-offending forward and can be supported by the Association of Directors of Social Work (ADSW) Criminal Justice Sub-Committee.

This appears similar to the approach taken in setting up a national community planning group to provide consistency in CPPs' ability to progress the public sector reform agenda. We have had a good experience of that process to date, and would suggest that, if the purpose is to add value rather than additional bureaucracy, this would be a positive development.

## 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?

We would see the reduction of local authority engagement in community justice planning as the most serious problem with this model. There is considerable evidence to suggest that local authorities can take forward the reducing re-offending agenda without the need for a national agency. West Lothian has committed itself to reducing re-offending and its performance in terms of reconviction rates is evidence of this commitment.

A national agency would remove justice services from the communities it both serves and reflects.

We would not be supportive of the creation of a national service but would support the abolition of CJAs in favour of a local model.

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

Should the Single Service Model be the Scottish Government's preferred option, we consider that this would be a reasonable and logical step.

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?

Should the Single Service Model be the Scottish Government's preferred option, we concur that the use of shared administrative boundaries would be appropriate. However, this makes for large geographical areas with a limited degree of shared cultural identity. Evidence to date is indicating that the 'federation' model is hampering attempts to enhance early intervention through diversionary activity.

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

The proposal that local Area Directors would have responsibility for working with local partners to undertake strategic commissioning (which is not clearly defined within the Consultation document) appears to create an unnecessary degree of complexity.

Most service commissioning will be carried out at a much more local level, responding to identification of need that may often not be shared across wide areas within a Federation. We consider that we should be commissioning locally if feasible and appropriate. We have for example already made progress on Joint Commissioning plans with Health

colleagues and have well-established commissioning and contracting arrangements. We welcome the acknowledgement within the Consultation that this task may be delegated.

We feel that scoping and commissioning services in a situation where a single provider is identified as appropriate to deliver such services over a significant area (covering multiple local authorities), might appropriately be co-ordinated by an Area Director.

We would note that there is a potential risk that development of existing cross-service initiatives within local authorities (e.g. West Lothian's Almond Project for female offenders) might become more challenging.

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?

As we note in the first section of this response, we remain unclear how such a proposal would work in practice.

There are other and more effective ways of achieving such collective responsibility, such as the recently-launched West Lothian model for co-ordinating Reducing Re-offending, which brings all significant partners into the planning and co-ordination process.

We would add that the published aims and objectives of some of the listed partner agencies in this document are not directly aligned with the Reducing Re-offending agenda. While this issue needs to be addressed at a national level, making this change would support all models for change, not only the Single Service Model.

Finally, we note that the Third Sector is not a homogenous structure, and by its very nature, is unlikely to act as such. Third Sector capacity building requires local solutions to local problems.

We do not therefore see how this role would encourage access to non-justice services, when this can be better achieved through, for example, health and care integration.

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

We would agree that the roles and responsibilities identified for such a unit are significant, and that these would benefit from co-ordination, possibly reducing areas of duplication. However, we consider that formation of a dedicated community justice unit would be an appropriate way forward, whichever of the three proposed models is adopted.

Any additional comments

We are strongly in favour of **option B**, the local authority model. This can be facilitated by the current process of health and care integration and monitored through the single outcome agreements where reducing re-offending has become a priority under 'Safer and Stronger'.

The findings of the Christie Commission would support our view that community justice services have a key role in the preventative agenda. We understand the importance of one of the commission's stated priorities: "Recognising that effective services must be designed with and for people and communities - not delivered 'top down' for administrative convenience".

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