

Future Model for Community Justice in Scotland

FOREWORD BY THE CABINET SECRETARY FOR JUSTICE



I am pleased to launch this latest consultation paper on the redesign of the community justice system.

It has taken some effort to reach this stage. Consultation with practitioners, engagement with key stakeholders and political discussions have all shaped the model we describe in this consultation paper.

Community lies at the very heart of the new model for community justice and local strategic planning and delivery of services through Community Planning Partnerships are the most important components of the new arrangements. Collaboration will be pivotal to success, as will an acknowledgement by all partners – Scottish Government, local authorities, health, housing, education, Scottish Prison Service, the third sector and others – that we all depend on each other to achieve the outcomes we need.

We also intend to establish a national body to provide independent professional assurance that improved community justice outcomes are being delivered across Scotland. As primary legislation will be required to establish the new national body, there is a natural focus in this consultation document on its role, function and structure. However, the success of the new model for community justice in Scotland lies primarily in the improvements that will be made through local partnership working.

Our circumstances have rarely been more challenging, but I am optimistic about Scotland's capacity to overcome those challenges. There is no shortage of skill, will or desire to make our communities safer and stronger. The evidence tells us we are on the right path – recorded crime is down by 35% since 2006-07 and at its lowest level since 1974. Reoffending rates are at their lowest in over a decade.

I want this trend to continue. I believe the model outlined in this document will help achieve that and I welcome your views on it.

A handwritten signature in black ink that reads "Kenny MacAskill". The signature is written in a cursive, slightly slanted style.

Kenny MacAskill MSP
Cabinet Secretary For Justice

A CONSULTATION ON THE FUTURE MODEL FOR COMMUNITY JUSTICE IN SCOTLAND

CHAPTER 1

INTRODUCTION

Purpose of this document

1. This consultation document invites you to offer your views on the details of the proposed new model for community justice in Scotland.

2. The document is structured as follows:

- Chapter 2 – Overview of the new model for community justice in Scotland;
- Chapter 3 – Governance and accountability for the new model;
- Chapter 4 – Local arrangements;
- Chapter 5 – Outcomes, performance and improvement;
- Chapter 6 – Functions of Community Justice Improvement Scotland;
- Chapter 7 – Structure of Community Justice Improvement Scotland;
- Chapter 8 – Composition of the Board for Community Justice Improvement Scotland;
- Chapter 9 – National hub for community justice innovation, learning and development;
- Chapter 10 – Transition arrangements – from existing structures to the new model;
- Chapter 11 – Funding the model for community justice in Scotland;

3. Chapters 12 and 13 cover the equalities impact assessment and business regulatory impact assessment. Chapter 14 provides details on how to respond. Consultation questions are set out in the relevant chapters and are repeated on pages 41 and 42.

4. For the purposes of this paper, we are using the following definition of community justice in Scotland:

- *The collection of agencies and services in Scotland that individually and in partnership work to manage offenders, prevent offending and reduce reoffending and the harm that it causes, to promote social inclusion, citizenship and desistance¹.*

5. The new arrangements for community justice are designed to ensure the effective delivery of improved outcomes for offenders and communities. The following pages describe what we expect the new model will look like. Some of the changes will require legislative change. The *Redesign of Community Justice Project* has been established, under the *Reducing Reoffending Programme Phase 2 (RRP2)*², to take this work forward.

¹ Desistance from crime is the process through which people cease and refrain from offending.

² Phase 1 of the Programme put in place the foundations for credible alternatives to prosecution and custody, including the introduction of the Community Payback Order (CPO). Phase 2 is focused on

Background

6. Positive progress has been made in building safer and stronger communities in Scotland in recent years. Reoffending rates are at their lowest in over a decade; recorded crime has fallen by 35% since 2006-07; illegal drug use in the general adult population has declined by more than a fifth since 2006; and there were 190,000 fewer victims of crime in 2012-13 than in 2006³.

7. The Scottish Government's vision for a safer, fairer and stronger Scotland is set out in the Strategy for Justice in Scotland⁴. This provides a framework, consistent with the Scottish Government's purpose and National Performance Framework, to guide everyone working in the justice system to align their efforts to make a real difference to our society and economy.

8. Tackling reoffending is a key element of our justice strategy. Reoffending creates victims, damages communities and wastes potential. The Scottish Government wants to minimise reoffending and deliver better outcomes for everyone.

9. Although there has been progress, there remains much work to be done. Offending is a complex problem and there are well established links between persistent offending and poverty, homelessness, addiction and mental illness. The whole of the public sector also faces unprecedented financial challenges. This makes it imperative that the Scottish Government now looks at how all public services, including those for community justice, are planned, designed, evaluated and delivered to create more equal access, improve outcomes and make the best use of public resources.

10. The Commission on the Future Delivery of Public Services⁵ ("Christie Commission") argued for a radical change in the design and delivery of public services to address the intense pressures on budgets and tackle Scotland's deep-rooted social problems. The priorities identified by the Commission included:

- Recognising that effective services must be designed with and for people and communities - not delivered 'top down' for administrative convenience;
- Working closely with individuals and communities to understand their needs, maximise talents and resources, support self-reliance, and build resilience;
- Concentrating the efforts of all services on delivering integrated services that deliver results;
- Prioritising preventative measures to reduce demand and lessen inequalities;

making sure people who have offended use services and make the most of opportunities to become responsible citizens. The aim is that people should move away from offending and instead become people who contribute to their communities rather than damage them. The Redesign of Community Justice is a project under this Programme.

³ [Scottish Government Crime and Justice statistics](#)

⁴ Scottish Government (2012) *The Strategy for Justice in Scotland*

⁵ Commission on the Future Delivery of Public Services (2011)

- Tightening oversight and accountability of public services, introducing consistent data-gathering and performance comparators, to improve services; and
- Driving continuing reform across all public services based on outcomes, improved performance and cost reduction.

11. Changes are already afoot across the public sector to address these priorities. The Scottish Government has embarked on a public service reform programme and our reform approach is based on four pillars:

- a decisive shift towards prevention;
- greater integration and collaboration between public services at a local level;
- greater investment in workforce development and leadership; and
- a sharp focus on improving performance.⁶

12. Two examples of public sector reform are particularly relevant to those working on reducing reoffending. First, the Scottish Government plans to integrate health and social care to improve the quality and consistency of adult care. For the first time, health boards and local authorities will be jointly and equally responsible for the delivery of nationally agreed outcomes (through new Health and Social Care Partnerships). Criminal justice social work may be included in such local arrangements.

13. The second is on-going work to strengthen community planning in Scotland. A shared Statement of Ambition which Scottish Government and COSLA published in March 2012 following a review of Community Planning, states that:

“Effective community planning arrangements will be at the core of public service reform. They will drive the pace of service integration, increase the focus on prevention and secure continuous improvement in public service delivery, in order to achieve better outcomes for communities⁷.”

14. Community Planning Partnerships (CPPs) have since produced new Single Outcome Agreements and related development plans, which Ministers and Council Leaders signed off in Summer 2013. The forthcoming Community Empowerment (Scotland) Bill will introduce proposals designed 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. These community planning arrangements will provide an environment within which local partners can work closely to strengthen community justice, including making the cross-cutting links to how offending connects to prevention planning.

15. The Scottish Government carried out a consultation (Redesigning the community justice system: A consultation on proposals) in 2013 following a series of reports which highlighted serious shortcomings in the existing system for delivering offender services in the community. In November 2012 Audit Scotland published a

⁶ The Scottish Government (2011) *Renewing Scotland's Public Services – Priorities for Reform in Response to the Christie Commission*

⁷ <http://www.scotland.gov.uk/Topics/Government/local-government/CP/soa>

report on reducing reoffending which found that there are many bodies involved in reducing reoffending with “different governance and accountability arrangements and geographic boundaries, resulting in a complex landscape”. It acknowledged that Community Justice Authorities (CJAs) have “made progress in bringing people together but have had little impact on reducing reoffending” and commented that “the way they were set up and inflexible funding have significantly limited their effectiveness”.

16. Earlier in 2012, the Commission on Women Offenders concluded that “there still exist inherent barriers in the structural and funding systems for criminal justice social work, and working practices which inhibit greatly the potential to reduce reoffending” and that “radical transformation is required”. Responding to the Commission⁸, the Cabinet Secretary for Justice said that the status quo was untenable.

17. Between December 2012 and April 2013, the Scottish Government consulted on options for redesigning community justice. Thirteen stakeholder events were held around Scotland and attended by over 550 people. Written responses were also invited and a total of 112 were received. None of the three options as outlined in the consultation paper attracted significant support at the consultation events. Elements of each option gained support from respondents.

18. The Scottish Government published its response to the consultation on 16 December 2013⁹. The response outlined the skeleton of the new model and was developed with support from COSLA, ADSW and SOLACE. The response also stated that a further consultation would take place to give stakeholders, practitioners and members of the public the opportunity to comment on, and contribute to the development of, the new model. This document begins that consultation.

19. There will also be opportunities for professionals, service users, victims and members of the public to attend consultation workshops. More detail on how to respond to the consultation paper and participate in the consultation events is on pages 38 and 39.

20. This consultation is about services for people aged 16 and over who are dealt with under the Criminal Proceedings (Scotland) Act 1995. The Children’s Hearing System deals with the vast majority of children and young people under 16, and in some cases under 18, who commit offences or who are in need of care and protection. The new model deals primarily with people already in the criminal justice system.

21. The consultation will last until 02 July 2014. The new model for community justice is unlikely to be fully implemented until during 2016-17. The current arrangements, including Community Justice Authorities will remain in place until full implementation is complete. An indicative timetable is shown below.

⁸ <http://www.scotland.gov.uk/Publications/2012/06/2387>

⁹ <http://www.scotland.gov.uk/Publications/2013/12/3526>

Indication of key timelines

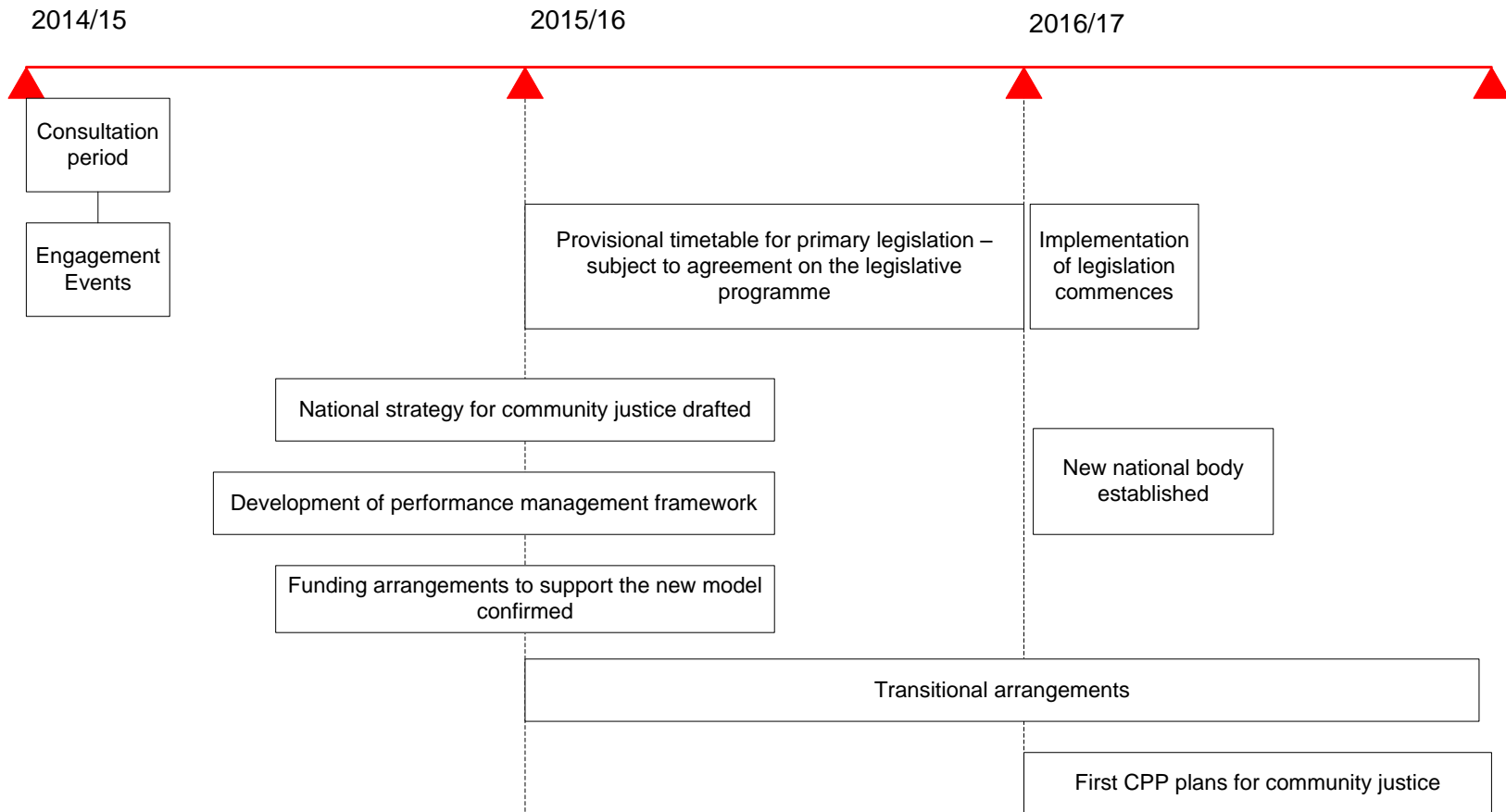


Figure 1: Indicative timetable for the future model for community justice

CHAPTER 2

OVERVIEW OF THE NEW MODEL FOR COMMUNITY JUSTICE IN SCOTLAND

22. Following last year's consultation, 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) and the third sector and, to develop a model for community justice which meets the needs of service users, victims, their families and the communities of Scotland.

23. Community lies at the heart of this new model which is why the local strategic planning and delivery of services through Community Planning Partnerships (CPPs) are central to the new arrangements. Outcomes for community justice will be planned and delivered by a range of partners - local authorities, NHS boards, Police Scotland, Scottish Prison Service, the third sector and many more - working in partnership at a local level in the context of community planning. This is in line with expectations on delivery of a range of key outcomes set out in Single Outcome Agreement guidance.¹⁰ The emphasis on this local dimension will build and improve upon the partnership-based approach taken by CJAs to oversee services which work with offenders.

24. Under the new model, CJAs will cease to exist. The main features of the model, shown in figure 2, are:

- Local strategic planning and service delivery as part of Community Planning Partnerships (CPPs);
- Duties on a defined set of partner bodies¹¹, 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 Improvement Scotland, established to provide independent professional¹² 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. This mechanism is described further at paragraph 75.

¹⁰ <http://www.scotland.gov.uk/Topics/Government/local-government/CP/SOA2012/SOA2012>

¹¹ The Scottish Prison Service (SPS) is an Agency of the Scottish Government. Where required in legislation, the responsibilities of the SPS with regard to community justice shall be stated by reference to Scottish Ministers making clear the reference pertains to the SPS as an agency.

¹² Whilst inclusive of social work, to fulfil its functions, a range of professions and expertise will be reflected in the Board and staffing of Community Justice Improvement Scotland. See Chapter 7 for details.

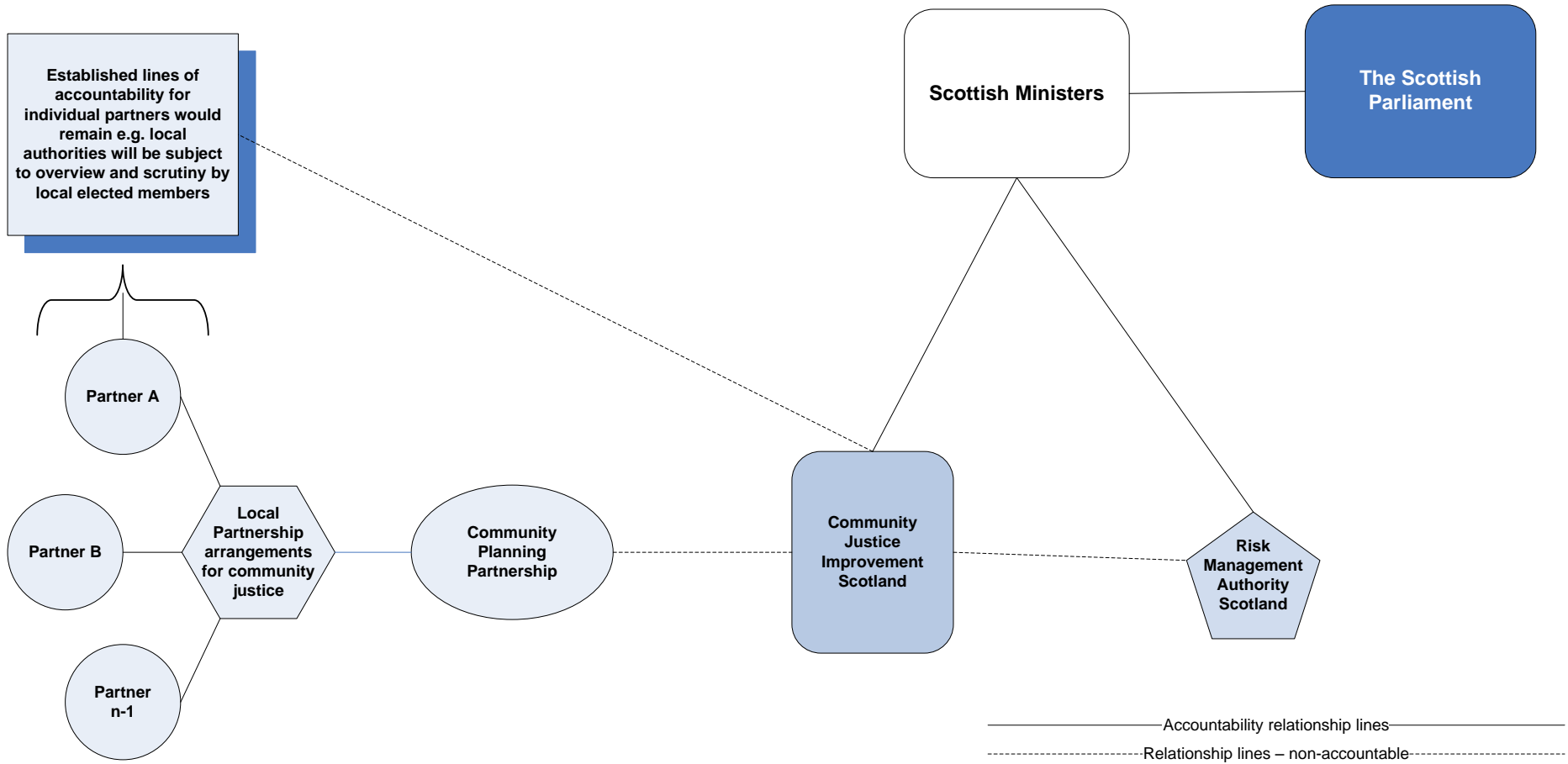


Figure 2: The new model for community justice in Scotland

25. One of the many benefits of the new model is the elements of continuity that it offers, including:

- Local partnership arrangements will build upon existing capabilities under CPPs;
- Criminal Justice Social Work will continue to be managed and delivered at a local level;
- The Risk Management Authority¹³ (RMA) will remain as a standalone public body, with clear links developed to Community Justice Improvement Scotland;
- Support for national offender programmes will remain at a national level;

26. As primary legislation will be required to establish the new national body, the focus in this consultation document is on describing its role, function and structure. However, the success of the new model for community justice in Scotland lies primarily in the improvements that will be made through local partnership working.

27. The Scottish Government will produce a national strategy for community justice. This strategy, developed jointly with local government and key delivery partners and in consultation with stakeholders, will provide the vision for community justice and reducing reoffending over a 5 year period.

28. The national strategy will include a new national performance framework for community justice. The framework will cover all aspects of offender management in the community. The rehabilitative aspects of managing offenders will be based on the desistance model¹⁴ and promote the factors which reduce the chance of a person reoffending, such as improved health, access to housing, employability¹⁵ and positive relationships¹⁶. The main organisations with responsibility for delivering these services are represented on CPPs. In setting out the required outcomes to manage offenders and promote desistance, the national performance framework will make clear the contributions required of these partners in order to reduce reoffending. This may necessitate desistance being embedded into local partners' performance management frameworks but this will be discussed as the framework for community justice is developed.

Local arrangements

29. Under the new model, local partners, including local authorities and other public sector bodies referred to in paragraph 30 below, will assume responsibility for the local 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. Working together in partnership arrangements established locally within CPPs, local partners will take forward services for community justice in a way which reflects both local need and circumstances. This will include the

¹³ The RMA is a Non-Departmental Public Body (NDPB), established in 2005 by the Criminal Justice (Scotland) Act 2003. Its duties focus on protecting the public by ensuring that robust and effective risk assessment and risk management practices are in place to reduce the risk of serious harm posed by violent and sexual offenders

¹⁴ Desistance from crime is the process through which people cease and refrain from offending

¹⁵ Supporting an individual's capability to access, gain and maintain employment

¹⁶ [What Works to Reduce Reoffending: A Summary of the Evidence \(2011\)](#)

strategic commissioning of services based on an analysis of local needs, evidence of what works and best value for money.

30. 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. It is likely that local partners will include:

- Local authorities;
- NHS boards;
- Police Scotland;
- Scottish Prison Service (SPS);
- Alcohol and Drug Partnerships;
- Third sector; and
- Skills Development Scotland.

31. 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 will also be involved at a local level.

32. Criminal Justice Boards in Scotland¹⁷ provide for efficient joint working and oversight of the performance of the system at the local level. We expect that appropriate links will be made between the relevant Board and the local partnerships in their area.

33. Other partners, such as colleges and universities, may be involved according to local needs and circumstances.

34. Unless otherwise stated, the term 'local partners' will be used to refer to organisations from the above list.

35. Local partners within CPPs will use the performance framework to produce and deliver a strategic plan for community justice in their area. Local partnerships will also produce an annual report setting out progress against the framework.

36. 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. It is our intention to use and build upon these duties.

¹⁷ <http://www.scotland.gov.uk/Topics/Justice/legal/criminalprocedure/Local>

The national body – Community Justice Improvement Scotland

37. The national body will be a public body, established in statute as an Executive Non Departmental Public Body. The name *Community Justice Improvement Scotland* is proposed as a working title.

38. The national body will be directed by its Board. The Board will consist of individuals with relevant professional experience in community justice in Scotland. This will include people with experience in other areas such as health and housing, as well as those with academic and third sector experience.

39. 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.

40. It is proposed that the RMA will sit alongside, but separate from, Community Justice Improvement Scotland. This arrangement allows the RMA to forge links with the national body where appropriate, while also maintaining its independence by remaining at arm's length from both Scottish Ministers and local and national delivery.

41. The redesign of community justice comes at a time of change in the strategic management and delivery of social care services in Scotland with the introduction of the Public Bodies (Joint Working) (Scotland) Act 2014. It will be the responsibility of local partners to ensure that any local integration arrangements enacted for health and social care are consistent with requirements for local partners to deliver on community justice outcomes and vice versa.

42. The national body will also work with delivery partners and stakeholders to establish an agreed intelligence-led long term strategic and co-ordinated approach to commissioning for community justice in Scotland. Where benefits are recognised at the national, regional and local level for shared services or collective and collaborative undertakings, organisations will be expected to work in partnership in establishing these.

43. The following chapters of this document provide further detail on the new model for community justice in Scotland, setting out the governance and accountability relationships and the roles and responsibilities of each of the constituent parts of the model.

Question 1: Do you have any general comments on the overview of the new arrangements for community justice?

CHAPTER 3

GOVERNANCE AND ACCOUNTABILITY FOR THE NEW MODEL

44. The Scottish Government has previously stated that clearer lines of strategic, political and operational accountability are required for a successful community justice system¹⁸. Our proposals for governance and accountability do this by providing clearly defined 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;

45. We expect the governance arrangements in place or planned for community planning to apply to the local strategic planning and delivery of services for community justice as they do for other local aspects of strategic planning and delivery.

The role of Scottish Ministers

46. In relation to the proposed new body, Community Justice Improvement Scotland, the role of Scottish Ministers will be to:

- Appoint the Chair and members of the Board in accordance with the Commissioner for Ethical Standards in Public Life in Scotland's Code of Practice for Ministerial Appointments to Public Bodies in Scotland;
- Hold the Board to account for delivery of its responsibilities;
- Set a budget, approved by Parliament;
- Publish a national strategy for community justice, which will include the national performance framework for community justice, providing the backdrop for local partnerships, via CPPs, to plan and deliver services and for Community Justice Improvement Scotland to fulfil its functions of assurance;
- Approve Community Justice Improvement Scotland's strategic plan;
- Approve certain relevant appointments made by Community Justice Improvement Scotland;
- Consider recommendations made to them by Community Justice Improvement Scotland.

47. We propose that, as with other public bodies and authorities, Scottish Ministers will have a power of direction in relation to Community Justice Improvement Scotland, with appropriate safeguards in certain circumstances. Scottish Ministers will be ultimately accountable to Parliament for the functions and performance of the national body¹⁹.

¹⁸ [Redesigning the Community Justice System: A Consultation on Proposals \(2012\)](#)

¹⁹ [Scottish Government Public Bodies guidance](#)

The role of CPPs, local authorities and other partner bodies

48. Reducing offending is one of six national priorities agreed for CPPs to reflect through their Single Outcome Agreements, according to local needs and circumstances. Responsibility for local strategic planning and service provision and delivery of community justice outcomes will, therefore, be retained collectively within the locality with partners following established lines of accountability within their respective organisations for the achievement of these.

49. We propose to place an additional statutory duty on local authorities and other statutory bodies across the public sector to focus upon preventative approaches to reduce reoffending. This will include a responsibility to work with non-statutory partners, such as community and third sector interests, to fulfil this duty.

50. Local partners will be required to produce a single strategic plan for community justice for each CPP, in accordance with the national performance framework for community justice and reflecting local circumstance, which the CPP will sign off and publish. This is described in further detail at paragraphs 86 to 92. Local partners will be responsible on an individual and collective basis for delivery of the plan. 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. The CPP will also publish an annual report, again in accordance with the national performance management framework for community justice and reflecting local circumstances. Collective responsibility will be achieved through there being one plan for delivering improved outcomes for an area which local partners must engage in and contribute to together for successful results to be secured. Local partners will be expected to provide challenge to each other on this engagement and delivery to ensure the continued individual contribution to the greater whole.

51. We do 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 role of Local Authority Leaders

52. The role of Local Authority Leaders will be to:

- be accountable for the outcomes achieved by the local authority;
- work with local partners to respond to matters raised locally relating to the work of their partnership;
- respond to any recommendations from Community Justice Improvement Scotland pertaining to performance concerns about a local partnership.
- through COSLA, reach any necessary collective agreements with the Scottish Government;
- contribute to the development of the Community Justice Improvement Scotland programme planning and comment on its implementation and delivery.

The role of Community Justice Improvement Scotland

53. Community Justice Improvement Scotland will be accountable to Scottish Ministers. It will also provide regular reports to COSLA/local government Leaders as appropriate.

54. Responsibility for the delivery of the remit of the national body resides with that body, subject to corporate governance arrangements, audit and quality procedures.

55. The role of the Board for Community Justice Improvement Scotland will be to govern the body. The Board's other key responsibilities will be to:

- Produce and publish a national strategic plan taking account of the strategic objectives set by Scottish Ministers and the National Strategy for Community Justice;
- Hold the Chief Executive to account for performance against the strategic plan;
- Provide advice²⁰ on local community justice plans and annual reports;
- Publish an annual report and accounts;
- Oversee the national hub for innovation, learning and development (as described in chapter 9) and the management of related information;
- Commission services where appropriate;
- Promote the importance of successful community justice and the associated values to deliver such;
- Liaise with other national and justice boards, including the Scottish Police Authority, Parole Board for Scotland, Criminal Justice Boards, national special NHS Boards as appropriate and others;
- Monitor and scrutinise complaints relating to the performance of Community Justice Improvement Scotland in line with the Scottish Public Services Ombudsman.

56. It will be essential to ensure that the Board has the right skills, experience, and expertise to govern the body and hold the Chief Executive to account.

57. Members of the Board for Community Justice Improvement Scotland will be appointed by the Scottish Ministers through a formal public appointment process which complies with the Commissioner for Ethical Standards in Public Life in Scotland's Code of Practice for Ministerial Appointments to Public Bodies in Scotland. Scottish Ministers will ensure that these appointments included individuals with experience of and knowledge of the community justice landscape.

58. The Chief Executive of Community Justice Improvement Scotland will be designated as the Accountable Officer for the body. As Accountable Officer, the

²⁰ The Board, with support from the staffing of Community Justice Improvement Scotland, has a dual advisory function as regards local community justice plans and reports. It may provide advice to the authors and contributors to these reports: CPPs, local partners and local government elected members. It may also provide advice to Scottish Ministers, to COSLA Leaders and to the National Community Planning Group, as appropriate, as per its functions noted in Chapter 6.

Chief Executive will be responsible for the use of resources but Scottish Ministers remain accountable to Parliament for the allocation of public funds in relation to the body²¹.

59. The Chief Executive of Community Justice Improvement Scotland and its Board will have a specific remit to promote community justice interests and values. Building confidence in and support for community justice through engagement with key stakeholders will be crucial to delivering on this remit.

The relationship between Community Justice Improvement Scotland and Community Planning Partnerships

60. As part of its general assurance function, Community Justice Improvement Scotland will provide an independent and national overview of local partnership strategic delivery plans and annual reports for community justice. Community Justice Improvement Scotland will have the power to make recommendations to Scottish Ministers and to relevant local government elected members, as appropriate, on any improvements that are required based on its analysis and findings.

61. In this context, the body will consider what best practice could be extended further or whether collective areas of underperformance exist, why they exist, what barriers to improvement there may be and advise as to how these may be addressed.

62. To support this role, CPPs will share their published strategic delivery plans for community justice and annual reports with Community Justice Improvement Scotland to show their progress in delivering improved outcomes for community justice.

63. As a further part of this assurance process, Community Justice Improvement Scotland will consider the broader contribution of national justice organisations to delivering community justice outcomes. It is expected that those organisations with a clear and obvious interest will contribute to local partnerships and that their contributions will be evidenced in local plans and reports.

64. In discharging its assurance duty and improvement function, it may become evident to Community Justice Improvement Scotland that targeted support could be beneficial for individual partnerships or organisations. If this is the case, the national body will have the ability to offer independent support. This may include:

- Specific dialogue between the national body and local partnerships and relevant organisations regarding ways to support the improvement required;
- Enabling benchmarking, sharing best practice, driving improvement in partnership standards and workforce development for community justice and facilitating closer engagement between local partnerships;

²¹ Guide to Public Bodies in Scotland. <http://www.scotland.gov.uk/Topics/Government/public-bodies/pubs/Guide%20to%20public%20bodies>

- Raising awareness of any potential systemic issues and opportunities which exist to effect improvements and recommending solutions as appropriate;
- Encouraging and, where appropriate, supporting any local systems for peer review.

65. We recognise the importance of community planning reflecting local needs, with plans and operating arrangements shaped around local priorities and operating preferences. The responsibility for resolving any local issues rests with local partners within the CPP. However, should the local partners or a CPP request advice and assistance on issues that, for whatever reason, have not been able to be resolved locally either within or between partnerships, or through arrangements for community planning, then Community Justice Improvement Scotland will be able to offer support and assistance.

66. Community Justice Improvement Scotland will be able to recommend potential further improvement actions. These may include the offer of support from or arranged by Community Justice Improvement Scotland, requirement for improvement plans and the potential for specific multi-agency inspections. Local partnerships will be fully involved in the discussions as to action required.

67. In exceptional circumstances, Community Justice Improvement Scotland would have the power to recommend that a rescue task group be established to work with the local partnerships and relevant organisations to effect sustainable improvement. This would be done working closely with the local partnership and with the agreement of Scottish Ministers and relevant local government elected members.

68. In building their relationship with Community Justice Improvement Scotland, CPPs will be invited to:

- Comment on a draft of Community Justice Improvement Scotland's strategic plan;
- Make proposals on how to improve performance both locally and across the sector;
- Propose services which should or could be commissioned nationally via Community Justice Improvement Scotland or on a pan-Scotland basis;
- Propose ideas for innovation, joint learning and workforce development at a national or pan-Scotland basis;

69. Community Justice Improvement Scotland's focus is on improved outcomes for community justice with local partners working in partnership under CPPs to achieve these. There should be no need for Community Justice Improvement Scotland to have direct involvement in the principles of community planning as there are existing channels in place between national and local government, such as the National Community Planning Group, to cover this.

Arrangements for commissioning of services under the new model

70. Community Justice Improvement Scotland will work with CPPs, partners and the third sector to develop a transparent process for the commissioning of services in relation to community justice, building upon existing good practice. By

commissioning, we mean supporting the shared assessment of and forecast of needs, linking investment to outcomes, considering options and supporting partners to plan the nature, range and quality of future services in support of community justice outcomes. Contracting and procurement procedures will support the commissioning process and will rest with the appropriate local or national body or bodies.

71. There may be benefits for shared services or collective and collaborative undertakings at a national, regional and local level. Organisations will be expected to work in partnership in establishing appropriate arrangements²² and agreeing collective funding mechanisms where necessary. Consideration should, however, be given to lead authority arrangements and all existing partnerships and established organisations wherever possible. In establishing these arrangements, we expect there to be a focus on what works, improving outcomes, local need and Best Value. Therefore, it may be appropriate in some cases for quality standards for the delivery of services to be agreed.

72. Local partner bodies will be expected to ensure that collective resources are deployed closely in alignment with the agreed priorities of the CPP, as the Agreement on Joint Working on Community Planning and Resourcing²³ makes clear.

73. Community Justice Improvement Scotland will have the ability to commission pan-Scotland services, informed by input from both national and local strategic considerations and with the approval of Scottish Ministers and COSLA leaders and other partners as appropriate. An example of such a service would be Intensive Support Packages. It will be open to local partnerships to request such arrangements to be put in place via Community Justice Improvement Scotland.

74. If local partners choose not to access services in place via Community Justice Improvement Scotland, they will have to justify that decision, based on evidence of what works, improving outcomes, local need and Best Value and taking account of the impact on other users or the funders of such services. The same holds true if local partners no longer wish to access any collective or collaborative arrangements established, whether via Community Justice Improvement Scotland or other means.

75. In exceptional circumstances, it may be that a new or national initiative needs to be established by Scottish Ministers to deliver the shared objectives²⁴ for community justice. Where there is an impact on local financial and commissioning decisions, Scottish Ministers would consult with COSLA Leaders as appropriate, with a view to seeking agreement. This would respect the established procedures for the setting of the public sector budget in Scotland.

²² Example may be: the establishment of a national framework contract via a lead authority or existing organisation against which local partners may call off services;

²³ [Agreement on Joint Working on Community Planning and Resourcing \(September 2013\)](#)

²⁴ These shared objectives shall be detailed in the national strategy for reducing reoffending and community justice but long term outcomes are likely to cover: reducing reoffending and increased positive citizenship; increased public safety; increased public reassurance; reduced costs and reduced stigma. Intermediate outcomes for offenders would reference the factors shown in Chapter 5.

76. There will be processes in place to quality assure any services which the national body may establish, oversee or discharge as there would be for any other collective or collaborative arrangements. Such processes will ensure that those accessing such services will have an avenue to provide comment.

Question 2: What are your views on the governance and accountability arrangements?

CHAPTER 4

LOCAL ARRANGEMENTS

77. Local partners will assume responsibility for the local 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, to be drafted by September 2015. They will fulfil these responsibilities working in partnership within locally agreed community planning arrangements.

Local partnership arrangements

78. How local partners work together within CPPs, for the planning and delivery of services for community justice and improving outcomes is at local discretion.

79. The Scottish Government, in conjunction with local government and with input from key partners and stakeholders, will produce guidance for local partners and CPPs to support them in developing their arrangements. This guidance will complement existing legislation and guidance such as the local government in Scotland Act 2003, the Community Empowerment Bill and documents such as the joint Scottish Government/COSLA Statement of Ambition.

80. Scottish Government guidance will highlight various relevant partners and existing partnership groups which should be included, as relevant to local needs and circumstances, in CPP arrangements for the planning and delivery of services for community justice.

81. There is a core set of partners which have a significant contribution to make in local partnership arrangements throughout Scotland, bringing consistency whilst supporting local needs and circumstances. This set includes:

- Local authorities;
- NHS boards;
- Police Scotland;
- Scottish Prison Service²⁵;
- Alcohol and Drug Partnerships;
- Third sector; and
- Skills Development Scotland.

82. We expect these core partners to be involved in local partnership arrangements in each CPP. Local partners may also wish to involve other organisations as they consider appropriate.

83. We have an expectation that non-statutory providers of services that lead to improved outcomes for community justice will be fully and appropriately involved in the planning and decision-making within the local partnership arrangements.

²⁵ It is recognised that the Scottish Prison Service may not have prison personnel physically located in each local authority area in Scotland but we expect arrangements to be put in place to allow for their membership and inclusion in local partnerships for community justice.

84. Statutory partners will be required to involve the third sector and community-based organisations in the planning and delivery of community justice within their areas, in accordance with procurement rules and local needs and circumstances. In addition, local partners will be expected to involve and consult users of services for community justice and the broader local community in planning and delivery to inform an understanding of needs and how services should be shaped and delivered around these. This is consistent with the principles of co-production, which underpin the Government's vision for asset-based and person-centred services.

85. There would be no barrier to the continued use of joint local partnership arrangements or joint services delivered across CPP boundaries wherever local partners consider this appropriate for addressing local needs and circumstances.

CPP delivery plans and annual reports

86. A statutory obligation will be placed on each CPP to publish a local plan to deliver services for community justice in their area, in accordance with the national performance framework for community justice and reflecting a sound understanding of local circumstances. Local partners will have corresponding responsibilities to prepare and deliver on these plans. As noted in the section on governance and accountability, established CPP reporting duties will apply, as will existing accountability mechanisms for partner bodies.

87. Community Justice Improvement Scotland will provide advice on CPP plans and reports for community justice. This advice may be relevant for the CPP as a whole or for any of the local partners.

88. Matters arising related to the broader management or running of an individual CPP or common issues arising will be reported using existing mechanisms.

89. Guidance will be developed on how local authorities and other statutory partners, through CPP arrangements, can best collect and share the data required to allow them to assess need and to evidence improved outcomes for community justice. This work will be taken forward by the Scottish Government under phase 2 of the Reducing Reoffending Programme (RRP2), working in conjunction with key partners and in collaboration with stakeholders. Once established, Community Justice Improvement Scotland will take on ownership for this work as it will inform the evidence against the national performance framework.

90. This guidance is likely to advise that any contracts with private or third sector organisations should contain conditions which require the agreed performance management information to be shared.

91. Local partners will be required to monitor and scrutinise complaints made locally, including those of partners failing to participate in the community planning process.

92. Existing local authority duties to work with offenders in the community as set out under the Social Work (Scotland) Act 1968 will continue.

Implications for the existing Multi Agency Public Protection Arrangements (MAPPA)

93. We do not anticipate any significant changes to the relevant legislation for assessing and managing the risks posed by certain types of offenders. We expect little, if any, impact on the current operational delivery of MAPPA as a result of the redesign, given that the duties placed on responsible authorities in the context of MAPPA will not change.

94. At present, MAPPA structures are aligned with those for CJAs. With the disestablishment of CJAs, consideration will need to be given to the local and national governance and administrative structures which would apply to MAPPA under the new model for community justice. In relation to MAPPA, most areas are already accountable to or work with CPPs as well as CJAs and the redesign offers opportunities to streamline existing processes and lines of accountability.

95. Any consideration of MAPPA governance will include discussion on the role of Community Justice Improvement Scotland in a future MAPPA structure.

Question 3: What are your views on the arrangements for local strategic planning and delivery of services for community justice?

CHAPTER 5

OUTCOMES, PERFORMANCE AND IMPROVEMENT

96. As part of the Reducing Reoffending Programme Phase 2 (RRP2), a national performance framework for community justice will be developed jointly with key partners and in consultation with stakeholders. This framework will enable transparent monitoring of progress in delivering community justice outcomes across Scotland. The framework will be used by Community Justice Improvement Scotland to provide assurance to Scottish Ministers and local government leaders, and by CPPs to plan, deliver and monitor services.

97. The aims of the work being taken forward under RRP2 are to:

- Develop a performance management culture in those partners involved in the planning, delivery and evaluation of services for community justice in Scotland with a focus on reducing offending and reducing re-offending;
- Deliver a framework for community justice which enables a clear, transparent and rigorous analysis of performance, continuous improvement and the achievement of improved outcomes;
- Deliver increased transparency in and clearer lines of accountability for such outcomes;
- Engage with existing scrutiny and inspection arrangements to deliver clear responsibilities, expectations and processes for the scrutiny and inspection of local partnerships. This will include the exploration of collective responsibility, working with scrutiny and inspection bodies to develop and integrated approach to inspection;
- Encourage and facilitate collaborative working on performance management at a CPP level related to Single Outcome Agreements;
- Enable benchmarking between local partnerships and to share good practice and identify differences/inequalities in performance across local partnerships;
- Identify steps and potential action to be taken to both share good practice and highlight good performance or to address poor performance.

98. How local partners intend to deliver their intended outcomes and the reporting on the achievement of these will be an essential part of their local strategic plans and annual reports.

99. The framework will be based on factors which reduce the chance of an individual re-offending. These include:

- 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 or behaviour which lead to offending and;
- Greater acceptance of responsibility in managing behaviour and understanding of the impact of offending on victims and families.

100. Under the new model, the Scottish Government will expect local partners to work together to enhance services for offenders to achieve improved outcomes, prioritising the most critical factors in individual cases.

Question 4: What suggestions do you have on how a national performance framework for community justice in Scotland could operate under the new model?

CHAPTER 6

FUNCTIONS OF COMMUNITY JUSTICE IMPROVEMENT SCOTLAND

101. Under the new model, Community Justice Improvement Scotland will perform the following functions:

Providing national, professional and strategic leadership for community justice in Scotland:

- Providing the vision and direction for the successful achievement of the body's remit and leading the drive for improved outcomes for community justice in Scotland;
- Act as the voice and champion for community justice services to raise their profile and highlight their contribution to delivering the Scottish Government's Purpose;
- Identify and recommend actions to address, as appropriate, institutional, legal, financial and any other systemic barriers to progressing the national strategy for community justice;
- Promote partnership working at a national level by enabling engagement at a strategic level between partners in community justice, other justice and non-justice fields;
- Engage with practitioner networks to identify best practice and develop guidance based on practice concern;
- Support the development of a more strategic and co-ordinated approach to the involvement of the third sector in community justice;
- Develop the vision for a more strategic approach to workforce development for community justice, focused on the continuing professional development of all staff;
- Work with existing bodies and partners to set practice standards and expectations of good practice in relation to community justice for delivery partners to operate within;
- Support innovation by identifying and promoting national and international best practice both within and beyond Scotland.

Providing oversight of the delivery of a new national performance, improvement and outcomes framework for community justice in Scotland:

- The development and oversight of the national performance and improvement framework for community justice services;
- Advise Scottish Ministers and relevant local government elected members on collective performance against delivery of the national performance framework for community justice with an emphasis on driving local and national continuous improvement;
- Review local partnership strategic delivery plans and annual reports as part of the independent assurance process to Scottish Ministers and COSLA / Local Authority Leaders;

- Engage with scrutiny and inspection bodies on arrangements for providing assurance on quality and continuous improvement of community justice services;
- Enable the benchmarking of local partnerships against each other and through existing arrangements to allow for collective and continuous improvement and identifying opportunities to extend best practice;
- Develop, in conjunction with local partners, a support programme and toolkit for effective partnership approaches to reducing reoffending.

Identifying and advising on how justice and other resources could be aligned to improve outcomes for community justice:

- Advise Scottish Ministers on how funding should be prioritised to support national priorities for community justice, including any redistribution which may be necessary within community justice sector and the better alignment of resources from out with the community justice sector;
- Identify, with key partners and stakeholders, opportunities for deriving the greatest value from strategic commissioning of services in relation to community justice, based on an analysis of need, evidence of what works and efficiency;
- Identify and commission elements of the community justice system that may be better undertaken at a national level, such as arrangements for cross-border transfers and the design of Intensive Support Packages.

Management of any services which have been identified and agreed as being best delivered on a national basis:

- Strategic commissioning arrangements for community justice at a national level where necessary;
- Oversight, development and delivery of national training and development for community justice;
- Contract management and monitoring of contracts awarded at a national level;
- Elements of learning and development, including effective practice such as oversight of the evaluation and development of intervention programmes;
- Oversight of the development and support of IT and information management assets to be managed at a national level, such as the system which supports Level of Service/Case Management Inventory (LS/CMI)²⁶.

Question 5: What are your views on the functions to be delivered by Community Justice Improvement Scotland?

Question 6: Does the name “Community Justice Improvement Scotland” adequately reflect the responsibilities of the new national body and its functions?

²⁶ <http://www.scotland.gov.uk/Topics/Justice/public-safety/offender-management/offender/community/16910/Inventory/Use>

CHAPTER 7

STRUCTURE OF COMMUNITY JUSTICE IMPROVEMENT SCOTLAND

Overview

102. Community Justice Improvement Scotland will have a Board which will hold to account the Chief Executive of the body. Appointments to the Board will be based on the skills, experience and qualities required by the body. Board members will not be involved in the day-to-day running of the body.

103. To help it discharge its functions, the Board will have the ability to establish committees with membership drawn from Board members and the professional landscape for community justice. Staffing from Community Justice Improvement Scotland will support the committees.

104. As a body corporate, Community Justice Improvement Scotland will have the facility to recruit and appoint its own staff within the budget that has been set. The Chief Executive will oversee the appointment of staff to the body, making reference to the Board as required.

Skills and competencies required

105. In order to fulfil the functions laid out in chapter 6, Community Justice Improvement Scotland will require to have a staffing complement with the following set of skills and competencies:

- Leadership – the ability to inspire and empower others to aid the delivery of the aims of Community Justice Improvement Scotland and the furthering of improved outcomes for community justice;
- Strategic planning – to support Community Justice Improvement Scotland’s process of defining its strategic plan and direction and making subsequent decisions on allocating its resources accordingly;
- Analysis and improvement – to analyse plans and reports, consider research and support delivery of the national strategy for community justice and oversee the national performance framework;
- Administration – in support of the Chief Executive and the Board of Community Justice Improvement Scotland;
- Finance and accountancy - the body will be required to allocate and manage its own budget and to prepare its own annual reports and accounts. Community Justice Improvement Scotland will, therefore, require the staffing and skills to fulfil this function or out-source this as it sees fit;
- Social work professional skills – the provision of professional advice to enable Community Justice Improvement Scotland to fulfil duties as delegated to the body by the Scottish Government;
- Contract management – as required to negotiate, establish, support and effectively manage contracts on behalf of the body, partners or the Scottish Government;
- Commissioning – supporting the assessment of and forecast of needs, linking investment to outcomes, considering options and supporting both Community

Justice Improvement Scotland and CPPs to plan the nature, range and quality of future services in support of community justice outcomes. This will not duplicate effort in CPPs;

- Innovation, learning and development - supporting the learning and development of community justice professionals across Scotland by sharing innovative approaches taken internationally and identifying, promoting and pioneering best practice in Scotland. This will include an understanding of partnership standards and the principles of prevention.

106. This set of skills and competencies, complemented by those of the Board and members of its committees, will allow Community Justice Improvement Scotland to provide specialist advice to Scottish Ministers and others, including relevant local government elected members, as required.

Question 7: Are the skills and competencies in paragraph 105 and referenced in paragraph 106 appropriate to allow Community Justice Improvement Scotland to fulfil its functions as noted in chapter 6?

Organisational structure for Community Justice Improvement Scotland

107. Community Justice Improvement Scotland will need to have a staffing complement sufficient in size to deliver its required functions, whilst working to the principles of both flexibility in resourcing and non-duplication of effort and remit of existing structures and organisations.

108. Although the exact number of roles in Community Justice Improvement Scotland is yet to be determined and will be informed in part by the response to this consultation, Figure 3 on page 28 shows the draft organisational structure for the body at its inception. It will be the responsibility of the Chief Executive to take forward any review and reshaping of this structure following its establishment. Our expectation is that Community Justice Improvement Scotland will be a relatively small organisation in terms of staffing numbers, consisting of around 20 full time equivalent posts in addition to the Board.

109. It should be noted that the Chief Executive, Director of Operations and Head of Corporate Services and Business Performance will act as the senior management team for Community Justice Improvement Scotland.

Question 8: Is the organisational structure shown at Figure 3 and the expected size of the staffing complement sufficient to allow Community Justice Improvement Scotland to fulfil its functions as noted in chapter 6?

Question 9: What other suggestions do you have for the organisational structure for Community Justice Improvement Scotland to allow it to fulfil its functions as noted in chapter 6?

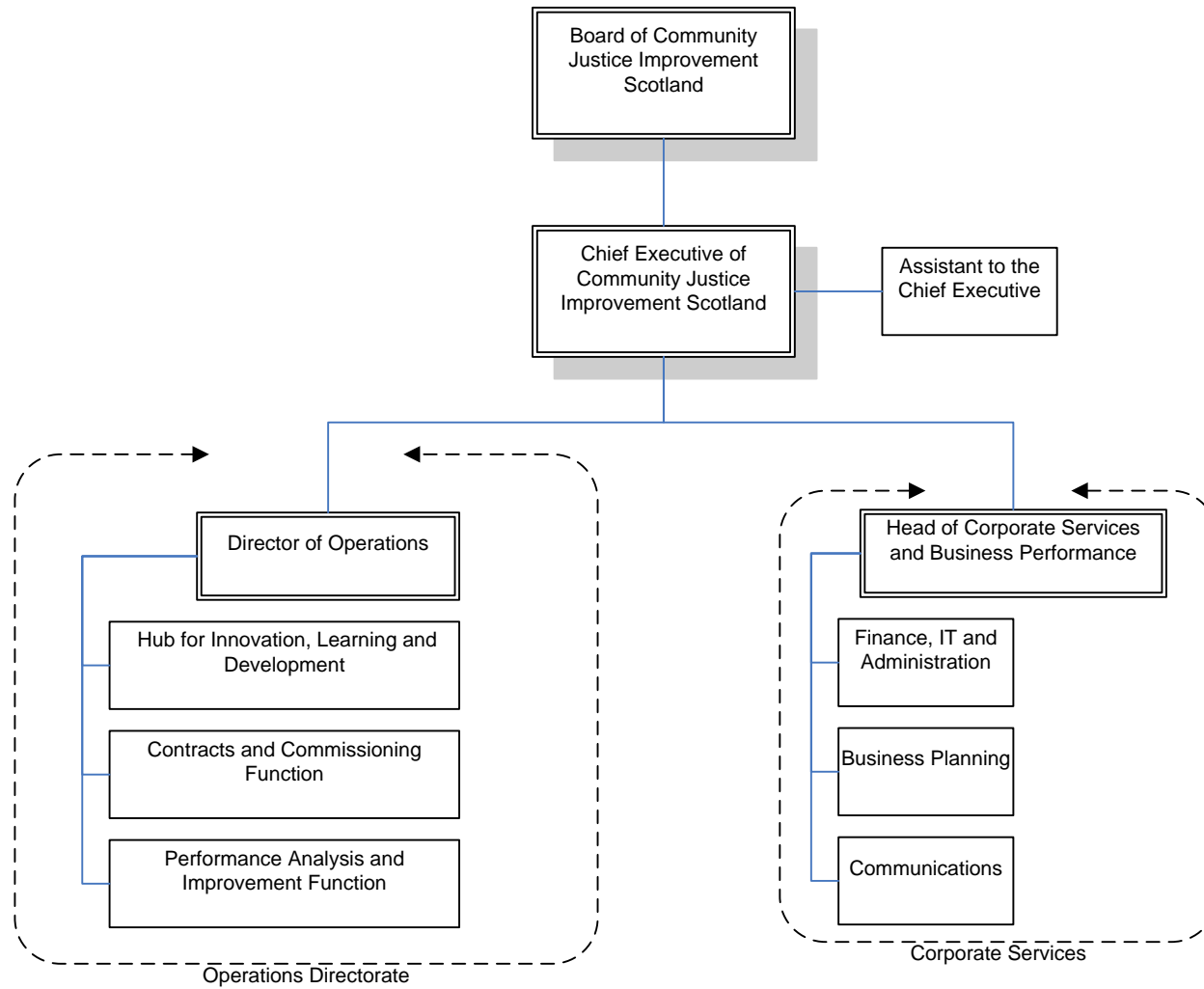


Figure 3: Organisational structure for Community Justice Improvement Scotland

Location for the headquarters for Community Justice Improvement Scotland

110. Details such as the location for the headquarters for Community Justice Improvement Scotland and location of staff will be determined as part of the establishment of the body under the redesign of community justice project.

111. We consider that the best location for the headquarters would be in either Edinburgh or Glasgow, using existing public sector accommodation if possible.

112. As the remit of Community Justice Improvement Scotland extends across the country, its staff may be based in headquarters, home-based or arrangements may be taken forward with local delivery partners to host staff as appropriate to their remit and local needs and circumstances.

Question 10: What are your views on the proposed location for the headquarters of Community Justice Improvement Scotland?

CHAPTER 8

COMPOSITION OF THE BOARD FOR COMMUNITY JUSTICE IMPROVEMENT SCOTLAND

113. The role of the Board for Community Justice Improvement Scotland will be to govern the body. The Board's other key responsibilities will be to:

- Produce and publish a national strategic plan taking account of the strategic objectives set by Scottish Ministers and the National Strategy for Community Justice;
- Hold the Chief Executive to account for performance against the strategic plan;
- Provide advice on local community justice plans and annual reports;
- Publish an annual report and accounts;
- Oversee the national hub for innovation, learning and development (as described in chapter 9) and the management of related information;
- Commission services where appropriate;
- Raise the profile of Community Justice Improvement Scotland and values related to community justice;
- Monitor and scrutinise complaints relating to the performance of Community Justice Improvement Scotland in line with the Scottish Public Services Ombudsman.

114. It is our intention to appoint the members of the Board through the public appointments process²⁷ with any representation of individual professional bodies or organisations sitting on supporting sub committees. It is expected that individuals appointed to the Board will bring expertise and experience from one or more of the following areas:

- academia;
- business and industry;
- corporate governance and financial governance;
- the prison sector;
- health;
- the judiciary and legal profession;
- local government;
- policing;
- scrutiny and inspection of public services;
- social work and social care;
- the third sector.

Question 11: Are the professional areas noted in the list at paragraph 114 appropriate to allow the Board of Community Justice Improvement Scotland to fulfil its functions?

²⁷ See paragraph 57 for details on this process.

CHAPTER 9

NATIONAL HUB FOR COMMUNITY JUSTICE INNOVATION, LEARNING AND DEVELOPMENT

115. A national Hub for community justice innovation, learning and development will be created and sited within Community Justice Improvement Scotland.

116. The national Hub will be practitioner-led and its remit will be to inform practice through research and provide opportunities for innovation, learning and development for those working within and across the community justice landscape, allowing them to enhance their professional identity.

117. The Hub will take forward the strategy for innovation, learning and development in community justice which will complement the national strategy for community justice. This will provide greater clarity of direction and guidance for the community justice sector in this regard and will be informed by scoping work to look at how existing infrastructure and activity in innovation, learning and development can better support community justice in the future.

118. The Hub will seek to complement and build upon, not duplicate, work already underway at a single agency/organisation and partnership level.

119. The responsibility for the delivery of core professional and single agency/organisation training will continue to reside at a local level. Some elements of specialist training (e.g. Moving Forward Making Changes programme for sex offenders) will reside at a national level, as is the case at present, but with the Hub taking on this responsibility.

120. The Hub will also not seek to duplicate the responsibilities of existing structures and organisations, including arrangements in local and national delivery partners, NHS Education for Scotland, Scottish Social Services Council, the RMA, Improvement Service, Institute for Research and Innovation in Social Services, Skills for Justice, police and prison training colleges, the Judicial Institute for Scotland and others. Rather, it will draw upon the experience of a range of partners, as appropriate and work in partnership with such organisations.

121. The Hub may also generate revenue through the development of training resources and publications.

122. It is critical to ensure that local practitioner networks, responsive to the needs of individual communities, are retained. The national approach to workforce development will allow for greater consistency, with a focus on core practice as well as targeted programme. It will foster stronger structural links with other agencies where required, whilst producing efficiencies from being placed at a pan-Scotland level.

123. The national Hub will have the ability to commission research. This will be informed by what is happening in Scotland and will forge important relationships between the Hub and academia.

124. Accreditation and accredited programmes which are currently managed, administered and funded by the Scottish Government will be operated by Community Justice Improvement Scotland. Funding in relation to these programmes will also be transferred to Community Justice Improvement Scotland.

125. The 'National Directory of Interventions and Services for Offenders', a database containing information on the interventions and services available for offenders in Scotland, will sit within the national Hub.

126. In recognition of the considerable expertise that CJA Training and Development Officers have amassed over the years, the Scottish Government will work closely with them, alongside key partners and stakeholders, in developing the arrangements for the national Hub.

Question 12: What are your views on the arrangements for the national Hub for innovation, learning and development?

CHAPTER 10

TRANSITION ARRANGEMENTS – FROM EXISTING STRUCTURES TO THE NEW MODEL

Supporting the transition

127. It will be important to ensure a successful transition from current structures to the new model for community justice in Scotland. The Scottish Government and COSLA are committed to ensuring this move is as smooth as possible for all partners.

128. In recognition of this, CJAs will be at the heart of the transition arrangements. In particular, they will play a key role alongside Scottish Government officials in raising awareness amongst CPPs of their new responsibilities and providing training where necessary. This has been reflected in the guidance for the CJA's Area Plans for 2014-17.

129. In turn, there is an expectation that CPPs and delivery partners recognise that they are being placed at the heart of local strategic planning and delivery in the new model and there follows an expectation that they will play a full part in the transition process.

130. The Scottish Government will establish a change project to work with local partners to assist them in implementing the required local partnership structures. This will see CPPs and their partners begin planning for their responsibilities under the new arrangements.

The transition process

131. The transition arrangements and awareness-raising process commences with the launch of this consultation and will continue until the full implementation process for the new arrangements has been completed.

132. Dates for the transition are indicative and will be driven, in part, by legislative requirements and Parliamentary process and by the readiness of partners to take forward the change agenda.

133. It is proposed that elements of the transition will come into effect at different times throughout the period 2015-16 to 2016-17. This will necessitate a degree of flexibility on behalf of all partners and some interim procedures and processes being put into place. It is intended that these procedures and processes will support and enable the smooth transition to take place.

134. It is recognised that there will need to be clear procedures in place for the transition of specific roles and responsibilities from the current structures to the new arrangements.

135. There is no legislative impediment to commencing the transition process with CPPs and their partners²⁸. This means that the transition process with CPPs can commence now, with early work focussing upon awareness raising within the CPP community. A workstream will be established under the redesign of community justice project to take this forward. Support to this workstream has already been offered by the CJAs and COSLA and we will involve CPP Chairs and Co-ordinators and representatives of local partnerships as the work progresses.

136. As part of the transition process, there will be an expectation that CPPs share with Scottish Ministers their intentions for how they plan to take forward arrangements for the strategic planning and delivery of community justice.

137. Using the above guidance, CPPs will be invited to establish local partnership arrangements for the strategic planning and delivery of community justice during the financial year 2015-16 for those to come into effect by the end of that year.

138. In order to effect a smooth transition and allow CPPs and their partners time to prepare for the new arrangements being fully implemented, CPPs will be invited to prepare, via the above arrangements, a plan for the financial year 2016-17. This plan must be prepared in conjunction with their associated CJA and will shadow the CJA annual action plan for the same period. Utilising existing arrangements currently in place for CJAs, these plans will be submitted to Scottish Ministers for comment. This will be a one-off exercise until such time as Community Justice Improvement Scotland is formed with this body taking over the function of Scottish Ministers in this regard from 2016-17.

139. The establishment of Community Justice Improvement Scotland will be guided by the timing of legislation passing through the Parliamentary process. We will look to establish shadow arrangements to ensure a smooth and time-efficient transition to allow the body to commence its work during 2016/17 in alignment with required elements of legislation being in place.

140. In order to ensure a smooth transition and handover of functions and knowledge, CJAs may remain in place for a short period following the establishment of Community Justice Improvement Scotland. Legislative provision will be made to accommodate this.

141. The Scottish Government will develop and implement a communication strategy so that relevant delivery partners and stakeholders are kept updated with progress on of the transition process.

Question 13: What are your views on the arrangements in support of the transition process?

²⁸ Notwithstanding that, as referenced earlier in this document, there will be certain duties which we will bring forward in legislation.

CHAPTER 11

FUNDING THE MODEL FOR COMMUNITY JUSTICE IN SCOTLAND

142. In relation to the structural arrangements for community justice, the Scottish Government is continuing to assess this but will work to the principle that funding will follow function. That is to say that where a new function is created or existing function moved, existing funding resources will be moved in line with this.

143. There will be start-up costs associated with establishing Community Justice Improvement Scotland and its Board. These costs will be kept to a minimum and will be detailed within the financial memorandum as part of the legislative process.

144. A review of funding arrangements for those monies currently allocated to CJAs for the planning and delivery of services is already underway. While no decisions have been made, there is a growing consensus that the current funding formula is not fit for purpose. This work is being taken forward under the auspices of RRP2. However, under the new model, it is proposed that the Scottish Government will retain responsibility for the allocation of funding, with advice from Community Justice Improvement Scotland as appropriate.

CHAPTER 12

EQUALITIES IMPACT ASSESSMENT

The public sector equality duties require the Scottish Government to pay "due regard" to the need to:

- Eliminate discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a relevant protected characteristic

These three requirements apply across the "protected characteristics" of age; disability; gender reassignment; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

In effect, this means that equality considerations are integrated into all functions and policies of Scottish Government Directorates and Agencies.

A key part of these duties is to assess the impact of all of our policies to ensure that the Scottish Government do not inadvertently create a negative impact for equality groups, and also to ensure that the Scottish Government actively seek the opportunity to promote equality of opportunity and to foster good relations.

As part of our consultation process, the Scottish Government will run a series of workshops on the proposals set out in this document to seek the views of practitioners, managers and leaders working with offenders. The Scottish Government will also engage with victims, local communities, service users and their families. During these events the Scottish Government will seek views on the impacts of these proposals on different sectors of the population which will contribute towards the development of an Equalities Impact Assessment.

More generally, the Scottish Government welcomes your feedback regarding the equalities impact of the proposals presented in this paper, and the effect they may have on different sectors of the population.

Question 14: What impact on equalities do you think the proposals outlined in this paper may have on different sectors of the population?

CHAPTER 13

BUSINESS REGULATORY IMPACT ASSESSMENT

The Scottish Government is committed to consulting with all parties potentially affected by proposals for new legislation, or where any regulation is being changed significantly. All policy changes, whether European or domestic, which may have an impact upon business or the third sector should be accompanied by a Business Regulatory Impact Assessment (BRIA).

The BRIA helps policy makers to use available evidence to find proposals that best achieve the policy objectives, whilst minimising costs and burdens. Through consultation and engagement with business, the costs and benefits of the proposed legislation can be analysed. It also ensures that any impact on business, particularly small enterprises, is fully considered before regulations are made.

As part of our consultation process, the Scottish Government will run a series of workshops on the proposals set out in this document to seek the views of practitioners, managers and leaders working with offenders. The Scottish Government will also engage the wider public, including victims, local communities and service users and their families. During these events the Scottish Government will seek views on the impacts of these proposals on businesses and will contribute towards the development of a BRIA.

More generally, the Scottish Government welcomes your views regarding the impact that the proposals presented in this paper may have on businesses.

Question 15: What are your views regarding the impact that the proposals in this paper may have on the important contribution to be made by businesses and the third sector?

CHAPTER 14

HOW TO RESPOND

The Scottish Government are inviting written responses to this consultation paper by 02 July 2014.

Please send your response with the completed Respondent Information Form (see "Handling your Response" below) to:

Consultation.RedesignCommunityJustice@scotland.gsi.gov.uk

or Andrew Morison, The Scottish Government, Community Justice Division, Area GWR, St Andrew's House, Regent Road, Edinburgh, EH1 3DG.

Handling your response

The Scottish Government need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the Respondent Information Form (Annex A) as this will ensure that the Scottish Government treat your response appropriately. If you ask for your response not to be published the Scottish Government will regard it as confidential, and the Scottish Government will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Alternative formats and community languages

If you require a copy of this paper in an alternative format or different language please contact Consultation.RedesignCommunityJustice@scotland.gsi.gov.uk

Or Andrew Morison, The Scottish Government, Community Justice Division, Area GWR, St Andrew's House, Regent Road, Edinburgh, EH1 3DG.

Next steps in the process

Where respondents have given permission for their response to be made public and after the Scottish Government have checked that they contain no potentially defamatory material, responses will be made available to the public in the Scottish Government Library and will also be on the Scottish Government consultation s. You can make arrangements to view responses by contacting the SG Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

Consultation events

The Scottish Government will also be holding a range of consultation events for practitioners, managers and leaders across the public, private and third sector who work with offenders.

What happens next?

Following the closing date, all responses will be analysed and considered along with any other evidence, including feedback from the consultation events, to help us progress. The outcome will be taken forward as part of the redesign of community justice project established under RRP2.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the Scottish Government at the above address.

The Future Model of Community Justice in Scotland

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Title Mr Ms Mrs Miss Dr Please tick as appropriate

Surname

Forename

2. Postal Address

Postcode	Phone	Email

3. Permissions - I am responding as...

Individual	/	Group/Organisation
<input type="checkbox"/>	Please tick as appropriate	<input type="checkbox"/>

(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

(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

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

(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

Chapter 2

Question 1: Do you have any general comments on the overview of the new arrangements for community justice?

Chapter 3

Question 2: What are your views on the governance and accountability arrangements?

Chapter 4

Question 3: What are your views on the arrangements for local strategic planning and delivery of services for community justice?

Chapter 5

Question 4: What suggestions do you have on how a national performance framework for community justice in Scotland could operate under the new model?

Chapter 6

Question 5: What are your views on the functions to be delivered by Community Justice Improvement Scotland?

Question 6: Does the name “Community Justice Improvement Scotland” adequately reflect the responsibilities of the new national body and the functions?

Chapter 7

Question 7: Are the skills and competencies in paragraph 105 and referenced in paragraph 106 sufficient to allow the body to fulfil its functions as noted in Chapter 6?

Question 8: Is the organisational structure shown at Figure 3 and the expected size of the staffing complement sufficient to allow Community Justice Improvement Scotland to fulfil its functions as noted in Chapter 6?

Question 9: What other suggestions do you have for the organisational structure for Community Justice Improvement Scotland to allow it to fulfil its functions as noted in chapter 6?

Question 10: What are your views on the proposed location for the headquarters of Community Justice Improvement Scotland?

Chapter 8

Question 11: Are the professional areas noted in the list at paragraph 114 appropriate to allow the Board of Community Justice Improvement Scotland to fulfil its functions?

Chapter 9

Question 12: What are your views on the arrangements for the national Hub for innovation, learning and development?

Chapter 10

Question 13: What are your views on the arrangements in support of the transition process?

Chapter 12

Question 14: What impact on equalities do you think the proposals outlined in this paper may have on different sectors of the population?

Chapter 13

Question 15: What are your views regarding the impact that the proposals in this paper may have on the important contribution to be made by businesses and the third sector?



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