

FALKIRK COUNCIL

**SUBJECT: REDESIGNING THE COMMUNITY JUSTICE SYSTEM**  
**MEETING: EXECUTIVE**  
**DATE: 25 FEBRUARY 2014**  
**AUTHOR: DIRECTOR OF SOCIAL WORK SERVICES**

**1 INTRODUCTION**

- 1.1 The purpose of this report is to brief members on the Governments response to the consultation launched in January 2013. In the initial consultation three main options were set out:
- a) Strengthening the current Community Justice Authority model.
  - b) Using Local Authorities and Community Planning Partnerships to deliver services.
  - c) Constructing a national service to deliver Criminal Justice Social Work services.
- 1.2 The Government response gives a general direction of travel but also advises that the final landscape of provision and oversight will be subject to further consultation and discussion on particular points.

**2 BACKGROUND**

- 2.1 The consultation paper '*Redesigning the Community Justice System: a Consultation on Proposals*' followed the publication of both the '*Commission on Women Offenders*' report and the Audit Scotland report on '*Reducing Re-offending*'. Both of these reports suggested that there were elements of the system that merited review which prompted the consultation on the Community Justice System.
- 2.2 The Commission for Women Offenders concluded that "There still exist inherent barriers in the structural and funding systems for Criminal Justice Social Work, and working practises which inhibit greatly the potential to reduce reoffending' and that radical transformation is required".
- 2.3 The Audit Scotland report found there are many bodies involved in reducing reoffending with "different governance and accountability arrangements and geographic boundaries, resulting in a complex landscape". It stated that Community Justice Authorities have made little progress on reducing reoffending and "the way they were set up and inflexible funding have significantly limited their effectiveness".
- 2.4 The Government noted the plethora of bodies involved in Community Justice, not just those that were directly concerned such as Police and Criminal Justice Social Work but also Housing, Health, Education, Employment and Children and Family Services. Not only are there individual agencies but also strategic partnerships such as Alcohol and Drug Partnerships, Community Health Partnerships and Community Planning Partnerships which have the potential to impact on Community Justice.

- 2.5 The total funding for Community Justice was approximately £111 million in 2012/13. Of this £100 million is allocated to Community Justice Authorities and largely dispersed to Local Authorities, £1.8 million is allocated for running Community Justice Authorities and the remainder is spent on centrally managed initiatives such as electronic monitoring.
- 2.6 Recognising that Community Justice goes beyond Criminal Justice Social Work the Government highlighted that a wide partnership of agencies and services require to work together, engage with local communities and listen to those affected by offending. This means public, third and private sectors working collaboratively and delivering services in an integrated way.

### **3 GOVERNMENT RESPONSE**

- 3.1 The Government sets out a range of what it terms 'key characteristics' of a successful Community Justice System on page 5 and 6 of its response.
- 3.2 The Scottish Government has confirmed 7 main elements of the new Community Justice System, all of which will be subject to further consultation prior to legislation to abolish the current Community Justice Authority authorities. These elements are:
- a) Local strategic planning and delivery of Community Justice Services through community planning partnerships;
  - b) The creation of a national body to provide assurance and recommendations to Scottish Ministers and local government elected members as well as professional strategic leadership for the sector;
  - c) A focus on collaboration, including the opportunity to commission, manage or deliver services nationally where appropriate;
  - d) A mechanism, reflecting the national and local democratic responsibilities, to afford discussion and agreements as necessary, on aspects of mutual concern.
  - e) The ring fenced funding of Criminal Justice Services will be considered further by the Government within its 'Reducing Reoffending Programme 2' work stream.
  - f) Workforce development, performance management and programme accreditation will be the subject of further discussion with the Scottish Social Services Council, the office of the Chief Social Work Advisor and the Care Inspectorate.
  - g) The Government believes that a community planning approach offers an improved model for strategic and coordinated approach to the third sector. There is an expectation that the third sector will have appropriate representation on local partnerships for community justice which would sit under community planning partnerships.

### **4 IMPLICATIONS FOR FALKIRK COUNCIL**

- 4.1 There are a range of implications for Falkirk Council arising from the Governments announcement, but until further consultation has been held and primary legislation published it is too early to comment on detail, but more on general implications. The following are issues which the Council and its Community Planning will require to consider.

- a) What will the powers of a national statutory body be and how will it mesh with operational delivery via the Local Authority and the Community Planning Partnership?
- b) Which services should be commissioned on a Scotland wide basis and which on a more local basis?
- c) Reducing reoffending is now a strand of single outcome agreements, but it is not a strand which wholly belongs to certain agencies. How will the community planning process bring employability, reduction of poverty, housing and other policies to bear in a strategic way to reduce reoffending?
- d) Currently the Community Justice Authority, as a joint board, scrutinises the grant, the performance, makes area plans and brings certain agencies such as Scottish Prison Service, Procurator Fiscal and Police services into strategic meetings. How will the Local Authority replace these functions?
- e) A legacy from pre local government organisation has been the commissioning and provision of services across the Forth Valley area. Currently Falkirk provides the Programme Team together with a Women's and Children's Support service as part of the Caledonian Programme. Similarly Stirling lead on the Forth Valley Criminal Justice substance misuse service, while Clackmannan leads on MAPPA administration and the Fife and Forth Valley Training Officer. There are both opportunities in working with other Local Authority areas to improve economy of scale, but also challenges to ensure that Local Authorities leading the larger projects are not left with financial and human resource difficulties if other Local Authorities are not signed up to take proportionate shares of the service if policies change elsewhere.

## **5 POLICY IMPLICATIONS**

- 5.1 There will be policy implications but these are likely to remain unclear until 2015. The next year gives an opportunity for Falkirk to contribute to the forthcoming consultations, consider the implications for its own services and discuss with neighbouring authorities their views on the provision of services across more than one community planning partnership area.

## **6 HUMAN RESOURCE IMPLICATIONS**

- 6.1 Human resource implications depend on the level of grant apportioned to Falkirk and negotiations with neighbouring councils on which, if any, services can be maintained across Local Authority areas, or indeed whether more services can be delivered across community planning areas.

## **7 FINANCIAL IMPLICATIONS**

- 7.1 Criminal Justice Social Work Services already rely on a yearly grant process which makes longer term planning difficult. A formula exists to share out income based on numbers of statutory orders and licences per Local Authority, the proportion of the male population below a certain age and deprivation. Additionally there are certain services which the government funds for certain periods, such as the Caledonian System.

- 7.2 This funding process is under review and greater clarity is required on how grants will be allocated in the future.

## 8 CONCLUSION

- 8.1 The Government announcement is clearly the first stage in a continuing period of consultation and debate on how to put the Community Justice System into an improved model for Scotland. The most important role that Falkirk Council currently has is to ensure that its Criminal Justice Social Work Services continue to maintain services at the highest level possible commensurate with the resources available to it during continued months of negotiation on future structures. Secondly, that the Council develops responses to the next set of consultations which underpin the change from a regional approach to community justice to a community planning approach with a set of principles; and thirdly, that officers use 2014 to negotiate with adjoining Councils on the future provision of cross boundary services following the demise of Community Justice Authorities.

## 9 RECOMMENDATION

- 9.1 Members are asked to:

- Note the Government's response to the consultation on Redesigning the Community Justice System.
- Request the Community Planning Partnership Leadership Group to begin the process of preparing for the incorporation of Community Justice planning processes into Community Planning Partnership arrangements.
- Request the Director of Social Work to provide a further report following the next stage of consultation.

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### **Background Papers:**

### **Redesigning Community Justice System a Consultation on Proposals**