

The New Model for Community Justice in Scotland



The Scottish Government and partners are working together to reduce re-offending and secure better outcomes for communities. The ‘*New Model for Community Justice*’, defined by an improvement culture, places planning at the local level where decisions can be made by people who know their area best. A legal duty, under the Community Justice (Scotland) Act 2016, has been placed on a set of statutory Community Justice Partners to engage in this planning process.

A new National Strategy for Community Justice, prepared with partners and stakeholders, will enable partners to collaboratively address priority areas through a joint approach that is both outcomes-focused and evidence-based.

Introduction

The New Model for Community Justice, underpinned by the Community Justice (Scotland) Act 2016, will transform the community justice landscape to bring a local perspective to community justice. By Community Justice we mean:

“The collection of individuals, agencies and services that work together to support, manage and supervise people who have committed offences, from the point of arrest, through prosecution, community disposal or custody and alternatives to these, until they are reintegrated into the community. Local communities and the third sector are a vital part of this process which aims to prevent and reduce further offending and the harm that it causes, to promote desistance, social inclusion, and citizenship”

Local strategic planning and delivery of services, set within the context of community planning, is central to the new model. There is an emphasis on collective responsibility through a partnership approach, which covers a wide-range of interests, including; housing, employability, health and wellbeing. We are placing decision-making into the hands of local people and agencies who know their communities best, understand the problems that are unique to their region, and will be most affected by community justice issues that relate to both victims and people who have committed offences.

Overview of the new model

The new model has been designed to deliver a community solution to achieving improved outcomes for community justice; to prevent and reduce further offending; and to support desistance.

Under the model, a strategic vision for community justice in Scotland will be provided through a new *National Strategy* and *National Outcomes, Performance and Improvement Framework* which will set out the aims for improved community justice outcomes. It will be for each statutory Community Justice Partner to work together and agree which of those outcomes will be priorities for improvement action in their area, but each plan must cover all of the outcomes.

The statutory Community Justice Partners are required to engage and involve the third sector, who have contributed positively to the delivery of outcomes for community justice, in the planning and delivery of effective and efficient services.

As the new model presents a more holistic and collaborative approach to community justice, partners will plan and prepare together the activities they need to work on collectively to drive and deliver improvement, securing better outcomes for communities across Scotland.

Specifically, the new model will allow for:



A new body, Community Justice Scotland, will be established on 1st April 2017, operating in a shadow capacity from October 2016. It will work closely with statutory Community Justice Partners, the third sector and a range of other parties to provide support and leadership for community justice.

Community Justice Scotland will bring enhanced opportunities for innovation through the establishment of a Hub for the promotion of learning and development and to support the sharing of best practice. It will also provide assurance to Scottish Ministers and Local Government leaders on the delivery of improved outcomes for community justice.

It will be for local areas to identify the needs and priorities of their community. The collaborative identification of these needs will allow partners to contribute to and plan services according to local need and circumstances. While this planning will be done at a local level, if benefits can be realised from wider partnership delivery then these can be established, building on the evaluation of utilising shared services.

The key building blocks to the new model are:



Local strategic planning and delivery

Local strategic planning, delivery and monitoring of services through statutory Community Justice Partners is one of the key elements of the new model.

The statutory Community Justice Partners are:



The statutory Community Justice Partners have been chosen because of their role, individually and collectively, in delivering services which will improve community justice outcomes. It is for these partners to determine how they will plan together. However, to both manage and support people with convictions or a history of offending and assist in their journey to desistance, a broader partnership approach than just the statutory Community Justice Partners will be required and engagement with the third sector, community bodies, individuals and other partners will be vital for delivering improved outcomes.

We would expect community justice planning to take place within the wider community planning arrangements and, to date, all local areas have indicated the Community Planning Partnerships (CPPs) will have an important role in this planning arrangement.

The practicalities of planning at a local level

Statutory Community Justice Partners are responsible for preparing, delivering and reviewing a *Community Justice Outcomes Improvement Plan* for their local area. The first of these plans must be published by 31st March 2017.

As a starting point each plan must:

- Have regard to the National Strategy, the National Outcomes, Performance and Improvement Framework, and their Local Outcome Improvement Plans produced by the CPP under the Community Empowerment (Scotland) Act 2015.
- In addition, statutory Community Justice Partners must consult with Community Justice Scotland and other appropriate community bodies.



- Assess the degree of priority for improvement action for their area against each common outcome
- Identify the national indicators they will use to report against each outcome
- Identify whether there are additional locally determined outcomes
- Identify how to work together on the activities needed to achieve improvement
- Set out the actions they need to carry out
- Produce an annual report on the progress they have collectively made towards the outcomes

The planning horizon is to be decided locally, Partners will wish to undertake a baseline assessment of need in preparing for their first plan. However, plans must be received in line with the duties set out in the Community Justice (Scotland) Act 2016.

Community justice reporting

The new model will have a set of common outcomes to allow for a consistent approach to both planning and reporting.

The National Outcomes, Performance and Improvement Framework will include a set of common outcomes and indicators common across Scotland applicable at a local level. Having a set of common outcomes and indicators allows statutory Community Justice Partners to set a baseline, plan required action, report upon their progress, identify trends in their area and benchmark with other areas.

The new model will promote and be defined by an improvement culture. Progress against each Community Justice Outcomes Improvement Plan will be evidenced through annual reporting, offering a high degree of transparency. The statutory Community Justice Partners will reflect on the previous year's work and produce an annual report on the progress they have made in delivering the outcomes, improvement actions and other activities set out in their plans. They will publish the reports so that they are accessible to the local community and share with Community Justice Scotland.

Community Justice Scotland will consider the annual reports and provide assurance, in the form of an annual report, to Scottish Ministers on the progress across Scotland towards meeting the common outcomes. Engaging with local government leaders on findings will ensure that

assurance extends across the democratic landscape of Scotland. This will offer transparency and will provide opportunities for driving improvement as well as the identification and dissemination of best practice.



Community Justice Scotland – leadership; assurance; Hub for innovation, learning and development; supporting improvement

Community Justice Scotland will provide leadership for the community justice sector; offer opportunities for innovation, learning & development; provide independent assurance on the delivery of improved outcomes; and provide improvement support where required.

Fundamentally, Community Justice Scotland will be established to support statutory Community Justice Partners, the third sector and others to work towards better outcomes for community justice in Scotland. To heighten the profile of Community Justice, the Chief Executive of Community Justice Scotland will be tasked with championing the role of community justice in parity with that for the custodial sector.

The relationship between Community Justice Scotland and those involved in community justice, both across Scotland and locally, will be one of mutual support, characterised by open and transparent communication.



Community Justice Scotland will be a Non-Departmental Public Body directed by its Board, consisting of between 5 and 8 members, plus the Chair and will have approximately 20 staff. Scottish Ministers will, through fair and open recruitment, appoint the Board members and the first Chief Executive.

If it is decided that Community Justice Scotland should take on additional functions, Scottish Ministers must consult with relevant parties and must lay the changes before Scottish Parliament. This will allow for future proofing and will allow the addition; transfer; or removal of functions from the new body.

Community Justice Scotland will operate in a shadow capacity from October 2016, before being formally established from 1st April 2017.

Governance, accountability and driving improvement

In placing responsibility for strategic planning and delivery of services and improved outcomes at a local partner level, the new model respects the relationship between national and local government and between the Community Justice Partners.

Statutory Community Justice Partners will, through collective responsibility, jointly plan, deliver and report on outcomes for community justice in their local area. Local governance arrangements for the planning process will be decided by these partners. In practice, all have aligned their governance arrangements with those for wider community planning. The

responsibility for resolving any local issues, with planning, the quality, delivery, achieving improved outcomes, rests with the statutory Community Justice Partners of that local area.

Statutory Community Justice Partners **will not** be accountable to Community Justice Scotland and vice-versa. Accountability for the performance of individual statutory Community Justice Partners will remain through existing accountability lines of their respective organisations. Ultimately, partnerships will be accountable to the local communities they serve for the improvement in outcomes for their area.

Should partners request assistance on issues that they have not been able to resolve locally, then Community Justice Scotland will be able to offer support and advice. Community Justice Scotland may also provide support to statutory Community Justice Partners in their delivery of improved outcomes having a power to provide advice, guidance or assistance in relation to partners' outcomes improvement planning and reporting.

Scottish Ministers and Local Government leaders need to be assured that progress is being made towards better outcomes for community justice. Community Justice Scotland will also have the ability to make recommendations to Scottish Ministers and relevant Local Government Elected Members on potential further improvement actions. Recommendations could be made around the need for a rescue taskforce to effect sustainable and long lasting improvement; improvements in data sharing; on how funding is allocated and used; or the need for a formal inspection.

Commissioning

The development of a strategic approach to commissioning will ensure an evidence-led and co-ordinated long term approach for community justice in Scotland. This will be transparent in nature and will build upon existing good practice.

The definition of commissioning for the purposes of community justice is:

"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."

The commissioning of services will not be done by Community Justice Scotland alone. In fact, one of Community Justice Scotland's first actions will be to work with partners and stakeholders to develop and agree the strategic approach to commissioning.

The primary responsibility for carrying out the strategic commissioning of services built upon existing good practice, will remain locally with statutory Community Justice Partners, Community Justice Scotland will provide support where required based upon analysis of local needs, evidence of what works and best value.

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. Commissioning and procurement may, therefore, take place at a national,

regional or local level and organisations will be expected to work together to commission services in order to realise benefits where they have been identified.

Where appropriate and desirable, Community Justice Scotland would provide opportunities for economies of scale to achieve value for money commissioning of some nationally delivered services. Likewise, training, learning and development are areas where commissioning on a national level could be beneficial.

Technical processes such as procurement and contracting follow on from these commissioning exercises and will rest with the appropriate body or bodies at a local, regional or national level. Community Justice Scotland may undertake this at a national level where it is appropriate to do so.

In exceptional circumstances, where a national initiative is established by Scottish Ministers, Community Justice Scotland will take the lead. In any decision which has an impact on local financial and commissioning decisions, Scottish Ministers would consult with COSLA Leaders.

Planned timescales

Year	Month	Planned activities
2016/17	1st April 2016	Partners assume their responsibilities under the new model under a transition arrangement (with full responsibility from 1st April 2017, once the required legislation has been enacted).
	Throughout the year	Commencement of the Community Justice (Scotland) Act 2016 is anticipated during 2016/17. Guidance will follow the enactment.
	October 2016	Community Justice Scotland begins operating in shadow capacity.
	31 st March 2017	Partners publish their first plan for community justice, using the new National Strategy and National Outcomes, Performance and Improvement Framework.
	31st March 2017	Community Justice Authorities (CJAs) are formally dis-established.
2017/18	1st April 2017	The New Model for Community Justice in Scotland comes fully into effect.

Contact us

Should you have any further questions about any aspect of the new model, please e-mail us at:

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