

## Consultation on Proposals re Redesigning the Community Justice System

**Report to:** Board  
**Date:** 21 March 2013  
**Report by:** Clare Wilson, Senior Inspector  
**Report No:** B-09-2013  
**Agenda Item:** 15

### **PURPOSE OF REPORT**

To notify the Board of the Care Inspectorate's response to the Scottish Government's consultation on the 'Redesigning the Community Justice System'

### **RECOMMENDATIONS**

That the Board:

1. Notes the content of the consultation response.

**Version Control and Consultation Recording Form**

Version	Consultation	Manager	Brief Description of Changes	Date
	Senior Management			
	Legal Services			
	Resources Directorate			
	Committee Consultation (where appropriate)			
	Partnership Forum Consultation (where appropriate)			
<b>Equality Impact Assessment</b>				
To be completed when submitting a new or updated policy (guidance, practice or procedure) for approval.				
Policy Title:				
Date of Initial Assessment:				
EIA Carried Out			YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
If yes, please attach the accompanying EIA and briefly outline the equality and diversity implications of this policy.				
If no, you are confirming that this policy will have no negative impact on people with a protected characteristic and a full Equality Impact Assessment is not required.			Name: Position:	
Authorised by Director	Name: A Bruton		Date: 7 March 2013	

**1.0 BACKGROUND**

In keeping with the wider vision of public service reform the Cabinet Secretary for Justice announced in December 2012 that it was 'now time to look at how we plan, deliver and manage offender services in the community'. There have been a series of reports which have identified shortcomings in the community justice system. These include: 'An overview of Scotland's criminal justice system' September 2011 and the 'Commission on Women Offenders Report' April 2012, which was an independent Commission chaired by The Right Honourable Dame Elish Angiolini DBE QC. The main areas identified for improvement in these reports were: stronger leadership; clearer accountability; strategic planning; commissioning and delivery of services which are based on analysis of need, evidence of what works and cost. The Scottish Government commenced the consultation on 'Redesigning the Community Justice System' in December 2012. This will last until 30 April 2013 with a view to the Scottish Government making an announcement on the way forward in late 2013, and subject to Parliamentary approval, implementation from 2016 onwards.

**2.0 OPTION S FOR THE REDESIGN OF COMMUNITY JUSTICE**

There are three options for reform which are:

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

The Management of Offenders (Scotland) Act 2005 introduced the eight CJAs. The Act placed a legal duty on Scottish Ministers (and therefore the Scottish Prison Service (SPS)) and councils to co-operate with CJAs, and defines the police, NHS Boards, SCS, local Procurator(s) Fiscal, Victim Support Scotland and third sector organisations as partner bodies. Option A proposes that CJAs would continue to be the key strategic body but outlines an enhanced model with some key changes.

- Option B: Local authority model

The Social Work (Scotland) Act 1968, alongside the Criminal Justice (Scotland) Act 2003 and Criminal Justice and Licensing Act 2010 places responsibilities on the local authorities to deliver services for offenders. Option B proposes that CJAs are abolished and local authorities would assume both strategic and operational responsibility for the planning, designing and delivery of services for offenders in their area. This would result in new duties for local authorities

- Option C: Single Service model

Option C proposes that CJAs are abolished and a national social work-led service for community justice is established with strategic and operational responsibility for the planning, managing and delivery of community based offender services. It would be separate to and sit alongside the SPS.

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Further detail on the proposal options can be found at [www.scotland.gov.uk/Publications/2012/12/7292](http://www.scotland.gov.uk/Publications/2012/12/7292) or the consultation register on the Care Inspectorate intranet.

**3.0 CARE INSPECTORATE RESPONSE**

The Care Inspectorate response to the consultation has been led by a senior inspector. This involved consultation with staff across the Care Inspectorate who have an expert knowledge in criminal justice and related areas. The main forum for this has been the criminal justice professional group which involves an inspection programme manager, senior inspectors, inspector managers and inspectors. The consultation has also been on the intranet, although there have been no responses via this means. The consultation response has been reported directly to the chief executive as agreed.

The Scottish Government are holding consultation workshops across Scotland in March and April 2013. Staff from the Care Inspectorate will attend workshops which are open to the wider public.

The response has been based on the Care Inspectorate's extensive inspection evidence and information from criminal justice inspections over the past ten years (previous SWSI and SWIA until 2011). This includes inspections of: criminal justice partnerships across Scotland; prison based social work services; high risk offenders (multi agency) and; performance inspections. It also draws on investigations and supported self evaluation activity.

**4.0 RESOURCE IMPLICATIONS**

There are no resource implications

**5.0 BENEFITS FOR PEOPLE WHO USE SERVICES AND THEIR CARERS**

Any redesign of community justice services should focus on the needs of the public and the needs and risk of offenders to ensure public confidence.

**6.0 CONCLUSION**

The Care Inspectorate has welcomed the opportunity to contribute to this part of the wider public services reform agenda via the consultation. It is hoped this report provides helpful information to the Board.

**LIST OF APPENDICES**

**Appendix 1** - Care Inspectorate response to the consultation on proposals for 'Redesigning the Community Justice System'

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