

## Social Work Scotland's response to the Community Justice (Scotland) Bill

### **1. Will the proposals in the Bill transform the community justice system in the way envisaged by the Commission on Women Offenders in its 2012 report, such as addressing the weaknesses identified in the current model, tackling reoffending and reducing the prison population?**

Social Work Scotland acknowledge the proposals in the Bill as an important first step towards transforming the community justice system. We are of the opinion that the Bill will not achieve this, in isolation. In order for the system to be transformed the Bill requires to be part of a coherent strategy, which supports a whole systems approach to community justice involving the range of partners engaged in community justice including service users and communities. Social Work Scotland is committed to playing an active and constructive role in developing this strategy.

Social Work Scotland is of the opinion that the existing proposals, in isolation, will not resolve the difficulties associated with the cluttered landscape referred to by the Commission on Women Offenders. We believe that this requires to be addressed within the Community Justice Strategy which accurately reflects the range of stakeholders engaged in the delivery of community justice including the voice of the service user. The meaningful engagement of stakeholders requires to be an integral part of the planning and reviewing processes, to ensure that the community justice system and the services it delivers meets the needs of the individual's it is designed for, and continues to be responsive to their changing needs.

As a consequence we have a number of issues regarding the proposals. There is a lack of clarity regarding how the proposed system will operate and therefore it is difficult to make clear judgements in support of them or indeed specific recommendations to improve it. It is noted that Community Justice Scotland has been given more powers than anticipated and there is a potential for future powers. Concerns are expressed that this may impact upon the ability of local partners to deliver services effectively in the future.

Concerns are also expressed regarding the duty to co-operate, which doesn't include any reference to reducing reoffending.

### **2. Are you content that the definition of 'community justice' in the Bill is appropriate?**

We support the use of the term community justice but not how it is defined in the Act. The current definition primarily relates to criminal justice and not community justice.

In addition, the use of the term offender, and the associated definition, is concerning and indeed disappointing. Social Work Scotland believes that the Bill is an opportunity to enshrine in legislation an asset based approach to community justice, which recognised the inherent qualities of all individuals and encourages them to maximise their potential.

We would have wished to see greater prominence of the responsibilities of the community towards the individual who has been involved in offending behaviour and their crucial role in supporting the change process to be identified. In addition, the Community Justice Strategy requires to identify how communities can be supported towards a more empathetic, inclusive response to those who have committed offences.

Social Work Scotland believes that if we are to transform community justice there requires to be a clear strategy for engaging the wider community including the media and their role in changing the narrative about crime, the justice system and those individuals involved in it. In addition, how communities plan to tackle the causes of crime require to be identified, along with how community justice services will work with and engage communities.

Social Work Scotland believe that the significant role that prosecutors and the judiciary have in developing and embracing Community Justice needs to be defined within the legislation and subsequent strategy.

Social Work Scotland believe that the current proposals focus exclusively on compulsion and do not acknowledge other forms of service delivery including early intervention, prevention and voluntary assistance.

Social Work Scotland believes that there requires role clarity contained within the legislation and subsequent guidance. In addition, the role of the Qualified Social Worker as a professional providing a professional service requires to be enshrined in the legislation. An example of this is their role within voluntary assistance.

### **3. Will the proposals for a new national body (Community Justice Scotland) lead to improvements in areas such as leadership, oversight, identification of best practice and the commissioning of services?**

Social Work Scotland believe that the proposals don't demonstrate how this will be achieved, and that there requires to be a specific alignment between the new national body and the values, aims and principles of Criminal Justice Social Work, this may come in the shape of the national strategy. While we agree that the principle of the national body is appropriate, we believe that there is a lack of clarity regarding its purpose, its relationship with Criminal Justice Social Work and the Risk Management Authority. As previously noted there requires to be role clarity for all participants within the community justice system.

In addition, Social Work Scotland is of the opinion that there is a lack of clarity regarding the commissioning of services, and in particular how these powers will be exercised. Concerns are expressed regarding whether smaller, local 3<sup>rd</sup> sector organisations will be disadvantaged in this process. We believe that there needs greater clarity between local and national procurement, and that the circumstances in which Community Justice Scotland will exercise these powers require to be specified, with clear evidence provided that justifies the need for national procurement. The proposals regarding the strategy for innovation, learning and development at section 27 is seen as a positive development, with Social Work Scotland keen to contribute to this.

### **4. Taking into account the reforms set out in the Community Empowerment (Scotland) Bill relating to Community Planning Partnerships, will Community Justice Partners have the powers, duties and structures required to effectively perform their proposed role in relation to community justice?**

Social Work Scotland believes that it is crucial that the correct representatives from each of the partners are represented, and that they have the authority to make appropriate decisions

which will result in these decisions being implemented in practice. There also requires to be a culture of co-operation developed within each of the partner organisations which is underpinned by a system of accountability.

We have concerns regarding the extent to which partners will be able to release resources to prioritise tackling reoffending behaviour given the current financial environment. In addition there is a lack of clarity regarding who has lead responsibility with CPP's, will this default to LA's? These comments aside, sections 8 to 16 provide a reasonable framework for transparency. The sections on community justice improvement planning 17 to 22 is considered helpful in supporting continuous improvement and in engaging partners. However concern is expressed in respect of Section 23, recommendations to Scottish Ministers, specifically as to how the parameters of the Bill are perceived and in the fullness of time potentially administered.

#### **5. Does the Bill achieve the right balance between national and local responsibility?**

Social Work Scotland has concerns regarding the potential for a centralised model of direction setting within the new model and also with regards the potential for the national body to assume additional powers and responsibilities from LA's. The principle of a local model of service delivery supported by a national body requires to be enshrined within the bill.

LA's require to have the flexibility and authority to continue to develop local partnership arrangements, which in many cases have been established over many years and work effectively.

There is no mention of MAPPA structures and resources within the Bill.

#### **6. Will the proposed reforms support improvement in terms of: (a) leadership, strategic direction and planning? (b) consultation and accountability? (c) partnership and collaboration? (d) commissioning of services and achieving best value for money?**

a) While the reforms may potentially give community justice a stronger voice nationally, concerns are expressed about both the distinctive voice of criminal justice social work and also of the local voice.

b) Social Work Scotland expressed concerns regarding what appears to be the rushed development of the Community Justice Strategy, with such a compressed time line to deliver the strategy that in turn underpins the broad aspects of the Bill. In addition, there is a potential for confusion over the proposed relationship between Local Authorities and the new national body.

c) There is potential for improvement in partnership and collaboration however this is more likely to be achieved if the Bill and the supporting strategy better articulated the theme of accountability of agencies within the Community Planning partnerships

d) As previously noted, it is acknowledged that while there are potential benefits and economies to be achieved through national commissioning of services, for example in relation to electronic monitoring, there is also a requirement that local strategic commissioning co exists alongside national commissioning.

#### **7. Are the resources, as set out in the Financial Memorandum, sufficient to transform the community justice system in the way envisaged by the Commission on Women Offenders in its 2012 report?**

These reforms provide an opportunity to change how we plan services, for example longer – term planning would provide the potential to build in resilience to services which were planned, developed and designed over a longer period. Effecting change both individually and systemically requires a longer term approach.

It is noted there are no requirement for partner agencies to contribute resources, it is therefore likely that Local Authorities will have to absorb the costs associated with change within the section 27 funding or negotiate potentially complex cross service funding of interventions. Committing to either or both options in the current financial climate will be difficult. It is also worth noting there are no commitments to make moving money across the system easier.

#### **8. Is the timetable for moving to the new arrangements by 1 April 2017 achievable?**

Social Work Scotland acknowledges that the timescales are considered are tight but we are committed to contributing to achieving these. The current priorities relate to ensuring that the CPP's are prepared for the shadow year and that the accompanying strategy for Community Justice involves proper consultation and user participation.

In addition, clarity regarding governance arrangements within the proposed system require to be established in order to ensure that the timetable is achieved.

#### **9. Could the proposals in the Bill be improved and, if so, how?**

Social Work Scotland welcomes the Bill and the reforms in general. We believe that this is an opportunity to radically improve community justice in Scotland. In order to maximise the potential impact that the community justice reforms can facilitate we believe that the Bill can and should be improved as noted above.

Specifically, Social Work Scotland believes that the definition and scope of community justice requires to be expanded as identified previously. Reforms need to be set in the wider context of what the reforms will mean to those involved in community justice, from those involved in offending behaviour, to victims and agencies including Criminal Justice Social Work. In addition the crucial professional role of Criminal Justice Social Work also requires to be preserved within the Bill, as does the values inherent in the Social Work (Scotland) Act.