

The New Model for Community Justice in Scotland



The Scottish
Government
Riaghaltas na h-Alba

Frequently Asked Questions

September 2016

The New Model for Community Justice in Scotland



FREQUENTLY ASKED QUESTIONS

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CONTENTS

INTRODUCTION	2
LOCAL STRATEGIC PLANNING AND DELIVERY	4
COMMUNITY JUSTICE SCOTLAND	10
GOVERNANCE AND ACCOUNTABILITY	14
THE NATIONAL STRATEGY FOR COMMUNITY JUSTICE.....	16
DELIVERING IMPROVED OUTCOMES.....	19
FUNDING AND RESOURCING THE NEW MODEL.....	23
COMMISSIONING.....	24
SUPPORTING TRANSITION TO THE NEW MODEL.....	26
THE COMMUNITY JUSTICE (SCOTLAND) ACT 2016.....	29

INTRODUCTION

Purpose of this document

This document provides answers to some of the frequently asked questions on the New Model for Community Justice in Scotland. It should be read in conjunction with the [Community Justice \(Scotland\) Act 2016](#) and other materials available on the [Community Justice Redesign Knowledge Hub](#)¹.

The FAQ is an evolving document and refreshed material will be published from time to time. If there are specific questions which you feel would be helpful to be included in this document then please email the [Redesign Team](#).

Overview of the new model for community justice in Scotland

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 with an emphasis on collective responsibility through a partnership approach covering a wide-range of interests, including housing, employability, and health and well-being.

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 are most affected by community justice issues that relate to both victims and people who have committed offences. A legal duty, under the Community Justice (Scotland) Act 2016, has therefore been placed on a set of statutory Community Justice Partners to engage in this planning process and report annually on their progress towards improving community justice outcomes.

The third sector have an important role in improving community justice outcomes. They are a source of innovation, responsiveness and flexibility, and can provide a meaningful connection to, otherwise hard-to-reach, people who use services and communities. The most effective way to improve outcomes for people and communities is by joined up working with the Third Sector at the planning stage.

¹ To access the documents you will need to create a Knowledge Hub account if you do not already have one. After creating your account search on the Hub, search for the group 'Community Justice Redesign: Scotland' and join this group to access the community justice documents in the "Forum" section.

To provide national leadership; enhanced opportunities for innovation, learning and development; assurance on the delivery of improved outcomes; and improvement support where required, a new body called Community Justice Scotland will be established. Community Justice Scotland will fully assume its functions from April 2017. It will work closely with statutory Community Justice Partners, the Third Sector and a range of other parties to provide support and champion community justice.

In addition, the formation of Community Justice Scotland will provide further opportunities to commission services strategically, as well as taking on some of the operational work currently undertaken by the Scottish Government. The establishment of a Hub for innovation, learning and development within the body will provide the community justice workforce - and community justice issues - with the profile and identity they deserve, as well as using the evidence of what works to inform commissioning and practice and, partnership standards.

The model will be defined by an improvement culture through the establishment of a National Outcomes, Performance and Improvement (OPI) Framework against which local partnerships can plan and report. This will provide opportunities to monitor progress, drive improvement, offer consistency and link decisions and actions to analysis of need and what works, leading to increased efficiency and effectiveness.

Timescales

Following Royal Assent of the Community Justice (Scotland) Act 2016, the project is working to the following timescales:

- **1 April 2016** - Partners take on responsibilities in support of the new model in a transition year, working collectively through local arrangements;
- **Autumn 2016** – Chair and Chief Executive of Community Justice Scotland appointed
- **During second half of 2016/17** – Community Justice Scotland will be established in a shadow capacity including;
 - formal establishment of the body;
 - appointment of Chair; appointment of Board members,
 - recruitment of staff and commencement of sponsorship arrangement with the Scottish Government;
- **24 November 2016** – The Strategy, OPI Framework and guidance will all be officially launched at an event on 24th November 2016 in Edinburgh.
- **December 2016** – Next date of revision for the ‘New Model of Community Justice’ FAQ.
- **31 March 2017** – Community Justice Authorities (CJAs) are formally dis-established;
- **1 April 2017** – Community Justice Scotland fully assumes its functions and the New Model for Community Justice in Scotland comes into effect.
- **October 2017** – Community Justice Scotland Hub for Innovation, Learning & Development becomes operational.

LOCAL STRATEGIC PLANNING AND DELIVERY

Q What is the role of a statutory Community Justice Partner?

A Local strategic planning and delivery of services through Community Justice Partners is central to the new arrangements. The **Statutory Community Justice Partners**, as laid down in the Community Justice (Scotland) Act 2016, are a core set of organisations who have a significant contribution to make to improved outcomes for community justice. A duty has been placed on these partners to co-operate with each other in carrying out planning activities, delivering and reporting on outcomes for community justice in their local area. It is for these partners locally to determine how they will plan, deliver and report on community justice outcomes.

Q Who are the statutory Community Justice Partners?

A The statutory Community Justice Partners are:

- Local Authorities;
- Health Boards;
- Police Scotland;
- The Scottish Fire and Rescue Service;
- Skills Development Scotland;
- Integration Joint Boards;
- The Scottish Courts and Tribunals Service; and
- Scottish Ministers (in practice, the Scottish Prison Service and Crown Office & Procurator Fiscals Service).

Q Why these statutory Community Justice Partners?

A The statutory Community Justice Partners, as defined for the purposes of the Community Justice (Scotland) Act 2016, have been chosen for their key role in interventions, public safety, prevention and the providing of universal services such as housing, education, healthcare and welfare which we know are significant in preventing further offending.

However, to both manage and support people with convictions or a history of offending, the journey to desistance requires a broader partnership approach than just the statutory Community Justice Partners. For this reason we expect there to be an effective relationship between the statutory Community Justice Partners and non-statutory Community Justice Partners (such as Community Planning Partnerships (CPPs), the Third Sector, Alcohol and Drug Partnerships etc.) given their shared agenda. The statutory partners must also advise how they have secured the participation of local communities in local CJ planning.

Q Who are the non-statutory Community Justice Partners?

A There is a wide range of Community Justice Partners not all of whom are named in the Community Justice (Scotland) Act 2016. These partners play a crucial role in meeting community justice outcomes and include organisations such as the Third Sector, Alcohol and Drug Partnerships, community bodies and others as well as the

wider community. Although there is no duty on them to take part in community justice planning, we would expect many of these to be active participants and the Act requires statutory Community Justice Partners to ensure the participation of communities and third sector bodies involved in community justice in their planning.

Q Why are all statutory Community Planning Partners not statutory Community Justice Partners?

A We chose not to designate all statutory Community Planning Partners as Community Justice Partners because some of them do not have a sufficiently strong and direct interest in community justice planning to justify having statutory planning duties placed on them. Nevertheless, we would expect community justice planning to take place within the wider community planning arrangements and most local areas have told us this is their intention.

Local community justice partnerships may choose to include, by agreement, non-statutory Community Justice Partners in their partnership and planning process as locally appropriate and relevant to local circumstances, including Third Sector, Housing Associations and other community bodies.

Q What are the expectations of statutory Community Justice Partners?

A Statutory Community Justice Partners will be responsible for preparing, delivering on and the reviewing of a Community Justice Outcomes Improvement Plan for their local area.

When preparing this plan, the statutory partners must have regard to:

- the National Outcomes, Performance and Improvement Framework,
- the National Strategy which sets out our collective vision for Community Justice and,
- the Local Outcome Improvement Plans produced by the CPP under the Community Empowerment (Scotland) Act 2015 as well as guidance on community justice.

In addition, statutory Community Justice Partners must consult with Community Justice Scotland (from April 2017) and other appropriate community bodies which will include the Third Sector, service users and communities. The statutory Community Justice Partners must then publish update reports which link to these plans annually in whatever their appropriate format is.

Q What is the role of Community Planning Partnerships (CPPs) in the new model?

A We anticipate that community justice planning will take place either using community planning structures or any other partnership arrangements as locally agreed. In addition to this, six of the eight statutory Community Justice Partners are existing community planning partners and in practice there will therefore be important links between CPPs and Community Justice Partners. They share ambitions of joint working to improve outcomes, prevent harm and tackle inequalities.

Q Why does the Act not confer duties on CPPs?

A The Community Justice (Scotland) Act 2016 confers the planning, monitoring and accountability functions for community justice on designated statutory Community Justice Partners, rather than on CPPs. This is because statutory Community Justice Partners can be held to account for their contribution to community justice outcomes in ways which CPPs cannot (since it is partners, not CPPs, who will deliver these outcomes, and since CPPs have no formal lines of accountability other than to local communities). Most CPPs have used transition funding to create dedicated posts to coordinate the CJ planning process – referred to in this document as CJ Coordinators.

Q How does community justice planning relate to wider community planning?

A We anticipate that the manner in which community justice planning partners will come together to plan, monitor and report will largely follow the mechanisms for either CPPs or other local partnership arrangements as locally determined. A duty has been placed on statutory Community Justice Partners to co-operate with each other in carrying out planning activities, and to deliver and report on outcomes for community justice in their local area with reference to the National Outcomes Performance and Improvement Framework for Community Justice. There is therefore a consistency of approach between community justice planning and wider community planning.

Also, statutory Community Justice Partners will have a duty to take into account the appropriate CPP local outcomes improvement plan (LOIPs) for their area, where available, when setting their own plan for community justice. This will ensure the alignment of outcomes between the two plans and identification and development of synergies.

Q How will the Third Sector be involved in planning and delivery?

A Like the statutory Community Justice Partners, the Third Sector is vital to the successful planning and delivery of effective and efficient services for individuals. The sector contributes positively to the delivery of outcomes for community justice at a local and national level. Therefore, the statutory partners will be required to publish a Participation Statement outlining the extent of participation by communities and the third sector during the CJ planning process.

Q How are the Third Sector involved in the redesign project?

A The Third Sector has been represented throughout the redesign governance structure including the Project Board, workstreams and working groups that have been taking forward the new model for community justice. Transitional funding through the Criminal Justice Voluntary Sector Forum of £50,000 per annum for 3 years from 2016/16, subject to the outcome of the UK Comprehensive Spending Review (CSR), has been made available to assist the implementation of the new model.

Q **How will national organisations actively engage with local Community Justice Partners?**

A National organisations who have a duty to co-operate under the Community Justice (Scotland) Act 2016 as statutory partners must engage with their fellow statutory Community Justice Partners through local partnership arrangements as agreed locally by the statutory Community Justice Partners.

Q **Can organisations not named as statutory Community Justice Partners contribute to local planning?**

A Yes. A wide range of organisations have a valuable contribution to make to community justice. Some were not included as core statutory partners in the Community Justice (Scotland) Act 2016 as they are not statutory bodies upon whom duties could be placed. Others were not included as this would not be appropriate for other reasons such as their functions and governance. We would, however, expect these non-statutory Community Justice Partners to contribute time and resources to community justice where this is appropriate.

Q **As a member of the community, how can I get involved?**

A Statutory Community Justice Partners will have an obligation to engage with their local communities in the planning of services and outcomes for community justice. This means that members of communities, whether as individuals or through participating in a community group, will have a greater opportunity to make their views known and to play a greater role within their local community justice landscape.

Q **What assurances are in place to ensure that statutory Community Justice Partners work together effectively to fulfil their duties?**

A The new model is based on the principle of collective responsibility. Statutory Community Justice Partners will 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 together and it is expected that a local partnership will encourage full and meaningful engagement and contribution. The responsibility for resolving local issues, with planning or the quality of delivery, rests with the statutory Community Justice Partners of that local area.

Should partners request assistance on issues that they have not been able to resolve locally or where improvement towards outcomes has not been achieved, then Community Justice Scotland will be able to support and provide advice. Community Justice Scotland will support statutory Community Justice Partner's improvements against the nationally determined common outcomes by reporting to them individually on its assessment of their performance. 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.

Q **How accountability arrangements operate under the new model?**

A The current accountability lines for individual partners will remain with the exception of the reporting structures through Community Justices Authorities which will no longer exist following their disestablishment.

Statutory Community Justice Partners will not be accountable to Community Justice Scotland as accountability for performance of individual Statutory Community Partners will remain through existing accountability lines of their respective organisations. This avoids any confusion over accountability as well as allowing for independence from the new body.

Q **What are the community justice outcome improvement plans intended to cover?**

A In order to produce a plan for their local area the statutory Community Justice Partners should:

- From the common outcomes in the National Outcomes, Performance and Improvement Framework, assess the degree of priority for improvement action against each of the common outcomes and the activity that they believe is required for their local community;
- Identify if there are additional locally determined outcomes which address local need or may help to progress improvement against the common outcomes;
- Identify how they will work together on activities, as set out in section 35 'Duty of co-operation' of the Community Justice (Scotland) Act 2016, and how will they work with non-statutory Community Justice Partners;
- Set out the actions that they need to carry out to improve outcomes; and
- Produce an annual report on the progress they have made on activities set out in their plans and how this has driven improvement in outcomes.

In preparing their CJOIP, the statutory Community Justice Partners must have regard to:

- the National Strategy for Community Justice;
- the National Outcomes, Performance and Improvement Framework;
- guidance on the New Model for Community Justice;
- any local outcomes improvement plan produced by the CPP under the Community Empowerment (Scotland) Act 2015 currently in force for the Local Authority area;
- local Outcomes Improvement Plan (LOIPs) for their area where available; and
- local needs and circumstances.

Q **Should these plans aim to fully meet all of the common outcomes over their lifespan?**

A Some of the outcomes will likely require gradual improvement over a period of years depending upon the existing situation and future needs and circumstances in the local area. The community justice outcomes improvement plan should, therefore, set out the assessment of the statutory Community Justice Partners as to current performance in connection with the outcome in the area.

Q How do the common outcomes relate to local circumstances?

A The outcomes detailed in the National Outcomes, Performance and Improvement Framework are termed as ‘common’ across Scotland and are applicable at a local level and are therefore common to all areas. These common outcomes will allow a national picture to develop across Scotland which Community Justice Scotland will reflect on in their annual report.

As part of the planning process, local statutory Community Justice Partners, and their wider partners where relevant, will assess the degree of priority for improvement action against each common outcome using their chosen indicators. They will then choose the appropriate activity that they believe is required for their local community and deliver on this, reporting on progress annually.

Q Will services that are currently delivered across several Local Authority or CPP boundaries continue?

A Future service provision will be determined by statutory Community Justice Partners locally, based on evidence of what works along with regards to local needs, circumstances, priorities and resources. Partners may choose to continue to operate and plan for services on a cross Local Authority boundary basis based on what is most suitable to their local circumstances.

During the transition period due focus and consideration must therefore be given to existing shared services, work and decisions on future provision and funding arrangements.

Q How will Multi Agency Public Protection Arrangements (MAPPA) operate in light of the new model for Community Justice?

A MAPPA will continue to operate under the Management of Offenders etc (Scotland) Act 2005 from April 2017. The same arrangements will be in place and they will deal with the same partners, using the boundaries of the former eight Community Justice Authority (CJA). Successful joint planning and management of offenders across both the prison and community settings will continue to be a focus for MAPPA.

Q Is the principle of prevention given prominence under the new model?

A Yes. The Scottish Government remains committed to the principles of the Christie Commission, including making a decisive shift towards prevention to better deliver solutions and outcomes for individuals as well as averting future costs to the public sector. Prevention requires a holistic approach and community justice planning provides the arena in which such an approach can be achieved.

Q Will Community Justice Scotland have responsibility for local or national operational service delivery e.g. direct work with service users?

A Community Justice Scotland will not have responsibility for local or national operational service delivery. Operational service delivery, such as that for Criminal Justice Social Work (CJSW) or Policing, will continue to take place at a local level by the relevant delivery organisation.

COMMUNITY JUSTICE SCOTLAND

Q Why was a new body created?

A In responses to the consultation on the Future Model for Community Justice, which ran from December 2012 to March 2013, a wide range of partners and stakeholders stated a clear preference for a model with local delivery, partnership and collaboration at its heart. In addition, partners and stakeholders supported some form of national arrangement to provide the profile, leadership and strategic direction for community justice that was felt to be missing from the present set up.

In response, Community Justice Scotland will be established as an Executive Non-Departmental Public Body (NDPB) to provide leadership for the community justice sector, offer opportunities for innovation, learning & development and provide assurance on the delivery of improved outcomes.

Q Can I have more information about the composition of Community Justice Scotland?

A Community Justice Scotland will be directed by its Board. The Board will consist of between 5 and 8 members, including the Chair, with relevant professional experience in community justice or other corporate functions. All Board members are appointed by Scottish Ministers as part of the Public Appointment process. The Commissioner for Ethical Standards in Public Life in Scotland regulates appointments to the boards of many of Scotland's public bodies. Whilst they regulate the process used to make appointments, it is run by civil servants on behalf of the Scottish Government. The responsibility for making these appointments fairly, openly and based on merit lies with the Scottish Government.

Scottish Ministers, through a fair and open recruitment process, will appoint the first Chief Executive of Community Justice Scotland. Thereafter the Board will appoint any subsequent Chief Executives.

In addition to the Board, Community Justice Scotland will have approximately 20 staff members including the Chief Executive. One of the first tasks the Chief Executive will undertake is to recruit their staff.

Q Who is likely to be appointed as a Board member?

A Through the Public Appointments process, Scottish Ministers will seek to appoint Members with relevant experience of the community justice sector in Scotland, as well as further afield. It will also be vital that the Board has collective experience and knowledge of other corporate functions such as finance, communications, marketing etc.

In appointing members, Scottish Ministers will seek to meet the challenge that all private, public and Third Sector bodies are to achieve gender balance on their boards by 2020. It is also desirable to enable people with a history of offending to apply to be Board members, and therefore we have ensured that in the legislation there is no obstacle to them making an application. Given that there are often complex reasons as to why people offend and re-offend, membership of Community Justice Scotland will be encouraged to be as diverse as possible.

Q **What are the functions of Community Justice Scotland?**

A Community Justice Scotland will:

- Provide national, professional and strategic leadership for community justice in Scotland;
- Offer expert advice to Scottish Ministers and COSLA Leaders, as required;
- Provide national assurance and oversight of the delivery of the Outcomes, Performance and Improvement Framework;
- Identify and provide advice on how justice and other resources can be better aligned to improve outcomes for community justice;
- Commission, procure and manage contracts which have been identified and agreed as being best delivered on a national basis; and
- Host a Hub for innovation, learning and development.

Q **What skills will be required by Community Justice Scotland?**

A It is anticipated that the core skills and competencies that will be required are:

- Leadership;
- Strategic planning;
- Analysis and improvement;
- Research;
- Administration;
- Finance and accountancy;
- Social work professional skills;
- Contract management;
- Commissioning; and
- Innovation, learning and development.

Q **Why is there a regulation making power in the Community Justice (Scotland) Act 2016 to alter the remit of Community Justice Scotland?**

A Scottish Ministers may wish at some point in the future to add or remove functions to/from Community Justice Scotland. This may be necessary in response to any changes in the policy or practice of planning, delivering and monitoring of community justice services over time. Having this power therefore allows the flexibility to respond to developments as the nature and practice of planning for community justice evolves.

It is also important to note that this power is subject to affirmative procedure, so any regulations would receive a high level of scrutiny by the Scottish Parliament.

But, before making regulations, Scottish Ministers must consult Community Justice Scotland and anyone else they consider appropriate. We would expect this to include COSLA, Community Justice Partners and other key stakeholders.

The Management of Offenders etc. (Scotland) Act (2005) contains a similar power in respect of Community Justice Authorities.

Q Will 5 to 8 members for Community Justice Scotland's Board be enough to form sub-committees?

A This range of members is considered appropriate for the size and remit of Community Justice Scotland. It is likely that people from other organisations will become members of sub-committees as required. However, should that prove not to be the case, then there is a provision in Schedule 1, Section 3 (5) of the Community Justice (Scotland) Act 2016 which allows Scottish Ministers to vary the number of members.

Q How will Community Justice Scotland link with wider criminal justice agencies?

A In order to fulfil its functions, it will be essential for Community Justice Scotland to link with wider criminal justice bodies. How they do this will be a matter for Community Justice Scotland in discussion with the relevant bodies.

Q What is the Risk Management Authority (RMA) Scotland's relationship to Community Justice Scotland?

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

Q What is the relationship between Community Justice Scotland and statutory and non-statutory Community Justice Partners?

A The relationship between Community Justice Scotland and statutory and non-statutory Community Justice Partners will be one based on mutual support, characterised by open and transparent communication and recognising the balance between national and local responsibilities. It will be non-hierarchical. This relationship will be based on equity, with the body providing constructive support to all Community Justice Partners in the delivery of outcomes. There will be no lines of accountability from statutory Community Justice Partners to Community Justice Scotland or vice versa.

Q How will Community Justice Scotland engage with statutory and non-statutory Community Justice Partners?

A Community Justice Scotland will, in the main, engage through the local arrangements for all Community Justice Partners. Additionally, the body may need to engage individually with the partners, particularly around the sharing of best practice and the resolution of any issues.

Q What is the Hub for innovation, learning and development?

A The Hub for innovation, learning and development will be a core function of Community Justice Scotland. The consultation on the 'Future Model for Community Justice in Scotland' made clear that learning and development was of critical importance for stakeholders who felt it should be raised to a national level and broadened beyond Criminal Justice Social Work (CJSW) to include wider

community justice matters. The Hub will have a much wider remit than that currently carried out by the existing Training and Development Officer (TDO) Network.

Q What will be the Hub's tasks?

A It will be for Community Justice Scotland to determine the detail of the Hub's tasks. However, it is likely that its work will be made up of four key activities:

- *core functions* such as producing a national training schedule and taking a strategic approach to workforce development including the development and oversight of the national strategy for innovation, learning and development;
- *research* such as synthesising existing research, and commissioning and undertaking new research;
- *practice development* such as change control and management of community justice training programmes, the development of any new community justice training programmes and facilitating and creating practitioner networks; and
- *knowledge exchange* such as collaborating with other organisations, bodies or professions to facilitate the sharing of best practice.

Q What is the planned strategy for innovation, learning and development?

A One of the Hub's first tasks will be the creation of a strategy for innovation, learning and development to provide a clearly defined mission statement for the Hub and greater clarity of direction and guidance for the community justice sector. The strategy, taking as its basis the National Strategy for Community Justice, will outline: the vision for community justice innovation, learning and development; the role of the Hub and stakeholders in achieving that vision; the activities the Hub will carry out in order to fulfil its role; and the priorities which will determine those activities.

Q How will the details about the Hub's role and structure be agreed?

A A working group will be established to make recommendations about the role and structure of the national Hub for innovation, learning and development. This working group will also carry out early scoping work about the range of services available to ensure that these functions do not duplicate existing services.

Q How will you ensure relevant and recent practitioner involvement in the Hub?

A This is a key task for the Hub for innovation, learning and development and details of this will be contained within the strategy for innovation, learning and development. In recognition of the importance of this, the working group will consider how best to ensure relevant and recent practitioner involvement.

Q Who will have oversight of existing national training programmes for Criminal Justice Social Work (CJSW)?

A Community Justice Scotland will be responsible for the oversight, change control and management of national training programmes for CJSW through the Hub and will work with partners and stakeholders regarding the development of any new national training programmes.

GOVERNANCE AND ACCOUNTABILITY

Q Will local leadership and ownership of community justice be maintained within these new arrangements?

A The Scottish Government is clear that local leadership and ownership of community justice is absolutely vital to the success of the new arrangements and so this will be maintained and strengthened.

In placing responsibility for strategic planning and delivery of services and improved outcomes at individual Community Justice Partner level, the new model for community justice respects the partnership approach to the relationship between national and local government and broader Community Justice Partners.

Q Will statutory Community Justice Partners be accountable to Community Justice Scotland?

A Statutory Community Justice Partners **will not** be accountable to Community Justice Scotland. This would cut across established lines of accountability.

Q What will be the role of local elected members under the new model?

A Local elected members will continue to have a key role in the accountability arrangements under the new model. Established lines of accountability with Local Authorities will provide local elected members an on-going opportunity to scrutinise outcomes. In addition, Community Justice Scotland will provide advice, as required, to elected members on collective performance against delivery of the National Outcomes, Performance and Improvement Framework, giving further opportunities to influence the improvement of outcomes.

Q In the absence of CJAs, what are the intended arrangements for the reporting arrangements in respect of MAPPA?

A MAPPA Strategic Oversight Groups and Operational Groups currently in place will continue provide the governance under the former CJA boundaries, collectively working with Responsible Authorities and Duty to Cooperate agencies in the development of planning, policy and operational delivery of MAPPA.

Q How do we ensure that the community justice plan aligns with the Single Outcome Agreement (SOA) or the Local Outcome Improvement Plan (LOIP)?

A The National Outcome, Performance and Improvement Framework will provide a set of common outcomes aligned to our strategic vision as set out in the National Strategy. In preparing their community justice outcomes improvement plan, statutory Community Justice Partners must take account of the Local Outcome Improvement Plan.

Reducing offending was one of the key priorities within the guidance² issued to CPPs in 2012 and will therefore be complemented by community justice plans.

Q What are the accountability arrangements if problems arise?

² This guidance is currently being refreshed and an updated version should be available later in the year

A The responsibility for resolving any local issues, with planning or the quality of delivery, rests with the statutory Community Justice Partners of that local area. Existing accountability lines for individual statutory Community Justice Partners would remain through their respective organisations.

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.

Should an annual report indicate additional support to deliver improved outcomes is required, then Community Justice Scotland could make recommendations to Scottish Ministers. Recommendations could be made around the requirement for improvement plans; potential for specific multi-agency inspections; and, in exceptional circumstances, the recommendation to establish a rescue task group to work with the local partnerships and relevant organisations to effect sustainable and long lasting improvement.

THE NATIONAL STRATEGY FOR COMMUNITY JUSTICE

Q Why do we need a National Strategy for Community Justice?

A The national strategy for community justice provides the vision for community justice in Scotland. It sets out the key priorities which will achieve that vision as well as the evidence-based actions that will help drive improvement in each of these priority areas.

Q Are Community Justice Partners obliged to have regard to the National Strategy?

A When preparing their community justice outcomes improvement plans, partners have a statutory duty to have regard to the strategy. Although the strategy recommends particular actions to improve community justice outcomes, partners will still retain the flexibility to adapt to individual local needs and circumstances.

Q Will this be an extra burden on the Community Justice Partners?

A The strategy will make the partners' role easier. Without the strategy, partners may have to carry out evidence reviews and recruit analysts to determine the most effective ways to improve community justice outcomes. Instead, the strategy clearly sets out which evidence-based actions will help to drive improvement.

Q What role did partners and stakeholders have in developing the National Strategy?

A The strategy was developed using a collaborative approach. The work was led by a steering group made up of key partners and stakeholders underpinned by a process of logic modelling. Engagement was carried out around the country to ensure that people's views were taken on board. The strategy was endorsed by all members of the steering group and the Cabinet Secretary for Justice.

Q Were the third sector involved in developing the strategy?

A The third sector played a crucial role in the strategy's development. It was written in collaboration with the third sector via the Criminal Justice Voluntary Sector Forum who had representatives on the steering group, attended all the consultation events, and led one of the key strategy workstreams.

Q Did you involve people with direct experience of the justice system including victims of crime and people with convictions?

A Both victims of crime and people with convictions attended the strategy engagement events and members of the steering groups engaged with representative groups to ensure their views were taken into consideration.

Q Is the National Strategy evidence-based?

A The priorities and improvement actions in the strategy are in line with the evidence as set out in “What works to reduce reoffending”³. For example, the evidence is clear that short prison sentences do not work to reduce reoffending so the strategy promotes effective alternatives to these such as community sentences.

Q How does the National Strategy link with the Outcomes, Performance and Improvement (OPI) Framework?

A The strategy and OPI Framework were developed alongside each other to ensure that they are consistent and that they complement and consolidate each other as the strategy’s priorities match the OPI framework’s structural outcomes. Therefore, if partners need to improve particular community justice outcomes, they can simply turn to the relevant section of the strategy where a list of useful and evidence-based actions will be displayed.

Q What is the relationship between the National Strategy and Community Justice Scotland?

A There is a statutory duty on Community Justice Scotland to have regard to the strategy when setting out their corporate plan. Also, one of Community Justice Scotland’s main functions is to promote the strategy.

Q Will the National Strategy be reviewed? If so, what is the process?

A The Community Justice (Scotland) Act 2016 provides that Scottish Ministers must review the strategy within 5 years of its publication. Each review of subsequent versions of the strategy must also take place within 5 years of that document’s publication. Following such a review, Scottish Ministers will either publish a revised strategy or publish a statement indicating that they consider the strategy should not be revised. In reviewing, and in revising, the strategy, the Scottish Ministers must consult:

- a) Community Justice Scotland,
- b) each of the other community justice partners,
- c) such third sector bodies involved in community justice as they consider appropriate, and
- d) such other persons as they consider appropriate.

As soon as reasonably practicable after a revised strategy has been published, the Scottish Ministers must lay a copy of it before the Scottish Parliament.

³ <http://www.gov.scot/Publications/2015/05/2480>

Q Where can I see the strategy?

A The Strategy, OPI Framework and Guidance are currently available in draft on the [Community Justice Redesign Knowledge Hub](#)⁴ page. These documents will be officially published and launched at a national event in Edinburgh on 24th November 2016. After this, the final versions will be available on the Scottish Government website - <http://www.gov.scot/Publications/Recent>

⁴ To access the documents you will need to create a Knowledge Hub account if you do not already have one. After creating your account search on the Hub, search for the group 'Community Justice Redesign: Scotland' and join this group to access the community justice documents in the 'Forum' section.

DELIVERING IMPROVED OUTCOMES

Q How will we know that the new arrangements are delivering improved outcomes?

A Through the new model for community justice, we are investing in local delivery on a collective basis which meets local needs and circumstances. The model will, therefore, have partners working together to plan, design and deliver services using evidence of what works, supported by Community Justice Scotland and measured using a new Outcomes, Performance and Improvement Framework.

The new framework will provide greater transparency over progress in achieving improved outcomes for community justice, which will assist statutory Community Justice Partners in managing performance locally, and Community Justice Scotland in providing assurance to Ministers and Local Government leaders on national progress.

Q How will statutory Community Justice Partners and Community Justice Scotland demonstrate their contributions to community justice?

A Statutory Community Justice Partners will be required to contribute to the local Community Justice Outcomes Improvement Plan and annual report for community justice in each Local Authority area and make this available both to their communities and to Community Justice Scotland. Included in this will be transparent information on progress against outcomes, highlighting best practice and identifying areas for improvement.

Community Justice Scotland will be required to publish a corporate plan and annual report for how it has delivered on its functions and will in the future. In addition, Community Justice Scotland will consider the annual report provided by the statutory Community Justice Partners and provide national assurance, in the form of an annual report, to Scottish Ministers and Local Government leaders on the progress across Scotland towards meeting the common outcomes.

Q What is the Outcomes, Performance and Improvement Framework?

A The new model will be defined by an improvement culture through the establishment of a National Outcomes, Performance and Improvement Framework for Community Justice against which local partnerships can plan, deliver and monitor services and report upon achievement of outcomes. It has been developed jointly with key partners and in consultation with stakeholders.

Q What is included within the Outcomes, Performance and Improvement Framework?

A The framework includes a suite of common outcomes and indicators, a quality statement containing principles which underpin the outcomes and indicators and an approach to evaluation for use by statutory Community Justice Partners to plan services, measure progress, identify where resources may be best applied, assess good practice and report on achievements as well as identify issues and blockages.

The framework will also include an agreed approach to self-evaluation, scrutiny and inspection. A self-evaluation tool is being developed by the Care Inspectorate, working with a partner reference network, and will be available from the end of 2016.

Q What role have partners and stakeholders had in designing the outcomes?

A Extensive consultation and engagement has been on-going since August 2014 on the outcomes relevant for all in community justice. It was important to have the broadest possible engagement to ensure that the Outcomes, Performance and Improvement Framework provided a solid base for improvement action to take place across Scotland. A dedicated working group has therefore been established which includes a broad range of stakeholders. Outside the working group, extensive engagement has been carried out with a wide variety of stakeholders to ensure that the common outcomes represent a sustainable community solution to the core issues affecting community justice in Scotland.

The outcomes can be seen in the draft Outcomes, Performance and Improvement Framework available on the [Community Justice Redesign Knowledge Hub](#).

Q How do you ensure the co-operation of partners in delivering these improved outcomes?

A The new model emphasises collective responsibility through local partnerships. A duty has been placed on statutory Community Justice Partners to co-operate with each other and with Community Justice Scotland in planning and reporting on community justice for their local area. At a practical level, statutory Community Justice Partners will decide amongst themselves their own roles and responsibilities for local planning and collaboration. Accountability lines will remain through the individual partners.

Q How will the model follow the principle of co-production?

A The principles of co-production and an asset-based approach is at the heart of the Scottish approach to Government, as is enshrined in the Community Empowerment (Scotland) Act 2015. These will be guiding principles for how CPPs go about their business and will follow through to community justice planning.

Q Who will be responsible for monitoring progress and ensuring that required improvements are put in place?

A Responsibility for ensuring improvements are made rests locally and will be through existing lines of accountability. All statutory Community Justice Partners and Community Justice Scotland will have a stake in monitoring progress and it will require collaboration from all to ensure that improvements are put in place. 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 helping them deliver improved outcomes.

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.

Q How will Community Justice Scotland share best practice?

A As Community Justice Scotland will engage with all statutory and non-statutory Community Justice Partners they will be in a unique position to identify areas of particularly successful partnership working and achievements. Where these are identified, Community Justice Scotland will be able to disseminate this information to other Community Justice Partners via national conferences, the Hub, published reports and the promotion of specific community justice related messages.

Q What action can statutory Community Justice Partners take if outcomes are not met?

A Responsibility for delivering outcomes and resolving issues rests at a local level. Partners will be expected to work together to resolve issues, utilising existing avenues for guidance and support.

Partners will also have the ability to request support from Community Justice Scotland.

Q What action can Community Justice Scotland take to support improved outcomes?

A Community Justice Scotland will support the improvement of outcomes of statutory Community Justice Partners against the nationally determined common outcomes and report to them individually on its assessment of their performance. These reports may include guidance on action which Community Justice Scotland considers necessary to enable partners to achieve their outcomes including identify and providing advice on how justice and other resources can be better aligned to improve outcomes for community justice. In exceptional circumstances, Community Justice Scotland could make recommendations to Scottish Ministers as to the action it considers appropriate to help foster improvement. These may include the requirement for improvement plans; potential for specific multi-agency inspections; and, in exceptional circumstances, the recommendation to establish a rescue task group to work with the local partnerships and relevant organisations to effect sustainable and long lasting improvement.

Q What role, if any, will scrutiny and inspection bodies have in the new model?

A We will work closely with scrutiny and inspection bodies, including Audit Scotland and the Care Inspectorate, to develop the approach to scrutiny and inspection for community justice under the new model.

The ethos of the model is on collective responsibility and collaboration. The layered approach to assurance is made up of:

- Collective responsibility locally;
- Assurance by Community Justice Scotland; and
- Multi-agency joint inspection where required.

Collective responsibility will be underpinned with a self-evaluation improvement framework. Self-evaluation is central to continuous improvement. It is a reflective process through which statutory Community Justice Partners get to know how well they are doing and identify the best way to improve their services.

Q **What is the role of the Scottish Government's Justice Analytical Services in terms of providing support?**

A The Scottish Government's Justice Analytical Services will continue to provide support to all partners in identifying the factors which influence reoffending. They have supported the work to develop the new Outcomes, Performance and Improvement Framework, the National Strategy and the analysis on the funding of the new model.

Q **How will the strategy and OPI Framework be implemented?**

A The Scottish Government is setting up an implementation group to take forward the implementation of both the strategy and the OPI framework. This group, made up of community justice co-ordinators, statutory partners and other key stakeholders will play an important role in addressing any issues with implementation and spreading best practice.

FUNDING AND RESOURCING THE NEW MODEL

Q How much will the new model cost?

A The estimated costs of the new model were set out in the Financial Memorandum to the Community Justice (Scotland) Act 2016. The figures were based on the costs of comparable organisations, and on professional advice from Scottish Government officials in partner organisations and other Government Departments.

Q With the dis-establishment of the CJAs, what will be the route for distributing section 27⁵ funding for Criminal Justice Social Work?

A Rather than being distributed via CJAs, section 27 ring-fenced funding will go directly to the 32 Local Authorities for them to fund the Criminal Justice Social Work (CJSW) services and initiatives as identified by the Community Justice Partners as appropriate for the needs of the local area. This will take place from 2017/18.

Q How can the principle of prevention be built into any future funding model for section 27 monies?

A Future funding arrangements remain under review and consideration is being given as to how preventative approaches should be incentivised. Work has already commenced to look at the current funding model and a working group has been commissioned to look at incentivisation and the better linking of resources available to outcomes.

However, it must be highlighted, that the model contains the requirement for all partners – not just CJSW - to contribute or align resources and the expectation is that preventative approaches will be considered within local partnership arrangements as part of this.

Q How will the new model be more efficient?

A The purpose of the new model is not primarily to achieve savings in the amount of funding currently spent on community justice but to allow resources to be more effectively aligned and targeted to deliver improved outcomes.

The model will also facilitate more collective discussions between key stakeholders and partners. The intention is to ensure the more cost effective use of public money through improved alignment of funding from a range of different sources.

⁵ Currently CJA funding is provided under Sections 27A and 27B of the Social Work (Scotland) Act 1968 as amended by the Management of Offenders Etc. (Scotland) Act 2005.

COMMISSIONING

Q What is meant by “commissioning” services?

A 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.”*

Q How will commissioning take place under the new model?

A Commissioning may take place at a local, regional or national level and organisations will be expected to work together to commission services in order to realise benefits where they have been identified.

There are no prescribed areas in which services would be commissioned on a pan-Scotland/national basis. National commissioning would take place on the basis of being able to deliver value for partners, for example through economies of scale. It is also not the case that all national commissioning or the technical process of procurement and contracting which follows would be undertaken via Community Justice Scotland. Under the new model, lead authority or existing national arrangements should be used where these are the best avenue to do so.

Q Will there be a particular agency within each group of Community Justice Partners that will have the power and budget to commission and procure local community justice services?

A This would be a matter for partners themselves to decide and we would expect this to be done in the spirit of collaboration, with a focus on the principles of co-production, asset-based approaches and evidence of what works.

Q What is the future approach to commissioning?

A One of Community Justice Scotland’s first roles will be to work with partners and stakeholders to develop and agree a strategic approach to commissioning for community justice in Scotland. This will include the publication of a National Strategy on Commissioning for Community Justice with full input from and discussion with partners and stakeholders across Scotland.

Having a National Strategy on Commissioning for Community Justice does not mean that commissioning will be carried out nationally. Indeed, the default, in keeping with the local model, is for the majority of commissioning to take place locally.

Q How will statutory Community Justice Partners be held accountable for ensuring that services are commissioned and delivered as required and that these services are regularly evaluated to ensure that they are achieving their intended outcomes?

A The strategic approach to commissioning will set out expectations for Community Justice Scotland and each of the partners. While developing this approach, Community Justice Scotland and partners will agree and set out expectations for evaluation.

A statutory obligation has been placed on the statutory Community Justice Partners to publish a local plan to deliver services for community justice in the relevant Local Authority areas, in accordance with the National Outcomes, Performance and Improvement Framework for Community Justice. Partners will have corresponding responsibilities to prepare and deliver on these plans and to report against this plan annually.

Guidance will be developed on how statutory and other partners can best collect and share the data required to allow them to assess need, evaluate services and to evidence improved outcomes for community justice.

SUPPORTING THE TRANSITION TO THE NEW MODEL

Q Are statutory Community Justice Partners prepared to take on this agenda?

A Partners already contribute to desired outcomes for community justice through the delivery of services. The new model aligns these efforts to maximum effect.

Engagement processes continue to show that statutory Community Justice Partners are at different stages of readiness. Some are at an advanced state of preparation and are already preparing community justice plans and working with partners to meet the outcomes set out in these. Others will have more work to do to meet the requirements of the Community Justice (Scotland) Act 2016. Partners will receive a wide range of support to help ensure they are prepared, as outlined below. All, however, have made significant progress in the 12 months leading up to September 2016.

Q What will the Scottish Government and other stakeholders do to support the transition?

A A transition workstream was set-up to facilitate the smooth transition of community justice arrangements, supported by a working group comprising a range of statutory and non-statutory partners. The group's work has now concluded with the production of draft guidance which will assist statutory partners to make a successful transition to the new model. The draft version of this guidance is available on the [Community Justice Redesign Knowledge Hub](#). The transition workstream will continue to support the statutory partners during the remainder of transition process, primarily through a recently established Community Justice Coordinators network.

Q How will capability and capacity be developed within statutory Community Justice Partners?

A It is key that all statutory Community Justice Partners take on the responsibility for building capability and capacity within their organisation in a way that allows them to understand how they will contribute individually and collectively to improved outcomes for community justice. Strategic and operational planning functions exist within all such organisations and it is critical to the success of the new model that these are mobilised at a local level.

However, we recognise that to achieve the buy-in of partners to this agenda will require resources to support the change. Therefore, the Scottish Government has provided a three-year transition fund to be allocated for Community Planning Partnerships to support the effort to build local community justice capability and capacity for them to work together with partners locally on the achievement of improved outcomes for community justice. The first two years of this funding have already been provided. In addition, Community Justice Authorities (CJAs) are currently tasked with reporting back to the Scottish Government on their engagement activity with CPPs to spread awareness of and encourage their contribution to local transitional arrangements which reflect the future changes, and local events have been arranged through the CJAs and/or their respective CPPs. This was a fundamental part of the ask of CJA's for their 2014-17 Area Plans.

Q What additional resource is being made available to support the transition work?

A Transitional funding of £1.6 million per annum, commencing in 2015/16. This is being split equally, with £50,000 going to each Local Authority to be utilised by their respective Community Planning Partnerships. Our intention is for this funding to be available for 3 years, ending in 2017/18, however, this position will be reviewed at the end of 2016/17 in light of the outcome of the next Scottish Government spending review. The outcome of this will be known late 2016.

The Third Sector also has an important role in the planning, delivery and evaluation of community justice and has been granted transitional funding through the Criminal Justice Voluntary Sector Forum of £50,000 per annum for 3 years. Again this is subject to the outcome of the Scottish Government spending review.

Q Will the Scottish Government commit to provide funding to local partners beyond the transition phase?

A The Scottish Government's position is to consider the evidence of how the 3 year transitional funding is used before coming to a view on what, if any, continued funding is required to support the new model for community justice.

Q How will you make sure any transition funding is used to support and effect change?

A In January 2016, all 32 Community Planning Partnerships shared with Scottish Ministers their transition plans on how they intend to take forward arrangements for strategy planning and delivery of community justice. These plans also included high level information on how resources have been deployed, along with success stories around collaboration and partnership working and any barriers they may have experienced.

Q Will there be a communication strategy specifically to support the transition to the new model?

A The project board has agreed a communications and engagement strategy which outlines the activity required during the transition period. This involves a range of engagement events and the creation of advice materials to ensure that the details of the new model of community justice are communicated to stakeholders effectively. In addition to this, official guidance on the new requirements for statutory Community Justice Partners has been developed by the Scottish Government. The strategy will be kept updated.

Q How do I share the approach my area has taken with others?

A The transition working group has facilitated the dissemination of best practice between CJ Coordinators via dedicated Knowledge Hub groups set up to support the redesign as well as national events to promote the model and good practice. Also a Hub will be established within Community Justice Scotland to promote best practice in community justice arrangements in the longer term.

Q How can we ensure that we retain existing good practice?

A The transition working group has been established to ensure that we retain good practice during the transition and beyond and local areas have appointed Community Justice Coordinators to ensure that good practice in their areas is retained. The Hub for innovation, learning and development will also play a key role in retaining and building upon good practice across community justice.

Q How will you build on the knowledge and partnerships in place under CJAs?

A Community Justice Authorities (CJAs) are strongly represented on the transition working group. One of the tasks of the CJAs is to help ensure that existing knowledge and good practice is retained and strengthened where appropriate. This has also been a key feature of the transition plans for each of the 32 Local Authority Areas.

Q Is there any guidance available now to support the transition?

A Advice and support materials have been developed to help partners as they prepare for the transition. Statutory guidance on the new requirements on statutory Community Justice Partners has been developed by the Scottish Government, COSLA, statutory partners and the Third Sector, and has been published on the [Knowledge Hub for Community Justice Redesign: Scotland](#).

If further information is required then please email the [redesign mailbox](#).

Q Will events be held locally to explain the changes?

A Transition events have been held nationally, regionally and locally with CJ Coordinators, Community Justice Authorities (CJAs) and Third Sector partners as appropriate. In addition, CJAs have been asked to engage directly with local CJ Coordinators to spread awareness of and encourage their contribution to local transitional arrangements which reflect the future changes, and local events have been arranged through the CJAs and/or their respective CPPs.

THE COMMUNITY JUSTICE (SCOTLAND) ACT 2016

Q When are the provisions of the Act commenced?

A The [Community Justice \(Scotland\) Act 2016](#) provides the statutory basis for the new model for community justice in Scotland. It received Royal Assent in March 2016 and work is now progressing to identify appropriate dates on which to commence the provisions of the Act.

Q Why no mention of CPPs in the Act?

A The Act confers the planning, monitoring and accountability functions for community justice on designated statutory Community Justice Partners, rather than on CPPs. This is because statutory Community Justice Partners can be held to account for their contribution to community justice outcomes in ways which CPPs cannot (since it is partners, not CPPs, who will deliver these outcomes, and since CPPs have no formal lines of accountability other than to local communities).

The Scottish Government has always set the planning for community justice within the context of wider community planning. Indeed the collective knowledge of community planning partners supports the multi-agency, holistic approach to reducing re-offending which is at the heart of the new model. CPPs will be important partners in their own right in the new community justice arrangements. This is discussed in the 'Local Strategic Planning and Delivery' section.

Q What role does the Act provide for the Third Sector?

A The Scottish Government views the third sector as vital to the successful planning and delivery of effective and efficient services for individuals. The sector has contributed positively to the delivery of outcomes for community justice at a local and national level. The Act requires the statutory Community Justice Partners to engage and involve specific third sector organisations in the planning of services and improved outcomes for community justice. The Act includes a definition of the Third Sector for the purposes of the legislation to reflect the organisations who provide or deliver community justice services or perform an advocacy or advisory role.

The Act provides that appropriate third sector bodies are to be consulted, thus ensuring that they have the opportunity to contribute their views on planning, reporting, the approach to commissioning of community justice services and the key National Strategy and Outcomes, Performance and Improvement Framework documents. This includes third sector organisations which represent victims and their families, where these organisations provide community justice services or perform an advocacy or advisory role.

The Act also requires a Participation Statement to be included by the community justice partners when preparing their outcomes improvement plans. This will confirm which third sector bodies participated in the plan and the efforts made by the community justice partners to secure and facilitate the participation of third sector bodies and community bodies in their local area.

