

Corporate Policy and Strategy Committee

10.00am, Tuesday, 16 April 2013

Redesigning the Community Justice System: Response to the Scottish Government's Consultation

Item number	7.7
Report number	
Wards	All

Links

Coalition pledges	P34
Council outcomes	CO15 , CO21
Single Outcome Agreement	SO4

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Executive Summary

Redesigning the Community Justice System: Response to the Scottish Government's Consultation

Summary

This report presents the proposed response of the City of Edinburgh Council to the Scottish Government's consultation on redesigning the Community Justice System.

Recommendations

It is recommended that Corporate Policy and Strategy Committee approve the draft response attached at Appendix 1.

Measures of success

The Scottish Government will review all submissions and is expected to develop revised proposals, legislation, regulations and guidance for implementation. Further reports will be provided to Committee as these develop.

Longer term measures of success will be developed as part of a new performance framework reporting on the effectiveness of the model in reducing reoffending.

Financial impact

There are no immediate financial implications of the response to the consultation. The full implications of any new model will be dependent on the final decision of the Scottish Government and the details of implementation.

Equalities impact

As part of the consultation process, the Scottish Government is holding a series of workshops and events for stakeholders to seek views on the impacts of the proposals on different sectors of the population. This will contribute towards the development of an Equalities Impact Assessment of any new proposed model.

Sustainability impact

There are no sustainability impact issues arising from this report.

Consultation and engagement

Views have been sought from a range of interested parties within the Council and from its partners, including Elected Members, Council Management Team, heads of service and third tier managers from Health and Social Care, Children and Families and Services for Communities, the Edinburgh Local Practitioner Forum, the Reducing Reoffending in Edinburgh Strategic Planning Group, the Association of Directors of Social Work, the Convention of Scottish Local Authorities, the Society of Local Authority Chief Executives and through a public debate facilitated by the Scottish Association for the Study of Offending. Information about the consultation is available to staff via the Chief Social Work Officer's blog on the Orb, and individuals are able to respond to the Scottish Government consultation directly.

The Edinburgh Local Practitioner Forum was encouraged to develop its own response to the consultation and will submit this directly to the government. The Forum consists of social work practitioners from all areas of the service (criminal justice, children and families and community care). The Forum's response is attached at Appendix 2 for information. It supports the local authority model unequivocally.

Background reading / external references

[Redesigning the Community Justice System, A consultation on proposals, December 2012](#)

Report

Redesigning the Community Justice System: Response to the Scottish Government's Consultation

1. Background

- 1.1 The Scottish Government is consulting on the future delivery of community justice services. The deadline for submission of responses is 30 April 2013. This report presents the proposed response of the City of Edinburgh Council.
- 1.2 The consultation is set in the context of a number of high profile documents, including the Commission on Women Offenders report and the Audit Scotland report on reducing reoffending, both published in 2012, which focus on areas for improvement across public services, particularly in relation to the justice system. Similar points are made in these documents, for example a lack of high level accountability in the delivery of offender services in the community, a cluttered landscape, short-term funding, inconsistent service provision and difficulties in measuring impact.

2. Main report

- 2.1 The Government consultation outlines the following options for the future of the Community Justice System:
 - 2.1.1 Option A: Enhanced Community Justice Authority (CJA) model: CJAs would take on a more powerful role, as the key strategic body, with the same geographical boundaries and responsible for reducing reoffending, but with additional membership, including an independent chair. The CJA Board would also be given powers to commission services directly and to question, scrutinise and challenge local partners if they do not deliver against agreed priorities. The CJA would represent community justice interests with the local judiciary, the media and the public. The consultation paper does not rule out the option to transfer operational responsibility from local authorities to Community Justice Authorities.

- 2.1.2 Option B: Local authority model: CJAs would be abolished and local authorities would retain both strategic and operational responsibility for the planning, design and delivery of services for offenders in their area. To strengthen this, a statutory duty would be placed upon local authorities to work in consultation with partner bodies to produce and deliver a strategic plan for reducing reoffending locally. Local authorities would decide how best to discharge their duties within the broad strategic framework for partnership, outcome focused working provided through community planning and Single Outcome Agreements. For example, from 2013, Single Outcome Agreements would have a particular focus on reducing reoffending.
- 2.1.3 Option C: Single service model: a single agency would be created (separate from, but sitting alongside the Scottish Prison Service) with a Chief Executive and a regional management structure. The CJAs would be abolished and responsibility for criminal justice social work would be removed from local authorities. This would create a national criminal justice social work agency.
- 2.2 Appendix 1 contains the draft response for consideration by Corporate Policy and Strategy Committee. The draft supports Option B, the local authority model, but acknowledges there are improvements, which could support the reducing reoffending agenda more effectively. These include the need to:
- 2.2.1 raise the profile of criminal justice services, offender management and public protection within a revised remit of the local community planning partnership
 - 2.2.2 articulate clear aims and objectives for offender-related services and measure performance against these, within the Single Outcome Agreement
 - 2.2.3 ensure that desistance-related services (housing, employment, health, etc.) are fully engaged in supporting the 'reducing reoffending' agenda
 - 2.2.4 demonstrate effectiveness, best value and the capacity to share best practice as appropriate across Scotland
 - 2.2.5 promote clear, accountable, professional social work leadership of the service.
- 2.3 Appendix 2 is the separate response of the Edinburgh Local Practitioner Forum.

3. Recommendations

It is recommended that Corporate Policy and Strategy Committee:

- approves the draft response to the Government's consultation on redesigning the Community Justice System, which supports the retention of criminal justice social work services within the remit of the Council
- agrees to receive a report to a future cycle on proposed arrangements to implement the suggested improvements set out at paragraphs 2.2.1 to 2.2.4 above.

Michelle Miller

Chief Social Work Officer

Links

Coalition pledges	P34 Work with police on an anti-social behaviour unit to target persistent offenders
Council outcomes	CO15 The public is protected CO21 Safe – Residents, visitors and businesses feel that Edinburgh is a safe city
Single Outcome Agreement	SO4 – Edinburgh's communities are safer and have improved physical and social fabric
Appendices	1 Proposed City of Edinburgh Council response 2 Edinburgh Local Practitioner Forum response

Scottish Government Consultation: Redesigning the Community Justice System Proposed Response of the City of Edinburgh Council

CONSULTATION QUESTIONS

The consultation questions are split into two parts, which are:

- applicable to all options; and
- specific to either Option A, B or C.

Respondents can reply to all of the questions, or a selection, depending on where their interests lie. General views on the consultation paper are also welcomed.

All options

Which option(s) do you think is more likely to meet the key characteristics (set out on pages 15 and 16 of the Consultation) that, if integral to any new community justice system, are more likely to lead to better outcomes?

Key characteristic (pages 15 and 16 of the consultation)	Option (please specify A, B or C or a mix of all three)
Strategic direction and leadership to drive forward performance improvements and deliver public services that protect victims and communities and meet the needs of people who offend	B
A focus on prevention and early intervention	B
Better and more coherent person-centred opportunities for supporting desistance, which focus on developing the capacities and capabilities of offenders to enable them to make a positive contribution to their families and communities	B
Clearer lines of political, strategic and operational accountability for performance and mechanisms to support continuous improvement	B *
Effective local partnership and collaboration that brings together public, third and private sector partners, including non-justice services, and local communities to deliver shared outcomes that really matter to people	B

Strategic commissioning of services that are based on a robust analysis of needs, evidence of what supports desistance and best value for money	B
A strong and united voice that represents community justice interests with the judiciary, public and media	B *
Better data management and evaluation to assess organisational and management performance, including the impact of services	B
Involvement of service users, their families and the wider community in the planning, delivery and reviewing of services	B
Provision of an overview of the system as a whole, including consistency and breadth of service provision	B *
Better integration between local partnership structures, services and organisations working with offenders and their families	B
A more co-ordinated and strategic approach to working with the third sector	B *
A strategic approach to workforce development and leadership for criminal justice social work staff that is based on evidence of what supports desistance and builds expertise, capacity and resilience and encourages collaborative working with other professionals towards shared outcomes	B *
Greater professional identity for community justice staff which builds on their existing values and provides well defined opportunities for career progression	B *
Ability to follow innovation nationally and internationally, as well as develop and share evidence based good practice	B *

* The responses above marked with an asterisk indicate those areas where the local model requires to be enhanced as part of this review. None of these issues require the establishment of a central agency; however, the functions described represent areas for improvement over the current arrangements, and could be the focus of attention in any change programme.

Which option(s) will result in the significant cultural change required to redesign services so that they are based on offender needs, evidence of what works and best value for money?

Option B, an improved local authority model would be best placed to achieve this. A local authority model can be much more effectively attuned to **offender needs** and the needs of the community in relation to offending. The issues and challenges facing those who offend are often complex and multi-faceted, and require a holistic approach if they are to be addressed effectively. Many offenders are supported through social work by multi-disciplinary teams as part of an intricate landscape of needs and services, with strong inter-dependencies with child protection, domestic abuse, substance misuse, mental health, employment and housing. The co-existence of the difficulties facing many individuals, families and communities means that agencies need to work more effectively together to target their skills and scarce resources. The dependencies of people on a range of services, of which social work is only one, makes the positioning of criminal justice social work services within local government optimal.

The Edinburgh Study of Youth Transitions and Crime (Edinburgh University, 2010) highlights the specific needs of young people at risk, and the transition into adulthood as a critical time. The whole systems approach, early intervention and diversion are having a positive impact on reducing young offenders entering the adult criminal justice system. Taking adult criminal justice services away from other services that could help prevent offending among young people would be counter-productive.

Support for a local authority model is based on **evidence of what works**. Evidence shows that re-integration into families and communities, access to housing, employment, health and addiction services, and support for parenting skills all aid desistance. The local authority model supports the key elements of desistance through focusing on individualised interventions and the local community. Under Option B, responses can be developed, which the community can feel part of and which focus on prevention and the building of social and human capital. A local model reflects the intentions and recommendations of Christie to build services around local communities. It presents an integrated model of social work in communities.

Criminal justice social work intervention is a critical part of offender management, risk assessment and behaviour change. Evidence supports the central importance of formal, structured supervision in influencing desistance; evidence also shows that it works best if it is effectively linked to other parts of the system, and by contrast that when dislocated from other services organisationally and professionally, outcomes are poorer for victims and offenders.

There is always scope for improvement in any model, however, the need for additional clarity of accountability and governance, for profile, consistency and visibly increased effectiveness are not dependent on either an unproven single agency or an enhanced Community Justice Authority model, which has not fulfilled expectations. The resources, energy and focus required to create a new system could much more efficiently be spent on a range of developments, which would strengthen the existing model and allow for improved consistency across Scotland.

These improvements should include expecting local partners to:

- raise the profile of criminal justice services, offender management and public protection within a revised remit of the local community planning partnership
- articulate clear aims, objectives and outcomes for offender-related services and measure performance against these, within the Single Outcome Agreement
- ensure that desistance-related services (housing, employment, health, etc.) are fully engaged in supporting the 'reducing reoffending' agenda
- demonstrate effectiveness, best value and the capacity to share best practice as appropriate across Scotland
- promote clear, accountable, professional social work leadership of the service.

Additional capacity should focus on services proven to be effective and to provide **best value**. Examples of these include: Drug Treatment and Testing Orders, the Community Sex Offender Group Work Programme and the Caledonian system, all of which have been developed through collaboration between the Government and local areas and have then been rolled out across other parts of the country or delivered by one council on behalf of others. Examples of effective regional commissioning exist and predate Community Justice Authorities. This could be systematised further in an enhanced local authority model of delivery.

Local arrangements have a good track record of training on a national basis, including leadership training in partnership with the Scottish Government, the Scottish Social Services Council, the Association of Directors of Social Work and the Risk Management Authority. Collaboration between the Scottish Government and local authorities has delivered the new National Outcomes and Standards, the criminal justice social work report, community payback and the Level of Service/Case Management Inventory (LSCMI) assessment and management tool. Networks have been established to share best practice. There is scope to enhance these networks and other mechanisms for supporting the roll-out of best practice in a more consistent way.

The Care Inspectorate has carried out two pilot inspections of children's services. The focus was on evaluating the effectiveness and impact of integrated, multi-agency services for all children. Retaining criminal justice social work within a similarly integrated, local model would allow for the same approach to inspection, which would consider how effectively all relevant services work together to reduce reoffending.

A national agency would fracture the link between services instead of making use of the existing links and multi-disciplinary teams. Shifting the strategic and operational responsibility for criminal justice social work to a national agency while other services that are crucial for reducing offending are managed on local level cannot lead to better outcomes for individuals. There is no evidence that a centralised social work service will support better engagement of offenders – in and with – their local community.

Which option(s) will result in improvements in engagement with, and quicker access to, non-justice services such as health, housing and education?

The local authority model is best placed to ensure engagement with – and quicker access to – non-justice services. Offender need is characterised by complex dependencies of people on a range of inter-connected services, of which social work is only one: child protection, domestic abuse, substance misuse, mental health, housing and employment. The approach to addressing these needs should be holistic and should include the development of a mechanism for making better use of scarce resources. There is a need for more robust strategic connections among community planning partners to ensure that agencies/sectors, for example the police, housing, health, employability support and third sector are actively fulfilling their responsibilities for developing joint, creative solutions to local need.

Do you think a statutory duty on local partners will help promote collective responsibility for reducing reoffending among all the bodies who work with offenders? If not, what would?

A statutory duty of itself will not produce good multi-agency working. Edinburgh's experience with Multi-Agency Public Protection Arrangements (MAPPA) shows that local engagement and trust between partners represent the best way of promoting collective responsibility for reducing reoffending among all the bodies working with offenders. The current proposal to review Single Outcome Agreements appears to be a better model for partnership working. To ensure a coordinated approach, Edinburgh has established a multi-agency Reducing Reoffending Strategic Planning Group. The participating agencies are committed to using the group as the mechanism for all local service design and development. This group reports to the Chief Officers Group (Public Protection) and ultimately to the Community Planning Partnership. Enhanced expectations on Community Planning Partnerships in terms of performance against key objectives, including reducing reoffending would assist in raising the profile and the shared commitment of partners to the agenda.

Under options A and B should funding for criminal justice social work services remain ring-fenced?

The ring-fencing of criminal justice social work funding (Section 27) has brought benefit and focus to this area of social work in the past, although these services have also been subsidised by local authorities. A potential negative consequence to this arrangement may have been the apparent disconnect between the majority of local authorities' and their partners' business, and criminal justice social work. It is assumed that this consequence was unintended, and that the proposed improvements described in this response will counteract it. On this basis, the principle of continued ring-fencing is supported, at least as an interim measure. The longer term may see some advantages in combining funds from different sources to drive better outcomes. In the meantime, the allocation formula requires detailed revision to ensure resources are targeted accurately and to facilitate continued arrangements for joint funding of related services, for example the Willow Project for women offenders and Drug and Alcohol Partnership funding of offending related services.

Are there specific types of training and development that would be beneficial for practitioners, managers and leaders working in community justice? Who is best placed to provide them?

Specialist training and development are beneficial. Currently, the five local authorities in Lothian and Borders produce a training plan for criminal justice social work, which includes joint training as necessary, for example with the police. Local authorities have an excellent track record of joint training, including the Caledonian, Level of Service/Case Management Inventory, criminal justice social work report writing, national outcomes and standards and training in working with sex offenders. All these have been implemented successfully on a national basis, through collaboration between local authorities and the Scottish Government.

A significant number of criminal justice social work staff have gained the MSc in Advanced Social Work Studies in Criminal Justice, which has contributed to the development of successful services. The City of Edinburgh Council has approved candidates to undertake the Criminal Justice and Penal Change 2 year programme at Strathclyde University. The MSc is no longer provided and a replacement should be considered, however, this is not dependent on a single agency, but on the commitment of resources, clear access criteria and in-service support from employers.

In addition, a learning pathway in vocational qualifications would assist in up-skilling staff who do not require a social work qualification. As with the MSc, such developments are not dependent on any particular structure, but on resources and commitment.

There is an ongoing need for specialist training. In Edinburgh, a number of staff are trained in the risk assessment tool for use with violent offenders (HCR 20). The issue of consistency across Scotland is an important one. National standards and objectives assist in providing this consistency, and this can be supported by national priorities, performance indicators and targets, which complement local priorities. However, the highest risk offenders are not located evenly across Scotland; Edinburgh is home to the highest proportion of offenders subject to Orders of Lifelong Restriction. In response to this 'local' issue, Edinburgh has developed services, partnerships (in particular with police, forensic psychiatry and housing) and expertise to provide the closest supervision and monitoring of the highest risk offenders subject to such restrictions. The figures do not support the suggestion that there should be an equal response across Scotland. The resources would be prohibitive and the need is not established. Edinburgh has a demonstrable track record of sharing expertise across local authority boundaries. This model could be enhanced without the need for a single agency.

Is there potential for existing organisations such as Scottish Social Services Council, Institute for Research and Innovation in Social Services and knowledge portal Social Services Knowledge in Scotland to take on a greater role in supporting and developing the skills and expertise of professionals working with offenders?

Yes. It is important to draw on a range of sources, which support staff development.

What do you think are the equalities impact of the proposals presented in this paper, and the effect they may have on different sectors of the population?

Criminal justice social work engages with marginalised communities. The majority of service users come from areas of deprivation. A high percentage of service users live in poverty, have substance misuse, mental health and homelessness problems and suffer disproportionate ill-health. There are also significant numbers of people with particular needs, for example women offenders and young people. These groups are better catered for in the local model in terms of accessibility and responsiveness of local services.

What are your views regarding the impact that the proposals presented in this paper may have on the important contribution to be made by businesses and the third sector?

The third sector should continue to play a key role in the collective drive to improve community justice services. In Edinburgh, the third sector is represented in the multi-agency Reducing Reoffending Strategic Planning Group and is contracted to provide a range of criminal justice services. The third sector makes an important contribution to the design of services, as campaigners for change and as innovators. Under Option B,

the local authority model, the third sector would continue to be a core contributor to service improvements and delivery.

An example of a service improvement currently under development is the Offender Recovery Service. This will replace the current Voluntary Throughcare Service to address re-offending rates and substance misuse amongst the offending population. The new service is being planned by the City of Edinburgh Council, Midlothian Council, NHS Lothian, SACRO, Lothian and Borders Police, the Scottish Prison Service and the relevant Alcohol and Drug Partnerships. The service will provide a seamless continuum of care for offenders in the community, in HMP Edinburgh and on release.

Businesses also make an important contribution. The City of Edinburgh Council has developed the 'Edinburgh Guarantee' through cross-partner action to ensure access to positive destinations for young people. Criminal justice social work service users benefit from these developments and would continue to do so under a local authority model.

Are there other options, or permutations of the options presented in this paper, which should be considered? Please provide details.

No.

Option A: Enhanced Community Justice Authority (CJA) Model

What are your overall views on retaining Community Justice Authorities, but changing their membership and functions?

We do not support Option A. CJAs have not addressed the disconnect between financial, political and operational accountability. The CJA model has required an additional layer of bureaucracy, diverting resources and attention from frontline services. Changing the structure of CJAs does not address this. Funds would be better devoted to local services. Many of the demonstrable successes in the criminal justice sector pre-date the establishment of the CJAs.

Will appointing a chair and expanding the membership of the CJA Board to include the Health Board help remove any potential conflict of interest and promote collective responsibility for reducing reoffending?

We do not support Option A. However, if the premise of a potential conflict of interest is accepted, we do not believe that appointing a chair and expanding the membership of the CJA Board would remove it.

What do you think of the alternative proposal for all Board members to be recruited through the public appointments system based on skills, knowledge and experience?

The skills, knowledge and experience of the CJA members are not the issue. If the structure within which the members are operating is not the most effective, the arrangements will represent a wasted resource. Skills, expertise and knowledge are required at the front line and in the operational management of services, supported by strong locally accessible professional and political leadership.

The current lack of input from people with lived experience could be addressed by using the local authority's experience and success in service user involvement in other areas, such as mental health and substance misuse.

Do the proposals under Option A give CJAs sufficient levers and powers to reduce reoffending efficiently and effectively?

Irrespective of additional levers and powers, CJAs would still have to work through local authorities and local community planning arrangements to avoid any disconnect between strategy and operations. CJAs can only determine local needs through close collaboration with local authorities and their partners.

Do you think CJAs should be given operational responsibility for the delivery of criminal justice social work services? Do CJAs currently have the skills, expertise and knowledge to take on these functions?

We do not think CJAs should be given operational responsibility. Many offenders are dealt with as part of a complex service reality, which has strong connections with child protection, domestic abuse, substance misuse, mental health and housing difficulties. Robust strategic connections within Community Planning Partnerships to ensure that agencies/sectors are fulfilling actively their responsibility for developing creative solutions to local need is a better model than giving CJAs operational responsibility. This is particularly important when it comes to targeting a wide range of services and resources to support early intervention and prevention. CJAs are not in a position to take on these functions effectively.

Should CJAs geographical boundaries remain the same? If not how should they be redrawn?

This question is not applicable as we do not support Option A.

Do you agree that the Scottish Government should retain the current arrangements for training and development? Should they be reviewed for effectiveness?

Under current arrangements, a training and development officer is managed by the City of Edinburgh Council for the area. There is a strong culture of learning across Lothian and Borders, which we would wish to continue. This is not dependent either on a CJA model or a single agency model. There are many examples of local authorities coordinating and combining to provide training across boundaries or commissioning training on a regional basis, and these could continue from within an enhanced local authority model.

What could be done differently to build expertise, capacity and resilience in the community justice sector and ensure evidence based good practice is shared widely?

The staffing mix in the criminal justice sector is becoming increasingly varied, and it will be important to ensure that all staff groups are given appropriate access to skills development, training and qualifications to improve their effectiveness. This should extend to more specialised training for partner agencies and services, for example housing, health and voluntary sector colleagues.

Option B: Local authority model

What do you think of the proposal to abolish CJAs and give the strategic and operational duties for reducing reoffending to local authorities?

The strategic and operational duties for reducing reoffending already rest with local authorities, and this remains the preferred model, with focus on improvements where these are necessary. Criminal justice social work services should be based on local, shared ownership of the responsibility for public protection and for the improvement of services, under the leadership of the Chief Social Work Officer. A local authority model should be based on performance, on engagement with offenders, their families and communities; on transparent self-evaluation, on local political leadership, and on effective joint working across agencies and sectors. Many local authorities have a strong track record in this area. The success of this approach would be put at risk if social work services were to be disaggregated from all the partner agencies on which offenders and communities depend. Local partnerships, local leadership and outcome-based commissioning are key to improving services.

The local authority model should build on what is already in place, while supporting strategic commissioning and public social partnerships, which include the Scottish Government, the third sector, trusts and charities, independent funders, local government, local communities and offenders. A local authority model should make use of local partnerships; it should engage with the Association of Directors of Social Work, the Convention of Scottish Local Authorities and the Society of Local Authority

Chief Executives, and agree a shared vision and journey. National standards and performance indicators should be embedded in Single Outcome Agreements. A performance framework and measurements, which are truly outcome focused and which address the complexities of trying to measure 'hard outcomes' should be created.

Local partnerships should be required to provide annual reports to Ministers on their plans and demonstrate their progress towards outcomes. Partnerships should then be scrutinised, questioned and challenged on the delivery of their plans and on creating access to mainstream local services. "Re-localising" would mean creating a system, which allows us to do more effectively that which Community Justice Authorities have not succeeded in doing.

What do you think will be the impact on consistency of service provision, good practice and the potential to plan and commission services across boundaries (and hence value for money) of moving from eight CJAs to 32 local authorities?

Before the establishment of CJAs, there was a strong tradition of commissioning and delivering services jointly across local authorities. This has continued under the current structure and would continue under the local authority model.

We recognise that the issue of variation and availability of some services needs to be examined. There should be national standards, to ensure equity of access, irrespective of where service users live. However, variation of provision may also reflect local priorities and need, and a one-size-fits-all approach should not jeopardise this. Resource deployment needs to be proportionate. The highest risk offenders tend not to be spread thinly across Scotland. They are concentrated in the cities.

The City of Edinburgh Council has developed a joint management structure and approach in the areas of mental health, criminal justice, substance misuse and homelessness. We have employed planning and commissioning staff to help create efficient and effective pathways in terms of providing support for all aspects of recovery across these service user groups.

There are a number of examples for innovative and creative approaches from criminal justice social work (multi-agency/gender specific teams, out of hours service, Whole System Approach, the short-term prisoner pilot, the Persistent Offender Project, using unpaid work to improve qualifications and employment). Under Option B, a mechanism to roll them out can be developed. In addition, there are several examples within Lothian and Borders of services that have been delivered across local authority boundaries (Caledonian, Community Sex Offender Group Work Programme, Drug Treatment and Testing Order Scheme, Willow, shared court services, criminal justice social work training).

We acknowledge that a sophisticated mechanism to identify and share best practice is yet to be developed. Community Planning Partnerships ought to be the key to this. Our energy should be focused on strengthening Community Planning to make it the driving force behind the improvements we are aiming for. Single Outcome Agreements could be required translate national priorities into shared local priorities and outcomes. They could be held to account for reducing re-offending, as their membership reflects all those elements on which such a reduction depends.

Do you think there is still a requirement for regional partnership, provision or co-ordination role (formally or informally) in this model? If so, how would it work?

There is no requirement for formalised regional partnerships under the local authority model. A coherent, local strategic plan for reducing reoffending, prepared in consultation with service users and the local community will de-clutter the landscape without fracturing it. There are already good examples of effective, cross boundary or regional arrangements for training, skills development and learning, both single and multi-agency and cross sector. These should be encouraged as a best value approach, which supports consistency, but they do not require formalisation into regional partnerships and should remain flexible, allowing local areas to collaborate as required.

What do you think would be the impact of reducing reoffending being subsumed within community planning, or other local authority planning structures?

There is an untapped potential in Community Planning Partnerships, Single Outcome Agreements and local communities for reducing offending and reoffending, and improving integration. Historical funding and reporting arrangements for criminal justice have bypassed Community Planning Partnerships, discouraged them from taking ownership of the reducing offending agenda and kept their focus elsewhere. Through embedding reducing reoffending in community planning, we could build on existing multi-agency protection responsibilities – children, vulnerable adults, domestic abuse and Multi-Agency Public Protection Arrangements – and demonstrate a good track record of working together locally and meeting national standards. The expectations on Community Planning Partnerships could helpfully be made more explicit, with targets and accountabilities articulated clearly and performance reporting strengthened.

Do you agree that functions such as programme accreditation, development of good practice, performance management and workforce development should be devolved from the Government to an organisation with the appropriate skills and experience?

This seems a reasonable approach, but there is a range of very good examples of innovative working practices that have been rolled out successfully and measured in terms of effectiveness. These include Drug Treatment and Testing Orders, the

Community Sex Offender Group Work Programme and Caledonian. They have all been developed through collaboration between the Scottish Government and local areas and then rolled out across the country.

Networks are in place to share best practice. These should be improved. A centre for excellence through, for example, the Association of Directors of Social Work, the Convention of Scottish Local Authorities or the Society of Local Authority Chief Executives could be set up to ensure further sharing of good practice.

Collaboration between local authorities led to the successful introduction of national outcomes and standards, community payback orders, criminal justice social work reports and Level of Service/Case Management Inventory.

What are your views on the proposal to expand the functions of the Risk Management Authority to take responsibility for improving performance?

Responsibility for improving performance should be owned by local authorities if this is to be effective. However, the Risk Management Authority does have a valuable role to play, for example in the development of the Framework for Risk Assessment, Management and Evaluation and its specific functions in relation to Orders for Lifelong Restriction.

What are your views on the proposal to set up a national Scottish Government/Convention of Scottish Local Authorities leadership group to provide national leadership and direction?

Creation of a national arrangement to provide political direction, leadership and collective accountability for reducing reoffending is welcome. The Angiolini Commission raised concerns about the lack of strategic leadership and accountability in the delivery of offender services in the community. This can be addressed comprehensively by changes to and enhancement of local arrangements. National standards and performance indicators are in place. We need commitment from the Scottish Government to embed these in Single Outcome Agreements. Under the local model, national and local outcomes and outputs would be agreed with Scottish Ministers. An annual report to Ministers on the plan and progress towards outcomes and outputs would be provided. Other local partners would be questioned, scrutinised and challenged for the delivery of the plan, in particular priorities to reduce reoffending and access to mainstream services. A national board, chaired for example by the Cabinet Secretary for Justice, would be beneficial.

Option C: Single service model

What are your views on the proposal to abolish the eight CJAs and establish a new single social work led service for community justice?

We do not support a single service model. We have concerns about uprooting existing structures and services when reoffending rates are at their lowest in a decade and recorded crime now stands at a 37 year low. There is no evidence for the benefit of centralisation. We recognise the need to reduce the prison population, however, creating a single social work agency will not achieve this.

There is consensus that reducing reoffending generally will rely on many other council services, including housing, employability, and welfare rights, as well as criminal justice social work. Isolating one part from the rest is not likely to deliver improved outcomes. A new agency for one relatively small part of the whole will contribute further to the cluttered landscape.

A national agency would disconnect criminal justice social work from the mainstream services needed by offenders. That disconnect would also extend to the effective relationships which criminal justice social workers have with colleagues in other parts of the local authority, where criminal justice social work is a core component of an integrated, multi-agency public protection response, including child and adult protection services. To remove from local determination such an essential contributor to the shared responsibility for the management of very high risk is a really serious concern.

The establishment of a national agency will have resource implications. At a time of significant financial constraints in the public sector, we cannot justify diverting resources from direct service provision to the creation of a new agency.

Restructuring in favour of a national agency would disrupt current service provision and programmes to tackle reoffending, at a time when we need to build on the progress we have made already.

New national outcomes and standards have been introduced successfully, along with community payback, criminal justice social work reports and Level of Service/Case Management Inventory. It did not need a national agency to do this, but it was achieved through collaboration between local authorities and the Scottish Government.

The single service model promises that the core values of social work would be central to the service. This promise applied to the reorganisation in England and Wales and has been eroded over time, with the creation of the National Offender Management Service. Developing and enhancing these core values within a local model builds on existing arrangements and provides the least disruptive route to improvement.

What do you think of the proposal to incorporate the functions of the Risk Management Authority into a new single service?

We do not support Option C. However, should this be the preferred option following the consultation, this would be a reasonable approach to take.

What do you think about grouping local delivery around the three Federation model currently employed by the Crown Office and Procurator Fiscal Service and police?

Our rejection of Option C is based in part on the lack of evidence that a change to senior management structures would result in better outcomes for people.

Does the approach to strategic commissioning and procurement provide a good balance between local and national service priorities and needs?

No, it would create an unnecessary level of complexity.

Do you think that placing a statutory duty on local partners and a strong Chief Executive negotiating on behalf of the new single service will help facilitate access to mainstream non-justice services?

No, the most robust way of facilitating access to mainstream non-justice services is through existing, local, multi-agency partnerships and would be best addressed through an enhanced local authority model. The energy and resources required to legislate for, develop and implement a national agency, together with the effort required to re-establish links with local services and communities, would be more helpfully spent strengthening the accountability, governance and reporting arrangements of the local authority model.

What do you think of the proposal to establish a dedicated community justice unit as part of the new service?

We do not support Option C. Training and rolling out best practice – tasks to be undertaken by such a unit as outlined in the consultation paper – are already being delivered under the current structure. The establishment of such a unit does not depend on the existence of a single service model.

Any additional comments

A local model is best placed to improve outcomes for people. It provides a holistic approach to offenders, their families and communities. It addresses key issues, which aid desistance and makes best use of existing resources and structures. Through collaboration between local authorities and with the Scottish Government, a local model can deliver national outcomes. It requires support to do so. CJAs are not positioned strategically to address the shortcomings of the current community justice system. A single service would fracture the existing links at a local level and would take resources away from frontline services.

Edinburgh's Local Practitioner Forum: Response to the Consultation
Redesigning the Community Justice System

The Edinburgh Local Practitioner Forum (ELPF) met on Monday 18 February 2013 with a view to gathering the views of a variety of Social Work and Social Care practitioners in relation to the proposed Redesign of the Community Justice System.

Practitioners were present from the following areas of social work: housing support, hospital, drug and alcohol services, learning disability, criminal justice, women's aid, children & families and community care. Practitioners present were from both the statutory and voluntary sector, through the statutory sector was considerably better represented.

Practitioners were given an overview of current Community Justice arrangements as well as the proposed changes. Practitioners were invited to discuss in small groups their current understanding of and/or engagement with Criminal Justice Social Work (CJSW), and their views on each of the three Redesign proposals. It is important to note that some practitioners have had limited involvement with Community Justice services to date.

Which option(s) will result in the significant cultural change required to redesign services so that they are based on offender needs, evidence of what works and best value for money?

Option B would be best placed to achieve this. The City of Edinburgh has the ability to identify local needs relating to the needs of the community and the needs of offenders. Within this model practitioners identified that service users will have the opportunity to work with multi-disciplinary teams of social workers with local knowledge of both statutory and voluntary services and integration of social work within their communities.

Which option(s) will result in improvements in engagement with, and quicker access to, non-justice services such as health, housing and education?

Criminal Justice Social Work as it stands within the existing CJA model is delivered on a local basis by social workers who have fostered links with health, housing and education services in Edinburgh. This was noted to be the case by the range of practitioners present at the meeting. A holistic approach is encouraged with a focus on meeting the needs of offenders as well as managing the assessed level of risk.

Do you think a statutory duty on local partners will help promote collective responsibility for reducing reoffending among all the bodies who work with offenders? If no, what would?

Edinburgh is already using collective responsibility to enhance local services without the need for statutory duty. Practitioners identified that co-operation between organisations working specifically with offenders and those working with the wider community could be improved by sharing resources and promoting social inclusion for all.

Under options A and B should funding for criminal justice social work services remain ring-fenced?

Many practitioners were not aware that funding is currently ring-fenced but when the concept was explained the overwhelming view was that ring-fencing should continue. It was noted that reoffending rates are currently at their lowest for 10 years and this may be in part due to secured funding for services.

Are there specific types of training and development that would be beneficial for practitioners, managers and leaders working in community justice? Who is best placed to provide them?

Specialist training was recognised by criminal justice social workers to be beneficial given the need for joint training and some of the more challenging pieces of work they undertake such as the management of sexual and violent offenders in the community. It was noted that National Objectives and Standards are already enshrined in practice and this encourages consistency across Scotland without the need for a single agency. Ensuring that these standards are met is already effectively managed on a local level. Edinburgh has also rolled out the Caledonian Men's Programme, which has been implemented in other local authority areas.

Is there potential for existing organisations such as Scottish Social Services Council, Institute for Research and Innovation in Social Services and knowledge portal Social Services Knowledge Scotland to take on a greater role in supporting and developing the skills and expertise of professionals working with offenders?

Yes. It was also noted that the Edinburgh Local Practitioner Forum has been a useful platform for social workers from across Edinburgh to identify training needs and have a voice to support them in accessing skills development.

What are your views regarding the impact that the proposals presented in this paper may have on the important contribution made by businesses and the third sector?

Practitioners recognise the importance of the third sector within existing criminal justice provisions, and see no reason why the third sector could not continue to provide these services within a local authority model.

Are there other options, or permutations of the options presented in this paper, which should be considered?

None identified.

Option A: Enhanced Community Justice Authority (CJA) Model

What are your overall views on retaining Community Justice Authorities, but changing their membership and functions?

The ELPF does not support Option A.

Most practitioners, aside from those working in Criminal Justice Social Work (CJSW), were unaware that CJAs existed. The overwhelming view was that the lack of visibility of CJAs was an issue and work either needed to be undertaken to promote the visibility and scope of CJAs so that they play a larger part in community justice services, or that lack of visibility meant that CJAs were not required and alternatively decisions could be made on a local basis.

Will appointing a chair and expanding the membership of the CJA Board to include the Health Board help remove any potential conflict of interest and promote collective responsibility for reducing reoffending?

Inclusion of an appointed member of the Health Board to the CJA Board was viewed as positive in that it promotes closer working between Local Authority provided services and Health. Collective responsibility for reducing reoffending can be achieved on a local level.

Do the proposals under Option A give CJAs sufficient levers and powers to reduce reoffending efficiently and effectively?

A statutory duty on partner bodies to develop a local plan for reducing re-offending was viewed as bureaucratic. The general view was that local authorities would be better placed to formalise existing good practice.

CJA functions expanding to include strategic commissioning of services was not viewed positively. Issues were raised relating to existing commissioning of services being well managed by local authorities, with services already being commissioned on a cross-

authority basis using existing arrangements. It was acknowledged this may be specific to Edinburgh and not reflected in other CJAs.

Option B: Local Authority Model

What do you think of the proposal to abolish CJAs and give the strategic and operational duties for reducing reoffending to local authorities?

This was by far the preferred model. Practitioners offered the following comments in favour of a LA model:

- The Council is well placed to survey the needs of the people of Edinburgh and put in place services to effectively meet those needs
- There are effective arrangements in place for the sharing of information in relation to Child & Adult Protection, which would be lost were CJSW to move 'out of authority'. It was noted that CJSW and Children & Families Social Work (C&FSW) have a particularly close working relationship to ensure the safety of Edinburgh's children
- Information sharing policy is standard across the Council and therefore easily and safely implemented
- Information about risk is shared across the Council. Information and training events across Social Work have been an effective tool to promote a shared understanding of risk and therefore better serve the City of Edinburgh
- The Emergency Social Work Service (ESWS) is a cross-authority service and provides out of hours cover to CJSW as well as other areas of social work. Should CJSW be removed from the local authority then alternative arrangements for people in need of social work intervention on an emergency basis would be required
- A shared record-keeping database is used across statutory social work services. This is particularly useful for CJSW in cases where there has been previous social work involvement from a service other than CJSW. This facility would be lost, impacting on the provision of excellent reports to the Courts, Parole Unit and other agencies which are a major part of CJSW practice
- Local social work links, particularly between statutory and voluntary social workers and services, would like be affected by any move towards a national model
- A Local Authority model would give the City of Edinburgh the opportunity to streamline many of its services to ensure best practice, value for money and effective intervention.
- The current provision of CJSW as part of the local authority offers opportunities for social workers to develop and enhance their practice through Continuing Professional Development (CPD) within the City of Edinburgh Council's Learning and Development framework. Moving social workers to a national service would limit opportunities for CPD as it would likely mean we could not train to be Mental Health Officers or undertake secondments to other sectors. These current opportunities ensure that social workers are constantly developing their

practice ensuring that the service provided to the people of Edinburgh is the best that it can be.

Option C: Single Service Model

The ELPF does not support a single service model.

What do you think about grouping local delivery around the three Federation model currently employed by COPFS and Police?

Practitioners reflected on the single Fire & Rescue service within Scotland and the soon to become single Police service in Scotland and there was some debate as to whether Community Justice could follow a similar model. Not only that, practitioners reflected on the fact that the current service delivery model has produced the lowest reoffending rates for 10 years and queried why change was required when the current model was effective and producing the desired results.