

National Community Justice Strategy and Performance Framework

Impact assessments

December 2023

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National Strategy for Community Justice and Delivery Plan: Equality Impact Assessment

Title of Policy/Programme

National Strategy for Community Justice (Revision) and the accompanying Delivery Plan

[National Strategy for Community Justice](#)

[National Strategy for Community Justice: Delivery Plan](#)

Summary of aims and desired outcomes of policy

The revised National Strategy for Community Justice (the strategy) sets the national direction for community justice by building on the progress made to date.

The strategy focuses on setting out four national aims for community justice, and priority actions which the Scottish Government and community justice partners should take over the duration of the strategy. It is accompanied by a delivery plan to ensure implementation and drive towards actions at a national, as well as local, level. Community justice partners have a statutory duty to have regard to the strategy and work collaboratively to improve community justice outcomes across Scotland.

The revised strategy recognises that there will always be a place for prison and that public protection is paramount – it equally recognises the evidence that community-based interventions and sentences can be more effective than short-term custodial sentences in reducing reoffending and assisting with rehabilitation, leading to fewer victims and safer communities.

The four national aims of the strategy are:

1. Optimise the use of diversion and intervention at the earliest opportunity.
2. Ensure that robust and high quality community interventions and public protection arrangements are consistently available across Scotland.
3. Ensure that services are accessible and available to address the needs of individuals accused or convicted of an offence.
4. Strengthen the leadership, engagement, and partnership working of local and national community justice partners.

Our ambition for the strategy is that it should promote equality and have a positive impact on outcomes for people who share one or more of the protected characteristics (age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation) and other vulnerable or disadvantaged groups.

The purpose of the accompanying delivery plan is to expand on the strategy by setting out a number of tangible, time-limited deliverables, detailing exactly what work will be undertaken to drive improvement nationally for each of the aims and priority actions contained in the strategy.

The delivery plan has been prepared in consultation with representatives of community justice partners and its contents reflect the pressure that delivery partners are under. When developing the delivery plan, we have focused principally on opportunities for enhancing partnership working, helping to ensure the spread of best practice, and on ensuring greater visibility for ongoing work.

The delivery plan will be continually monitored and updated twice a year. Progress towards the deliverables will be monitored by a Community Justice Programme Board which brings together community justice partners at a national level.

As with the strategy, the delivery plan is designed to complement the Scottish Government's Vision for Justice in Scotland published in 2022, which sets out our vision for a just, safe and resilient Scotland.

The revised strategy was published on 30 June 2022, and its accompanying delivery plan was published on 23 June 2023.

Directorate: Directorate for Justice

Executive Summary

An EQIA was undertaken in connection with the revision of the National Strategy for Community Justice and the development of the accompanying Delivery Plan to consider the potential impacts across the protected characteristics of the provisions included in the strategy.

The core of the EQIA comprised of a desk based review of key datasets maintained by the Scottish Government and external organisations. The potential impact of the policy on each of the protected equality groups was considered.

Community justice is principally about organisations working together to ensure that people who have offended address the underlying causes of their behaviour, and pay back to the community where appropriate. It aims to encourage rehabilitation, reduce reoffending, and protect the public, leading to fewer victims and safer communities.

The strategy therefore has the potential to impact any person who comes into contact with the justice system and people with different protected characteristics may experience the justice system differently, as touched upon through this assessment.

For example, the strategy may impact on those who have offended or have been accused of offending, victims of crime and the professionals and practitioners working within the sector.

In developing the EQIA for this policy the Scottish Government is mindful of the three needs of the Public Sector Equality Duty (PSED) - eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between people who

share a protected characteristic and those who do not, and foster good relations between people who share a protected characteristic and those who do not.

The ongoing implementation of the strategy and the delivery plan will continue to consider the equality impacts of this work. We will refer back to this document following publication to ensure that this work is predicated on an understanding of the relevant equality considerations.

Background

The current model for Community Justice came into operation on 1 April 2017, underpinned by the [Community Justice \(Scotland\) Act 2016](#) (the Act), which places duties on a group of statutory partners to engage in community justice planning and to report against a set of nationally-determined outcomes.

As per section 16 of the Act, the Scottish Ministers reviewed the original strategy published in 2016 before 24 November 2021. Following this review, the [consultation analysis report](#) was published and proposals for the revised strategy were developed and [consulted on](#). The consultation responses informed the finalisation of the strategy. The revised strategy was published on 30 June 2022, and supersedes the 2016 strategy.

The strategy sets out four national aims for community justice, and 13 priority actions which the Scottish Government and community justice partners should seek to deliver over the duration of the strategy. The revised strategy complements the Scottish Government's Vision for Justice in Scotland, published in 2022, which sets out our vision for a just, safe & resilient Scotland. It contributes to the national outcome on Communities – in particular its focus on living in communities which are safe.

Subsequently, a delivery plan was developed and published on 23 June 2023 to drive forward implementation of the strategy at a national level. The delivery plan sets out a number of tangible, time-limited deliverables, detailing exactly what work will be undertaken to drive improvement for each of the aims and priority actions contained in the strategy.

The delivery plan will be continually monitored and updated twice a year. Progress towards the deliverables will be monitored by a Community Justice Programme Board which brings together community justice partners at a national level.

The Scope of the EQIA

The EQIA assesses the impact of the strategy and delivery plan on individuals, looking at the following protected characteristics:

- Age
- Disability
- Sex
- Pregnancy and maternity
- Gender reassignment

- Sexual Orientation
- Race
- Religion/Belief

A variety of sources were used to gather evidence to compile this EQIA and to inform the revision of the strategy, including a public consultation and associated engagement events. There were 75 responses to the written consultation. Of these the majority (57) were received from groups/organisations. Among the organisations that responded, there was a reasonable split between national organisations, local authorities, Community Justice Partnerships (CJPs) and third sector organisations, including victims organisations. Among the local authorities and CJPs that responded, there was wide geographical coverage.

Additional evidence was also gathered from other sources, including (but not limited to):

- Children and Young People's Centre for Justice
- Justice Social Work statistics, Scotland
- Criminal Proceedings statistics, Scotland
- National Records of Scotland – Demography Statistics
- Scottish Crime and Justice Survey
- Scottish Prison Population statistics
- Supporting Offenders with Learning Difficulties (SOLD)
- What Works to Reduce Crime?: A Summary of the Evidence

Key Findings

The strategy and the accompanying delivery plan have the potential to impact any person who comes into contact with the justice system, and people with different protected characteristics may experience the justice system differently.

In shaping the policy for the revised strategy and delivery plan we have identified some positive equality impacts, and the EQIA process has provided reassurance that the strategy and delivery plan are not discriminatory and are unlikely to give rise to any issues that would adversely affect service users with protected characteristics. One area for further consideration as the strategy and delivery plan are implemented has been identified, however, in relation to the protected characteristic of disability and the pre-existing policy of increasing use of electronic monitoring. While this is expected to have a positive impact overall for this protected characteristic (in reducing the use of custody), use of electronic monitoring may present specific challenges to those with certain learning disabilities and mental health needs resulting in a potential lack of equal access. However, prior to any electronically monitored order being imposed, Justice Social Work services will have carried out a suitability assessment for the court and put in place support for the individual if needed.

The impact of the strategy and the delivery plan on service users is intended to be equally positive or equally neutral with regard to the protected characteristics. The

policy intention is to promote person-centred services which will take account of the characteristics of the person in need of the services.

People serving community sentences:

The aims in the strategy may relate to anyone who is arrested in connection with an alleged criminal offence and who proceeds through the criminal justice process. Anyone accused of an offence may possess any and multiple of the protected characteristics. However, as the strategy is not targeted at a specific group, and it is anticipated that it will have a minimal impact in respect of the protected characteristics, we have given due regard to the three needs of the PSED to all characteristics as appropriate.

While measures are not targeted at a specific group, there tends to be:

- a higher percentage of males
- a high percentage of people who are unemployed and economically inactive
- a majority of people who are under 40 years old

Victims of crime:

The impact on potential victims must be considered. The types of crime which may be experienced are affected by many of the protected characteristics, including; gender, gender identity, sexual orientation, race, disability, and religion.

Gender has a particular impact on the way violent crime is experienced. Women are more likely than men to have experienced partner abuse (including psychological as well as physical abuse). The 2019/20 Scottish Crime and Justice Survey (SCJS), however, found that for the first time since 2014/15 there has been a difference in the likelihood of experiencing violent crime by gender, with males found to have a higher likelihood (3.1%) than females (2.0%).

Hate crime in Scotland includes crime motivated by race, disability, sexual orientation, and religion. Racially motivated crime remains the most commonly reported hate crime, followed by sexual orientation aggravated crime.

The SCJS estimates that 15% of disabled people were victims of at least one crime in 2019/20, compared to 11% of non-disabled people.

The strategy and delivery plan emphasise that we want victims and families impacted by the justice system to feel heard, understood and empowered to participate in their justice journey, by providing or signposting person-centred and trauma-informed support, and helping to ensure they are safe and well.

Gaps in evidence:

We recognise that there are community justice data gaps in relation to pregnancy, sexual orientation, gender reassignment, and religion or belief. However, we anticipate that our policy proposal will have minimal impact on these protected characteristics and we received no responses to the consultation that suggested

otherwise. There is also a data gap in relation to disability for those serving non-custodial sentences. These data gaps may require further investigation in the future.

Recommendations and Conclusion

The evidence collected over the course of the EQIA process has highlighted evidence of known inequalities within areas which the strategy and delivery plan covers. However, the EQIA has shown the potential for an overall positive impact of the strategy on the groups identified, while highlighting an area (noted above) for which a suitability assessment is an important factor.

Relevant stakeholders (including victim support organisations, statutory community justice partners, and CJPs) were engaged with prior to and during the consultation process for developing the strategy. We have taken into account the views of stakeholders and made changes to the strategy where possible. The EQIA process will be ongoing during the implementation of the strategy and the accompanying delivery plan.

National Strategy for Community Justice and Delivery Plan: Island Communities Impact Assessment (ICIA)

[National Strategy for Community Justice](#) (published 30 June 2022)

[National Strategy for Community Justice: Delivery Plan](#) (published 23 June 2023)

Step One – Develop a Clear Understanding of your Objectives:

- What are the objectives of the policy, strategy or service?
- Do you need to consult?
- How are islands identified for the purpose of the policy, strategy or service?
- What are the intended impacts/outcomes and how do these potentially differ in the islands?
- Is the policy, strategy or service new?

The revised National Strategy for Community Justice (the strategy) supersedes the original version published in 2016. The revised strategy sets the national direction for community justice by building on the progress made to date.

The strategy has been the subject of two public consultations, a series of associated virtual workshop sessions, and numerous engagements with relevant partner organisations. A broad range of stakeholders have therefore been engaged, including national organisations, local authorities, Community Justice Partnerships (CJPs), and third sector organisations, including victims organisations. Among the local authorities and CJPs that responded, there was wide geographical coverage.

The strategy focuses on setting out four national aims for community justice, and priority actions which the Scottish Government and community justice partners should take over the duration of the strategy. It is accompanied by a delivery plan to ensure implementation and drive towards actions at a national, as well as local, level. Community justice partners have a statutory duty to have regard to the strategy and work collaboratively to improve community justice outcomes across Scotland.

The revised strategy recognises that there will always be a place for prison and that public protection is paramount – it equally recognises the evidence that community-based interventions and sentences can be more effective than short-term custodial sentences in reducing reoffending and assisting with rehabilitation, leading to fewer victims and safer communities.

The four national aims of the strategy are:

1. Optimise the use of diversion and intervention at the earliest opportunity
2. Ensure that robust and high quality community interventions and public protection arrangements are consistently available across Scotland
3. Ensure that services are accessible and available to address the needs of individuals accused or convicted of an offence

4. Strengthen the leadership, engagement, and partnership working of local and national community justice partners

One of the core ambitions in the strategy is to ensure consistency of access to services across Scotland. We however acknowledge the differences between geographies across Scotland, including island communities, and recognise that flexibility is required for delivery in order to respond to local needs.

The purpose of the delivery plan is to expand on the strategy by setting out a number of tangible, time-limited deliverables, detailing exactly what work will be undertaken to drive improvement nationally for each of the aims and priority actions contained in the strategy.

The delivery plan has been prepared in consultation with representatives of community justice partners and its contents reflect the pressure that delivery partners are under. When developing the delivery plan, we have focused principally on opportunities for enhancing partnership working, helping to ensure the spread of best practice, and on ensuring greater visibility for ongoing work. The delivery plan does not currently focus on areas of work which would require significant new investment, however future iterations will seek, where possible, to build upon the existing deliverables to identify new projects that accord with the aims of the strategy.

As with the strategy, the delivery plan is designed to complement the Scottish Government's Vision for Justice in Scotland published in 2022, which sets out our vision for a just, safe and resilient Scotland.

Step Two – Gather your data and identify your stakeholders:

- What data is available about the current situation in the islands?
- Who are your key Stakeholders?
- How does any existing data differ between islands?
- Are there any existing design features or mitigations in place?

At the last census (2011), a total of 93 islands in Scotland were inhabited, with a total population of 103,700 (2% of the total population of Scotland). There are three island local authorities: Orkney, Shetland, and Na h-Eileanan Siar. Local authorities such as Argyll and Bute, Highland, and North Ayrshire, have inhabitable offshore islands within their boundary areas. Of these, Argyll and Bute and Highland had the largest populations 15,105 and 10,349 respectively. North Ayrshire was the next at 6,036, and the rest are under 10.¹

The population for the Island Local Authorities in 2021² was 26,640 for Na h-Eileanan Siar, 22,940 for Shetland Islands and 22,540 for Orkney Islands. This was about 1.3% of Scotland's population in 2021.

¹ [Inhabited islands analytical report | Scotland's Census \(scotlandscensus.gov.uk\)](https://www.scotlandscensus.gov.uk/inhabited-islands-analytical-report)

² [Mid-2021 Population Estimates Scotland | National Records of Scotland \(nrscotland.gov.uk\)](https://www.nrscotland.gov.uk/mid-2021-population-estimates-scotland)

The crime rate of the islands is generally much lower compared to the Scotland rate for 2020-21. Scotland's total number of recorded crimes per 10,000 population was 524. For the island authorities, this is 165, 199 and 233 per 10,000 people from Orkney, Shetland, and Na h-Eileanan Siar respectively. For Argyll and Bute, Highland, and North Ayrshire the rate was 352, 394 and 522 respectively.³

None of the island local authorities have a prison situated on them. Like all local authorities in Scotland they have justice social work services. These services provide support to and in relation to people before conviction, after conviction, and in other justice-related contexts (for example diversion from prosecution) and involve services in custody or in the community.

The community order rates per 10,000 population for community payback orders imposed in 2019-20 was 22, 27, and 44 per 10,000 for Na h-Eileanan Siar, Shetland Islands, and Orkney Islands respectively. The rates for Na h-Eileanan Siar and Shetland Islands were much lower than the Scotland total of 44 per 10,000, while for Orkney Islands it was much the same. During the pandemic the order rates for Scotland decreased to 31.5 per 10,000 in 2021-22. A decrease in order rates was seen in the island authorities during this time. In 2021-22, order rates per 10,000 population for community payback orders imposed was 20, 19 and 25 per 10,000 for Na h-Eileanan Siar, Orkney Islands and Shetland Islands respectively.

The order rates for the island authorities tend to fluctuate more year on year due to the smaller numbers of orders. For the last five years since 2021-22, the number of community payback orders have ranged from⁴:

Na h-Eileanan Siar: 9 to 25
Orkney Islands: 17 to 44
Shetland Islands: 21 to 37

Currently the cost of transport on the islands is higher relative to income than in the rest of Scotland.⁵ The national plan for Scotland's islands describes travel to some islands as complex and more expensive than travel elsewhere. The cost, time and complexity of travel arrangements to some island communities could impact on people returning to the islands from custody or court.

The Shetland Community Justice Plan highlights the support that is available to those released from custody, much of which is supported by volunteers⁶. In addition, there are several national organisations which work across the whole of Scotland to provide post-release support.

There is no definitive mapping available which sets out all local/national projects that provide services within island communities.

³ [Supporting documents - Recorded Crime in Scotland, 2021-2022 - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2022/04/Supporting_documents_-_Recorded_Crime_in_Scotland_2021-2022.pdf)

⁴ [Criminal justice social work statistics: additional tables from 2004 – current - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2022/04/Criminal_justice_social_work_statistics_additional_tables_from_2004_-_current.pdf)

⁵ [The National Plan for Scotland's Islands - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2022/04/The_National_Plan_for_Scotland's_Islands.pdf)

⁶ [Shetland Community Justice Plan 2020-2022 \(safershetland.com\)](https://safershetland.com/)

No information is available in relation to how existing data differs between the different islands within relevant local authorities.

A broad range of partners contribute to the achievement of community justice outcomes, including statutory partners as defined in the Community Justice (Scotland) Act 2016 (the Act), communities, and the third sector, who play a vital role both in the planning and delivery of services.

The statutory partners for community justice as outlined in the Act are:

- Chief Constable of Police Scotland
- Health Boards
- Integration Joint Boards for Health and Social Care
- Local Authorities
- Scottish Courts and Tribunals Service
- Scottish Fire and Rescue Service
- Scottish Ministers (i.e. Scottish Prison Service, Crown Office and Procurator Fiscal Service)
- Skills Development Scotland

Community Justice Scotland also holds a statutory duty to monitor the performance of each local authority area in the achievement of nationally and locally-determined community justice outcomes. It has powers to identify and promote good practice; provide advice, guidance and assistance to the community justice partnerships; and to make national and local improvement recommendations where appropriate.

SG officials also frequently engage with both COSLA and Social Work Scotland who have provided input on the potential impact of the strategy on local authorities and have highlighted issues around geographical variation of services, which have been taken into account.

Step Three – Consultation:

- Is there any information already gathered through previous engagements?
- How will you carry out your consultation and in what timescales? Public meetings/Local Authorities/key stakeholders
- What questions will you ask when considering how to address island realities?
- Separate consultation events for island communities/Local Authorities?

A public consultation on proposals for the strategy ran from 13 April 2022 to 25 May 2022. While none of the questions specifically asked about potential impacts of the proposals on people in rural or island communities, some responses did contain information in this regard.

Overall, respondents to this consultation generally supported the national aims for the revised strategy. In addition, the majority of respondents agreed or strongly agreed with all of the priority actions associated with the national aims. Just over half (56%) of respondents felt that the four national aims captured the most important aspects of community justice. Some respondents however felt that parts of the

strategy required further clarity and that the aims could include more of a focus on victims of crime, and trauma-informed and person-centred approaches. Where applicable, respondents also provided suggestions for improving each priority action.

There were also several recurring themes mentioned by respondents including reflections on the need for collaborative work and resources to meet the aims of the strategy, and recognition of the need for consistency of access to services, but that flexibility is required for delivery in order to respond to local needs.

Seven virtual workshop sessions were held during the consultation periods for the strategy and the events were attended by a broad range of stakeholders, including social workers, community justice co-ordinators, third sector organisations (including victims organisations) and national community justice partners, including from rural and island areas. Between 25 and 50 stakeholders attended each session, and groups of 8-10 participated in facilitated discussions, to supplement the written responses to the consultations.

Responses in the consultation were received from:

- Argyll and Bute Community Justice Partnership
- Community Justice Ayrshire Partnership
- COSLA
- Highland Council
- North Ayrshire Health And Social Care Partnership
- Orkney Islands Council - Orkney Health and Care - Community Justice Partnership
- Shetland Islands Council - Community Planning & Development
- Social Work Scotland

In relation to how the strategy might impact on island communities, Orkney responded that:

‘In Orkney we do well and have close working links. The challenge was not so much Aim 1 but how we implement it locally in Orkney. We don't have access to the same intervention opportunities and services as larger areas in the central belt. Again in Aim 2 there is a need for a consistent approach across our communities, however taking account of local dynamics. Interventions perhaps not available in more remote areas or areas out with the central belt consequently some interventions will not be applied consistently.’

In relation to achieving MAT standards in an island community, Orkney said:

‘Achieving the MAT standards is a challenge for us in Orkney and it must also be recognised that substance misuse and Mental Health Services have a wider remit than the justice aspect.’

Aim 2 received comments from those in island and rural communities.

Shetland responded that: ‘the use of ‘consistent’ community interventions – rurality and available resources should be taken into consideration. Consistency in relation

to service provision is not practical or appropriate as a blanket approach when considering rural/island areas. Consistency in relation to outcomes for individuals is a core aim of community justice, how this achieved may not be consistent’.

Another respondent in relation to Aim 2 said: ‘We agree with the idea that services should be consistent, but as a rural community would need support to achieve that’.

Step Four – Assessment:

- Does your assessment identify any unique impacts on island communities? (Demographic, Economic, Gaelic, Social)

As previously stated, we recognise that crime rate on the islands is generally lower than that of Scotland as a whole. This, combined with the relatively low population of the islands, means that there may not be the range of community justice services (particularly specialist services) which may be available in a larger local authority area.

- Does your assessment identify any potential barriers or wider impacts?

We recognise that the provision of community justice services to individuals (including victims, survivors, those with lived experience of the justice system and their families), may be more limited and/or that individuals may have to travel further in order to access these services (which as stated, may have a cost/time impact). This may make it more difficult for island communities (and rural mainland communities) to implement some parts of the strategy and delivery plan, particularly with regard to consistency and range of services, though both documents have been designed to be flexible rather than overly prescriptive.

- How will you address these?

We are satisfied that the high level national aims and priority actions set out in the strategy, and the deliverables set out in the delivery plan, are appropriate at a national level. In relation to potential barriers to implementation in island and other rural communities (particularly with regard to consistency and range of services), we intend to take a flexible approach when monitoring progress, recognising that while relevant, person-centred support should be available across Scotland, exactly how this is achieved may vary in some areas.

The strategy also includes, as part of a priority action, an emphasis on working across local authority boundaries, which could potentially assist smaller and more rural authorities. Specifically, it states that “we would encourage partners, working across boundaries, to coordinate and allocate resources strategically so that with a proportional input they can collectively deliver services which have a much larger impact on outcomes” and encourages partners to “work across regional and operational boundaries to facilitate peer learning, share best practice and enhance co-ordination of improvement activities”.

Given the nature of the relevant statutory duty – which is to have regard to the strategy when preparing local plans – the mitigations above are considered sufficient

to address the potential barriers identified, and we will discuss any specific issues or concerns arising with delivery partners as work to implement the strategy and delivery plan continues.

Is a full Islands Communities Impact assessment required?

You must now determine whether, in your opinion, your policy, strategy or service is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities).

To form your opinion, the following questions should be considered:

- *Are there mitigations in place for the impacts identified and noted above from stakeholders and community consultations?*

As noted at step 4, we consider that sufficient mitigations are in place, particularly with regard to the approach which will be taken in considering progress towards implementation of the strategy and delivery plan, recognising the particular challenges arising in island and other rural communities.

- *Does the evidence show different circumstances or different expectations or needs, or different experiences or outcomes (such as different levels of satisfaction, or different rates of participation)?*

There is evidence that crime is generally lower in island communities. Due to this, and the lower population levels, there may be certain, more specialised, community justice services which are available in larger local authority areas, but may not be available in the island communities and/or individuals may have to travel further to access these services. However, this is an issue that is also applicable to certain mainland local authorities – particular those which are smaller in population or predominantly rural – and will be taken into account as noted above as work to implement the strategy and delivery plan continues.

- *Are these different effects likely?*

No – the strategy is designed for partners to have regard to when preparing local plans and is not designed to include prescriptive change that partners must follow regardless of local circumstance. It also seeks to promote a person-centred approach, recognising that people will have needs that require to be addressed in an individualised manner, irrespective of geographical location.

- *Are these effects significantly different?*

N/A

- *Could the effect amount to a disadvantage for an island community compared to the mainland or between island groups?*

N/A

If your answer is No to the above questions, please complete the box below.

A Full Islands Community Impact Assessment is NOT required

In preparing the ICIA, I have formed an opinion that our policy, strategy or service is NOT likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities). The reason for this is detailed below.

Reason for not completing a full Islands Communities Impact Assessment:

A partial ICIA has been prepared and published, which satisfactorily addresses the islands communities impacts of the strategy in line with available evidence.

ICIA approved by: Quentin Fisher

Position: Interim Deputy Director, Community Justice Division

Signature:



Date approved: 21/11/2023

National Strategy for Community Justice and Delivery Plan: Fairer Scotland Duty (FSD) Summary

Title of Policy, Strategy, Programme

National Strategy for Community Justice (Revision) and accompanying Delivery Plan

[National Strategy for Community Justice](#)
[National Strategy for Community Justice: Delivery Plan](#)

Summary of aims and expected outcomes of strategy, proposal, programme or policy

The revised [National Strategy for Community Justice](#) (strategy) and the accompanying [delivery plan](#) set the national direction for community justice by building on the progress made to date.

The strategy focuses on setting out four national aims for community justice, and priority actions which the Scottish Government and community justice partners should take over the duration of the strategy. It is accompanied by a delivery plan to ensure implementation and drive towards actions at a national, as well as local, level. Community justice partners have a statutory duty to have regard to the strategy and work collaboratively to improve community justice outcomes across Scotland.

The revised strategy recognises that there will always be a place for prison and that public protection is paramount – it equally recognises the evidence that community-based interventions and sentences can be more effective in reducing reoffending and assisting with rehabilitation than short-term custodial sentences, while protecting the public and robustly managing risk.

The four national aims of the strategy are:

1. Optimise the use of diversion and intervention at the earliest opportunity.
2. Ensure that robust and high quality community interventions and public protection arrangements are consistently available across Scotland.
3. Ensure that services are accessible and available to address the needs of individuals accused or convicted of an offence.
4. Strengthen the leadership, engagement, and partnership working of local and national community justice partners.

The purpose of the delivery plan is to expand on the strategy by setting out a number of tangible, time-limited deliverables, detailing exactly what work will be undertaken to drive improvement nationally for each of the aims and priority actions contained in the strategy.

The delivery plan has been prepared in consultation with representatives of community justice partners and its contents reflect the pressure that delivery partners are under. When developing the delivery plan, we have focused principally on opportunities for enhancing partnership working, helping to ensure the spread of

best practice, and on ensuring greater visibility for ongoing work. The delivery plan does not currently focus on areas of work which would require significant new investment, however future iterations will seek, where possible to build upon the existing deliverables to identify new projects that accord with the aims of the strategy.

As with the strategy, the delivery plan is designed to complement the Scottish Government's Vision for Justice in Scotland published in 2022, which sets out our vision for a just, safe and resilient Scotland.

Summary of evidence

The likelihood of being a victim of crime was greater for adults in the 15% most deprived areas compared with those living in the rest of Scotland. The proportion of those in the 15% most deprived areas experiencing crime has fallen from 26.0% in 2008/09 to 16.5% in 2019/20. Over the same period, the prevalence rate for those living elsewhere in Scotland dropped from 19.4% to 11.2%.⁷

Individuals from the 10% most deprived areas are over-represented in arrivals in Scottish prisons by a factor of three - a finding consistent across the last decade.⁸

People in the justice system commonly experience severe and multiple disadvantage, including homelessness, substance misuse, mental ill health and domestic violence or abuse.

For example, in 2020-21, there were 1,765 homelessness applications from people departing the prison system.⁹ This is approximately 5% of all homelessness applications in Scotland.

Information collected on community sentences (Community Payback Orders (CPOs) and Drug Treatment and Testing Orders (DTTOs)) show over the last five years, when employment status was known, the majority of people tended to be unemployed. This ranged from 55% to 62% for CPOs and 62 to 68% for DTTOs.¹⁰

Evidence suggests that community based interventions are more effective than short-term custodial sentences, when looking at the 2016-17 offender cohort. Those released from a short prison sentence of 12 months or less are reconvicted nearly twice as often as those sentenced to serve community payback orders.¹¹

Effective community justice can help address offending behaviour and its underlying causes. If individuals are rehabilitated effectively, reoffending rates will reduce further over time, there will be fewer victims of crime and communities will be safer.

⁷ Scottish Government (2021): [Scottish Crime and Justice Survey 2019/20: main findings - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/scottish-crime-and-justice-survey-2019-20-main-findings/pages/1-100.aspx)

⁸ Scottish Government (2020): [Scottish prison population: statistics 2019 to 2020](https://www.gov.scot/publications/scottish-prison-population-statistics-2019-to-2020/pages/1-100.aspx)

⁹ Scottish Government (2022): [Prison Service Homelessness 2020-2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/prison-service-homelessness-2020-2021/pages/1-100.aspx)

¹⁰ Scottish Government (2022): [Criminal justice social work statistics: 2020 - 2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/criminal-justice-social-work-statistics-2020-2021/pages/1-100.aspx)

¹¹ Scottish Government (2020) [Extended presumption against short sentences: monitoring information July 2019 – December 2019](https://www.gov.scot/publications/extended-presumption-against-short-sentences-monitoring-information-july-2019-december-2019/pages/1-100.aspx)

Summary of assessment findings

No changes have been made to the proposal as a result of the assessment, but the issues associated with socio-economic disadvantage have been properly considered throughout the development and drafting of the strategy and delivery plan.

The development of the strategy and the delivery plan has been informed by significant engagement with a wide range of stakeholders, assisted by a public consultation on the revised strategy. It has taken into account evidence of a range of different publications, including by the Scottish Government and other partners.

We recognise that there is no single way to experience poverty, but individuals will face a wide range of unique experiences. The focus of the strategy is consequently multi-faceted, with aspects going beyond the criminal justice system and relating to health, employability, and the provision of housing, in reflection of the criminogenic and non-criminogenic needs facing many individuals who have lived experience of the justice system and the structural barriers that a significant number will encounter.

Core to the strategy is the ambition to shift the balance between use of custody and justice in the community. Imprisonment is inherently damaging, removing people from their homes, jobs, families and communities – the very things that we know reduce reoffending. Reoffending has a massive impact on people and communities, creating victims and damaging future chances.

By including aims, actions, and deliverables intended to improve the provision and availability of high quality, person-centred support services and interventions as an alternative to custody, the strategy and delivery plan have the potential to contribute to a reduction in inequalities of outcome caused by socio-economic disadvantage.

As with the assessment for the closely related Community Justice Performance Framework, a potential improvement was identified in relation to gaps in the evidence base available. Action is being taken to address this as part of ongoing work (which is itself referenced in the delivery plan), as the issues noted cannot be resolved within the timeframe required for the launch of the strategy and delivery plan.

Socio-economic issues will continue to be considered during the ongoing implementation of the strategy and delivery plan.

Sign off Name: Quentin Fisher

Job title: Interim Deputy Director Community Justice

Date: 21 November 2023

Community Justice Performance Framework: Equality Impact Assessment

Title of Policy

Community Justice Performance Framework – Revision
[Community Justice Performance Framework](#)

Summary of aims and desired outcomes of Policy

The Community Justice Performance Framework (CJPF), published in March 2023, supersedes the Outcomes, Performance and Improvement Framework (OPIF) published in 2016, and is a requirement of the Community Justice (Scotland) Act 2016 (“the Act”)

The CJPF is aligned to the National Strategy for Community Justice (“the strategy”) which was revised in 2022. Specifically, the outcomes included in the CJPF align directly with priority actions contained within the strategy, reframing these in a way which will allow related progress and performance to be assessed. These outcomes are:

1. More people successfully complete diversion from prosecution.
2. More people in police custody receive support to address their needs.
3. More people are assessed for and successfully complete bail supervision.
4. More people access services to support desistance and successfully complete community sentences.
5. More people have access to, and continuity of, health and social care following release from a prison sentence.
6. More people have access to suitable accommodation following release from a prison sentence.
7. More people with convictions access support to enhance their readiness for employment.
8. More people access voluntary throughcare following a short term prison sentence.
9. More people across the workforce and in the community understand, and have confidence in, community justice.

In aligning with the priority actions, the outcomes are directly linked to the four overarching aims of the strategy:

- Aim 1 - Optimise the use of diversion and intervention at the earliest opportunity.
- Aim 2 - Ensure that robust and high quality community interventions and public protection arrangements are in place across Scotland.
- Aim 3 - Ensure that services are accessible and available to address the needs of individuals accused or convicted of an offence.
- Aim 4 - Strengthen the leadership, engagement, and partnership working of local and national community justice partners.

Compared to the previous version, the CJPF has been significantly streamlined, with a clear focus on robust and measurable indicator data. Furthermore, where possible, national indicator data will be centrally sourced by the Scottish Government and disaggregated to local partners. This should allow community justice partnerships to focus on delivery and improvement, and ensure that the data used are high quality and consistent.

As with the strategy and its accompanying delivery plan, the CJPF is designed to complement the Scottish Government's Vision for Justice in Scotland published in 2022, which sets out our vision for a just, safe and resilient Scotland.

Directorate: Directorate for Justice

Team: Community Justice Division: Strategy Team

Executive summary

Community justice is principally about organisations working together to ensure that people who have offended address the underlying causes of their behaviour, and pay back to the community where appropriate. It aims to encourage rehabilitation, reduce reoffending, and protect the public, leading to fewer victims and safer communities.

The population in contact with the criminal justice system is a vulnerable one in health and wellbeing terms, and we must work with partners to improve the mental and physical health and wellbeing of those who come into contact with the justice system.

Diversion from prosecution prevents an individual entering the wider criminal justice system by addressing the underlying causes of offending, and helps to ensure people get access to the drug, alcohol and mental health services they need. It is especially effective when the diversionary intervention is complemented by work designed to address the underlying issues which contributed to the offending behaviour. Evidence has shown that this lowered contact, particularly for young people, reduces their likelihood of further involvement in offending.

The strategy, which underpins the CJPF, has the potential to impact any person who comes into contact with the justice system and people with different protected characteristics may experience the justice system differently. Rather than creating new policy, the CJPF is primarily a technical document which focusses on the measurement of performance and outcomes linked directly to the policies set out in the strategy.

As part of the work to revise the OPIF and replace it with the CJPF, an EQIA was undertaken to assess any potential impacts of the provisions, whether positive or negative, on people with protected characteristics. The core of the EQIA comprised of a desk-based review of key datasets maintained by the Scottish Government and external organisations.

The impact of the strategy, and by extension, the CJPF, on service users is intended to be equally positive or equally neutral with regard to the protected characteristics.

The policy intention is to promote person-centred services which will take account of the characteristics of the person in need of the services. In the preparation for this EQIA, sources of primary and secondary data have been identified in the framing exercise, and subsequently sources have been explored, and additional sources of data have been identified.

In developing this EQIA the Scottish Government was mindful of the three needs of the Public Sector Equality Duty (PSED) – eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between people who share a protected characteristic and those who do not, and foster good relations between people who share a protected characteristic and those who do not.

Background

The Community Justice (Scotland) Act 2016 requires the Scottish Ministers to publish a national performance framework in relation to community justice, setting out nationally determined outcomes which are to be achieved in each local authority area, and national indicators which are to be used in measuring performance against these.

The Act requires community justice partners for the area of a local authority to publish a Community Justice Outcomes Improvement Plan (CJOIP), setting out which nationally determined outcomes are a priority for action and planned actions required to achieve or maintain the nationally determined outcomes, and any other locally determined outcomes. Community justice partners for each local area are also required to publish an annual report on progress towards achieving the outcomes.

The Act also requires Community Justice Scotland (CJS) to review the performance framework from time to time, and at least every 5 years. If CJS makes proposals for the revision of the framework, the Scottish Ministers must either publish a revised framework reflecting its proposals (with or without modifications) or confirm that the framework will not be revised. CJS formally submitted proposals to Scottish Ministers on 29 September 2022 for the revision of the framework. CJS carried out extensive stakeholder engagement to develop these proposals.

Following receipt of CJS's proposals, modifications were made before a revised framework (the CJPF) was published on 31 March 2023, replacing the OPIF. As required by the 2016 Act, CJS was consulted by the Scottish Ministers in relation to those modifications.

The Scope of the EQIA

This EQIA assesses the impact of the CJPF on individuals, with a focus on the following protected characteristics:

- Age
- Disability
- Sex
- Pregnancy and maternity

- Gender reassignment
- Sexual Orientation
- Race
- Religion/Belief

This EQIA was undertaken through a desk-based review of key datasets maintained by the Scottish Government and external organisations. The potential impact of the policy on each of the protected equality groups was considered using information contained in the [Scottish Government's Evidence Finder](#), together with data provided by the Scottish Government's Justice Analytical Services Division.

The revised strategy was the subject of two public consultations, a series of associated virtual workshop sessions and numerous engagements with partners. Due to the close links between the CJPF and the strategy, these consultations consequently form part of the evidence base for considering the relevant equalities impact assessments. Furthermore, a broad range of stakeholders have therefore been engaged in relation to the policies underpinning the CJPF, including national organisations, local authorities, Community Justice Partnerships (CJPs) and third sector organisations, including victims organisations.

In addition to this EQIA, impact assessments were conducted in relation to specific policies within the strategy and performance framework in accordance with relevant guidance. The performance framework also relates to more than one organisation. Each of these organisations will have their own internal policies and it is not the aim of this EQIA to examine these.

Key Findings

The CJPF applies to anyone proceeding through the community justice system and does not target or include specific provisions for any of the protected characteristics. While the EQIA has found that framework is impact neutral with regard to most of these characteristics, it has also identified some positive equality impacts. This has provided reassurance that the CJPF is not discriminatory and is not likely to negatively impact service users that have any of the protected characteristics.

People serving community sentences:

While there is variation, and measures are not targeted at a specific group, those serving a community sentence are more likely to be:

- Male rather than female, which in large part is because there are generally a lot more males in the justice system
- Under 40 years old
- Unemployed and economically inactive.

Although it is the case that individuals of all ages will benefit from improvement in community justice service planning and delivery, stronger pre-release planning may also ensure that elderly prisoners released have more timely access to services they may require for support or specialist equipment upon release. Such an improvement

could also benefit disabled people in the justice system through better identification of needs and the delivery of support, particularly for those with mental health issues.

It was also determined that the CJPF could help promote improved relations between sexes, as serving sentences in communities as opposed to being on remand or in prison for short custodial sentences helps support families and relationships. This mitigates the damaging and disruptive impacts of short periods in custody on work, home and family life.

Victims of crime:

The types of crime which may be experienced are affected by many of the protected characteristics, including; gender, gender identity, sexual orientation, race, disability, and religion.

Gender has a particular impact on the way violent crime is experienced. Women are more likely than men to have experienced partner abuse (including psychological as well as physical abuse). The 2019/20 Scottish Crime and Justice Survey (SCJS), however, found that for the first time since 2014/15 there has been a difference in the likelihood of experiencing violent crime by gender, with males found to have a higher likelihood (3.1%) than females (2.0%).

Hate crime in Scotland includes crime motivated by race, disability, sexual orientation, and religion. Racially motivated crime remains the most commonly reported hate crime, followed by sexual orientation aggravated crime.

The SCJS estimates that 15% of disabled people were victims of at least one crime in 2019/20, compared to 11% of non-disabled people.

Gaps in evidence:

While the EQIA has identified new data that can be collected to inform the CJPF, it has also highlighted that there are still gaps in the evidence base for this area. This includes the collating of data of people that report having a disability and that are serving non-custodial sentences - data which is collated for those serving a custodial sentence. This gap may need to be investigated further in the future with community justice partners.

Conclusion

The EQIA process has identified that, although largely impact neutral, the revised performance framework will have some positive equality impacts. In doing so, it has provided assurance that the performance framework is not discriminatory and is unlikely to give rise to any issues that would adversely affect service users with protected characteristics.

The CJPF, along with the strategy and the Vision for Justice, contributes to the national outcome on Communities – in particular the focus on living in communities which are safe. They recognise that there will always be a place for prison and that public protection is paramount, but equally recognise the evidence that community-

based interventions and sentences can be more effective in reducing reoffending and assisting with rehabilitation than short term custodial sentences, leading to fewer victims and safer communities.

Although there has been an expansion of data collection to help inform the CJPF, the EQIA has also shown that there are still gaps in the evidence base for this area and this may need further investigation in the future with community justice partners.

Community Justice Performance Framework: Island Communities Impact Assessment (ICIA)

Step One – Develop a Clear Understanding of your Objectives:

- What are the objectives of the policy, strategy or service?
- Do you need to consult?
- How are islands identified for the purpose of the policy, strategy or service?
- What are the intended impacts/outcomes and how do these potentially differ in the islands?
- Is the policy, strategy or service new?

The Community Justice Performance Framework (CJPF) supersedes the Outcomes, Performance and Improvement Framework published in 2016.

The Community Justice (Scotland) Act 2016 (the 2016 Act) requires the Scottish Ministers to publish a national performance framework in relation to community justice, setting out nationally determined outcomes which are to be achieved in each local authority area, and national indicators which are to be used in measuring performance against these.

The Act requires community justice partners for the area of a local authority to publish a Community Justice Outcomes Improvement Plan (CJOIP), setting out which nationally determined outcomes are a priority for action and planned actions required to achieve or maintain the nationally determined outcomes, and any other locally determined outcomes. Community justice partners for each local area are also required to publish an annual report on progress towards achieving the outcomes.

The 2016 Act also requires Community Justice Scotland (CJS) to review the performance framework from time to time, and at least every 5 years. If CJS makes proposals for the revision of the framework, the Scottish Ministers must either publish a revised framework reflecting its proposals (with or without modifications) or confirm that the framework will not be revised. CJS formally submitted proposals to Scottish Ministers on 29 September 2022 for the revision of the framework. CJS carried out extensive stakeholder engagement to develop these proposals.

Following receipt of CJS's proposals, modifications were made before a revised framework was published on 31 March 2023. As required by the 2016 Act, CJS was consulted by the Scottish Ministers in relation to those modifications.

The CJPF is aligned to the National Strategy for Community Justice which was revised in 2022. Specifically, the outcomes included in the CJPF align directly with the priority actions contained within the strategy, reframing these in a way which will allow related progress and performance to be assessed. The strategy was the subject of two public consultations (with responses received from island local authorities), a series of associated virtual workshop sessions and numerous engagements with partners. A broad range of stakeholders have therefore been engaged in relation to the policies underpinning the CJPF, including national

organisations, local authorities, Community Justice Partnerships (CJPs) and third sector organisations, including victims organisations. Among the local authorities and CJPs that responded, there was wide geographical coverage.

Compared to the previous version, the CJPF has been significantly streamlined, with a clear focus on robust and measurable indicator data. In addition, where possible, national indicator data will be centrally sourced by the Scottish Government and disaggregated to local partners. This should allow community justice partnerships to focus on delivery and improvement, and ensure that the data used are high quality and consistent.

Step Two – Gather your data and identify your stakeholders:

- What data is available about the current situation in the islands?
- Who are your key Stakeholders?
- How does any existing data differ between islands?
- Are there any existing design features or mitigations in place?

At the last census (2011), a total of 93 islands in Scotland were inhabited, with a total population of 103,700 (2% of the total population of Scotland). There are three island authorities: Orkney, Shetland and Na h-Eileanan Siar which are not attached to Scotland's mainland. Local authorities such as Argyll and Bute, Highland and North Ayrshire, have inhabitable offshore islands within their boundary areas. Of these Argyll and Bute and Highland had the largest populations 15,105 and 10,349 respectively. North Ayrshire was the next at 6,036 the rest are under 10.¹²

The population for the Island Local Authorities in 2021¹³ was 26,640 for Na h-Eileanan Siar, 22,940 for Shetland Islands and 22,540 for Orkney Islands. This was about 1.3% of Scotland's population in 2021.

The crime rate of the islands is generally much lower compared to the Scotland rate for 2020-21. Scotland's total number of recorded crimes per 10,000 population was 524. For the island authorities, this is 165, 199 and 233 per 10,000 people from Orkney, Shetland and Na h-Eileanan Siar respectively. For Argyll and Bute and Highland, the rate was 352 and 394 respectively.¹⁴

None of the island local authorities have a prison situated on them. Like all local authorities in Scotland they have justice social work services. These services provide support to and in relation to people before conviction, after conviction, and in other justice-related contexts (for example diversion from prosecution) and involve services in custody or in the community.

The order rates per 10,000 population for community payback orders imposed in 2019-20 was 22, 27 and 44 per 10,000 for Na h-Eileanan Siar, Shetland Islands and Orkney Islands respectively. The rates for Na h-Eileanan Siar and Shetland Islands were much lower than the Scotland total of 44 per 10,000, while for Orkney Islands it

¹² [Inhabited islands analytical report | Scotland's Census \(scotlandscensus.gov.uk\)](https://www.scotlandscensus.gov.uk/inhabited-islands-analytical-report)

¹³ [Mid-2021 Population Estimates Scotland | National Records of Scotland \(nrscotland.gov.uk\)](https://www.nrscotland.gov.uk/mid-2021-population-estimates-scotland)

¹⁴ [Supporting documents - Recorded Crime in Scotland, 2021-2022 - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-recorded-crime-scotland-2021-2022)

was much the same. During the pandemic the order rates for Scotland decreased to 31.5 per 10,000 in 2021-22. A decrease in order rates was seen in the island authorities during this time. In 2021-22, order rates per 10,000 population for community payback orders imposed was 20, 19 and 25 per 10,000 for Na h-Eileanan Siar, Shetland Islands and Orkney Islands respectively.

The order rates for the Island authorities tend to fluctuate more year on year due to the smaller numbers of orders. For the last five years since 2021-22, the number of community payback orders have ranged from¹⁵:

Na h-Eileanan Siar: 9 to 25
Orkney Islands: 17 to 44
Shetland Islands: 21 to 37

It is therefore likely that the outcomes of the performance framework will affect proportionally fewer people in Island communities.

Currently the cost of transport on the Islands is higher relative to income than in the rest of Scotland.¹⁶ The national plan for Scotland's Islands describes travel to some Islands as complex and more expensive than travel elsewhere. The cost, time and complexity of travel arrangements to some Island communities could impact on people returning to the islands from custody or court.

The Shetland Community Justice Plan highlights the support that is available to those released from custody, much of which is supported by volunteers¹⁷. In addition, there are several national organisations which work across the whole of Scotland to provide post-release support.

There is no definitive mapping available which sets out all local/national projects that provide services within island communities.

No information is available in relation to how existing data differs between the different islands within relevant local authorities.

Key stakeholders:

A broad range of partners contribute to the achievement of community justice outcomes, including statutory partners as defined in the Act, communities and the third sector, who play a vital role both in the planning and delivery of services.

The statutory partners for community justice as outlined in the Act are:

- Chief Constable of Police Scotland
- Health Boards
- Integration Joint Boards for Health and Social Care
- Local Authorities

¹⁵ [Criminal justice social work statistics: additional tables from 2004 – current - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/criminal-justice-social-work-statistics/additional-tables-from-2004-current/pages/10.aspx)

¹⁶ [The National Plan for Scotland's Islands - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/national-plan-for-scotland-islands/pages/1.aspx)

¹⁷ [Shetland Community Justice Plan 2020-2022 \(safershetland.com\)](https://safershetland.com/)

- Scottish Courts and Tribunals Service
- Scottish Fire and Rescue Service
- Scottish Ministers (i.e. Scottish Prison Service, Crown Office and Procurator Fiscal Service)
- Skills Development Scotland

CJS also holds a statutory duty to monitor the performance of each local authority area in the achievement of nationally and locally-determined community justice outcomes. It has powers to identify and promote good practice; provide advice, guidance and assistance to the community justice partnerships; and to make national and local improvement recommendations where appropriate.

Scottish Government officials also frequently engage with both COSLA and Social Work Scotland who have previously provided input on the potential impact of the strategy (which, as noted earlier, underpins the approach taken in the CJPF) on local authorities and have highlighted issues around geographical variation of services, which officials have also taken into account prior to publishing the performance framework.

Step Three – Consultation:

- Is there any information already gathered through previous engagements?
- How will you carry out your consultation and in what timescales? Public meetings/Local Authorities/key Stakeholders
- What questions will you ask when considering how to address island realities?
- Separate consultation events for Island communities/Local Authorities?

CJS has carried out extensive consultation when developing the aforementioned CJPF proposals. For instance, when considering the implementation of the performance framework, 37 community justice partnership (CJP) Chairs and Coordinators attended a series of small group sessions, representing 28 out of the 30 CJPs. In addition, conversations with 18 individuals from the Scottish Government, CJS and the Care Inspectorate were held, mostly in a one-to-one setting. This activity was in addition to the extensive engagement with stakeholders as part of the project to revise the framework.

A public consultation on proposals for the strategy ran from 13 April 2022 to 25 May 2022. As previously mentioned, this is highly relevant as the outcomes within the performance framework are intrinsically linked to the priority actions contained within the strategy. While the questions did not specifically ask about potential impacts of the proposals on people in rural or island communities, some responses did contain information in this regard.

Prior to the publication of the performance framework, multiple virtual events/sessions were organised for members of the Community Justice Network - which includes staff members from the island local authorities. The most recent event involved breakout discussion sessions (each attended by SG analytical and policy colleagues) and an opportunity for Q&A. Feedback from this event on the CJPF, including on the alignment of the CJPF to the National Strategy for

Community Justice, and the simpler and more concise approach being taken, was generally positive.

Prior to publication, island authority community justice coordinators have been asked if they have any specific concerns which require to be addressed on the implementation of the performance framework or in relation to the development of related revised statutory guidance which will be published in due course. There is also a Guidance and Technical Notes document which accompanies the CJPF, and sets out guidance on how to use the CJPF and technical notes on each national indicator. This includes a section on the impact of dealing with small numbers in the data (which is discussed below). This section has been signposted to relevant coordinators and a dedicated session for coordinators from island local authorities has been organised following the launch of the CJPF to discuss any concerns with working with the data to be provided.

Step Four – Assessment:

- Does your assessment identify any unique impacts on island communities? (Demographic, Economic, Gaelic, Social)

We recognise that the crime rate on the islands is generally lower than that of Scotland as a whole. This, combined with the relatively low population of the islands, means that there is not the range of community justice services (particularly specialist services) which may be available in a larger local authority area.

- Does your assessment identify any potential barriers or wider impacts?

We recognise that the provision of community justice services to individuals (including victims, survivors, those with lived experience of the justice system and their families), may be more limited.

We also recognise that, due to the population level, the national indicators contained in the performance framework may produce very small numbers – which means that the process of planning may be different from other local authorities. However, this does not only affect islands authorities, as some mainland rural authorities are in a similar situation. This is also a continuation of the current situation (as the legislative reporting requirements have been in place since 2016) and we do not anticipate that the publication of the revised performance framework itself will have any new significant impact on island communities as a whole that differs from the impact of non-island communities.

- How will you address these?

The performance framework includes a specific recognition of the different populations of community justice partnership areas. It provides guidance, within the accompanying Guidance and Technical Notes document, on how to analyse datasets which involve small numbers. In addition to this guidance, a dedicated session will be organised with island local authority community justice coordinators following publication of the performance framework.

In addition, all local authorities can supplement the national indicators with the use of local evidence. The national indicators will provide a measure of performance in achieving the nationally determined outcomes and indicate areas for improvement. Local evidence will provide further context to this and enable local analysis to be undertaken to explore specific improvements that may be needed.

Further guidance on how this local evidence should be gathered and analysed will be set out by Community Justice Scotland in Improvement Tools. There is an expectation that local areas will develop, gather and utilise information in collaboration with Community Justice Scotland in order to support ongoing improvement work and the achievement of the nationally determined outcomes. This includes an expectation that local areas will provide Community Justice Scotland with local evidence as part of its annual reporting for Scotland as a whole.

Is a full Islands Communities Impact assessment Required?

You must now determine whether, in your opinion, your policy, strategy or service is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities).

To form your opinion, the following questions should be considered:

- *Are there mitigations in place for the impacts identified and noted above from stakeholders and community consultations?*

We are satisfied that CJS carried out a robust process of stakeholder engagement with island local authorities and reflected the feedback they received when drafting their proposals. While the Scottish Government has modified these proposals, the substance of the national outcomes, which are at the core of the revised performance framework, has not been substantially altered and these are closely linked to the priority actions within the National Strategy for Community Justice. These priority actions have been subject to consultation, and a separate ICIA for the strategy (which will also reflect the strategy's accompanying delivery plan) will be published in due course, following the finalisation of the delivery plan. Prior to the publication of the CJPF we also ensured that all local authorities, including island local authorities, were able to provide feedback through the aforementioned virtual event.

The simplified performance framework and the revised approach to data collection is, in part, in response to feedback from stakeholders. As previously noted, generally positive feedback was received on both these changes. We have also emphasised that local authorities can supply local evidence to supplement the national indicators, as this will provide further context to national indicator data and enable local analysis to be undertaken.

We are satisfied that appropriate mitigation is in place to address potential concerns around how relevant staff interpret/use data to complete the relevant statutory reporting requirements. Specifically, this is in the form of the aforementioned section of the accompanying guidance document, a bespoke

session with island coordinators and continued support that will be provided to all local authority areas (including island communities) in relation to their statutory duties under the Community Justice (Scotland) Act by CJS.

- *Does the evidence show different circumstances or different expectations or needs, or different experiences or outcomes (such as different levels of satisfaction, or different rates of participation)?*

There is evidence that crime is generally lower in island communities. Due to this, and the lower population levels, there may be smaller numbers to analyse when reporting. However, this is an issue that is also applicable to certain mainland local authorities – particular ones which are smaller in population or predominantly rural.

As previously mentioned, guidance has been issued within the accompanying guidance on how to address the impact of the smaller population when interpreting indicator data and a dedicated session will be organised with staff working for island local authorities.

- *Are these different effects likely?*

No – the performance framework is a revised version of the previous statutory document and the underpinning requirements placed on coordinators, which are determined by primary legislation, have not changed.

Since 2016 all local authorities areas have been under the same statutory duties. Identical funding to support has been specifically allocated by the Scottish Government to each local authority to support collaborative working.

As previously discussed, the CJPF introduces an improvement to the current model in which the Scottish Government will provide the majority of the indicator data to partnerships – which will be of benefit to all local authorities.

We therefore do not believe that the revision of the performance framework will produce different effects on island communities.

- *Are these effects significantly different?*

N/A

- *Could the effect amount to a disadvantage for an island community compared to the mainland or between island groups?*

N/A

If your answer is No to the above questions, please complete the box below.

A Full Islands Community Impact Assessment is NOT required

In preparing the ICIA, I have formed an opinion that our policy, strategy or service is NOT likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities). The reason for this is detailed above.

Reason for not completing a full Islands Communities Impact Assessment:

A partial ICIA has been prepared and published, which satisfactorily addresses the islands communities impacts of the performance framework in line with available evidence.

ICIA approved by: Cat Dalrymple

Position: Deputy Director

Signature: C Dalrymple

Date approved: 29/3/23

Community Justice Performance Framework: Fairer Scotland Duty (FSD) Summary

Title of policy, strategy or programme

Community Justice Performance Framework - Revision

Summary of aims and expected outcomes of strategy, proposal, programme or policy

The Community Justice Performance Framework (CJPF) supersedes the Outcomes, Performance and Improvement Framework published in 2016. The CJPF revision will not introduce a new policy, but will build on existing policy.

The Community Justice (Scotland) Act 2016 (the 2016 Act) requires the Scottish Ministers to publish a national performance framework in relation to community justice, setting out nationally determined outcomes which are to be achieved in each local authority area, and national indicators which are to be used in measuring performance against these.

The Act requires community justice partners for the area of a local authority to publish a Community Justice Outcomes Improvement Plan (CJOIP), setting out which nationally determined outcomes are a priority for action and planned actions required to achieve or maintain the nationally determined outcomes, and any other locally determined outcomes. Community justice partners for each local area are also required to publish an annual report on progress towards achieving the outcomes.

The 2016 Act also requires Community Justice Scotland (CJS) to review the performance framework from time to time, and at least every 5 years. If CJS makes proposals for the revision of the framework, the Scottish Ministers must either publish a revised framework reflecting its proposals (with or without modifications) or confirm that the framework will not be revised. CJS formally submitted proposals to Scottish Ministers on 29 September 2022 for the revision of the framework. CJS carried out extensive stakeholder engagement to develop these proposals.

Following receipt of CJS's proposals, modifications were made before a revised framework was published on 31 March 2023. As required by the 2016 Act, CJS was consulted by the Scottish Ministers in relation to those modifications. Compared to the previous version, the CJPF has been significantly streamlined, with a clear focus on robust and measurable indicator data.

The CJPF is aligned to the National Strategy for Community Justice (the strategy) which was revised in 2022. Specifically, the outcomes included in the CJPF align directly with the priority actions contained within the strategy, reframing these in a way which will allow related progress and performance to be assessed.

Summary of evidence

Evidence suggests that community based interventions are more effective than short-term custodial sentences, when looking at the 2016-17 offender cohort. Those released from a short prison sentence of 12 months or less are reconvicted nearly twice as often as those sentenced to serve community payback orders.¹⁸

There has been little change in the pattern of arrivals of people to prison, with most likely to be from the 10% most deprived areas of Scotland – a consistent pattern over the past decade. The 10% most deprived areas of Scotland accounted for 31% of all arrivals to prison in 2021-22 - a small reduction from 34% in 2020-21.¹⁹

People in the justice system commonly experience severe and multiple disadvantage, including homelessness, substance use, mental ill health and domestic violence or abuse.

For example in 2020-21, there were 1,765 homelessness applications from people departing the prison system.²⁰ This is approximately 5% of all homelessness applications in Scotland.

In addition, information collected on Community Payback Orders (CPOs) and Drug Treatment and Testing Orders (DTTOs) show over the last five years when employment status was known, the majority of people tended to be unemployed. This ranged from 55 to 62% for CPOs and 62 to 68% for DTTOs.²¹ The range of people who were economically inactive i.e. people who are retired, supported by family, caring for home/family or long-term sick/disabled was between 14 to 16% for CPOs. This range was much higher for DTTO over the five years ranging from 25 to 29%.²²

Effective community justice can help address offending behaviour and its underlying causes. If individuals are rehabilitated effectively, reoffending rates will reduce further over time, there will be fewer victims of crime and communities will be safer.

Summary of assessment findings

No significant changes have been made to the proposal as a result of this assessment, we are content that officials have properly considered the issues associated with socio-economic disadvantage throughout the development and drafting of the performance framework, not just following the completion of this impact assessment. The development of the performance framework has been informed by significant engagement with a range of SG policy and analytical colleagues and external partners (both by CJS in their development of the proposals

¹⁸ Scottish Government (2020) [Extended presumption against short sentences: monitoring information July 2019 – December 2019](#)

¹⁹ Scottish Government (2022); [Supporting documents - Scottish Prison Population Statistics 2021-22 - gov.scot \(www.gov.scot\)](#)

²⁰ Scottish Government (2022) : [Prison Service Homelessness 2020-2021 - gov.scot \(www.gov.scot\)](#)
²¹ Scottish Government (2023): [Supporting documents - Justice Social Work Statistics in Scotland: 2021-22 - gov.scot \(www.gov.scot\)](#)

²² Scottish Government (2023): [Supporting documents - Justice Social Work Statistics in Scotland: 2021-22 - gov.scot \(www.gov.scot\)](#)

and the SG following receipt of the proposals). It has taken into account evidence of a range of different publications - including by the SG and other partners.

Our aim is to ensure that individuals who are engaged in community justice receive the support they need to reduce the likelihood of further offending and to engage positively in their communities, while protecting the public and robustly managing risk.

In the performance framework nationally determined outcomes have been identified, along with national indicators which can be used to measure progress towards achieving these.

As per above, enhanced leadership and governance arrangements and expanded data collection could improve the outcomes for those in community justice, many of whom commonly experience severe and multiple disadvantage, but we consider that the approach taken – including through planned development work on data collection and through further work with partners on delivering improvement action on the eleventh priority action contained within the strategy (“deliver improved community justice outcomes by ensuring that effective leadership and governance arrangements are in place and working well, collaborating with partners and planning strategically”) – is appropriate.

We recognise that there is no single way to experience poverty, but individuals will face a wide range of unique experiences. The focus of the performance framework is consequently multi-faceted, with inclusion of national outcomes and indicators on health, employability, and the provision of housing, in reflection of the criminogenic and non-criminogenic needs facing many individuals who have lived experience of the justice system and the structural barriers that a significant number will encounter.

In relation to the two specific areas identified for potential improvement, one – in relation to data collection – will be taken forward as part of future work, as the issues noted cannot be resolved within the timeframe required for the launch of this revised framework. In relation to enhanced leadership and governance arrangements, the nature of the performance framework is such that this is not suitable for a specific nationally determined outcome or indicator, but will instead be demonstrated through progress on the framework overall – and, specifically, the aforementioned priority action contained in the strategy which focuses on this matter.

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Date: 3 April 2023



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