

Redesigning the Community Justice System Analysis of Consultation Responses

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A written consultation was carried out by the Scottish Government on “Redesigning the Community Justice System” between 20 December 2012 and 30 April 2013. Three options were described: an “enhanced Community Justice Authority (CJA) model” (Option A); a “local authority model” (Option B); and a “single service model” (Option C). 112 submissions were received. The most common category of respondent was local authorities (22%). Also common were responses from individuals (20%).

Main Findings

- Where clear preferences could be identified, a very small number of respondents expressed a preference for Option A; a much larger number for Option B; and a small number for Option C. A number of respondents also provided alternative options.
- Option B was identified most frequently as more likely to meet the key characteristics of a successful community justice system in all but 3 of the 15 characteristics highlighted in the consultation paper. In these 3 cases (a strong, united voice; an overview of the system as a whole; and ability to follow national and international innovation), Option C was identified most frequently.
- A range of concerns with Option A were identified, including: problems with CJAs; bureaucracy, complexity and duplication; disconnection; weaknesses in performance management and accountability; resource implications; and a negative impact on practice and outcomes.
- Some positive aspects of Option A were also highlighted, including: strengthening the current model; and the positive role of CJAs to date.
- A range of positive aspects of Option B were identified. Those highlighted most frequently related to: links to Community Planning Partnerships (CPPs); partnership working; meeting local needs; aspects of service effectiveness; and leadership, direction and accountability.
- The most common concerns expressed about Option B related to the impact of the option on the overall pattern of provision and consistency of service delivery.
- Views of the proposal for a national Scottish Government / Convention of Scottish Local Authorities (CoSLA) leadership group as part of Option B were largely positive.
- A range of concerns were raised about Option C. Those highlighted most frequently related to: links and partnership working between Criminal Justice Social Work (CJSW) and other relevant services; and the implications of this option for addressing local issues.
- Many respondents, whatever their preferred option, identified positive aspects of Option C, particularly in terms of consistency, simplification of the structure and a national voice.
- Many believed that a statutory duty would help promote collective responsibility for reducing reoffending, and that funding for CJSW should remain ring fenced
- Most respondents suggested that accreditation, development of good practice, performance management and workforce development should be devolved to an appropriate organisation, although many expressed concerns about the proposal to extend the functions of the Risk Management Authority (RMA) in the way suggested.

Background and process

A consultation document was published on 20 December 2012 to explore the best means of redesigning the community justice system. Three options were identified: an “enhanced CJA model” (Option A); a “local authority model” (Option B) and a “single service model” (Option C). 112 submissions were received from: local authorities (22%); individuals (20%); professional and representative bodies / Trades Unions (15%); third sector organisations (13%); partnerships (9%); regulation, inspection and standards bodies (7%); CJAs (6%); NHS (3%); community councils (2%); other community justice organisations (2%); and government agencies / departments (1%).

Views – all options

Where clear preferences could be identified, a very small number of respondents expressed a preference for Option A; a much larger number for Option B; and a small number for Option C. Option B was identified most frequently as more likely to meet the key characteristics of a successful community justice system as identified in the consultation paper in all but 3 of 15 highlighted. It was also identified most frequently as more likely to result in the culture change required, and improvements in engagement with, and access to non-justice services.

Where clear views were expressed of whether a statutory duty would help promote collective responsibility for reducing reoffending, the majority believed this to be the case (although provisos and concerns were also expressed). Benefits included: formalising responsibilities; promoting commitment; and identifying roles. Concerns were: the limitations of a duty; potential negative impact; and the variety of partners involved in service delivery. In terms of whether funding for CJSW services should remain ring-fenced, the majority of comments suggested it should (at least in the short term). Reasons included: protection of spending and priority; impact on services; and risks of removal. Concerns included: administrative issues; restriction of flexibility and innovation; barriers to joint working, integration and full accountability.

Suggestions were made about training and development seen to be beneficial for practitioners, managers and leaders. Respondents were asked about the potential for existing organisations to take a greater role in developing professionals’ skills and expertise, and views of this were largely positive. Benefits included: consistency; a national approach;

use of a range of resources and providers; clarity of roles; an evidence base; integration and links; and best value. Concerns related to a lack of specialist knowledge and the nature and roles of the bodies.

The most common suggestions for other options focused on developments to Option B (e.g. the development of community planning partnership arrangements; cross-boundary working and strategic commissioning; and an enhanced national perspective). Some very detailed suggestions about new options were also provided.

Option A

A very small number of respondents expressed an overall preference for Option A. Most expressed concerns, although some positive aspects were also highlighted. Common concerns related to: problems with CJAs; bureaucracy, complexity and duplication; disconnection; weaknesses in performance management and accountability; resource implications; and a negative impact on practice and outcomes.

Views were mixed about appointing a CJA chair and expanding membership. The most common areas of concern were bureaucracy; complexity; costs; reduced effectiveness, responsiveness and accountability. The potential for conflict of interest; and lack of coterminous boundaries were also mentioned. Positive comments focused largely on expanding membership. The majority of comments on the proposal for all Board members to be recruited through public appointments raised concerns, particularly the impact on local accountability and the nature of skills sought. Positive aspects included: fairness; consistency; addressing conflict of interest; and diversity.

The majority of comments about whether the proposals gave CJAs sufficient levers and powers to reduce reoffending suggested they did not. Additionally, almost all respondents who expressed views of whether CJAs should be given operational responsibility for the delivery of CJSW services believed they should not, with the most common concerns relating to a lack of required skills, expertise and knowledge. There were mixed views of whether CJAs’ geographical boundaries should remain the same. Most respondents agreed that the Scottish Government should retain the current arrangements for training and development. There was a largely shared view (where views were clear) that the arrangements should be reviewed. Suggestions were also made about building expertise, capacity and

resilience and ensuring sharing of evidence-based good practice.

Option B

Option B was the option most commonly preferred, and positive aspects related to: links to CPPs; partnership working; local provision; meeting local needs; service effectiveness; leadership, direction and accountability. Concerns related to the overall pattern of provision and the consistency of services.

Views of the proposal for a national Scottish Government/CoSLA leadership group were largely positive (e.g. in promoting national direction, taking an overview and in terms of consistency). Respondents generally believed that there was still a requirement for a regional partnership, provision or co-ordination role. The majority of comments about reducing reoffending being subsumed within community planning, or other local authority planning structures, related to benefits, with the most common being the relevance of those with a role in reducing reoffending to community planning and local authority activity, and the opportunity for collective responsibility. The most frequent concern identified related to the priority for community justice.

Most respondents who expressed a view suggested that programme accreditation, development of good practice, performance management and workforce development (or some of these) should be devolved to an appropriate organisation. The main benefit identified was the opportunity for national oversight and consistency, although concerns related to identifying an agency to do this, and the inclusion of specific issues. The most common views of the proposal to expand the functions of the RMA focused on concerns, such as: the ability and appropriateness of the RMA for this; and the role of others. Benefits related to a national approach and the strengths of the RMA.

Option C

A small number of respondents expressed an overall preference for Option C. The most common comments were concerns, although many respondents, whatever their preferred option, identified positive aspects, particularly: consistency; simplification; and a national voice. Other benefits included: accountability, clear leadership and reporting; economies of scale; and alignment to other national organisations. Common concerns related to: links and partnership working; implications for local issues; costs; practical issues; the pattern of provision and nature of the service;

the evidence base; and potential negative impact on outcomes, local accountability and staff.

The majority of comments on the suggestion to incorporate the functions of the RMA into a new single service were positive. Benefits included: the impact on the structure and some outcomes; and better access for practitioners to the expertise of the RMA. Concerns related to the potential negative impact on the current functions of the RMA; potential loss of independence; and concerns about links to other relevant organisations. Views of a three Federation grouping were mixed, although more respondents identified concerns (e.g. negative impact on local services and links; size of areas; and lack of evidence) than positive aspects (e.g. coterminosity; and improved national/local communication).

Where respondents expressed views, a majority indicated that the approach suggested would not provide a good balance between local and national priorities and needs. Although there were some positive comments, common concerns included the perceived nature of the ensuing balance, and aspects of the overall approach (e.g. complexity; lack of account of local need). The majority of those who expressed views suggested that a statutory duty and strong Chief Executive would not help facilitate access to non-justice services. Some suggested that the Chief Executive may have an impact at a national level, and a duty may help promote commitment, partnership and accountability, but the majority expressed concerns such as a lack of local impact, and limitations of a statutory duty.

The majority of comments about the proposal to establish a dedicated Community Justice Unit focused on benefits of this (e.g. general expressions of the value of this; a national strategic approach; and a positive impact on staff training and skills). Concerns included: negative views about the value of, or need for this; and the costs or nature of provision.

Equalities issues

A few respondents expressed a general view of the impact of the options on equalities issues, but most made more specific comments. A common theme was the general equalities requirements of the proposals (e.g. duties and legislation; equality impact assessment; and other provisions). A further common theme related to the implications of particular options or aspects of proposals (and most focused on Options B or C). Although a number of issues were raised, comments on the equality impact of Option B were largely positive, while comments on the equality impact of Option C focused largely on

concerns and issues such as potential barriers to access and lack of responsiveness to local needs. A further common theme was the need to address issues for particular groups, including: offenders; families; victims; women; young people; people in remote and rural areas; ethnic minority communities; people with mental health problems or addictions; and vulnerable adults.

Business and third sector impact and other issues

The most common views of the business and third sector impact included comments on the role of businesses in community justice (e.g. delivery of some services; working in partnership) and the role of the third sector (e.g. its general importance; specific types of work; and working in partnership). Comments were also made about the implications of particular options or aspects of the proposals

(largely focusing on B and C). Although a number of issues were raised, comments on Option B were largely positive while comments on C were largely about concerns such as difficulties in access for local services, difficulties in being competitive, and higher costs.

The need for development and strengthening third sector involvement in planning, management and delivery of services was highlighted frequently. Several respondents also made comments about potential benefits, but also difficulties in developing work with the private sector.

Many respondents made additional comments outwith the questions. Common themes were: the consultation itself; the current situation and examples of existing work; the specific options; issues affecting specific groups; and the identification of the key characteristics or requirements of a community justice system. A few respondents made comments on specific aspects of the way forward.

This document, along with full research report of the project, and further information about social and policy research commissioned and published on behalf of the Scottish Government, can be viewed on the Internet at: <http://www.scotland.gov.uk/socialresearch>. If you have any further queries about social research, please contact us at socialresearch@scotland.gsi.gov.uk or on 0131-244 2111.