



The Scottish  
Government  
Riaghaltas na h-Alba

# Redesigning the Community Justice System

## Analysis of Consultation Responses

Crime and Justice



social  
research

**REDESIGNING THE COMMUNITY JUSTICE SYSTEM**  
**ANALYSIS OF CONSULTATION RESPONSES**

Reid Howie Associates  
Scottish Government Social Research  
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## **EXECUTIVE SUMMARY**

This report presents the findings of a written consultation carried out by the Scottish Government on “Redesigning the Community Justice System”. The consultation took place between 20 December 2012 and 30 April 2013.

### **The consultation**

A consultation document was issued at the end of 2012, to explore the best means of redesigning the community justice system in Scotland. Three options were described in the consultation document:

- Option A: An “enhanced CJA model”.
- Option B: A “local authority model”.
- Option C: A “single service model”.

The consultation explored 32 questions. Some explored respondents’ views of all three options, while the remainder explored their views of specific options and particular aspects of these.

### **Submissions and respondents**

A total of 112 submissions were received. The most common category of respondent was local authorities (22%). Also common were responses from individuals (20%). A range of other types of respondents provided views, including: 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 or departments (1%). The consultation generated a very large amount of material and the findings are summarised below.

### **Overall views of the 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 identified in the consultation in all but 3 of the 15 characteristics highlighted. In these 3 cases (a strong, united voice; an overview of the system as a whole; and ability to follow national / international innovation) Option C was identified most frequently as more likely to meet these. Option B was also identified most frequently as the option more likely to result in the culture change required, as well as to result in improvements in engagement with, and access to, non-justice services.

A number of specific issues relating to all options were also explored. These included whether a statutory duty on local partners would help promote collective responsibility for reducing reoffending. The majority of those whose views could be ascertained believed this to be the case, although several expressed provisos and a large number of respondents also expressed concerns. Potential benefits included, for example: formalising responsibilities; promoting commitment; and identifying

roles. Concerns included, for example: 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 whose views could be ascertained (and the balance of comments) suggested the most common view was that it should (at least during the transitional period, or in the short term). Perceived reasons included: protection of spending on criminal justice social work; the need for priority; the impact on services and provision; and the risks with removal. Concerns about retaining ring-fenced funding included: administrative and practical issues; restriction of flexibility and innovation; barriers to joint working, integration and full accountability.

A wide range of suggestions about training and development that would be beneficial for practitioners, managers and leaders were made by respondents. The main broad themes were: the nature of training and development considered beneficial (e.g. its overall nature; subject areas; and who should be included); and the means of provision of training and development (e.g. the overall context and general approach; who should provide the training and development; and other requirements). Additional themes included: the overall importance of training and development; and existing training and development issues.

Respondents were asked about the potential for existing organisations to take on a greater role in developing professionals' skills and expertise and the majority whose views could be ascertained, and the balance of comments, suggested positive views of this. Benefits identified included: consistency and a national approach; enabling the use of a range of resources and providers with clarity of roles; provision of an evidence base; integration and links; and best value. The small number of concerns related to: the lack of specialist knowledge; and the current roles and nature of the bodies.

The most common suggestions for other options or permutations focused on further developments to Option B, with the next most common being the suggestion of a fourth Option "D". Among a range of suggested developments to Option B were: the development of the use of community planning partnership (CPP) arrangements; the need for cross-boundary working and strategic commissioning; and the need for a national perspective. Some very detailed suggestions about new options were given, which included suggestions for: arrangements at different levels (national, regional and local); particular partnership arrangements; and an enhanced CJA model or similar.

### **Views of Option A**

A very small number of respondents expressed an overall preference for Option A, but many detailed comments were made. A number of concerns were identified, although some positive aspects were highlighted. These included: strengthening the current model (and specific means of doing this); and the positive role of CJAs to date. Some positive comments were also made on specific aspects of the proposed changes to CJAs. The most common concerns related to: perceived problems with CJAs; bureaucracy; complexity and duplication; disconnection; weaknesses in performance management; accountability; resource implications; and a negative

impact on practice and outcomes. Some concerns were also raised with particular aspects of the proposed changes.

Specific aspects of the Option A proposals were also explored, and it was found that views were mixed about appointing a chair and expanding membership, although a range of concerns were highlighted (e.g. bureaucracy, complexity and costs; reduced effectiveness and responsiveness; reduced accountability; potential conflict of interest; and a lack of coterminous boundaries). Where positive comments were made, these focused largely on expanding membership (e.g. collaborative working; shared planning and accountability; and understanding).

In relation to the proposal for all Board members to be recruited through the public appointments system, the majority of comments focused on concerns with this, particularly relating to the impact on local accountability, as well as the nature of skills sought. Positive aspects identified included: the overall impact on the CJA and ways of working; fairness; consistency; addressing conflict of interest; and diversity.

In relation to whether the proposals gave CJAs sufficient levers and powers to reduce reoffending, the majority of comments and views suggested that this was not the case. Where clear views could be ascertained, almost all of the respondents did not believe CJAs should be given operational responsibility for the delivery of CJSW services. This view was reflected in the detailed comments, with the most common relating to a lack of the skills, expertise and knowledge required. There were mixed views of whether CJAs' geographical boundaries should remain the same.

Respondents were asked whether the Scottish Government should retain the current arrangements for training and development, and, where clear views could be ascertained, most expressed a preference for this. This was reflected in comments, with a common theme being the positive role and benefits of the Training and Development Officers; and the benefits of a national approach to some issues. There was also a largely shared view that the arrangements should be reviewed for effectiveness.

A range of suggestions were made about ways of building expertise, capacity and resilience, and ensuring that evidence-based good practice is shared. These focused on suggestions about: structural issues and ways of working (e.g. a national body; particular roles; local arrangements; overall model and approach); review of performance and use of evidence; workforce development; and resources.

## **Views of Option B**

Option B (or a development of this) was the option most commonly preferred by respondents. The most common comments related to: links to CPPs; partnership working; local provision to meet local needs; aspects of service effectiveness; and leadership, direction and accountability. Although a much lower number of respondents identified potential concerns or issues, the most common related to the impact on the overall pattern of provision and consistency of service provision, with others relating to aspects of the means of operation, resources and process of change.

Comments on the impact of Option B on planning and commissioning were most frequently positive (e.g. existing experience and commitment; national outcomes and standards and value for money), as were those relating to good practice (e.g. a close relationship between strategy and operation; connection to other services and holistic support). Those relating to consistency were most frequently negative (e.g. variation in provision and priorities; potential duplication; monitoring difficulties; and challenges for third sector providers).

The majority of those who expressed a clear view suggested that there was still a requirement, in this model, for a regional partnership, or co-ordination role, and this was reflected in the balance of comments. These focused on issues such as: the importance of co-ordination and partnership working; the impact on planning and provision of services; and the value of existing arrangements. The majority of comments made about the impact of reducing reoffending being subsumed within community planning, or other local authority planning structures, focused on a positive impact, or benefits of this. The most common theme related to the roles and responsibilities of those with a part to play in reducing reoffending, their relevance to community planning and local authority activity, and the opportunity to promote collective responsibility and ownership of the issues. The concern raised most frequently related to the level of priority that would be given to community justice issues generally.

Where clear views could be ascertained, most respondents suggested that functions such as programme accreditation, development of good practice, performance management and workforce development should be devolved from the Government to an organisation with the appropriate skills and experience. The main theme among the benefits was the opportunity for national oversight and consistency. There were some concerns about identifying a single agency to do this, as well as with the particular inclusion of performance management and, for some, workforce development.

Views of the proposal to expand the functions of the Risk Management Authority (RMA) to include improving performance were also sought, and the most common focus of comments was upon concerns, particularly: the ability or appropriateness of the RMA to undertake this; and the role of others in performance improvement. Perceived benefits related to the benefits of a national approach and the nature and strengths of the RMA. Views of the proposal to set up a national Scottish Government / CoSLA leadership group were largely positive, particularly in terms of national direction, overview and consistency.

### **Views of Option C**

A small number of respondents expressed an overall preference for Option C, but the most common detailed comments related to concerns. Many respondents, however, whatever their preferred option overall, identified positive aspects of Option C, particularly in terms of consistency, simplification of the structure and a national voice. Other benefits included: accountability, clear leadership and reporting; economies of scale; and alignment to other national organisations. The most common concerns related to links and partnership working between CJSW and other relevant services; as well as: implications for addressing local issues; costs; practical

issues; the impact on the pattern of provision; the nature of the organisation; the lack of an evidence base; and the potential negative impact on outcomes, local accountability and staff.

In terms of views of specific aspects of the proposal, the majority of comments on the suggestion to incorporate the functions of the RMA into a new single service identified positive aspects of this, if Option C were chosen. These included: the impact on the overall structure for provision; the impact on some outcomes; and better access for staff to the expertise of the RMA. Among the concerns, the issues raised most frequently related to the potential negative impact on the current role and functions of the RMA; potential loss of independence; and concerns about links to other relevant organisations.

Views of the three Federation grouping in Option C were mixed, although a larger number of respondents identified concerns (e.g. the perceived negative impact on local services and links; the size of the areas; and the lack of evidence to support this) than positive aspects (e.g. coterminosity; and communication between national planning and local delivery).

In terms of views of whether the approach to strategic commissioning and procurement provided a good balance between local and national priorities and needs, the majority suggested that it did not. This was reflected in the pattern of comments, where, although there were some positive comments, a common concern was the perceived nature of the ensuing balance (e.g. with insufficient local focus), along with aspects of the overall approach (e.g. complexity and difficulties of taking account of local priorities).

Where clear views were expressed about whether a statutory duty on local partners and a strong Chief Executive would help facilitate access to mainstream non-justice services, the majority suggested it would not. This was reflected in the pattern of comments. While some respondents suggested that a Chief Executive may have an impact at a national level, and the statutory duty may have some impact on promoting commitment, co-operation, partnership and accountability, the majority of comments focused on concerns. Common themes were the perceived lack of impact of a Chief Executive would have at a local level, and the perceived limitations of a statutory duty.

The majority of comments about the proposal to establish a dedicated community justice unit were positive. The majority of these comments were general expressions of its perceived value, while specific benefits were seen to include: 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.

### **Equality issues, business and third sector impact and other comments**

A few respondents expressed the general view that the overall impact of all of the options on equalities issues would be positive, a few stated that there would be no impact (or no significant impact). One expressed overall equality-related concerns. Most, however, made more specific comments.

A common theme was the general equalities requirements of the proposals (e.g. existing duties and legislation; the need for an equality impact assessment before implementation; and other provisions). A further common theme was the implications (positive and negative) of each of the options or specific aspects of proposals most of which focused on Options B and C. Although a number of detailed issues were raised, comments on the equality impact of Option B were largely positive, while comments on the equality impact of C focused largely, on areas of concern.

A further common theme was the need to take account of the impact on, and requirements of particular groups. Those identified included: offenders as a group; families; victims; women; young people; people in remote and rural areas; ethnic minority communities; people with mental health problems; people with addiction issues; and vulnerable adults. Some made general comments on equalities issues (e.g. the importance of, and need to address these; and current gaps).

In relation to the business and third sector impact of the proposals, several respondents argued that there would be a general positive impact, while a slightly smaller number expressed overall concerns about these issues. One respondent argued that there would be no significant impact, and a few stated that the impact was not clear from the information presented. Most respondents, however, rather than providing an overall view, made more specific comments on aspects of the impact on businesses and the third sector.

These included comments on the role of businesses in community justice (e.g. delivery of some services; and working in partnership) and comments on the role of the third sector (e.g. the general importance of this; their involvement in specific types of work; and working in partnership). Comments were also made on the implications of each of the options or specific aspects of the proposals, largely focusing on Options B and C. Although a number of detailed issues were raised, the comments on Option B focused largely on the positive impact of this option. Comments on Option C focused largely on concerns about whether this option would achieve the desired objectives set out in the consultation paper.

A further common theme was the identification of perceived requirements or suggestions. The need for development and strengthening of third sector involvement in the planning, management and delivery of services was highlighted frequently. Several respondents also made comments on developing work with the private sector in terms of the value of this, but concerns were also expressed about services being provided for profit. Among other comments was the view that the proposals should be developed further in relation to these issues.

Many respondents made additional comments outwith the questions. The most 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 key characteristics or requirements of a community justice system. A few respondents made comments on specific aspects of the way forward.

## SECTION 1: THE CONSULTATION

1.1 This report presents the findings of a written consultation carried out by the Scottish Government on “Redesigning the Community Justice System”. The consultation ran from 21<sup>st</sup> December 2012 to 30<sup>th</sup> April 2013.

1.2 This report is in six sections. This section outlines the nature of the consultation, the responses received and the means of presentation of the findings. Section 2 covers the findings on the questions relating to all options (Questions 1-7 and Question 10). Section 3 covers the findings on the questions relating specifically to Option A (Questions 11-18). Section 4 covers the findings on the questions relating specifically to Option B (Questions 19-25). Section 5 covers the questions relating specifically to Option C (Questions 26-31); and Section 6 covers the findings relating to the perceived equality impact (Question 8), business and third sector impact (Question 9) and any other issues raised in the consultation (Question 32).

### Background to the consultation

1.3 Tackling reoffending is a key strand of the Scottish Government’s Strategy for Justice<sup>1</sup>, and the Reducing Reoffending in Scotland Programme Phase II is taking forward work to address this with a range of partners. Positive progress has been made in recent years, and headline indicators of crime have fallen over the last 5 years, including recorded crime and reconviction rates.

1.4 Despite progress, however, it is recognised that offending remains a complex problem. Recent reports<sup>2</sup>, have pointed to shortcomings with the organisation and delivery of community justice services across Scotland. The 2012 report by Audit Scotland identified the involvement of a range of bodies in reducing reoffending, and a “complex landscape” of provision. The report also suggested that Community Justice Authorities (CJAs) have made little progress in reducing reoffending, with problems relating to their set up and inflexible funding. The Commission on Women Offenders also identified a need for the “radical transformation” of community justice, citing problems with the structure and funding of criminal justice social work and working practices.

1.5 In the light of these issues, the Government reached the view that the current structure for community justice cannot continue. In its response to the report of the Commission on Women Offenders, the Cabinet Secretary for Justice made a commitment to bringing forward new proposals for redesigning the current community justice system. The Government has a vision of a successful community justice system:

“...which delivers positive outcomes for victims, for offenders and their families and for communities. One where services are person-centred, based on evidence of what works and makes best use of public

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<sup>1</sup> Scottish Government (2012) *The Strategy for Justice in Scotland* Edinburgh: Scottish Government

<sup>2</sup> For example: Audit Scotland (2012) *Reducing Reoffending in Scotland*. Edinburgh: Audit Scotland; and Commission on Women Offenders (2012). Edinburgh: The Scottish Government.

resources. One where there is strong leadership, collaborative working and robust accountability<sup>3</sup>.

1.6 It was recognised that a range of stakeholders could inform the identification of the best means of achieving this. As such, a consultation document was issued at the end of 2012, to explore the best means of redesigning the community justice system. This report presents the findings of the written consultation. Discussions were also held at a number of stakeholder events, and a separate report presents the findings of these<sup>4</sup>.

### **The consultation process**

1.7 The consultation document identified 3 options, described further in Section 2:

- Option A: An “enhanced CJA model”.
- Option B: A “local authority model”.
- Option C: A “single service model”.

1.8 The consultation explored 32 questions (with some multi-part questions, making a total of 46). Some explored respondents’ views of all three options (Questions 1-10), while the remainder explored their views of specific options and particular aspects of these. Written responses to the consultation were invited, along with the completion of a Respondent Information Form (RIF). A full list of the questions is provided at Annex 1.

### **Submissions and respondents**

1.9 Most of the respondents addressed some or all of the specific questions, or provided information directly relating to specific questions. Several, however, provided a more general response (e.g. in the form of a letter or paper), and some provided considerable additional material along with their response to particular questions (e.g. in a covering letter, appendix or paper). A very large amount of detailed material was provided in the responses. Most were submitted electronically.

### **Analysis of the data and presentation of the information**

1.10 The analysis of the data involved a number of stages, as follows:

- An Access database was designed to include the data relating to each of the questions and information was input verbatim.
- Responses to the closed questions were analysed and the quantitative findings prepared.
- A series of Word documents was generated, containing all of the qualitative material in the responses to each of the open questions.
- Key themes and sub-themes were identified for each question and supplementary question, and the detailed comments were organised into a series of issue-based “books”.

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<sup>3</sup> Scottish Government (2012) *Redesigning the Community Justice System: A Consultation on Proposals* Edinburgh: Scottish Government

<sup>4</sup> <http://www.scotland.gov.uk/communityjusticestakeholderevents>

- The findings were summarised and the report prepared.

1.11 The presentation of the information involves quantitative and qualitative material. In terms of quantitative information, the proportions of respondents who addressed each question and their responses to closed questions have been provided. Given the nature of most of the questions, the main focus of the analysis was qualitative. The presentation of the material reflects this analysis, focusing on highlighting the overall themes and the range and depth of views expressed in relation to each. The report uses qualitative terms such as “a very small number”; “a small number”; “several”; “many”; “a large number”; etc. to describe the level of focus on particular themes.

1.12 In addition, however, the overall balance of views has been identified for respondents’ preferred option overall, as many respondents identified this clearly within their response. This was ascertained by identifying the following:

- Those expressing clear and explicit agreement or disagreement with a possible answer or option.
- Those whose views of a question / proposal could be inferred from their comments.
- Those for whom it was not possible to infer their overall views.

1.13 Only those who expressed a sufficiently unequivocal view of their preference to allow their intention to be ascertained have been included in this (although, in some cases, this required some measure of subjective judgement).

1.14 Similarly, at those “open” questions which sought views among potential options, the general balance of views has been identified, wherever possible, using similar means. Again, it is recognised that this is not scientifically exact, and provides only a general indication of the pattern. It would be inappropriate to attempt to quantify these responses further for a range of reasons, including that: respondents provided their information in a number of different ways; some focused on benefits and drawbacks of particular suggestions without identifying an overall preference; many points were made at different questions, or overlapped more than one theme; some responses were submitted on behalf of organisations and/or represented the views of a number of respondents; and there was a need for judgement throughout the analysis about where to include particular material in the report. It should also be noted that, at many questions, both positive views and concerns were identified by respondents with differing overall views of the issue explored.

1.15 The report identifies variations by type of respondent in relation to their overall views of the preferred options. It would clearly be inappropriate, however, to list the types of respondents identifying each theme in each case. It should be noted that where the term “respondent” is used, this refers to one response, even where this may represent the views of more than one contributor.

1.16 In presenting the qualitative data, the wording used in the report sometimes follows the wording used in a response closely, to reflect respondents’ intended messages and preserve the sense of the point, even though it is not presented as a quote. Where respondents requested that their material should remain confidential, however, the source of their views has not been identified at any point. This report

clearly cannot present all of the individual points made by every respondent, nor can it provide a compendium of the material. In a report of this length and nature, it would be impossible to reflect the level of detail and the complexity of all of the arguments presented. The full text of the responses can, however, be viewed on the Scottish Government website<sup>5</sup>.

## **Summary of issues: The consultation**

1.17 In summary:

- A consultation on “Redesigning the Community Justice System” was carried out between December 2012 and 30<sup>th</sup> April 2013.
- 112 written responses were received. The most common category of respondent was local authorities (22%). Also common were responses from individuals (20%). A range of other types of respondent also provided views.
- The analysis of the data involved: design of an Access database; input of the responses; analysis of the closed questions; identification of key themes and sub-themes; and preparation of a report.
- The report presents the quantitative and qualitative material, including the themes, and the range and depth of views expressed.
- The full responses are available for inspection on the Scottish Government website.

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<sup>5</sup> <http://www.scotland.gov.uk/communityjusticefulltextresponses>

## SECTION 2: OVERALL VIEWS OF OPTIONS

2.1 This section outlines the three options as set out in the consultation document. The findings relating to respondents' overall views of the questions relating to all of these options (Questions 1-7 and Question 10) are then presented. The perceived equality and business impacts are discussed in Section 6.

### The options

2.2 The Scottish Government identified three options for redesigning the community justice system, which are summarised below.

#### ***Option A – enhanced CJA model***

2.3 Option A would involve an “enhanced CJA model”, in which CJAs would continue to be the key strategic body, with the same geographical boundaries, responsible for reducing reoffending, but there would be three key changes:

- A chairperson for each CJA would be appointed by the Scottish Ministers, and Board membership would be widened to include an appointed member of the Health Board. Registered Social Landlords (RSLs) would become a partner body.
- A statutory duty would be placed on all partner bodies to work to develop a local plan for reducing reoffending and engage in its delivery.
- CJAs' statutory functions would be expanded to include strategic commissioning of services and to promote the CJA's role in the community and represent community justice interests with the local judiciary, media and public.

2.4 The consultation document suggested a further option to give CJAs operational responsibility for the delivery of criminal justice social work services.

#### ***Option B – Local authority model***

2.5 Option B would involve a “local authority model”, in which CJAs would be abolished and local authorities would assume both strategic and operational responsibility for the planning, design and delivery of services for offenders.

2.6 A statutory duty would be placed upon local authorities to work in consultation with partner bodies to produce and deliver a strategic plan for reducing reoffending in their area. The duty would be in addition to existing local authority duties to work with offenders in the community as set out under the Social Work (Scotland) Act 1968. It would be up to local authorities to decide how best to deliver these duties.

2.7 There would be a direct relationship, set out in legislation, between the Scottish Government and local authorities in terms of allocation of funding, and accountability and performance requirements.

2.8 The scope of the Risk Management Authority (RMA) would be extended to include community justice more broadly, and the RMA would take on responsibility for some of the improvement functions currently undertaken by the Scottish

Government. This would include performance management, production of guidance, programme development and workforce development.

### ***Option C – Single service model***

2.9 Option C would involve a “single service model”, in which the CJAs would be abolished and a national social work-led service for community justice established, with strategic and operational responsibility for the planning, management and delivery of community-based offender services. This would be separate to, and sit alongside the SPS, and would incorporate the existing functions of the RMA.

2.10 The new service would be a Non-Departmental Public Body (NDPB), headed by a Chief Executive, appointed through open recruitment by the Board of the new service. Scottish Ministers would set the strategic framework for the body, but the NDPB and the services it manages and delivers, would be able to take decisions at some distance from the Government. Ministers would appoint a Board which could, if appropriate, include locally elected members.

2.11 Local authority criminal justice social workers (and other applicable staff) and relevant RMA staff would transfer to the new service. Community justice services would continue to be delivered locally.

### **Overall preferences**

2.12 Although there was no specific question asked about respondents’ overall preferred option, in many cases it was possible to identify this, either through a direct statement, or clear inference. It is important to bear in mind that this is indicative, not definitive (although it has been done consistently within a clear framework). It was possible to identify a clear view in almost three quarters of cases, either for one of the options provided, or for an alternative model. A small number of respondents indicated explicitly that they would not express a view, or that none of the choices would be appropriate, and made no other suggestion. A small number of additional respondents made similar comments, but provided an alternative. In terms of the choices expressed:

- A very small number of all respondents expressed a preference for Option A, or for an alternative option building on Option A.
- Option B was the preferred option of around two in five of all respondents. This was by some margin the most commonly identified preference of option, either as specified in the consultation document, or as developed further by the respondent.
- Less than one in ten of all respondents expressed a preference for Option C.
- A very small number of respondents explicitly suggested a specific combination of, or an either/or between two options. It is recognised that this category overlaps to some extent with those who suggested developments of options A to C. In these cases, respondents appeared not to express a basic preference for one of the models, or specifically expressed a preference for two in combination.
- Around one in seven of all respondents specified an alternative option (often labelled as “D”). It is recognised that this category overlaps with

those who suggested further developments to existing options, but in these cases, the respondents appeared to present a distinct additional option.

2.13 When these preferences were examined by type of respondent, it was found that a majority of local authorities and partnerships expressed a preference for Option B. Preferences of CJAs were split between Options B and “D”. Among individuals, around a third expressed a preference for each of options B and “D”. Views among professional representative bodies, regulation and standards bodies and third sector respondents were more mixed, with relatively high proportions in each case who did not express a clear view.

### **Question 1 - Preferred options to meet key characteristics**

2.14 Question 1 was a quantitative question which asked:

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

2.15 A total of 15 separate “key characteristics” were explored. These are set out in Annex 1. Summary tables detailing the pattern of responses are set out in Annex 2. Around two thirds of the respondents answered question 1 and most addressed all parts of it. Respondents were given a free choice, and could identify A, B or C individually or in combination. A very small number identified alternative options, or specified that none would meet the key characteristics.

2.16 Overall, with two exceptions ([part g] a strong united voice, and [part j] an overview of the system), more than two thirds of those who responded to this question identified Option B in some form as more likely to meet each of the key characteristics (and in 5 cases, over 80% did so). In contrast, fewer than a third identified Option A in each case.

2.17 Views of Option C were more varied. For some key characteristics ([part b] a focus on prevention and early intervention; [part e] effective local partnership and collaboration; [part i] involvement of service users, families and the wider community; and [part k] better integration) fewer than a third identified Option C as more likely to meet the key characteristics. For others ([part g] a strong and united voice; [part m] a strategic approach to workforce development and leadership; and [part o] ability to follow national and international innovation), two thirds or more did so.

2.18 Among the key characteristics, Option B was identified most frequently as more likely to meet these for all except three: [part g] a strong united voice; [part j] provision of an overview of the system as a whole; and [part o] ability to follow national and international innovation, where Option C was identified most frequently.

## **Question 2 - Culture change**

2.19 Two further questions (2 and 3), both of which were qualitative, explored views of which of the options would address other particular issues. Question 2 focused on cultural change, and asked:

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

2.20 This question was open-ended, although it invited respondents to select an option. Over 80% of all respondents addressed the question, and almost three quarters of those who did so expressed a clear view of their preferred option. The remainder made comments without making a choice. Where respondents selected an option, Option B was selected most commonly, with almost a third of all respondents, and almost half of those who selected an option choosing B. The next most frequently selected option was Option C (around 1 in 8 of all respondents, and around a fifth of those making a selection). A very small number of respondents selected Option A. Small numbers of respondents also expressed the view that more than one option, or a combination of options would achieve this (most commonly A/B, but also B/C and A, B and C).

2.21 Additional comments most commonly focused on either perceived benefits, or concerns. Other common themes for comments included: views of the current system; and the identification of key factors or perceived requirements which should underpin the redesign, whatever the option selected. All of these themes are discussed below.

### ***Comments on particular options***

2.22 Among the comments on particular options, the most frequent related to Option B, particularly the perceived benefits of this option, although some comments also included potential concerns or suggested developments. The perceived benefits cited most frequently related to: the general effectiveness of this model in achieving the desired outcome; the impact at a local level (e.g. responsiveness to local needs; local knowledge; local ownership; partnerships and links between services; and links with the community); and links to planning structures. Other benefits identified related to: links to wider developments; links to evidence of “what works”; value for money or best value; accountability, performance measurement and scrutiny; the nature of the approach (e.g. as integrated; holistic; flexible; expert; equitable; and coherent).

2.23 The small number of concerns or issues raised included: the number of authorities and potential implications for smaller authorities and consistency; perceptions of current management; and whether the partnership working envisaged would happen in practice. Several respondents also made suggestions for development of the model, considered further later in the report.

2.24 Many respondents also made comments about Option C. These were more evenly split. Perceived benefits included: the general effectiveness of the option, or a preference for this; links to wider strategic and policy developments; overall strategy

and direction; value for money or best value; and the development of an evidence based approach. A few respondents commented on the benefits of specific aspects of the model, such as the development of a Community Justice Unit or the emphasis on core social work values.

2.25 Among the issues raised, the most common related to the impact of this option on links with, and access to local services, and the impact of this upon joint working and offenders, including young people. Additional concerns related to the lack of evidence for the option and the potential loss of innovation.

2.26 Smaller numbers of respondents made comments on Option A, or a particular combination of options. In terms of Option A, the benefits identified focused on positive views of the value or impact of existing arrangements and the potential to build upon these in a cost-effective way. The issues raised focused largely on perceived problems with CJAs and concerns about the effectiveness or impact of the changes proposed.

2.27 In terms of comments on more than one option, it was suggested that both options A and B would minimise disruption, while retaining accountability and operational responsibilities, while a few respondents stated that either B or C could achieve the desired outcome, and others that all three options could do this. A few respondents expressed concerns about the impact of both options A and C.

2.28 Many of the comments made focused on respondents' views of the options as a whole, and overlapped to a large extent with views expressed at the specific questions which explored the individual options in more detail (11, 19 and 26). As such, they will be discussed further at those points in the report.

### ***Current system***

2.29 Several respondents expressed the view that current criminal justice services are already based upon offender needs, evidence of what works and value for money. Several questioned the need for significant structural change, highlighted positive aspects of the current system, or identified potential negative effects of change. Several stated that: structural change is not the key issue; does not equate to cultural change; or will not, in itself, achieve the desired outcome (with respondents highlighting, for example, the importance of issues such as: clear policy; the "four pillars" of public sector reform; leadership and direction; ownership; shared outcomes and resources; and local accountability).

2.30 Some respondents however identified a perceived need, or opportunity, for change, highlighting the findings of recent reports, structural and other barriers in the current system, or the opportunity for further improvement.

## **Key factors**

2.31 Among the many comments on key factors, those identified most commonly were: links to and fit with the wider national agenda and specific issues within this (e.g. desistance; public sector reform; prevention; and integration); links to and co-operation with other services and partnerships; leadership and strategic direction (national and local); and provision to meet local needs (for offenders and victims). Others identified included the need for: clear aims, objectives and outcomes; an evidence base; strategic commissioning; appropriate resources; performance measurement; best value; clear roles and duties; accountability; workforce development; and shared good practice.

2.32 A few respondents identified specific types of criminal justice work they considered to be required in cultural change (e.g. tackling crimes of violence against women and the protection of victims of crime).

2.33 The identification of key factors and perceived requirements was also a common theme in the comments made by respondents in addition to answering the questions. These issues will be discussed further in Section 6 (at Question 32).

## **Question 3 - Improved access to services**

2.34 Question 3 asked:

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

2.35 As with Question 2, this was an open-ended question, although it invited respondents to select a choice of option. Over 80% of respondents addressed this question, and almost three quarters of those who did so expressed a clear view of their preferred option. The remainder made comments without making a choice.

2.36 Where respondents selected an option, Option B was the one chosen most commonly, with over a third of all respondents, and almost two thirds of those who selected an option choosing this. The next most frequent view was that A and / or B would result in the type of improvements highlighted. A small number suggested Option C, and a very small number suggested Option A, or a different combination of more than one option.

2.37 Additional comments mostly focused on further views of the options or potential concerns. Some also identified key factors required to ensure engagement with, and access to non-justice services whatever the option chosen.

## **Comments on particular options**

2.38 As at Question 2, the most frequent comments on specific options focused on Option B, particularly the perceived benefits of this model in terms of improving engagement with, and quicker access to, non-justice services such as health, housing and education. These comments focused on benefits in terms of:

- A general view that this option would be most effective.

- The local nature of non-justice services required to meet the complex needs of offenders, and the need for close links to these services.
- The opportunity to build upon local services (with the integration agenda of health and social care, and new requirements relating to Single Outcome Agreements [SOAs]).
- The existence, value and effectiveness of existing partnership arrangements (e.g. CPPs and Community Health and Care Partnerships [CHCPs]).
- The opportunity for the identification of local needs and solutions; and for service provision which is flexible and integrated.
- The effective use of resources.
- Local accountability.

2.39 A very small number of potential concerns or issues were raised with Option B in this context, for example that this would be a “backwards move” and would favour larger authorities. Additional suggestions were also made, and are discussed further later in the report.

2.40 In terms of comments on more than one option, several respondents commented that either Option A or B could achieve the outcome sought, and a very small number that all three could do so. A few suggested specifically that both A and C could create further barriers to access to wider services.

2.41 While a small number of respondents were positive about Option C in terms of, for example: simplification of the landscape, consistency and a co-ordinated approach and greater power for the service, most raised issues and concerns, including: the disconnection of criminal justice social work from other services identified and the implications of this for offenders, holistic provision and safety; difficulties in addressing local needs; and difficulties in complementing local CPP arrangements.

2.42 Only a small number of respondents made comments on Option A. Positive comments on the option including identification of the opportunity to build on the work already done by CJAs to improve engagement and the opportunity to engage with services across a wide area. Concerns focused on: the perceived limited role of CJAs in developing partnerships; and difficulties for CJAs in sustaining relationships with a number of services across a range of local authorities with different needs and priorities.

### ***Key factors and other comments***

2.43 The key factors most commonly identified were the need for: local connections and links (including information sharing); partnership and joint working (for some, at different geographical levels); a strategic approach; the inclusion of other partners such as the third sector and sentencers; flexible, holistic and integrated provision; a skilled workforce; and alignment of, and integration of community justice to CPPs and SOAs. One respondent suggested here that a statutory duty to cooperate would improve engagement and access, and this issue is discussed further below (Question 4). Another respondent suggested pooling resources. Again, the perceived key factors and requirements are discussed further in Section 6.

2.44 Several respondents suggested that, in their view, it is not helpful to view services as “justice” or “non-justice”, and stressed the need for co-ordinated provision to support offenders. It was also noted that reducing reoffending is a wider social problem, not a “criminal justice” problem.

2.45 A few respondents suggested that none of the options would necessarily achieve improvements to engagement and access, while one indicated that their answer would depend on the resources available. A few respondents commented on the role of particular types of support (e.g. education, employment and housing) in meeting offenders’ needs, and one suggested a requirement for Registered Social Landlord (RSL) partners to have a duty to assist in re-housing perpetrators and victims of crime.

#### **Question 4 - Statutory duty**

2.46 Question 4 asked:

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

2.47 This was an open-ended question, although the wording invited a “yes” or “no” answer. Almost 80% of respondents addressed this question, although only around a third stated a specific “yes” or “no”. Additionally, many respondents made comments which implied their view. The remainder (just over a quarter) made comments, but did not express a clear view overall. Among those who expressed a clear view, the majority believed that a statutory duty on local partners would help promote collective responsibility for reducing reoffending.

2.48 While some respondents added that they believed such a duty to be required, or expressed general agreement, the question did not explore directly whether this course should be followed. Several respondents also expressed provisos, or qualified their view with additional requirements. These included, for example, views that, although a statutory duty may help: it may not in itself be sufficient, necessary or the only or best way; or that other conditions would also require to be in place (discussed further below).

2.49 The main areas raised in the many additional comments included both perceived benefits (or how a statutory duty may help), and concerns about such a duty, as well as the identification of other factors that may help to promote collective responsibility.

#### ***Potential benefits - statutory duty***

2.50 A very large number of respondents identified benefits of having a statutory duty. While some focused on the perceived need for a duty, others focused on how it may help promote collective responsibility. Among the ways identified were: the formalisation of existing responsibilities; provision of impetus and promotion of commitment; identification of roles and involvement and clarity of expectations. Some additional potential benefits were identified, including improvements to: shared

ownership, accountability and the recognition of responsibilities; planning; performance management; integration and consistency.

### ***Potential concerns or issues - statutory duty***

2.51 Potential concerns or issues were also identified by a large number of respondents (primarily those who did not believe such a duty would help, but also respondents with other overall views). As noted above, some stated that a duty would not help promote collective responsibility, or suggested that it was unnecessary or that other factors would be more effective. Several respondents expressed the view that even if a duty encouraged attendance at meetings, this would not equate to effective partnership service delivery. It was also suggested that there is a lack of evidence of the effectiveness of imposing such a statutory duty on partners, and that a statutory duty is not the same as statutory accountability. A few respondents suggested that a duty may have a negative impact on existing services or informal arrangements.

2.52 Other concerns included views that the proposal does not take account of the range and variety of organisations involved (statutory and third sector) or the role of many diverse partners, including small local organisations. It was also suggested that, given the nature of provision and involvement, it is difficult to apportion responsibility for success and failure.

### ***Other factors promoting collective responsibility***

2.53 A number of other factors were identified by respondents with different types of overall views, which it was suggested would impact upon promoting collective responsibility and other outcomes. These included:

- Structural arrangements (including CPPs and other partnerships).
- Identification of reducing reoffending as a priority (e.g. in SOAs).
- A framework of leadership, performance and accountability.
- Shared objectives, goals and outcomes, ethics, beliefs and understanding.
- The behaviour and knowledge of key participants (e.g. local negotiation and joint working; good relationships; work with local communities; workforce development).
- Funding issues (e.g. the use of Service Level Agreements [SLAs] and conditions) and the use of resources (e.g. shared resources).
- Links to the wider agenda.
- Another type of statutory duty (e.g. to provide services required).

### ***Views of the way forward***

2.54 A number of comments were made on the way forward. Some of these focused on which partners should be covered by a duty, with some respondents suggesting that this should include all relevant partners and others identifying specific partners, such as, for example: relevant local authority services; police; health; third sector; the Crown Office and Procurator Fiscal Service (COPFS); the Scottish Court Service (SCS); the Scottish Prison Service (SPS); the Department of Work and Pensions (DWP); and the judiciary. Some focused on the nature of the

duty, with suggestions that it should, for example, include meaningful powers, that it should be specific and clear, that it should be accompanied by statutory guidance and a national commitment and that it could (or should) be applied whatever the structure adopted

2.55 Additional suggestions included a perceived need for: sufficient resources; compulsion or sanction; monitoring, scrutiny and reporting; and accountability. It was also suggested that there should be an emphasis on prevention. One respondent suggested that such a duty is best used “sparingly” for maximum effect.

### **Question 5 - Ring-fenced funding**

2.56 Question 5 asked:

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

2.57 This was also an open-ended question which invited a “yes” or “no answer. Over three quarters of respondents addressed this question, the majority of whom expressed a clear view.

2.58 The majority of respondents who expressed a clear view believed that funding for criminal justice social work (CJSW) services should remain ring-fenced under options A and B. A small number expressed a clear view that they were not in favour of this, while a few respondents indicated that their view would depend on which of the options were adopted. A few stated that the ring-fenced funding should remain in place at least during any transitional period, in the short term, or until the national review of the funding formula is concluded. Some also suggested reviewing ring-fencing in the future.

2.59 The theme identified most commonly among additional comments was the perceived benefits of ring-fenced funding, or reasons for the need for this. A further common theme was the identification of other related suggestions or requirements. A small number identified concerns with ring-fenced funding.

### ***Benefits or perceived reasons for need – ring fenced funding***

2.60 The most common theme among the additional comments was the identification of benefits arising from this. Some respondents expressed their general support.

2.61 A large number of respondents highlighted issues relating to the security and protection of spending on criminal justice social work, and the need for this to be a priority (nationally and locally) in the face of competing political and financial demands. Comments were also made on the perceived benefits of ring-fenced funding in terms of the impact on services, or the overall approach to provision. Some respondents identified related benefits in terms of the wider impact of services upon communities, safety and costs to the public purse.

2.62 Some respondents focused on a perceived negative impact of the removal of ring-fenced funding on the types of issues highlighted above, or identified specific

concerns (e.g. budget cuts; reduction of third sector input; loss of confidence among some of the judiciary in the quality of aspects of provision; and a rise in reoffending).

### ***Potential concerns or issues - ring-fenced funding***

2.63 Several respondents identified concerns or potential drawbacks. Some simply emphasised their lack of support for this, or suggested that it was unnecessary. Specific concerns and drawbacks identified included the view that ring-fenced funding has, or can: be difficult and expensive to administer; be difficult to understand; restrict flexibility; reduce innovation; hamper commissioning; work against prioritising joint outcomes; create a barrier to integration of services; and work against full local democratic accountability. One respondent indicated that the CJSW budget is a small part of a larger reducing reoffending budget involving other organisations, and argued that ring-fencing the CJSW funding alone would not be effective.

### ***Requirements or suggestions and other comments***

2.64 Many respondents made additional suggestions or highlighted changes they considered to be required. The most common related to funding. Some highlighted the demands placed upon local authorities and CJAs; inequity in funding and availability of services; and the problems caused by short term funding.

2.65 A range of additional suggestions were made in addition to a call for proper resourcing for the reducing reoffending agenda and CJSW services, including the need for a strategic approach; flexibility; understanding of unit costs and the balance of resources between partners; and also funding for “non-core” and innovative provision. Some suggested a whole system approach; and identified the need to focus on outcomes, with reporting and accountability.

2.66 It was also argued that there should be consideration of: the Section 27 grant, funding allocation and the formula for distribution of monies; how the funding cycle works in practice; and the potential for combining funds from different sources or having a broader ring-fenced budget covering other elements of the agenda.

2.67 One respondent argued that the principle of moving away from ring-fenced funding should be at the core of the local authority model from the start. A few respondents welcomed the use of Reducing Reoffending Change Fund monies to develop PSPs.

## **Question 6 - Training and development**

2.68 Question 6 asked:

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

2.69 Just under 80% of respondents addressed this question. Only a very small number of respondents answered “yes” or “no” directly, although it was possible to ascertain from many of the comments the overall pattern of views of whether specific types of training and development would be beneficial.

2.70 Among those who addressed this question, the majority identified particular types of training and development that they considered beneficial. Some made comments about additional aspects of training and development, and the main broad themes identified here were: the nature of training and development considered beneficial; who should be included; and the means of provision. Additional themes identified included: the overall importance of training and development; existing training and development issues; and some additional comments.

### ***Types of training and development***

2.71 A majority of those who addressed this question made comments on types of training and development that may be beneficial. A large number identified the need for joint, cross-sectoral and multi-agency training. It was also suggested that there should be training and development that is: technical / specific; generic; diverse; evidence-based; consistent and linked to outcomes. A large number of respondents made comments on subject areas for training and development.

2.72 Some focused on aspects of practice and management (e.g. effective interventions and change; risk assessment; outcomes, standards and evaluation; reporting; leadership; service design and commissioning). Some focused on training and development on specific issues such as: abuse and violence; drug and alcohol misuse; mental health; challenging behaviour; child and adult protection; desistance; welfare reform; the needs of care leavers; speech, language and communication needs and issues for other groups.

2.73 Several respondents suggested a training programme focusing specifically on working with offenders, or nationally recognised qualifications (e.g. an MSc in Advanced Social Work Studies in Criminal Justice or similar; the use of SVQs and PhD research). It was also suggested that there should be further development of a professional career pathway for social workers (with early work having been started on this). One respondent suggested a specific qualification for prison officers.

2.74 Several respondents made comments on who should be included in training and development, and suggestions included: staff at different levels and stages; and staff in particular types of organisation (e.g. social work; local authorities; the third sector; prisons; housing; and health). It was also suggested that training should be extended to “all relevant agencies”.

### ***Means of providing training and development***

2.75 A further common theme was the means of providing training and development. Some comments focused on the overall context and general approach, and several suggested a need for: a national framework and oversight; a strategy; and a national body or development team. Other suggestions included: a strategic approach; national standards; the use of workforce development planning; complementary provision to meet local and national needs and priorities; and a partnership approach. A few respondents suggested the use of specific forms of learning, including: mentoring; co-working; coaching; work shadowing; action learning; modular learning; and online learning. One suggested a “one stop shop” for academic literature.

2.76 Many comments were made on potential providers of training and development. A number of respondents suggested a need for a range of providers, given the range of requirements. A few stressed the need for appropriate expertise. A large number of organisations with a potential role in the development and / or delivery of learning opportunities were identified, including:

- The Scottish Social Services Council (SSSC).
- The Risk Management Authority (RMA).
- The Institute for Research and Innovation in Social Services (IRISS).
- Social Services Knowledge Scotland (SSKS).
- Skills for Justice.
- Academic institutions.
- The Scottish Drugs Forum (SDF).
- The Royal College of Speech and Language Therapists (RCSLT).
- Scottish Women's Aid.
- Other third sector organisations.

2.77 It was also suggested that a partnership approach to planning, development, commissioning and delivery could involve the Scottish Government, RMA, local authorities, other relevant organisations (e.g. ADSW) and key partners. A few respondents argued that the CJA Training and Development Officers (TDOs) should continue to be involved.

### ***Importance of training and development, existing issues and other comments***

2.78 A number of respondents mentioned the importance of training and development in relation to all options, while others also identified the importance of high quality community justice services overall, and the importance to this of; skills and knowledge; good practice; professional identity; an understanding of roles; and joint working. Some respondents also highlighted previous and current training and development, with examples of: particular approaches to this; the roles of particular organisations or providers; types of training; and training on specific issues. The potential role of a Community Justice Centre (as proposed by the Commission on Women Offenders) either in Option C or additional to Option B, was also noted.

2.79 A small number of respondents made comments on perceived issues or problems with current training and development, such as: inconsistency in standards for accredited programmes; a reduction in post-qualifying training; different practices and monitoring; and resource issues.

### **Question 7 - Roles in supporting and developing skills**

2.80 Question 7 asked:

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

2.81 Just under 80% of respondents addressed this question. More than a third of those who addressed the question expressed a “yes” or “no” response, and this could be inferred for a number of others. It was possible to ascertain overall views for around two thirds of those who addressed the question. Almost all of those whose view could be ascertained suggested that there was potential for these organisations to take on a greater role in supporting and developing expertise. The most common comments focused on the identification of perceived benefits, or positive aspects of this suggestion. Other themes included: some perceived requirements of such an approach; and some additional suggestions. A small number of respondents identified potential concerns or issues with the approach.

### ***Potential benefits - greater role***

2.82 A very large number of respondents identified benefits with this suggestion. Some expressed their general support, while others highlighted specific benefits, such as:

- Promoting consistency and a national approach.
- Giving recognition to this area of work.
- Linking justice to other relevant learning opportunities and areas of work.
- Improving integration and understanding between core and specialist workforce needs and training.
- Using a range of resources and types of training and development.
- Enabling needs to be met by the most suitable provider.
- Providing an evidence base.
- Providing a point of access to research.
- Enabling clarity of roles.
- Providing best value.

2.83 A few respondents stated that it is important for training and development for criminal justice social workers to remain within a unified social work framework.

2.84 It was also suggested that the roles of the Scottish Government and RMA should be considered, to ensure clarity of roles and avoid duplication. A few respondents commented on the current role of specific organisations (the SSSC and IRISS), the importance of continuing this role and the opportunity to develop this. Other organisations identified which could also have a greater role in supporting and developing the skills and expertise of those working with offenders included:

- RMA.
- The Scottish Centre for Criminal Justice Research (SCCJR).
- The Scottish Government Effective Practice Unit.
- Police and SPS colleges.
- Universities.
- The CJSW Development Centre.
- Skills for Justice.
- The Scottish Drugs Forum.
- TDOs.
- Scrutiny bodies (e.g. the Care Inspectorate).

### ***Potential concerns or issues, and other suggestions - greater role***

2.85 The small number of issues identified included: concerns about the level of specialist knowledge currently within the organisations and the lack of “track record”; the nature of some training documents; the role of the SSSC in registration and regulation (which may not be compatible with the extended functions); and the administrative nature of the bodies. A few respondents stated that the organisations would have to develop specialist skills and knowledge, and one stated that proper investment and involvement of employers would be required.

2.86 It was also suggested that these developments would need to be co-ordinated and integrated; collaborative; and linked to other relevant organisations or disciplines. It was noted that there would be a need for a shared strategy; improved joint working and sharing of good practice; effective third sector involvement; and local plans. A national training strategy was suggested, as well as a Community Justice Professional Framework

### **Question 10 - Other options or permutations**

2.87 Question 10 asked:

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

### ***Overall views***

2.88 More than two thirds of respondents addressed this question. A small number answered “yes” or “no” to this question (in similar proportions), although many other respondents implied that they did believe there were additional options or permutations of options, or made suggestions about perceived requirements of the options. Some respondents provided detailed views relevant to this question in a letter or supporting document, and these have also been included here.

2.89 Comments focused on the identification of additional options or permutations, and the most common suggestions related to further developments to Option B. The next most common was the suggestion of an fourth option (effectively an Option “D”) suggested by around 1 in 7 of respondents overall, although, in a few cases there was not always a clear distinction between the fourth option and the further development of one of the existing options. Very few respondents identified an additional option involving the development of Option A or Option C. Some comments were made on particular considerations and requirements.

### ***Developments to options presented in the paper***

2.90 Most of the comments on the development of options presented focused on Option B. Two respondents, however, identified their fourth option as a variation of Option B, but considered it a new option, and these are considered later.

2.91 Among the additions to Option B, a number focused on the development of the use of CPP arrangements. A range of suggestions included:

- Aligning political and operational responsibility for reducing reoffending as far as possible within the CPP.
- Sharing ownership and accountability for reducing reoffending between local partners.
- Incorporating strategic planning and leadership of community justice into CPPs.
- Integrating community justice into CPPs through, for example, integrated health and social care structures, community safety, community justice, or reducing reoffending partnerships.
- Developing greater cohesion between CJSW and CPP frameworks.

2.92 A further common suggestion was the need for some form of working across local authority boundaries and the need for strategic commissioning. Suggestions included some form of partnership between local authorities for planning, commissioning, delivering and monitoring shared services, as well as the need for a clear mandate and flexibility to enable this type of partnership working.

2.93 Some respondents also suggested the need for a national perspective, national strategic planning, national links and a national voice with Option B. Suggestions included: the inclusion of an enhanced Community Justice Unit; a National Strategic Board or other oversight body; a Chief Social Work Officers' Group; and enhancing the capacity of ADSW and the Convention of Scottish Local Authorities (COSLA) to support national co-ordination. One respondent suggested the inclusion of the "governance aspects of Option C".

2.94 Among the very few suggested developments to Option A was the need for appropriate representation on the Board from specific groups. A few respondents identified their fourth option as a variation of Option A, although they clearly suggested this as a new option (considered below).

2.95 In relation to Option C, the suggestions made focused on the need to include strong local delivery and provision to ensure that adult and children's services work appropriately together at a policy and practice level. A very small number of respondents suggested combining existing options.

### ***New options***

2.96 In presenting new options, some respondents provided very detailed proposals, containing supporting material and extensive descriptions of how their model would operate and how it might link to the outcomes sought. While it is clearly impossible to include these details in this report, all of the information is available within the full text of the responses.

2.97 A number of the proposals involved arrangements at different levels (national, regional and local), and different configurations of responsibilities. Some suggestions were made for a partnership model based upon local authorities working together (e.g. in "cluster" areas), or for an arrangement including local authorities with an infrastructure for national accountability, governance and leadership. Other suggestions focused on wider partnership arrangements. These included the adoption of an approach which would enable working across local authority and/or community planning boundaries through "Reducing Reoffending Partnerships" or

something similar, for example groupings of local authorities in particular areas working with partner agencies. Specific detailed suggestions were also made about issues such as: the roles of these partnerships; links to CPPs and reporting and governance arrangements.

2.98 A few respondents described what they identified as an “enhanced” CJA model. Two suggested that this should involve: a non-executive board with additional representation, commissioning powers and responsibility for reducing reoffending; a CJA Executive; and a National Community Justice Strategic Group with an advisory role. A few suggested a “national strategic oversight model” with: local delivery; enhanced CJAs and a new national strategic oversight body.

2.99 One respondent identified their new option as involving local authority commissioning, strategic and grant management, with a “CJA-style” arrangement to lead on training and development and to have a co-ordinating role in bringing CPPs together to manage the national agenda. Another suggested: a “three tier approach” with a Scottish Community Justice Board, disaggregated to areas with an Area Community Justice Board responsible for service delivery and outcomes; and local delivery. A very small number of other respondents also identified another form of three tier approach, or a combination of elements of A, B and C.

### ***Requirements, specific suggestions and other comments***

2.100 Several respondents identified additional considerations or requirements, such as the need to: ensure national oversight, collective vision and leadership; build on existing values; avoid duplication; address how CJA functions will be dealt with; undertake change management and workforce development. One respondent suggested that a cost benefit analysis of early intervention, diversionary services and innovative community sentence options should be included in the chosen model. Another suggested increasing the workforce with retired professionals and newly qualified people.

2.101 A small number of suggestions, while not new models, were also made, such as: a “criminal justice system organisation”; and an Offender Commissioner / Tsar. One respondent suggested that a model might be formulated on the basis of engagement and partnership rather than re-structuring and legislation.

2.102 Some respondents provided examples of ways of working to support their suggestions (e.g. local authority partnerships and means of information sharing). A few commented on the opportunity for change, or questioned the need for this. A very small number of other comments related to: the role of RMA; potential problems with the removal of CJSW from local authority control; and a concern about conflict of interest related to the SPS being part of the national model.

### **Summary of findings: Overall views of options**

2.103 In summary, the main findings relating to overall views of the options are as follows:

- Where clear preferences could be identified, the most common preference overall was for Option B.

- Option B was identified most frequently as more likely to meet all but 3 of the key characteristics (a strong, united voice; an overview of the system as a whole; and ability to follow national / international innovation) where Option C was identified most frequently.
- Option B 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.
- The majority of those whose views could be ascertained believed that a statutory duty on local partners would help promote collective responsibility for reducing reoffending, and this was reflected in the balance of comments (although provisos and concerns were also highlighted).
- The majority whose views could be ascertained believed that funding for CJSW services should remain ring-fenced, and this was reflected in the balance of comments.
- The majority of those who addressed Question 6 made suggestions about training and development that would be beneficial for practitioners, managers and leaders.
- The majority whose views could be ascertained, and the balance of comments, suggested perceived potential for the named organisations to take on a greater role in developing professionals' skills and expertise.
- The most common suggestions for other options or permutations focused on further developments to Option B, with the next most common being the suggestion of a fourth Option (D).

## **SECTION 3: OPTION A – ENHANCED CJA MODEL**

3.1 This section presents the findings on the questions relating to Option A, the enhanced CJA model (Questions 11-18).

### **Question 11 - Overall views Option A – enhanced CJA model**

3.2 Question 11 asked:

What are your overall views on retaining CJAs but changing their membership and functions?

3.3 Just under three quarters of respondents addressed this question. Additionally, several respondents made comments on their overall views of Option A at Question 32, or in other material, and these views have been included here. A very small number of respondents expressed an overall preference for this option, but many detailed comments were made, most frequently potential concerns or issues, although some also highlighted benefits of the option.

#### ***Option A overall – Potential benefits***

3.4 Although the most frequent comments related to concerns with Option A, many respondents also identified both positive aspects and potential benefits. A few respondents expressed an overall preference for this (suggesting, for example, that it could address the outcomes required and strengthen leadership and direction, while meeting local need). One suggested that it would be a cost-effective way of doing so.

3.5 Comments on the proposed changes to CJAs included that:

- The changes overall would strengthen CJAs and improve on the existing model.
- A strategic commissioning function could help deliver specialist services and enable a strategic approach to decision making and to working with the third sector.
- A change in Board membership along with RSLs becoming partners could promote greater ownership and engagement, enable recognition of their role, and allow additional insights.
- Operational responsibility could enable economies of scale.
- An independent chair could reduce conflict of interest.

3.6 A number of comments were also made on the positive role of CJAs, perceived successes to date and the nature of their approach. Several respondents, for example, cited examples of CJA successes (e.g. promoting collaboration; improving practice; providing a framework for CJSW to work in partnership; and reducing reconviction), or suggested the opportunity to build upon or continue progress made through the CJA role. Some respondents argued that CJAs can ensure flexible responses to local needs and issues, with some adding that this requires members who are local elected members. It was also stated that the model has the option to retain CJSW provision within social work, retain local provision and provide accountability (if, in the view of one respondent, the functions did not include operational responsibility). Further comments included that the CJAs could

provide an important regional dimension to the structure, providing a “voice” for smaller / rural local authorities and a “professional voice”, as well as drawing others into regional discussion. A few respondents suggested that the level of disruption with this model would be limited.

### ***Option A overall – potential concerns or issues***

3.7 Some respondents stated generally that they would not support this option, or indicated that it was not considered viable, not necessary, or they favoured another approach. Several suggested that they did not believe Option A would deliver the changes required, and / or the desired outcomes. A few argued that this option lacked the detail or level of development of the other options.

3.8 A large number of respondents identified concerns with CJAs. These included views that they: were not required; lacked “teeth”; had not been effective in some issues or that there was variation between areas; and that they had fragmented service provision, as well as failing to address or contributing to disconnections. Some respondents suggested that CJAs had been restricted by their role and structure, or argued that problems or flaws with the model made it inappropriate to address issues in the community justice system. Comments were also made on a perceived lack of visibility or awareness of the CJAs.

3.9 A further common concern was that CJAs add a layer of bureaucracy, increase complexity, or contribute to a “cluttered landscape”. A few respondents also suggested that the model could lead to duplication of CPP or other partnership functions and cause further disconnection. Issues were also raised about a perceived lack of links to community planning processes and SOAs. Some identified weaknesses in performance management, along with concerns about accountability.

3.10 Some suggested that the option as presented would not resolve conflict of roles. Several respondents raised resource issues, including concerns about: cost and time implications; the potential waste of resources and lack of value for money. It was suggested that resources could be put to better use developing services. A few comments were made on the limited ability of CJAs to direct resources to needs.

3.11 Another areas of concern was the potential negative impact of Option A on practice and on outcomes. In terms of practice, this included: damage to local relationships and existing links; reduced access to local services; weakening of social work values; and distancing of criminal justice from other social work interventions. In terms of outcomes, the potential negative impact included: increased crime and reoffending; and reduced safety.

3.12 Some concerns were also raised with particular aspects of the proposed changes. These included a general lack of capacity and resources in CJAs, and specific concerns about a lack of the experience, skills or knowledge to assume operational responsibility for CJSW services. It was also suggested that providing operational responsibility could make accountability less clear and fragment delivery arrangements further. One respondent stated that this proposal was “unrealistic” and another that it was untested and without evidence. Some issues were also raised with the suggested role in commissioning, for example, implications for staff and

services agreements, a potential threat to local authority services, and a failure to address the issue of VAT).

3.13 A few respondents suggested that the appointment of an independent Chair and the inclusion of non-executive members could compromise or weaken local accountability. It was also suggested that issues with boundaries could lead to a lack of “fit” with other local plans. As noted above, a respondent noted that a statutory duty does not equate to statutory accountability. One respondent suggested that the proposed development to the role of the TDO did not fit with local experience.

3.14 Among a small number of additional concerns were that: the option did not reconsider the CJA geography in the light of the changing wider landscape; the role of the Chief Social Work Officer had not been properly addressed; and the role of the RMA was not mentioned. It was also suggested that the option did not include a National Leadership Board, nor address national leadership and joint working.

### ***Option A overall – requirements, additional suggestions and other comments***

3.15 Although generally raised by very small numbers in each case, suggestions were made related to commissioning, for example: the need for buy-in to the approach; the need for further clarity of national and local links; the need to ensure that agencies are challenged to show how they support local priorities; and the need for a firm commitment to commissioning non-core criminal justice services.

3.16 Suggestions were also made about funding (e.g. the need for control of how funding is used; the need to reconcile ring-fenced funding with CJA responsibility for commissioning and procurement). It was also argued that work would be required with this option to educate people about the proposed role and functions of enhanced CJAs. One suggested that CJAs could appoint a “national spokesperson”.

3.17 It was also suggested that third sector organisations must be fully included and represented appropriately on the Board as well as other groups. The need to enhance leadership and address potential conflicts of interest was identified. It was argued that there is a need for further clarity of issues such as: the role of the Chair; the function of the Board; what a statutory duty would involve; and a range of issues relating to the option of transferring operational CJSW responsibilities to CJAs. The need to ensure training and development was also noted.

3.18 Some respondents pointed to elements of the work of CJA which should be continued, including the potential continuation of the role of the TDOs and the strategic approach developed in relation to some issues. A few respondents, however, argued that another option, or that another means of carrying out the existing CJA functions would be preferable.

### **Question 12 - Appointing a Chair and expanding membership**

3.19 Question 12 asked:

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

3.20 Around two thirds of respondents addressed this question. A small proportion of respondents answered “yes” or “no” directly, and overall views could be ascertained for around half of those who answered. Where views were given, these were fairly evenly split, although the number who answered or implied “no” was slightly higher than those who answered or implied “yes”. Additionally, a few of those who agreed that the changes would make some improvement qualified this (e.g. by stating that it might not be sufficient, or that it may only impact at a high level).

3.21 Most comments focused on benefits in terms of removing potential conflict of interest and promoting collective responsibility for reducing reoffending, or on concerns about the impact on these factors. As was found with the overall pattern of views, slightly more respondents identified concerns than identified positive aspects.

### ***Potential benefits - appointing a Chair and expanding membership***

3.22 A large number of respondents made positive comments about this suggestion, and, within this, most focused on expanding membership to include Health Boards. Some respondents specifically welcomed this, and benefits were seen to include:

- Increasing “buy-in” by the Health Board (e.g. to plans).
- Enabling services to identify themselves as providing community justice services.
- Promoting shared planning and accountability.
- Promoting collaborative and integrated working.
- Increasing understanding of social work values.
- Providing a wider perspective.

3.23 A few respondents highlighted the key role of the NHS in prison health care, and the impact of health issues on offenders.

3.24 Few respondents commented positively on the appointment of a Chair, but those who did included some potential benefits, including: creating a more formal, business approach; and improving accountability via direct links to Government.

### ***Potential concerns or issues - appointing a Chair and expanding membership***

3.25 Some respondents stated simply that they did not support the proposals, or expressed the view that the changes would not necessarily have the desired impact. Some issues raised related generally to the proposals, including that this would: increase bureaucracy, complexity and costs; clutter the landscape further; and reduce effectiveness. A few respondents stated that existing or planned arrangements (e.g. the integration of health and social care) would suffice, or that cultural, rather than structural change would lead to improved outcomes.

3.26 Among concerns raised in relation to addressing conflict of interest and the appointment of a Chair were that the proposals would: increase costs; reduce democratic accountability; decrease responsiveness to local issues; and fail to remove conflict of interest. It was also argued that there was a lack of clarity about the independence of the Chair; and that the roles, responsibilities and relationships between the Chair, Convener and Chief Officer were unclear and could be potential

areas of tension. A further issue raised was that the overall context and the lack of strategic approach to funding impacted on conflict of interest.

3.27 In relation to expanding membership, it was suggested that there could be challenges for CJAs covering more than one Health Board (and the lack of coterminous boundaries). It was suggested that the proposals would not have an impact on collective responsibility across other areas of service provision, nor on local strategic service planning. Similarly, it was noted that there could be culture differences. It was also suggested that simply requiring an agency to be a member does not necessarily improve commitment, and one respondent argued that Health Boards have little control over the practice of health professionals. A few respondents, however, suggested that Health Boards are already involved with some CJAs, and are members of CPPs, and examples were provided of health and CJSW staff working together at a local level.

### ***Requirements or suggestions and other comments***

3.28 Several respondents made suggestions relating to these issues, including: placing a duty to cooperate on Health Boards (similar to local authorities and the SPS); developing engagement; ensuring representation from the third sector; and giving CJAs direct accountability for all agencies they work with.

3.29 It was indicated that there is a need for more detail about the role of the Chair, and several respondents suggested that it would be essential that the Chair should be a local elected member. It was also suggested that CPPs should be accountable for integrating reducing reoffending to their SOAs, and that Council Leaders / Chief Executives should be members of CJA Boards and accountable for this. One respondent stated that the promotion of collective responsibility via legislative change could be implemented within any of the models.

### **Question 13 - The use of public appointments**

3.30 Question 13 asked:

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

3.31 Around two thirds of respondents addressed this question. Almost twice as many respondents raised concerns as commented on positive aspects.

### ***Potential benefits – the use of the public appointments system***

3.32 Some respondents stated generally that they agreed with the proposal, that it seemed sensible or appropriate, or that there would be benefits in such an approach. The most common comments focused on the impact of the approach on the CJAs, in terms, for example, of: providing knowledge, skills and experience; strengthening its role; and improving its running. Other comments included that it would: provide an open and fair recruitment process; help address conflict of interest; increase diversity and widen the pool of expertise and experience; promote consistency; and work towards integrative working.

### ***Potential concerns or issues - the use of the public appointments system***

3.33 A very large number of respondents identified concerns with this proposal, the most common of which related to the potential impact on local accountability (e.g. that it would: remove responsibility from elected members; reduce local democratic accountability and ownership; and break links between local service delivery and accountability).

3.34 A further common area of concern was the nature of the appointment, with issues raised relating to: the types of skills sought and the potential dual accountability of managers delivering community justice services to the CJA and their employer; and potential problems in recruiting those with relevant local knowledge, skills, experience and understanding of local needs. A few respondents stated that skills, knowledge and experience should be supplied by officers.

3.35 It was also suggested that the proposal risks excluding input from service users and from those working in related fields. A further concern was that the issues or areas considered might reflect Board members' experiences, with some issues or areas neglected. It was also argued that it may create other difficulties in effective working between the CJAs and local authorities, and would create a new body separate from community planning. Other negative views expressed about the proposal included: that the Board should be comprised of elected members; that there would be little point, or added value in using public appointments; that this would not address structural flaws; and that it would increase costs.

### ***Requirements or suggestions and other comments***

3.36 A few respondents made comments on the nature of skills needed (e.g. a mix of skills; and those relating to the delivery of criminal justice services), or suggested that skills are needed in front line work and management, supported by professional and political leadership. Other requirements identified included: service user involvement, with the suggestion that local authorities' experience in other areas could be used; effective links to local elected members; engagement with expert partner organisations and their inclusion in planning and development; and accountability. A very small number of respondents suggested other issues that could impact on improvements, or alternative approaches, such as: better training for Board members reinforcing their roles and responsibilities; better links with local authorities and partners and local partnership working; and the development of local services.

### **Question 14 - Levers and powers under Option A**

3.37 Question 14 asked:

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

3.38 Around two thirds of respondents addressed this question, but the majority of these did not express a clear view of whether or not they believed the proposals gave CJAs sufficient levers and powers to reduce reoffending efficiently and effectively. Where a clear view could be identified most respondents suggested that

they did not believe this to be the case. Additionally, a much larger proportion of detailed comments identified potential concerns than identified positive aspects.

### ***Potential benefits - levers and powers***

3.39 A small number of respondents made generally positive comments, or suggested that the changes would strengthen or enhance CJAs, or give them more scope to reduce reoffending. A few respondents suggested the potential for CJA commissioning powers to enable them to reduce reoffending through taking a strategic approach to this. A small number argued that commissioning powers, an effective performance framework, and, for a few respondents, operational powers, were the major levers required to make CJAs more effective.

### ***Potential concerns or issues - levers and powers***

3.40 Several respondents expressed general negative views of the proposed changes (or Option A overall), or argued that the changes would have limited or insufficient impact. Some stated their support for another option, or expressed a preference for another means of addressing the issues (e.g. through CPPs, local partnership working, the integration of health and social care or their own alternative option described previously). One respondent argued that the outcome sought could only be achieved if the CJA had operational and budgetary control over all agencies involved in reducing reoffending. Another suggested that the CJAs would still have to work through individual authorities or CPP arrangements to determine local needs, thus duplicating the CPP function.

3.41 Further concerns were expressed relating to perceptions of the overall effectiveness of CJAs. Difficulties in influencing operational delivery were identified, with some suggesting that the new powers would not change this as well as a lack of integration with wider community planning. It was also suggested that it is difficult to reduce reoffending from a “super-regional” perspective. One respondent noted a concern that CJAs were more focussed on statutory targets than an outcome-based model. Some respondents also noted that other factors also impact on reducing reoffending. One stated that, while the proposals may strengthen links with the Cabinet Secretary for Justice, they do not address other relevant areas of Cabinet responsibility.

3.42 Additional issues were identified relating to the potential limited impact of the changes on reducing reoffending, some of which have been highlighted previously. Other concerns included:

- A negative impact on accountability.
- A lack (or weakening) of local ownership, knowledge, links, relationships and community empowerment.
- The loss of easy information sharing.
- A lack of recognition of different local issues.
- Fragmented services.
- Reduced access to local services, or the creation of barriers to access.
- Potentially unequal distribution of funds and hence provision.
- The risk of resource deficits (with the suggestion that justice services are enhanced beyond the S27 budget by partners).

3.43 Additional comments on commissioning included views that: local authorities already have the ability to commission across boundaries; an increasing purchaser / provider distinction, and “top down” services could result from the changes proposed; and smaller authorities may be disadvantaged.

### ***Requirements or suggestions and other comments***

3.44 Among a small number of additional suggestions were the need to: maintain a local focus, build on previous successes; review funding models; and make investment in collaborative working.

### **Question 15 - Operational responsibility to CJAs for CJSW services**

3.45 Question 15 asked:

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

3.46 Just over two thirds of respondents addressed this question, and the majority expressed a clear view, either by stating or implying “yes” or “no”. Almost all of those whose views could be ascertained did not believe that CJAs should be given operational responsibility for the delivery of CJSW services. This pattern was reflected in the detailed comments, where most raised concerns or issues. Almost no respondents identified positive aspects or benefits of this proposal.

### ***Potential benefits - operational responsibility to CJAs***

3.47 As noted, almost no positive aspects or benefits of this proposal were identified. The only comments made related to a suggestion that CJAs could recruit staff with appropriate experience, and that the transfer of existing staff could allow the retention of skills. One respondent argued that there may be less out-sourcing of services where statutory provision could be made.

### ***Potential concerns or issues - operational responsibility to CJAs***

3.48 Several respondents expressed their general opposition to this proposal, or stated explicitly that criminal justice social workers must continue to be employed by local authorities.

3.49 The most frequent comments related to a perceived lack of skills, expertise and knowledge among CJAs to take on these functions. Additionally, almost all of those who directly addressed the second part of the question, which asked whether CJAs currently had the required skills, expertise and knowledge expressed the view that they did not. Some respondents stressed issues such as:

- The complexity and diverse nature of the function.
- The range of inter-connected needs of offenders.
- The need for professional expertise.
- The lack of capacity in CJAs and current variation in skills and expertise within them.

- Differences from CJAs' current role.
- The existence of skills, expertise and knowledge among current CJSW service managers and staff.

3.50 A issue raised frequently was the potential impact upon services. It was suggested, for example, that the CJSW service would be: less responsive to local issues; disconnected from other parts of social work and other relevant local services and structures; and less accessible. It was also argued that the proposal would be disruptive, create barriers, risk loss of continuity of service, and that outcomes for offenders would be compromised. Concerns were also expressed about the impact on high risk offender management and on young people.

3.51 Several respondents raised concerns about the cost of the reorganisation or commented on the use of resources, for example, in diverting these from front line services. Other concerns expressed included that the proposal would: reduce access to wider training for staff; lead to confusion about the role of the Chief Social Work Officer; divide the social work profession; and undermine integration. One respondent stated that if staff did not transfer to the new service, this would also have significant implications. A few respondents expressed a view (noted earlier) that this proposal would have the effect of creating a national service, without any benefits.

### ***Requirements or suggestions and other comments***

3.52 Several respondents identified issues which would need to be addressed if this option was chosen, or made suggestions about preferred alternatives. Among these were the need for: an infrastructure to deal with human resource issues, administration, finance etc.; appropriately qualified and experienced staff; and workforce development (including specialist training).

3.53 Among other preferred alternatives were: retention of CJSW within local authorities; development to the role of existing partnerships; and the development of robust strategic and operational links among existing partners, including CPPs. Some also referred to their own suggested models. One respondent suggested reviewing reporting structures between local authorities and CJAs, and another that the proposal should be reviewed in the light of the integration of health and social care. One respondent noted that it was unclear why CJSW was the only service identified as potentially falling within the operational responsibility of the CJA.

### **Question 16 - CJA boundaries**

3.54 Question 16 asked:

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

3.55 Just under two thirds of respondents addressed this question, although very few provided a "yes" or "no" response and the majority did not express a clear overall view. Where such a view was expressed, opinions were mixed, although a slightly higher proportion expressed the view that the CJA boundaries should stay the same. The same pattern was identified among the comments, where a range of reasons for

the boundaries remaining the same were identified, although a large number also suggested reasons for these to be redrawn. Several respondents commented in detail on how to redraw the boundaries.

### ***Reasons to retain CJAs' geographical boundaries***

3.56 Comments on why the CJAs' geographical boundaries should remain the same included the view that it would be pointless to redraw these (e.g. because of wider concerns with the option; the view that this would not achieve desired outcomes such as joint working or reducing reoffending; or that there was a lack of evidence to support any change). It was also suggested that redrawing boundaries was unlikely to address the different needs and working relationships in different areas. A few respondents commented on positive aspects of the existing structure or existing relationships, or the potential to retain and develop established partnerships.

3.57 A concern was expressed about the imposition of "top-down" boundaries, and their impact on innovation and cross-boundary working. It was also suggested that reviewing or changing boundaries would increase complexity and exacerbate existing confusion about CJAs.

3.58 Comments were also made on difficulties of redrawing boundaries (e.g. with no way of making them coterminous with all relevant agencies or addressing the needs of island authorities), as well as the implications of redrawing boundaries to larger and smaller areas. In terms of concerns about creating larger areas, comments included that this would: replicate the arrangements in Option C; make CJAs too remote and less responsive to local need, particularly in smaller authorities; dilute CJAs' impact; be impracticable; and cause disruption. In terms of concerns about creating smaller areas, comments included that, while it could improve the local focus this would: replicate the arrangements in place prior to CJAs; increase costs; increase fragmentation; and "approach Option B".

### ***Reasons to redraw CJAs' geographical boundaries***

3.59 Where respondents identified reasons for CJAs' boundaries to be redrawn, some made general comments about the need to consider such issues if CJAs were to be maintained, while others made reference to this as a time of significant change in the justice landscape in Scotland. It was also suggested that there are problems with current boundaries (e.g. their inconsistency with other agencies; organisational overlaps; in some cases coverage of large and diverse areas; and complexity of governance and working arrangements).

3.60 Potential benefits of redrawing or removing boundaries were also identified, including: making CJA boundaries coterminous with other relevant services (with suggestions identified below); and allowing local authorities to work more imaginatively with neighbouring councils.

3.61 Some respondents suggested examining changes already made in other agencies; and considering "natural" boundaries and local priorities. Others made general comments about the need to consider: the balance between economies of scale and facilitating engagement while reflecting local needs, ensuring strong

governance links with CPPs; and ensuring that existing partnerships are not dismantled unnecessarily.

3.62 Specific suggestions for boundaries included these being redrawn along the lines of:

- The three Federation areas used by COPFS and Police Scotland.
- Sheriffdoms.
- Various local authority groupings.
- Geographical “families”.
- Health Boards.
- Existing local partnerships.

### ***Other comments***

3.63 The need for further consideration of the issues aligned to the integration of health and social care was suggested. The perceived impact of funding arrangements was also highlighted, and one respondent argued that allocations should be based on population. Several respondents suggested that other factors were more important than geographical boundaries, such as:

- Operational and strategic relationships.
- The ability of local authorities to make decisions about cross-authority collaboration and to work together where required.
- The need to maintain a focus on community safety.
- Partnership working through the CPP process.
- Leadership arrangements.
- Having sufficient commissioning powers to make a difference.

### **Question 17 - Arrangements for training and development**

3.64 Question 17 asked:

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

3.65 This question had two components, and around two thirds of respondents addressed it in some way. Over two thirds of those who addressed the question made comments on whether or not the Scottish Government should retain the current arrangements for training and development. Just under half of those who addressed it made comments on whether the arrangements should be reviewed for effectiveness. In relation to retention, most of those who made comments did not express a clear view, but made comments. Among those who did express a clear view, the majority expressed a preference for retention. Similarly, more comments on retention focused on benefits than on concerns. Among those who expressed a view of whether the arrangements should be reviewed for effectiveness, views could be ascertained in most cases, and most believed that they should.

### ***Retention of current arrangements for training and development***

3.66 Several respondents identified benefits from the Scottish Government retaining the current arrangements for training and development. These included a perceived positive role and benefits of the TDOs in terms, for example, of:

- Rolling out national developments.
- Supporting local initiatives.
- Providing a national resource and additional capacity.
- Providing a regional point of contact.
- Developing good working relationships.

3.67 Other comments included: the need for a national overview of risk management development through the RMA; the value of nationally agreed and consistent training; and the national organisation of training on national practice. One suggested that the Scottish Government should retain responsibility and accountability for areas in which a national approach has been agreed.

3.68 A small number of concerns were raised, or other suggestions made in relation to current arrangements. A few respondents suggested that it is unnecessary to retain these in their current form, or suggested different or developed arrangements (e.g. transfer of training or the TDOs to local authorities or the RMA; further development of the role of the RMA [discussed at Question 24] or the SSSC; or their development under the guidance of the Scottish Government).

### ***Review of current arrangements for training and development***

3.69 Most of those who commented on whether current arrangements should be reviewed for effectiveness believed that they should. Among the perceived reasons for this were the need to: carry out reviews as part of good practice; ensure high standards of training and development; and meet the demands of a new system. Other perceived reasons for review included the number of organisations involved and the need for robust monitoring and evaluation. Several respondents suggested specific issues for review including:

- The RMA structure.
- The roles, responsibilities, deployment, capacity and effectiveness of TDOs (with some respondents identifying perceived constraints to their operation and some reiterating their value).
- The general effectiveness of current arrangements and training.
- Value for money.
- Targeting of provision.
- The level of collaboration.

3.70 A very small number suggested that a review should take place before deciding whether or not to retain current arrangements, or to inform the most effective model. One respondent stated that the review should be transparent, and a few that the positive work undertaken should be recognised.

### ***Suggested developments and other comments***

3.71 A large number of respondents suggested additional developments. Among these were developing links to, and collaboration with: relevant organisations (e.g. SSSC; RMA; IRISS; SSKS; ADSW; universities); other specialist partners; and other local authority provision. One respondent suggested links to an agreed national training programme focusing on interpersonal skills to support desistance. Some comments focused on the overall organisation of training, such as:

- The need for national organisation or co-ordination (or a national body).
- A national strategy.
- A national resource.
- Provision to meet local needs.
- Fair distribution of resources.
- Equitable access to training and development.
- Joint provision.
- Quality assurance.

3.72 Other suggestions included: the need for further consideration of particular roles (e.g. the Scottish Government, RMA and other organisations relevant to workforce development) and wider training needs. Many suggestions overlapped with others made at Question 18 and these will be discussed in more detail below. A few respondents suggested that training across boundaries and cross-sectoral training does not depend on the adoption of a specific option, or expressed support for this whatever the option.

### **Question 18 - Building expertise, capacity and resilience**

3.73 Question 18 asked:

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

3.74 Around two thirds of respondents addressed this question, and a range of suggestions were made. The broad themes identified included: structural issues and ways of working; review of performance and use of evidence; workforce development; and resources.

#### ***Structural issues and ways of working***

3.75 Many respondents made suggestions relating to structural or organisational issues, the nature of the overall approach and / or ways of working. Specific structural suggestions included: some form of national body (e.g. an Effective Practice Unit; dedicated “criminal justice unit” or national strategic group; National Leadership Board; partnership body; or a national forum and re-vamped local regional fora); and the use of local arrangements.

3.76 Several respondents made comments on specific roles, including those of:

- The Scottish Government (e.g. demonstrating commitment and leadership; supporting local authorities).
- The third sector (e.g. with greater interface with the sector).
- The RMA (e.g. influencing and developing stronger links with others and clarifying their role; sharing practice; developing a national framework).
- The SSSC (e.g. making this a priority area; working in partnership with others; linking to communities of practice; highlighting needs).
- Other agencies and service (e.g. the Improvement Service; the CJ research group; the Knowledge Hub; and Skills for Justice).

3.77 Two respondents suggested improving partnership working between COPFS and community justice to fully utilise diversionary sentences, reduce criminal cases and increase capacity.

3.78 Suggestions about the overall approach and ways of working included the perceived need for:

- A people or public protection model.
- Development of “learning organisations”.
- Leadership.
- Partnership working (including, where appropriate, across boundaries).
- Integrated working.
- Flexibility.
- Transparency.
- Equality.
- Innovation.
- Outcome-led services or an outcomes framework.
- User involvement.
- Engagement with victims of crime.
- An approach that builds on existing achievements.

### ***Review of performance and use of evidence***

3.79 A further common theme was the review of performance and use of evidence. As noted, several respondents suggested a need for services to be outcome-led, and some also highlighted a need for effective performance management, with a focus upon continuous improvement. It was also suggested that there should be stronger accountability at government level and clear links between strategic leadership and accountability. One respondent suggested that an independent panel should review current issues and options and make recommendations.

3.80 Several respondents stated that there is a need for the use of evidence and intelligence to inform developments. A few suggested drawing on the experience of the English Probation Service. Specific comments were also made about the need to ensure that good practice information is shared appropriately, including with the third sector. It was argued that there is a need to improve and simplify the promotion of good practice and new research. Suggestions included: better use of specific bodies (e.g. universities; SSSC; IRISS; training departments); oversight of the organisations involved; cross-sectoral discussions; better use of the service directory; and

engagement with front line workers. One respondent also suggested that CJSW departments should demonstrate a greater willingness to innovate and learn from each other.

### ***Workforce development***

3.81 The use of workforce development to achieve the issues raised in this question was also a common theme. Some respondents stressed the general need for this for all staff groups (including more specialised training for partner agencies and services). Further specific comments were also made about the organisation of training and development, and suggestions included:

- A national approach.
- A training strategy based on national priorities.
- A continuous professional development framework.
- A justice-specific training path for all workers (in parallel to other training needs).
- Regional training and development teams working to a national strategy (and linked to student placements and practice teaching arrangements).
- Joint or co-ordinated training.

3.82 A few suggestions were also made the need to include specific means of learning, such as: e-learning; distance learning; and secondments.

### ***Resources***

3.83 A number of comments were made about resources, including: the general need for adequate and secure funding; the links between funding and capacity or resilience; the basis of funding (e.g. to reward positive outcomes; support need and demand; and link to a strategic approach); and the approach to funding (e.g. in terms of: flexibility; equitable distribution; and sensitivity to need). A few suggestions were also made about commissioning, including a perceived need for: a suitable lead-in time if there is a need for new partnership arrangements; local authority strategic commissioning; and the adoption of a full cost recovery model.

### ***Other comments***

3.84 A few respondents highlighted additional concerns and challenges (e.g. workloads; separation of strategic and operational considerations; involvement of staff with a differing ethos or approach). A small number linked their response to this question to a specific structural option, or suggested that these improvements could be achieved within any structure. One respondent suggested a need to identify what is meant by expertise, where this is, and how best to use it.

### **Summary of findings: Option A**

3.85 In summary, the main findings relating to Option A were as follows:

- A very small number of respondents expressed an overall preference for Option A, but many detailed comments were made.

- Some positive aspects were highlighted, including: strengthening the current model (and specific means of this); and the positive role of CJAs to date in, for example, promoting collaboration and providing a framework for partnership working.
- The most common concerns related to: perceived problems with CJAs; bureaucracy, complexity and duplication; disconnection; weaknesses in performance management or accountability; resource implications; and a negative impact on practice and outcomes.
- Views were mixed about appointing a chair and expanding membership, although the identification of concerns was the most common theme. Where positive comments were made, these focused largely on expanding membership.
- In relation to the proposal for all Board members to be recruited through the public appointments system, the most common concerns related to the impact on local accountability.
- Regarding whether the proposals gave CJAs sufficient levers and powers to reduce reoffending, the majority of comments and views focused on suggesting that this was not the case.
- Where clear views could be ascertained, almost all of the respondents did not believe that CJAs should be given operational responsibility for the delivery of CJSW services, and this view was reflected in the detailed comments.
- Respondents expressed mixed views of whether CJAs' geographical boundaries should remain the same.
- Where clear views could be ascertained of whether the Scottish Government should retain the current arrangements for training and development, most expressed a preference for retention, and this was reflected in comments. There was also a largely shared view that the arrangements should be reviewed for effectiveness.
- A range of suggestions were made about ways of building expertise, capacity and resilience and ensuring evidence-based good practice is shared and these focused on: structural issues and ways of working; review of performance and use of evidence; workforce development; and resources.

## **SECTION 4: OPTION B – LOCAL AUTHORITY MODEL**

4.1 This section presents the findings relating to Option B, the local authority model (Questions 19-25).

### **Question 19 - Overall views Option B – local authority model**

4.2 Question 19 asked:

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

4.3 Just under three quarters of respondents addressed this question. A large number also expressed their overall views of Option B at Question 32, or in other material, and these have been included here. As noted previously, this or a development of this was the option most commonly preferred by respondents. Many detailed comments were made, and by far the most common were potential benefits of this model. Much smaller numbers raised issues or concerns, or identified alternative suggestions.

#### ***Option B overall - potential benefits***

4.4 Most views expressed were positive and, within this, comments most frequently related to general expressions of support and issues such as: links to CPPs; partnership working; provision to meet local needs; aspects of service effectiveness; and leadership, direction and accountability.

4.5 Many respondents stated that they favoured this, or considered it most likely to lead to the overall outcomes sought. Other general comments included that it would be: logical; sensible; strong; sustainable; simpler; and preferable to the current system.

4.6 A further common theme related to the ability to maximise existing structures and governance arrangements, with several mentioning specifically the alignment to CPPs and SOAs. It was suggested this would: enable a more co-ordinated approach to community justice services; streamline planning; and allow connections between strategy and operation. Many respondents commented on the importance of links and partnership working, and the inter-dependency of services to meet the complex needs of offenders, citing perceived opportunities to retain and develop these in this model.

4.7 Another issue raised very frequently was the opportunity for local provision to meet local needs. Respondents highlighted the perceived value of retaining the CJSW service as local authority provision. It was also stated that this model would be more responsive to local needs and priorities, with local understanding and knowledge informing commissioning and service delivery, and could provide a more flexible, integrated and holistic response to these. Linked to these views, comments were also made frequently about perceived benefits relating to a variety of aspects of service effectiveness, including:

- Visibility.
- Accessibility.
- Sharing of best practice.
- Value for money.
- Avoidance of duplication.
- Information sharing.
- Record keeping.
- Access to out of hours emergency social work provision.
- Opportunities for workforce development.
- The overall impact upon outcomes for offenders and communities.

4.8 A large number of respondents identified benefits in terms of leadership, direction and accountability. Comments included that the Chief Social Worker role could provide leadership, with a clearer role in the CPP, and that COSLA and authorities would also have such a role. It was also suggested that giving strategic and operational duties to local authorities would provide clear local accountability, governance and democratic control, and encourage ownership for change. It was also argued that there would be national accountability through the SOA process and reporting of performance to Scottish Ministers.

4.9 Other positive aspects or potential benefits of this model identified included: the opportunity to build on existing provision as well as cost and resource issues (e.g. low start-up costs; improved commissioning. Some identified the opportunity to make best use of resources; and protection of funding). The speed of implementation and minimal disruption was noted, as was the benefit of retaining the professional identity of social workers. The opportunity for a national voice through an extended RMA role was also identified. Several respondents also identified suggested the model's "fit" with the wider context (e.g. the Christie Commission; the personalisation agenda; the reducing reoffending agenda; the whole systems approach; prevention and early intervention; public protection; the integration of health and social care; and the social work value base). A few respondents also identified problems with the potential impact of other models or the current approach (e.g. aspects of the CJAs).

### ***Option B overall - potential concerns or issues***

4.10 Several respondents (although a much smaller number) identified potential concerns or issues with Option B. The most common related to the impact of the model on the overall pattern of service provision, and particularly upon consistency. Related comments included difficulties for the Scottish Government and other partners in linking to 32 local authorities, for example for negotiation and delivery of national initiatives and sharing good practice. It was also suggested that the model could have a negative impact on third sector organisations delivering services nationally or across multiple local authority areas, particularly smaller providers. Other concerns relating to the pattern of provision included: potential duplication; problems with boundaries; a "postcode lottery" of support; variation in standards; and the lack of an overall public "voice".

4.11 A few respondents expressed concerns relating to the means of operation of the model in relation to:

- Weaknesses in leadership.
- Difficulties in holding partners to account.
- A focus on “targets”.
- A lack of offender focus.
- Increased layers of management with the potential to slow down decision making.
- The potential loss of some existing partnership delivery or arrangements or opportunities for cross-boundary working.

4.12 Other comments included: a narrow focus for workforce development; the potential loss of TDOs; and a question about whether CPPs would be willing to add reducing reoffending to their existing broad remits.

4.13 A further area of concern related to resources and commissioning. As with provision, the risk of a “postcode lottery” was raised. Additionally, one respondent argued that there would not be sufficient resources available for the model, and a few expressed concerns about the potential loss of ring-fenced funding and the implications of this (discussed further later). One respondent suggested that it would be difficult to “sell” preventative spend, and other comments included that: it would add extra layers of management, administration and communication and decrease value for money; and that it had weaknesses in terms of economies of scale. One respondent, while supporting strategic commissioning in principle, stated that it was not clear from the consultation how this would operate in practice, and argued that giving responsibility to local authorities could lead to potential conflict of interest.

4.14 A small number of comments were also made on the process of transition, with suggestions that this model would require significant changes with potential disengagement of partners. A few respondents expressed a general view that the model would be a step backwards, and another stated that it is tied to a status quo which has not promoted the type of change sought. A further respondent raised a concern that there would be insufficient expertise to support the model.

### ***Option B overall - requirements or additional suggestions and other comments***

4.15 A large number of respondents made additional comments at Question 19. In terms of specific suggestions, those made most frequently related to a perceived need for performance measurement, evaluation and review including: standards and outcomes; a performance framework; transparent self-evaluation; inspection; monitoring; reporting; and scrutiny. Some respondents stated that there would be a need to revisit the legislative functions of the CJAs and consider how to deal with their independent monitoring and reporting role.

4.16 A common perceived requirement was leadership and direction, with suggestions including: a national group, professional strategic body or other overarching “body”; visible local and national leadership; a shared vision; and links to CPP guidance. One respondent argued a need to accept and respect the local democratic mandate to make local decisions about need and priorities. Several respondents also suggested a need for partnership working including:

- Partnerships between authorities.
- The use of local partnerships.

- Development of PSPs.
- Integration into new health and social care partnerships.
- Co-operation with national partners.
- Shared responsibility.
- Shared services.
- Agreements and protocols.
- Information sharing.

4.17 A number of comments related to the importance of clear and direct links to and integration with the CPP process and SOAs, and the need for a commitment by CPPs to reducing reoffending. One respondent identified a perceived need to align political and operational responsibility for reducing reoffending with improved CPP arrangements, with reducing reoffending plans as part of the CPP / SOA arrangements.

4.18 A small number of respondents made comments on specific roles in relation to Option B, for example:

- The need for engagement with ADSW / CoSLA / and the Society of Local Authority Chief Executives [SOLACE].
- The need for clarity of the RMA role.
- The importance of ongoing input from the RMA and other learning resources.
- Work by the Scottish Government to ensure national support for reducing reoffending.

4.19 One respondent argued that there would be a need for the health sector to review and refocus its involvement in community planning. Additional perceived requirements included: the involvement of the third sector on an equal basis; and engagement with offenders and families. Some identified issues relating to resources including comments on a need for: consistent funding; costing of service delivery; a flexible formula; strategic commissioning and ring-fenced funding. Comments were also made on statutory responsibilities with suggestions including: statutory responsibility lying with the local authority for reducing reoffending; a statutory duty on partners for service delivery or a statutory duty for co-operation; and on workforce development (e.g. a need for a dedicated training resource).

### **Question 20 - Consistency, good practice and cross boundary planning and commissioning**

4.20 Question 20 asked:

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

4.21 Just under three quarters of respondents addressed this question, with comments made on each of the separate issues explored (consistency, good practice and planning and commissioning) as well as general comments and

suggestions. Of the three specific issues, comments on planning and commissioning and consistency were the most common, although several respondents also made comments on good practice. Although positive and negative impacts were identified for each, comments on the potential impact on planning and commissioning and on good practice were most frequently positive; whereas those relating to the potential impact on consistency were most frequently negative.

### ***Impact on consistency***

4.22 The majority of comments about the impact on consistency were concerns relating to this. Some of these overlapped with comments made at Question 19. A few respondents stressed the general importance of a consistent level of provision, while the main issues raised related to:

- Potential variation in service provision.
- Variation in prioritising specific issues.
- Danger of a “postcode lottery”.
- Challenges for third sector providers.
- Difficulties in negotiation.
- Difficulties in monitoring and oversight.
- Duplication.
- Confusion.
- Inconsistency in the outcomes measured.
- Challenges in meeting national priorities.

4.23 A few respondents expressed the view that there would be no specific impact of this model on consistency. Some identified benefits of variation (e.g. the ability to respond to local needs and priorities), or suggested particular ways of promoting consistency (e.g. national oversight and leadership; a shared strategy, national standards and guidance; partnerships; the use of SOAs; the use of legislation; communication and co-operation; workforce development; and performance indicators, scrutiny, reporting and accountability).

### ***Impact on good practice***

4.24 Fewer comments were made on the impact of the model on good practice, and most related to the potential positive impact on this. Comments included that the model would promote good practice through, for example: a close relationship between strategy and operation; connection to other services; and the provision of holistic support.

4.25 Concerns raised (by a very small number of respondents) related to the potential for different interpretation of duties, and the lack of mechanisms to identify and share best practice. Several respondents identified the general importance of sharing good practice or made suggestions about promoting this, which included: setting standards; performance management; clear procedures to raise concerns; co-operation; sharing examples; involvement by CPPs, ADSW and CoSLA; roll out of successful approaches; and workforce development.

### ***Impact on potential to plan and commission services across boundaries***

4.26 Most comments on the impact on cross-boundary planning and commissioning related to the potential positive impact or lack of negative impact on this. A number commented on existing and previous local authority experience of developing shared services or cross-boundary working. Local authority commitment as part of public sector reforms was identified, as were potential opportunities to develop existing collaboration and new forms of joint working. Some identified the use of national outcomes and standards; and suggested that the proposals would bring improved value for money. It was also suggested that there had been a lack of CJA involvement in these arrangements to date, and the model would remove the constraints imposed by the separation of strategy and operation.

4.27 Several respondents however, identified concerns. These included: the general challenge of this, or the overall view that the model may limit or inhibit this. Some expressed concern about the number of authorities involved, or pointed to: experience in other fields; demographic variations; and difficulties in proportionate funding.

4.28 Several respondents made suggestions about how to undertake planning and commissioning across boundaries, and some stressed the general importance of this. Suggestions included: the use of legislation to confirm the opportunity to plan and commission services jointly; examination of ways of undertaking co-commissioning; and the use of evidence to underpin developments. Other suggestions including: the need for appropriate funding arrangements (e.g. longer term, flexible, full cost recovery); use of guidance; and appropriate ways of working (e.g. strategic; innovative; flexible). Comments were also made on the roles of specific organisations in promoting and supporting cross-boundary planning and commissioning.

### ***Other comments***

4.29 One respondent expressed concerns about imposing services or ways of working which are best for one authority on all. Further suggestions included: potential variation in impact by the nature of the authority; the impact of the wider agenda; and the view that the same issues would also apply to a range of other services.

### **Question 21 - Regional partnership, provision or co-ordination**

4.30 Question 21 asked:

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

4.31 Over two thirds of respondents addressed this question. A majority expressed a clear view, and among these, a majority expressed the view that there was a still a requirement, in this model, for a regional partnership, provision or co-ordination role. Very few expressed disagreement with this. Most comments related to potential benefits of such an arrangement. A large number of respondents also made

suggestions about such an approach. Very few respondents raised issues with this, reflecting the overall pattern of views identified.

### ***Potential benefits - regional partnership, provision or co-ordination***

4.32 The majority of comments made focused on the perceived need for, or the positive aspects of regional partnership, provision or co-ordination. Several respondents stressed the general importance or benefit of such arrangements. A few respondents expressed a view that such arrangements would be important whichever option was adopted. Several qualified their view (e.g. to suggest that the need may vary by the nature of authorities' areas or circumstances; or that it should take place where it is considered appropriate or beneficial).

4.33 Comments were made frequently on the value and effectiveness of existing partnership arrangements, and the opportunity to build on these, as well as to make other arrangements where beneficial. Other perceived benefits included the opportunity for: developing the effectiveness of services and the impact on outcomes; supporting smaller authorities; effective commissioning; and providing shared services. It was also suggested that such arrangements would help to enable: equity and consistency in planning and service provision; involvement of the third sector; promotion of good practice; improved accountability; and value for money (e.g. through economies of scale).

### ***Potential concerns or issues - regional partnership, provision or co-ordination***

4.34 The only issue raised with this approach focused on a lack of perceived need. A few respondents commented generally that this was not needed, while a few commented specifically on formal arrangements (e.g. because of existing local strategic plans; existing informal arrangements; or the opportunity in the model for cross-boundary planning, commissioning and delivery of shared services). One respondent argued that formalising arrangements would add bureaucracy.

### ***Suggestions and other comments***

4.35 A large number of respondents made additional suggestions about regional partnership, provision or co-ordination, with the most common relating to the nature of the arrangements. These included comments on the overall nature (e.g. as formal or informal, and the need for flexibility) or specific arrangements (e.g. adopting a particular model; using a formal agreement; and having a "hub" for sharing good practice). Some also commented on how to develop regional arrangements. Suggestions were also made about the overall role of partnerships (e.g. monitoring; planning; identifying training needs; sharing best practice) and the need to consider the nature of areas; participants and roles.

4.36 Among other comments made, several respondents provided examples of existing arrangements. One suggested that the expanded RMA functions in the model already include a forum to share good practice, and support service and workforce development. A few respondents expressed general concerns about how this might work in this model. One respondent made specific comments on national service commissioning, in relation to when and how this should take place.

## **Question 22 - Reducing reoffending in CPP and other local authority planning structures**

4.37 Question 22 asked:

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

4.38 Over two thirds of respondents addressed this question, and the majority of comments focused on a perceived positive impact or benefits of this.

### ***Positive impact and benefits - reducing reoffending in CPP or other local authority planning structures***

4.39 A large number of respondents identified that the impact of reducing reoffending being subsumed within CPP or other local authority planning structures would be positive, or stressed its importance or potential. Among comments on the nature of the positive impact and benefits, the most common theme related to the roles and responsibilities of those involved in reducing reoffending, their relevance to community planning and local authority activity, and the opportunity to promote collective responsibility and ownership. It was also suggested that CPPs have had an insufficient role in this to date.

4.40 A further positive impact identified frequently was the potential for such an approach to promote co-operation and partnership working, as well as enabling strategic planning, commissioning, and procurement of services to meet needs with jointly agreed priorities, actions and outcomes. Several respondents also made comments on the potential for a greater integration and mainstreaming of community justice including, for example, with wider service planning and delivery, other priorities, the work of other partnerships and holistic working. Another common theme was the potential impact on the nature, effectiveness and efficiency of services, in terms, for example of: meeting local needs within a consistent overall framework; and promoting positive outcomes for service users.

4.41 Several respondents made comments on the “fit” with existing arrangements and knowledge, making it possible to implement this readily, as well as providing the opportunity to build on existing mechanisms. It was also suggested that the inclusion of reducing reoffending as a priority in SOAs provided a positive opportunity for its inclusion in CPPs. In terms of the wider agenda, it was also suggested that this approach would be consistent with public sector reform.

4.42 Additional comments included that this approach would:

- Keep the issue on the agenda.
- Maximise opportunities for a national framework.
- Recognise the need to engage with communities.
- Improve accountability.
- Improve use of resources and enable access to other funding streams.

### ***Potential concerns or issues – reducing reoffending in CPP or other local authority planning structures***

4.43 The concern raised most frequently (albeit by a small number of respondents) related to the level of priority that would be given to community justice issues. A few respondents suggested that the approach should not involve the issue being “subsumed”, or argued that this implied limited attention. Small numbers also identified: a potential impact upon workload and capacity; concerns about a focus on targets rather than outcomes; concern about difficulties of “selling” preventative spend; and challenges for third sector providers in being able to access and engage with multiple CPPs. A very small number suggested that variation between CPPs could be reflected in variations in services.

### ***Suggestions and other comments***

4.44 Some respondents commented on perceived barriers to this approach (e.g. past funding and reporting arrangements and lack of involvement or awareness in this area by CPPs). Comments were also made on elements of the overall approach that should be taken, including a perceived need for:

- Support to CPPs to take on a more significant community justice role.
- The provision of guidance.
- Priority and profile for community justice.
- Recognition of the wider agenda.
- Good partnership arrangements.
- The use of statutory responsibility.
- Strategic plans.
- Robust accountability and oversight.
- Full analysis of local needs.
- The avoidance of partnerships becoming “talking shops”.
- Explicit targets, performance indicators and reporting requirements.

4.45 Suggestions were also made about the need for consideration of funding and resources (e.g. clarification of the resource implications; provision of ring-fenced funding; and consideration of resource transfer arrangements from CJAs to local authorities).

4.46 Among the other comments made, a small number of respondents identified current arrangements, while one expressed the view that the inclusion of reoffending in community plans would be unlikely to have any major effect, given the range of factors that impact on this, and would be difficult to measure.

### **Question 23 - Devolved responsibility for some functions**

4.47 Question 23 asked:

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

4.48 Just over two thirds of respondents addressed this question, and clear views were stated or implied in around half of these cases. Where such views could be identified, most suggested that these functions should be devolved to an organisation with appropriate skills and experience. This pattern was reflected in the balance of specific comments, with more comments on positive aspects.

#### ***Potential benefits - devolved responsibility***

4.49 Some respondents expressed their general support for this, while others identified the need for a single organisation; or that it was either unnecessary or inappropriate for the Scottish Government to carry out this role. Most additional comments focused on the opportunity to provide an overall national framework, oversight and consistency, including in relation to aspects of training, common standards, sharing best practice and guidance. A few respondents made comments on the need for specific expertise and capacity to carry out these functions; or the specialist nature of community justice work and the benefits of national specialist training.

4.50 Several respondents, however, expressed qualifications, such as that: some of the functions should be devolved; and that the organisation tasked with this must be able to demonstrate competence.

#### ***Potential concerns or issues – devolved responsibility***

4.51 Among the issues identified, a few respondents indicated that the Scottish Government should continue to have a key role in this. A few suggested that existing arrangements had been effective, and a small number raised a concern about there being a single agency with the appropriate skills and experience to undertake the tasks proposed. Some raised concerns with the inclusion of particular functions within those suggested, particularly performance management, and, in the view of a few respondents, workforce development. One expressed concerns about the risk of devolving the roles to the private sector, and the risk of duplication of responsibility and reporting requirements.

#### ***General comments and suggestions***

4.52 A number of comments were made on existing roles in relation to these functions, and suggestions for roles in the future. Several respondents commented on the need to recognise existing roles and responsibilities and to use existing skills and experience. A few suggested considering whether existing bodies could take on these functions (e.g. with the Scottish Government commissioning or tendering the activity if this were not the case). A number of comments were made about the role of the RMA and the potential extension of their role.

4.53 Comments were also made about the role of the Scottish Government (e.g. in leading; overseeing; co-ordinating the functions); the SSSC (e.g. in qualifications, training, standards and workforce development); the Improvement Service; IRISS; the Scottish Advisory Panel for Offender Rehabilitation; educational institutions; and ADSW. Comments were also made about the role of the Care Inspectorate (e.g. in performance management) and the general involvement of local authorities. Some respondents suggested a national board to oversee the functions and a few

suggested the addition of a Community Justice Unit. One respondent suggest that the role of Customer Service Excellence inspections should also be considered.

4.54 A number of suggestions were also made about ways of taking this forward (e.g. engagement with the statutory and voluntary sectors; review of current arrangements; clarity of roles). Comments were also made about ways of working, particularly the need to work collaboratively. Several respondents made specific comments on workforce development and training, such as: the value of a national approach (whoever were to lead); the importance of local training and development; the need for different types of provision; and the need to include a range of staff. A small number of respondents made general comments on other issues such as: perceived issues with accreditation; difficulties in measuring performance; and suggested means of sharing best practice.

4.55 A few respondents commented on the question itself (e.g. that it was designed to lead to Option C, or that it would depend on which organisation was tasked with the role).

#### **Question 24 - Expansion of the functions of the RMA**

4.56 Question 24 asked:

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

4.57 Around two thirds of respondents addressed this question. As noted previously, comments on the role of the RMA were also made at other questions, and these have been included below. Potential concerns or issues with this suggestion were most common, although benefits were also identified. Additional comments and suggestions were made on the nature of the approach that should be taken, and the role of the RMA.

#### ***Potential benefits – expansion of the functions of the RMA***

4.58 A small number of respondents expressed their overall agreement with this proposal, or identified this as an important aspect of giving operational responsibility to local authorities. Some respondents highlighted specific benefits of the proposal and these included: the benefits of a national approach to improving performance (e.g. consistency); and the nature or strengths of the RMA. A few respondents qualified their comments (e.g. by suggesting that the expansion would depend on other developments, such as the supporting structure, capacity and inclusion of factors other than risk; or stating that some aspects of performance improvement should be at a local level).

#### ***Potential concerns or issues – expansion of the functions of the RMA***

4.59 Many respondents expressed concerns or identified issues with the suggested expansion of RMA functions to include responsibility for improving performance. Some stated their overall disagreement with this, expressed the general view that the RMA would not be the most appropriate body for this, or stated the proposal to

expand the role of the RMA may be pre-emptive. The two areas of concern highlighted most frequently, however, related to: the ability or appropriateness of the RMA to undertake this; and the role of others in performance improvement.

4.60 A large number of respondents raised concerns about the ability or appropriateness of the RMA to take on these responsibilities. Several expressed concerns about whether the RMA would have the resources, capacity, skills, expertise or experience. Comments were also made on the nature of the role of the RMA, including, for example, that their expertise is in risk management and that there may be a lack of operational expertise. A few respondents also expressed concerns about ways of working, as well as that:

- The focus on management of risk could be diluted.
- The role in approval of Risk Management Plans for Orders for Lifelong Restriction (OLR), and their scrutiny role could be compromised.
- There may be too much focus on high risk offenders.

4.61 A further area of concern for a large number of respondents related to the role of others in performance improvement. Issues raised included views that:

- This should be a core function or expectation of local authorities.
- Responsibility for improving performance should be with those delivering and overseeing services.
- There are existing mechanisms in place for performance improvement.
- CPPs and the Care Inspectorate have a role in this.
- Local authorities should not be accountable to the RMA.

4.62 A small number of other concerns related to: the size of the agenda; local variation in issues of performance; costs; accountability issues; implications for others; level of bureaucracy; and a lack of evidence to support the proposal.

### ***The nature of the approach and the role of the RMA***

4.63 Suggestions on the overall nature of the approach to performance improvement included a perceived need for collaborative and partnership working; and a whole system approach. Other suggestions included the need for: clear indicators and targets; guidance and communication; and account to be taken of issues for remote and rural areas.

4.64 A number of suggestions were made about the general approach for the RMA included a need for: a more responsive relationship between the RMA and local authorities and commissioned services; a cross-sectoral role; and clarity of roles. In addition, a “fit” with existing structures and the roles of others; and links to other relevant bodies with a role in performance improvement were also suggested, as was the need to have a balance of management of risks and an asset based approach.

4.65 A number of comments were made on the specific nature of the RMA’s role. Suggestions included a role in:

- Workforce development and training.

- The provision of a research base.
- The development of training and tools relating to risk management and violent offenders.
- The development of the Framework for Risk Assessment, Management and Evaluation.
- Specific existing functions relating to OLR.
- Data analysis and performance overview.
- The roll out of new initiatives.
- Communication on the progress and impact of performance improvement initiatives.

4.66 A few respondents suggested an alternative approach (e.g. the use of a Community Justice Unit; division of the responsibilities to specific areas; or approaches involving other organisations or bodies). One respondent argued that there is a need to consider the role of the Scottish Government in overseeing an expanded role.

### ***Other comments***

4.67 A small number of respondents made general comments on the national component of performance improvement, without necessarily expressing a view of the RMA role. One respondent suggested a focus on how to disband Quangos, and another a focus on effective management of offenders. A small number suggested that the role of the RMA should be determined by a national board, or that more detail would be required.

4.68 A few made comments on the nature of the question or document (e.g. that it: appears to conflate performance management and improvement; focuses primarily on the performance of CJSW and not key partners; and sends out a concerning message about the need to improve practice country wide).

### **Question 25 - National Leadership Group**

4.69 Question 25 asked:

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

4.70 Over two thirds of respondents addressed this question. Most identified potential benefits of such a national group. A large number of respondents also made comments on the nature of arrangements seen to be required. A very small number expressed concerns or raised issues with this proposal.

### ***Potential benefits – national leadership group***

4.71 Among the positive comments, some respondents expressed the general view that this would be helpful, or that they would support or welcome a national group or arrangement. A few qualified comments were made including that this: may assist transition; may not need to be permanent nor need legislation; or may not be as

effective as a new agency. Other comments included that: it should oversee offender management as a whole; and should involve all local authorities.

4.72 The most common perceived benefits of a national group were identified as relating to the provision of national direction, overview and consistency. It was also suggested that this would allow closer links between partners at a national level and between national and local partners (e.g. allowing local issues to be raised at a national level). Comments included helping to promote:

- A national perspective (linked to wider public protection duties).
- Shared vision, policy and practice.
- Clear priorities.
- Outcomes and standards.
- Political direction.
- Leadership.
- Collective accountability.

4.73 Other positive aspects of a national group were identified as including opportunities to:

- Promote and share best practice with all partners.
- Raise the profile of the issues and provide a clear identity and voice.
- Ensure implementation of research findings.
- Analyse trends.
- Encourage partnership working and address barriers to this.
- Enable engagement and promote dialogue with other partners.
- Promote effective community planning.

### ***Potential concerns or issues – national leadership group***

4.74 A very small number of respondents identified concerns, including that: the proposal may not be beneficial for regional requirements; the capacity of the group would be limited; and the group may not have the necessary sectoral expertise. A few respondents identified different means of achieving leadership, a framework and accountability.

### ***The nature of arrangements and other comments***

4.75 A large number of respondents made comments on the nature of the arrangements considered to be required. The most common related to participants for inclusion in the group, within which several respondents identified a need for a range of organisations, including other partners. Some respondents mentioned specific partners for inclusion, such as: police; health; the SPS; judiciary; the third sector; RSLs; professional social work (e.g. ADSW and the Government social work advisor).

4.76 Some comments were also made about aspects of the role and functioning of the group. It was suggested that there is a need to consider: how to avoid duplication; how the group would interact with local authorities; and how to address national / local links or potential conflict. Suggestions were also made about its key

principles; the powers of the group; chairing arrangements; and its overall role (e.g. inclusion of the wider people or public protection agenda; and agreement of the longer term national strategy for community justice). One respondent suggested that some members should be appointed through the public appointments process.

4.77 Among a small number of other suggestions was a perceived need for: a structure to support the objectives; resource capacity for a senior officer to represent Chief Social Workers nationally; and an arrangement to provide collective local political leadership on community justice. A few respondents identified the need for equivalent provision within alternative proposals.

### **Summary of findings: Option B**

4.78 In summary, the main findings relating to Option B were as follows:

- Option B (or a development of this) was the option most commonly preferred by respondents.
- The most common benefits were seen to relate to: links to CPPs; partnership working; meeting local needs; aspects of service effectiveness; and leadership, direction and accountability.
- The most common concerns related to the impact on the overall pattern of provision and consistency.
- Comments on the impact of the model on planning and commissioning, and good practice were most frequently positive, while those relating to consistency were most frequently negative.
- The majority of those who expressed a clear view suggested that there was still a requirement, in this model, for a regional partnership or co-ordination role.
- The majority of comments made about the impact of reducing reoffending being subsumed within community planning, or other local authority planning structures, focused on a positive impact, or benefits of this.
- Where clear views could be ascertained, most respondents suggested that functions such as programme accreditation, development of good practice, performance management and workforce development (or at least some of these) should be devolved from the Government to an organisation with the appropriate skills and experience.
- The majority of comments about extending the functions of the RMA to include improving performance were negative, and a number of concerns were raised.
- Views of the proposal to set up a national Scottish Government / CoSLA leadership group were largely positive.

## **SECTION 5: OPTION C – SINGLE SERVICE MODEL**

5.1 This section presents the findings relating to Option C, the single service model (Questions 26-31).

### **Question 26 - Overall views Option C – single service model**

5.2 Question 26 asked:

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

5.3 Around three quarters of respondents addressed this question. Additionally, a large number expressed their views of Option C at Question 32, or in other material, and these have been included here. In terms of respondents' overall views of the options, a small number of respondents expressed a preference for Option C. Many detailed comments were made, and the majority of these focused on areas of concern with the model. Many respondents, however, whatever their preferred model overall, identified positive aspects of this option.

#### ***Option C overall - Potential benefits***

5.4 Most of those who addressed this question identified potential benefits of Option C, among which a small number identified this as their overall preference. Other general comments included that the model would: support the recommendations of the Commission on Women Offenders; represent a radical change; and emphasise social work values.

5.5 The benefits of this option which were highlighted most commonly related to the promotion of consistency (e.g. in approach; service planning; standards and goals; access to support) and the simplification of the overall structure. Linked to the overall pattern of provision, several respondents suggested that a national approach would give CJSW greater influence in the overall landscape, or a national voice and representation for community justice concerns. It was suggested, for example, that this would help ensure priority for reducing reoffending.

5.6 A further common theme related to accountability (e.g. stronger; simplified; and strategic; as well as centralised scrutiny of commissioning). It was also suggested that this model would have a single reporting structure and robust governance. A few respondents stated that it would provide benefits in performance management; the collection of evidence and dissemination of best practice. A few also argued that there would be benefits in terms of clearly defined leadership.

5.7 The other broad area of benefits identified for this option were related to cost and resource issues, and particularly the potential for economies of scale (e.g. in terms of a single budget, procurement and the opportunity to commission on a national basis). Other comments included that it would ensure sharing of resources for national priorities and equitable distribution.

5.8 Some respondents identified positive aspects of this model in terms of: promoting joint working and alignment to other organisations at a national level and

increasing accessibility for third sector organisations. Very small numbers in each case also stated that the model could enable: “appeal” for problems accessing services; support to service users who move between areas; community understanding of the service. Among a very small number of other comments were that the model could: take account of national and local issues; respond to changing need; and provide access to wider training and information sharing.

### ***Option C overall - Potential concerns or issues***

5.9 A significant number of potential concerns or issues were identified in relation to Option C. Several respondents stated specifically that: they did not support this model; there was not a need for this type of change; it was a backward step; or that there were other ways of achieving the outcomes sought.

5.10 A number of specific areas of concern were identified by a large number of respondents. The issues raised most frequently related to concerns about links and partnership working between CJSW and other relevant services. Concerns included:

- The importance of local services and these links.
- The disconnection of CJSW from these (e.g. other social work team, other local authority services, the third sector and other local partners).
- Separation from local planning and commissioning.
- Damage to existing links.

5.11 Closely linked to this, a large number of respondents raised concerns about the implications for local issues, with comments including:

- The importance of having a local basis for services.
- The loss of local connections and understanding.
- Disconnection from communities.
- Lack of responsiveness to local needs and priorities (including in rural and island areas).
- Barriers to access to services.

5.12 Another area of concern highlighted by a large number of respondents related to the perceived cost of this option (e.g. its cost-effectiveness; start-up, infrastructure, implementation and ongoing costs; and diversion of resources). A further common area of concern related to practical issues (e.g. disruption for service users, staff and other stakeholders; the need for legislation; delays in decision making; difficulties in information sharing; and the time needed to develop an infrastructure). Some raised issues with the overall pattern of provision (e.g. the need to work in partnership with 32 local authorities; further “clutter”; fragmentation and the lack of a holistic approach). Concerns were also voiced about the overall nature of the organisation (e.g. process-led; top down; bureaucratic; a potential loss of social work ethos and values; lack of flexibility; and lack of innovation).

5.13 A large number of respondents also identified concerns relating to the evidence base for the model (e.g. lack of evidence that it would deliver the outcomes sought; prior experience in England and Wales; lack of comparability to the police). Also very common were concerns about the potential negative impact on specific outcomes (e.g. culture; public protection and safety; reducing reoffending; youth

justice work; and perceptions of offenders); and on local accountability. Several respondents also raised concerns about the impact of the model on staff and workforce issues (e.g. changes to pay or terms and conditions; transfer and loss of staff and skills; lack of mobility; loss of professional identity; and limitations to training opportunities).

5.14 Other potential concerns identified (by smaller numbers of respondents) included: lack of “fit” with the wider agenda (e.g. the principles of the Christie Commission; the integration of health and social care; and community sentencing); challenges and barriers to involvement for small third sector organisations; concerns about specific roles (e.g. the Chief Social Worker; and the focus of the Community Justice Unit); and the risk to services should the option fail.

### ***Option C overall – requirements or additional suggestions and other comments***

5.15 Some respondents expressed the general need for further consideration of a number of issues and implications relating to the model, should this option be chosen. Where specific suggestions were made, the most common was the perceived need for a mechanism to ensure a focus on local issues, and a commitment to local delivery and accountability. Specific comments were made on the need to form partnerships and to link to CPPs and others. It was also suggested that there would be a need to explore how the model would function in relation to the integration of health and social care.

5.16 Some suggestions were made about roles and responsibilities, including:

- ADSW (e.g. to inform the service and ensure social work values remain central).
- SSSC (and the implications for statutory responsibilities).
- The Chief Social Worker (e.g. clarification of the role).
- Social service sector staff (e.g. social work representation on the national board).
- The third sector (e.g. strong representation and inclusion in the national board).

5.17 Some respondents suggested that there would be a need to revisit the legislative functions of the CJAs and consider how to deal with their monitoring and reporting role. It was also suggested that there would be a need to: consider and not duplicate the National Offender Management Service (NOMS) in England and Wales; consider and address accountability and workforce issues; and manage change. One respondent suggested an examination of how such approaches work in other jurisdictions.

5.18 Other suggestions included the need for: national guidance and local commissioning / delivery; a statutory duty; strong leadership; funding for local priorities and successful services; and evaluation.

5.19 A few respondents made other comments including: that this appeared to be the Government’s preferred option; that the option focused only on service delivery,

or only on the CJSW service or structure; and that only limited information was given about how the option would work.

### **Question 27 - Incorporation of RMA functions**

5.20 Question 27 asked:

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

#### ***Overall views***

5.21 Around two thirds of respondents addressed this question. The majority of comments focused on benefits.

#### ***Potential benefits – incorporation of RMA functions***

5.22 Some respondents expressed their general support for this suggestion, or stated that they did not object. Most of the respondents who identified positive aspects of this proposal, however, made a direct link to the adoption of Option C (i.e. by suggesting that they considered it appropriate if this was the chosen option, or stating that they did not support the option overall). A small number of other qualifications or conditions were also identified, including: compatibility with RMA functions; retention of impartiality and effectiveness of the RMA role; provision of adequate resources; and the inclusion of practitioners in the skill mix.

5.23 Among the specific benefits highlighted, the most common related to the impact of the suggestion on the overall structure of provision. Comments included that the proposal would:

- Address the concern that responsibility for service improvement should not lie with an external body.
- Reduce the number of bodies.
- Deliver a more equitable service.
- Allow the RMA and CJSW to sit together.
- Join up the risk-need-responsivity (RNR) approach with a person-centred solution focused way of working.

5.24 Other positive aspects identified were that it would: reduce risk and promote public protection and community safety; and enable staff to become more familiar with the purpose of the RMA and enable greater access to development in risk management practices.

#### ***Potential concerns or issues – incorporation of RMA functions***

5.25 The most frequent concerns raised (by small numbers of respondents in each case) related to the impact on the role of the RMA. For example, one respondent stated that they considered that the proposal may undermine the validity and delivery of the RMA's statutory functions, while a few stated that there may be a conflict of interest between the role of the RMA in assessing and approving risk management plans for OLRs and the supervision of such high risk cases. It was also suggested

that there may be problems in maintaining the overarching RMA remit in relation to other agencies, as well as in developing innovation and preventative work at a lower level. Other areas of concern identified included the potential loss of objectivity and independence; the potential dilution of the RMA's established role, ownership and credibility; and concerns about its links and role in relation to other relevant organisations (e.g. the Care Inspectorate; the Community Justice Unit; SSSC; IRISS; the SPS; police; and health). One respondent highlighted the value of an external agency.

5.26 A small number additional comments were made about the overall nature and functions of the RMA (e.g. the need for review; further discussion; clearer definition; and separation of operational and strategic responsibilities) or the way the functions could be incorporated. It was also suggested that additional staffing and training would be required.

5.27 One respondent identified the need for a continuing high priority to be given the management of risk, while another argued that there would be a need for equal respect and consideration to be given to core social work values. One respondent suggested that consideration should be given to the potential to bring the risk management plan approval process alongside the work of the parole board, and another that there should be Scottish Government oversight of the whole system.

### **Question 28 - Three Federation model**

5.28 Question 28 asked:

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

5.29 Just under three quarters of respondents addressed this question. A larger number of these voiced concerns with the proposal than identified potential benefits.

### ***Potential benefits – three Federation model***

5.30 Some respondents made general positive comments to suggest that the proposal was sensible or logical, sometimes linking this to views about the adoption of the option overall. A small number of respondents expressed other conditions or qualifications, such as:

- Providing arrangements work well for other services.
- The need for strong linkage at local authority level.
- Responsiveness to local need.
- Service delivery based on smaller local sub-divisions.
- Having a Chief Social Worker in each area.

5.31 The main focus of positive comments was on the alignment and coterminosity with other services. It was suggested, for example, that this could enable operational benefits, closer links and the development of a common agenda. It was also stated that there may be benefits in the correlation of leadership and management structures. In terms of other potential benefits, one respondent stated that the

establishment of Area Directors should create efficient lines of communication and responsibility between national strategic planning and local delivery. Another argued that there may be further benefits if the Scottish Court Service and Sheriffdoms also reflected these boundaries.

### ***Potential concerns or issues – three Federation model***

5.32 A few respondents expressed general concerns, or lack of support for the proposal or the option as a whole. The most commonly raised specific concerns related to the perceived impact on local services and links. Comments were made on:

- The importance of local links and services.
- The lack of compatibility with local service delivery.
- The remoteness of the Federations from local partners, individuals and communities.
- The dilution of ability of services to respond to local need.
- The loss of existing local links and partnerships.

5.33 One respondent stated that, while the model would benefit the services mentioned, it would not benefit other partners.

5.34 A further common concern related to the nature of areas. For example, concerns were expressed that the areas would be large, and could cover widely different areas. It was suggested that the size of the areas could lead to problems in achieving: effective local partnerships; shared cultural identity; and prioritisation and meeting of local needs, particularly in smaller authority areas. One respondent stated that it would not be possible for senior management to attend meetings in remote areas, which may delay decision making there. A few stated that further subdivision would be required, with some respondents noting that this has happened in the police service. It was also suggested that the proposal would not be compatible with boundaries of other relevant services (e.g. local authority, health board and the third sector).

5.35 Several respondents also expressed concerns about the supporting evidence for the proposal, including:

- A lack of evidence to show if the model would be effective or would impact on outcomes.
- A lack of evidence that change is needed.
- Perceived problems with the implementation of the Federation model elsewhere.
- Problems in comparing CJSW to the other services.

5.36 Other concerns (identified by small numbers of respondents in each case) related to: structure and organisation (e.g. increasing bureaucracy; and making the CSWO role more challenging); funding and costs (e.g. difficulties in allocation of S27 funding; inequality in allocation; and the costs of establishing a local presence); and the lack of “fit” with the wider agenda (e.g. the reform agenda and the Christie Commission).

## **Question 29 - Balance of national and local needs – strategic commissioning and procurement**

5.37 Question 29 asked:

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

5.38 Around two thirds of respondents addressed this question, but only around a third of these expressed a clear overall view of their agreement or disagreement. Where such views were identifiable, however, the majority suggested that they did not believe the approach provided a good balance between local and national service priorities and needs. This was reflected in the pattern of detailed comments.

### ***Potential benefits – balancing local and national priorities and needs***

5.39 A small number of respondents indicated that they supported the approach, or believed that it would provide a good balance. A few expressed positive views of particular aspects of the proposal or its implications, for example the provision of national oversight; the acknowledgement that commissioning may be delegated or an approach based on national commissioning, where appropriate, and local commissioning. The Scottish Government's ambition to work with local partners to undertake strategic commissioning based on needs, evidence and value for money was also noted.

5.40 Small numbers of respondents made positive comments about the potential impact of the proposal in terms of: improved consistency and approach; a focus on outcomes or evidence in commissioning; meaningful national standards; fair access to resources; economies of scale; and the empowerment of partners.

### ***Concerns – balancing local and national priorities and needs***

5.41 A small number of respondents indicated that they did not agree that a good balance would be provided with this option, or that they supported another approach. Where particular reasons were given, comments related most frequently to views of the actual nature of the ensuing balance. A few respondents highlighted the different needs between different types of area and a specific concern about a potential negative impact on remote and rural areas. Other comments include, for example, that there would be:

- More alignment with the national agenda.
- Insufficient local focus.
- A lack of awareness of, and responsiveness to local need.
- Potential conflict of interest.

5.42 A further broad area of concern related to aspects of the overall approach, particularly: the complexity (e.g. with the addition of an extra layer; or the general potential for confusion); and the perceived difficulties inherent in taking account of local needs and opportunities (e.g. with a lack of local accountability; size of the areas; capacity of the Directors; lack of flexibility; and a single approach to a

complex service). A small number of respondents raised concerns about the implications for particular types of work, for example: Multi-Agency Public Protection Arrangements (MAPPA); local partnerships; cross-service initiatives; the work of smaller local third sector organisations; and other local services (including “non-justice” services).

### ***Requirements or suggestions and other comments***

5.43 The most common additional suggestions related to the importance of local needs and priorities, and the requirement to address these. Small numbers of respondents made suggestions relating to other issues such as:

- Staff and workforce issues (e.g. the need for skills to effectively commission and procure services).
- Links and relationships (e.g. a duty to co-operate, alignment to commissioning and procurement of other relevant provision).
- Funding (e.g. removal of barriers, and value for money).
- Evaluation of the Reducing Reoffending Change Fund.

5.44 A range of other perceived requirements were identified, including flexibility in national and local commissioning; attention to rural and island areas; and avoidance of disadvantage to small local third sector organisations. The importance of the balance between local and national commissioning and procurement was stressed, as was the need to ensure that this is not carried out in isolation from other relevant services. A few respondents suggested a need for further clarification of the proposed approach.

### **Question 30 - Access to mainstream non-justice services**

5.45 Question 30 asked:

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

5.46 Around two thirds of respondents addressed this question, and the majority of these respondents stated or implied a clear view. Of these, the majority expressed the view that placing a statutory duty on local partners and a strong Chief Executive would not help facilitate access to mainstream non-justice services. This was reflected in the pattern of comments, where more respondents highlighted concerns or perceived reasons why this would not be the case.

### ***Positive aspects of helping facilitate access – statutory duty and Chief Executive***

5.47 Some respondents made general comments to suggest that they agreed that these changes would help facilitate access to mainstream non-justice services, or stated that they would be an essential element of this option. One respondent stated that they would enable a focus on offenders’ needs.

5.48 Among the specific comments, a common view was that the Chief Executive might have an impact at a national level, and may be able to link with national organisations. It was also suggested that this post would provide visible and accountable leadership, and could represent the work of CJSW.

5.49 Several respondents also suggested that a statutory duty may also have an impact as it could: enable a commitment to reducing reoffending; promote co-operation; increase partnership working; promote working with third sector organisations; and promote accountability and responsibility. A few respondents argued that this would be particularly important with Option C.

### ***Concerns about helping facilitate access – statutory duty and Chief Executive***

5.50 A few respondents indicated that they did not agree that these proposals would help facilitate access to mainstream non-justice services, or argued, for example, that: there is no evidence to support this; the impact may be insufficient; or that the proposals may weaken or hinder such access.

5.51 Most respondents, however, made specific comments about concerns, or expressed their views about why this would not help facilitate access. A common theme was the perceived lack of impact of the Chief Executive at a local level (e.g. difficulties negotiating with all local partners; limited capacity; and lack of impact on local relationships). It was also suggested that the impact of the Chief Executive would depend on the postholder, and one respondent argued that this placed a lot of responsibility on them, rather than holding all partners to account.

5.52 A further common theme was the perceived limitations of a statutory duty (e.g. that this does not necessarily promote commitment, priority, quality of work, provision or change; and may have a negative impact).

5.53 Issues were also raised relating to the local nature of many of the relevant non-justice services, including some third sector services, and the view that these are best influenced at a local level, and are reliant on local professional relationships and existing inter-agency arrangements. It was suggested that this may not take place with this proposal, particularly with small local authorities, and that the new agency would need to make its own links with local authorities and partners, which would take time.

5.54 Several respondents linked their view of these proposals to concerns with the option overall (e.g. costs and resources; barriers to access; information sharing difficulties; and damage to relationships), or a preference for another option. Additional concerns were raised relating to the overall nature and pattern of provision. For example, one respondent stated that, without management responsibility for criminal justice services, local authorities may not prioritise another agency's service users in the same way. Another suggested that the service would be relatively small, and its influence limited. It was also argued that the proposals could lead to differences in availability of provision and access, and that there would be a need for staff time to break down new barriers.

5.55 Several respondents argued that there would be other (perhaps better) ways of achieving this (e.g. existing arrangements; integration of health and social care;

local multi-agency partnership working, networks and relationships; collective responsibility and shared understanding; and the choice of another option). Linked to this, some respondents argued that other factors impact on improving access to mainstream non-justice services.

### ***Other comments***

5.56 Among the other comments, some respondents expressed the view that services should not be separated into “justice” and “non-justice”. A few made suggestions about the nature of the duty (e.g. to provide services; to work with third sector providers). Suggestions were also made about roles and responsibilities (e.g. a clear role for the Chief Executive; the same powers as a Chief Social Work Officer; enhanced legal responsibility of services under a duty to co-operate; and the involvement of all relevant sectors, including the judiciary and the third sector). Another suggested that a statutory duty on local partners and a strong Chief Executive negotiating on behalf of CJSW would not require a single service model.

### **Question 31 - Dedicated Community Justice Unit**

5.57 Question 31 asked:

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

5.58 Just under two thirds of respondents addressed this question. The majority of comments identified potential benefits of this proposal.

### ***Potential benefits – dedicated Community Justice Unit***

5.59 The majority of comments about potential benefits of a dedicated Community Justice Unit were at a general level, where respondents expressed views that, for example: they supported the proposal with this option; considered it sensible, beneficial and positive; or considered it necessary if there were to be a national service. Some respondents expressed support for specific aspects of the proposal (e.g. the commitment to social work values; ambition to build expertise, capacity and resilience, and adopt a strategic approach to workforce development and leadership). A few respondents stated specifically that they did not support Option C, or stated that the formation of such a unit could take place with any of the three options, or combined with Option B.

5.60 Among positive comments, small numbers highlighted the benefits of: a national strategic approach (e.g. a national framework for workforce development; meaningful standards and guidelines; co-ordination; links to the Scottish Government; and priority and profile for community justice services). Some also highlighted staff training and skills (e.g. co-ordinated workforce development and performance measurement; consistency in standards; improved knowledge and links across social work; and professional identity). A few respondents stated that this might assist in developing local understanding of typical problems and solutions, or providing a dedicated one-stop service.

### ***Potential concerns or issues – dedicated Community Justice Unit***

5.61 Some concerns were also identified with this proposal (by small numbers in each case). Some of these related to a generally negative view or to concerns about the option overall; that a unit would not address these problems; or the view that structural change of this type was not required.

5.62 Some of the concerns related to the costs of establishment of such a unit. Some related to aspects of the overall nature of provision, including concerns that the unit may:

- Increase bureaucracy.
- Duplicate the responsibilities of other agencies.
- Encourage “silo thinking”.
- Align the reducing reoffending agenda too closely with one agency.
- Lead to a “non-social work approach”.

5.63 One respondent expressed concerns about the potential implications for remote and rural areas.

### ***Other comments***

5.64 Among the other comments made, a few respondents suggested an alternative approach (e.g. links to skills and knowledge in the wider social work field; the adoption of another option; or the role being fulfilled by another organisation[s]). Suggestions were also made about perceived requirements for the unit, such as that it should:

- Ensure strong links to organisations with responsibility for developing National Occupational Standards.
- Develop guidance.
- Promote research in reducing reoffending.
- Identify clear lines of communication.
- Ensure a focus on local needs.
- Link to other services.
- Avoid replication of existing provision.
- Ensure accessibility to the third sector.

5.65 One respondent argued that the role and remit of the unit would need to be clear, and advised against “re-invention” of the previous Effective Practice Unit.

5.66 A few respondents identified specific issues for clarification (e.g. the Chief Social Work Officer role; the role of the RMA; and language and terminology). A few stated specifically that, if CJAs were to be abolished, functions such as training, groupwork and practitioner accreditation would have to be returned to the Government or allocated to another agency.

## Summary of findings: Option C

5.67 In summary, the main findings relating to Option C were as follows:

- A small number of respondents expressed an overall preference for this model.
- Many respondents, however, whatever their preferred option overall, also identified positive aspects of Option C, particularly in terms of consistency, simplification of the structure and a national voice.
- The most common concerns related to links and partnership working between CJSW and other relevant services, and the implications of this option for addressing local issues.
- The majority of comments on the proposal to incorporate the functions of the RMA into a new single service identified positive aspects of this.
- Views of the three Federation grouping with this option were mixed, although a larger number identified concerns than positive aspects.
- Where there were clear views about whether the approach to strategic commissioning and procurement provided a good balance between local and national priorities and needs, the majority suggested that it did not, and this was reflected in the pattern of comments.
- Where clear views were expressed about whether placing a statutory duty on local partners and a strong Chief Executive would help facilitate access to mainstream non-justice services, the majority suggested it would not. Again, this was reflected in the pattern of comments.
- The majority of comments about the proposal to establish a dedicated community justice unit were positive and identified benefits of this.

## **SECTION 6: EQUALITY, BUSINESS AND THIRD SECTOR IMPACT AND OTHER ISSUES**

6.1 This section presents the findings relating to the perceived equality and business and third sector impact (Questions 8 and 9) and any other issues raised in the consultation (Question 32).

### **Question 8 - Equality impact**

6.2 Question 8 asked:

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

6.3 Just under three quarters of respondents addressed this question. A few respondents expressed the general view that the overall impact of all of the options on equalities issues would be positive, a few stated that there would be little or no impact. One expressed overall equality-related concerns. Most, however, rather than providing an overall view made specific comments, and a number of common themes were identified. These included: the general equalities requirements of the proposals; the implications of each of the options or specific aspects of proposals; and the perceived impact on particular groups.

#### ***Equalities requirements***

6.4 A large number of respondents identified overall equalities requirements of the proposals. Several, for example, identified that the existing equality duties and compliance with the Equality Act 2010 would remain the responsibility of the public bodies involved. Two also stated generally that the consultation appeared to take account of equality legislation. Several respondents commented on the need for an equality impact assessment before the implementation of any option. Other general provisions suggested were: a national guidance framework to promote the equality agenda for offenders; equalities monitoring; and training.

#### ***Implications of particular options or aspects of the proposals***

6.5 A further common theme was the identification of the impact of particular options or aspects of the proposals. Most of these comments focused on options B and / or C. A small number of respondents commented on Option A. A very small number identified, for example, the positive role CJAs have played in facilitating improved access to services, or suggested that the proposed option could identify local needs. Concerns were expressed about the separation of CJAs from local services, its sector-specific focus; and limited responsiveness to local variations. It was also suggested that, if this option was chosen, there must be: a gender balance on the Board; provision of services to address the needs of women offenders; and clear local links.

6.6 Comments on the equality impact of Option B were largely positive, with benefits of this model in terms of equality seen to include:

- Local knowledge of diversity issues and local needs.
- Taking a “whole systems” approach.
- Local authorities’ “track record” in addressing equalities issues.
- Partnership working (including through the CPP).
- Enabling access to other relevant services.
- Responsiveness of services to local demand (including in rural areas).

6.7 Although few concerns were expressed, those highlighted related to: the potential impact of the current financial climate, particularly on women in the workforce and on services to offenders; the danger of a “postcode lottery” of provision; and the lack of a “critical mass” of some groups to ensure appropriate provision. It was also suggested that, if this option was chosen, the Leadership Group must have a gender balance.

6.8 Comments on the equality impact of Option C largely related to areas of concern, but a small number of respondents identified benefits. These included:

- More cost-effective impact assessment of policy.
- An opportunity to address inequality in provision.
- Enhanced rights of offenders.

6.9 Potential concerns or issues raised included:

- Limited capacity of the Chief Executive and Federation Directors to ensure equality of access.
- Barriers to access to local services.
- Lack of responsiveness to variation in needs.
- Barriers to provision in remote and rural areas.
- A sector-specific focus.
- Risks to the wider community.

6.10 Some respondents stated specifically that, with this model, assurance would be needed that the needs of those living in the most deprived areas, rural communities, and the most vulnerable people would be recognised and acted upon. It was also stated that local links would be needed, and that the Board should take all necessary steps to encourage women to be involved.

6.11 In terms of the impact of particular aspects of the proposals rather than specific options, one respondent suggested that basing provision on social work values and principles would contribute to ensuring equality. It was also suggested that the separation of CJSW services from other social work services may increase barriers for some service users, reduce provision and increase stigma. Several respondents made specific comments about the perceived benefits in terms of a range of aspects of equality for services to be provided at a local level, with local information sharing and the opportunity for input from small local agencies. A few suggested that a move to larger organisations would have a negative impact on equalities issues, and a few that an enhanced Community Justice Unit could help enable appropriate access to provision. One respondent argued that relying on positive relationships, rather than a statutory duty, might not be the best means of addressing the complex issues faced by women offenders.

### ***Impact on particular groups***

6.12 A number of groups were identified for which the proposals may have implications. Some respondents, for example, noted the impact on offenders, as a group who experience discrimination and disadvantage. The need was stressed, whichever option was adopted, to make appropriate arrangements for victims, offenders and their families, and to enable equal access to the services they require.

6.13 It was also suggested that all of the proposals may have gender implications, and the importance of considering these issues and ensuring appropriate provision for women (including, for example, women offenders and women experiencing domestic abuse) was identified.

6.14 Some implications of the proposals for young people were also identified and a concern was raised about the potential detrimental effect of changes upon them. It was suggested that the way young people would “fit” into the proposals was not addressed in the consultation document (although one respondent stated elsewhere that the links to youth justice are clearer in a social work model). The importance of considering their needs (to include, for example, looked after and accommodated young people and those experiencing domestic abuse), and ensuring appropriate services was also identified.

6.15 A further group identified upon whom there may be a specific impact was people in remote and rural areas. The main concerns related to a move to a national service or the centralisation of services and structures, and the potential to marginalise these areas. It was also suggested that there may be particular implications for ethnic minority communities (e.g. in terms of their uneven distribution across Scotland); people with mental health problems; people with addiction issues; and vulnerable adults.

### ***Other comments***

6.16 Among the other comments made, some respondents stressed the importance of equalities issues and welcomed the focus on this. Others expressed support for particular developments in criminal justice work. Some identified current problems and gaps in equalities work or that the current system is structured to the needs of male offenders. One stressed the importance of the use of appropriate language in promoting desistance.

6.17 Some respondents highlighted the need to meet the needs of all equalities groups, as well as to ensure equality of access to services and to promote user involvement. It was also suggested that there is a need to be able to address national priorities and meet local needs. One respondent stated that it would have been helpful if the paper had presented equality impact assessments for each option. Another stated that the proposals would benefit from wider discussion in terms of equalities issues.

## **Question 9 – Business and third sector impact**

6.18 Question 9 asked:

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

6.19 Around 80% of respondents addressed this question. Several respondents argued that the options would have a general positive impact on the contribution by businesses and the third sector, while a slightly smaller number expressed overall concerns. One respondent argued that there would be no significant impact, and a few respondents stated that the impact of the proposals was not clear from the information presented. Most respondents, however, rather than providing an overall view, made more specific comments on aspects of the impact of the proposals on businesses and the third sector.

### ***The role of businesses and the third sector and the general impact***

6.20 A large number of respondents made comments on the role of businesses and the third sector in community justice, and the perceived general impact of the proposals. Some general comments were made suggesting that the organisational arrangements may have some effect on the contribution made, or that the proposals offer potential for greater co-ordination, development and involvement by both sectors. A few respondents suggested that the role of the third sector would be strong, whatever the option selected, and another that the sector may be able to demonstrate greater flexibility.

6.21 Some respondents, however, expressed some overall concerns, including a few who stated that the proposals might have a negative impact on the third sector. A concern was also expressed about the limited recognition of the role of the third sector in all of the options, along with a view that all three should be more specific about the involvement of both sectors. A few respondents expressed concerns about the involvement of businesses in community justice (in terms, for example, of their profit-making focus; or the belief that public services should be provided by directly employed public service workers rather than the private sector) and / or stated that a persuasive case for engagement with the sector had not been made.

6.22 A range of comments were made on the perceived roles of these sectors in terms of the provision of their services. Several commented on the involvement of businesses and their role in the overall picture or gave particular examples. Aspects of their contribution highlighted included: delivery of some aspects of services (e.g. work experience; apprenticeships; employability work; and training for ex-offenders); and working in partnership with other local services. A large number of respondents made comments on the role and contribution of the third sector, or provided examples. Some stressed the importance of the contribution, while others identified specific aspects of their involvement, such as: innovation; projects and placements; employment and learning opportunities; supporting core and other essential services; delivering specific forms of work; and working in partnership.

## ***Implications of particular options or aspects of the proposals***

6.23 Comments on the impact of particular options focused largely on options B and C. Few comments were made on Option A, but these included: a perceived positive impact of CJAs on involvement of these sectors; the opportunity to take a national approach with providers and commission services to meet local needs; and to develop existing links. Concerns were expressed about a perceived lack of clarity in accountability and commissioning; a lack of evidence about how the option would bring about a strategic approach; lack of responsiveness to local issues; and potential to marginalise business and third sector partners. It was suggested that this option would require the establishment of firm local links.

6.24 Most of the comments on Option B focused on the positive impact of this option, with a very small number of comments on concerns. Potential benefits were seen to include:

- The option to build on and strengthen existing relationships and partnership working.
- The ability to commission services to meet local needs (and opportunities for co-commissioning).
- Greater involvement of smaller, local third sector organisations.

6.25 Concerns included:

- Potential limitations to the volume of third sector services purchased.
- Reduced access to resources.
- Reduced capability for third sector engagement at a national level.
- An increased administrative burden.

6.26 Most of the comments on Option C focused on concerns about the impact of this option. A few respondents identified potential benefits, which included:

- A more structured approach to involvement.
- A Scotland-wide approach.
- Easier negotiation of national contracts.
- Cost benefits.
- An improved profile for community justice work.

6.27 Concerns related to:

- A potential to marginalise business and third sector partners.
- Potential limitations to the amount of third sector services purchased.
- Lack of responsiveness to local issues (particularly in rural areas).
- A threat to small third sector organisations and small and medium enterprises (SMEs).
- Difficulties in competing.
- Stifled development.
- Reduced access to local services (e.g. employability).
- Higher costs.
- Disruption to contributions.

- A lack of evidence about how the option would bring about a strategic approach.

6.28 A few respondents suggested that the option would require a balance between central and local planning, local links, and consideration of third sector funding.

6.29 In terms of specific aspects of the proposals, comments were made about the potential negative impact of the removal of CJSW from local authority management; the need for allocation of contracts and provision based on local need; the need for inclusion of small, local interventions; and the need for local connections. It was also suggested that funding conditions should not prohibit bids from small third sector partners. It was also noted that the roles and level of current involvement of the business and third sector differ, and the consequent impact of the proposals may also differ.

### ***Requirements or suggestions and other comments***

6.30 The strengthening of third sector involvement in planning, management and delivery of services was highlighted frequently. Some specific suggestions included:

- Robust commissioning and clear expectations.
- Development of projects and placements.
- Provision of appropriate resources and clarity of funding.
- Recognition of third sector organisations as equal partners.
- Increased involvement in local partnerships.

6.31 Several respondents also made comments on developing work with the private sector, and specific suggestions included: improved communication and information sharing; involvement in partnerships; development of employment opportunities; and detailed regulation of engagement.

6.32 A few respondents suggested that there should be a duty on the statutory sector to engage with the third sector and / or businesses. The perceived importance of strategic direction, leadership and monitoring were also highlighted, and one respondent suggested that the principles of the Change Fund should be built upon. Two respondents also argued that the chosen option should take account of the workforce implications in both sectors.

### **Question 32 - Other issues raised in the consultation**

6.33 Question 32 asked for any additional comments. Just over half of the respondents provided comments at this question while, in addition, a large number made additional comments in letters or other supporting material. While there was some overlap with respondents who addressed the question directly, over 80% of respondents in total made additional comments outwith the questions.

6.34 There were a number of overall themes identified on which a large number of respondents made additional comments. These were: the consultation; the current situation and examples of existing work; the specific options; issues affecting specific groups; and the key characteristics and requirements of a community justice system.

A few respondents made comments on specific aspects of the way forward. Additional comments on the particular options have been considered at the relevant questions.

### ***The consultation***

6.35 Many respondents made additional comments on the consultation process, their organisation or their response. These included, for example, comments on: the basis of the response (e.g. who was represented; how it was generated); the roles and responsibilities of the respondent including, for example, the nature of an organisation; or a respondent's involvement and expertise in community justice; and the nature and coverage of the response (e.g. focus and issue covered; limitations and issues not covered; links to another response).

6.36 Several respondents welcomed the opportunity to comment and contribute to the consultation, or welcomed a specific aspect of the consultation (e.g. the Government's commitment to engagement; consideration of the issues; use of the term "community justice system"; focus on victims, people who offend, families and local communities; endorsement of core values and principles of social work and the wider community justice field; the move towards consistency; and key characteristic "m" [a strategic approach to workforce development and leadership]). One respondent stressed the overall importance of the consultation, another the uncertainty and potential disruption of the process and outcome, and another the potential cost.

6.37 Several respondents commented on the overall nature or focus of the consultation. This included, for example, views that: or structural change alone would not deliver the key characteristics, or other outcomes sought. A few stated that they did not consider it helpful to try to differentiate the options in this way, or questioned the perceived focus of the consultation on the structure as the means of improvement. One respondent also argued that there is a "managerial ethos" to the proposals and insufficient focus on personal and professional virtues.

6.38 Several respondents highlighted other important factors in achieving outcomes (including, for example: leadership; overall purpose; common vision, values and priorities; accountability; governance; a transparent financial framework; delivery arrangements; ownership and culture; and the actions of those involved). A very small number suggested that the questions were designed to elicit a particular response, or implied a decision had been made.

6.39 Comments were also made on specific perceived gaps or areas with insufficient coverage in the document. Those highlighted included links to broader issues and the wider agenda and developments, such as: the principles of public sector reform; the cost of reoffending; the wider reoffending agenda; key policy frameworks; early intervention and prevention; recent trends; PSPs; changes to courts and the police; and other reforms and policy developments.

6.40 Gaps or insufficient coverage were also identified in relation to: issues for victims; implications for staff; and electronic monitoring as an aspect of redesigning community justice.

6.41 It was also suggested that the focus of the consultation did not reflect the complexity of change needed across a range of agencies and services, and that there was a lack of costing of the options, and a need for further clarity of the options, or specific aspects of these. It was also suggested that there should be a clear definition of “community justice”.

### ***Current situation and examples of existing work***

6.42 A further common theme was the current situation relating to community justice. This included comments on the nature of the current system, or the history of community justice developments. Some respondents commented on the perceived need, or scope, for reform or improvement. A few identified the current climate of change and the opportunity to address issues.

6.43 A few respondents also stressed, however, that it is important that positive aspects of current arrangements should not be lost, or that strengths should be built upon. Similarly, a few respondents made additional comments questioning the overall need for structural change.

6.44 Several respondents provided particular examples of current or recent work, including: the work of CJAs; CPPs and the third sector. Further examples included other developments in partnership working and workforce development. Examples were also given of: the development of standards, principles and indicators; developments in evaluation; youth justice; family support; and other work.

### ***Comments on specific issues***

6.45 Several respondents also made comments on specific issues. These included issues affecting particular groups, with some focusing on staff. Comments were made, for example, on: training and qualifications and the implications of separation of qualification and training; the importance of core social work values; issues relating to staffing any new arrangements; and the perceived implications of moving from local authority control.

6.46 Issues for offenders were also raised (e.g. health inequalities; the needs of women offenders; the needs of offenders with speech, language and communication needs; issues for victims of crime; and issues in youth justice).

6.47 Comments were also made in relation to issues for particular types of organisation, or their specific roles in community justice work, including, for example: third sector services; the role of occupational therapy; and the role of the RMA. A few respondents also stressed the importance of taking account of specific issues, such as: wider public health priorities; and how to deal with the statutory functions of the CJAs as set out in the Management of Offenders etc. (Scotland) Act 2005.

### ***Key characteristics and requirements of a community justice system***

6.48 Many respondents expressed additional views about key characteristics or perceived requirements of a community justice system. These suggestions can be grouped into the following broad areas: the basis and nature of service provision; the

overall means of provision and supporting infrastructure; oversight and support; and specific types of community justice work.

6.49 In terms of the overall nature of the system and supporting infrastructure, comments included the perceived need for:

- A strategic approach.
- Appropriate governance and structure.
- A clear framework for accountability.
- A transparent financial framework.
- Appropriate resources and commissioning arrangements.
- An evidence base.
- Partnership working and collaboration.
- Links between different services and partnerships.
- Opportunities for cross-boundary working where appropriate.
- Clear delivery arrangements and roles.
- Involvement of a range of stakeholders.
- Workforce development and planning.
- Appropriate IT systems.
- Building on existing strengths.

6.50 In terms of the basis and nature of service provision, comments included the perceived need for:

- Local provision and responsiveness to local needs.
- Social work values and principles, and a professional identity.
- An holistic, person-centred approach.
- An outcome focus.
- A focus on early intervention and prevention.
- A whole system approach.
- An integrated approach.
- An asset based approach and co-production.
- User, staff, family, victim and the wider community involvement.
- Flexibility, and innovation.
- Consistency.
- Ownership of the agenda.
- Building on existing strengths and “what works”.

6.51 In terms of oversight and support, comments included the perceived need for:

- A national framework.
- Guidance.
- An overall purpose; clear aims; agreed priorities; common vision; and shared values.
- Leadership (national and local), oversight and direction.
- Co-ordination, and effective performance management.
- External scrutiny, regulation and inspection.
- Quality assurance, monitoring, evaluation and assessment.
- A focus on continuous improvement.

6.52 In terms of specific types of community justice work, comments included the perceived need for:

- A shared commitment to community based sentencing.
- Reducing reoffending by those already in the system.
- Support to, and protection of victims.
- Restorative justice.
- Continued development of assessment and risk management.
- Support to offenders and specific groups of offenders.
- Review of disclosure, particularly for young people.
- A strategic approach to SLCN and an inclusive communication standard.
- Electronic monitoring.
- Harmonisation of IT.
- Promotion of criminal justice practice through award schemes.

6.53 A few respondents expressed their specific agreement with the key characteristics set out within the consultation document, or in other documents (e.g. a local authority's own plan; CoSLA and SOLACE principles of reform; the "four pillars" of the Christie Commission).

### ***Specific aspects of the way forward***

6.54 Some comments were also made on particular aspects of the way forward. These included suggestions that: consideration should be given to continuity planning; CJSW services must be supported to continue to deliver services; the final model should be "future proofed"; and the changes should be introduced as quickly as possible although it was also suggested that the system should be allowed time to evolve, and that this will be a long term process. A few respondents also stressed the need for developments to be linked to the wider agenda. A small number of respondents suggested ways in which they or their organisation could have a role in the development and delivery of new arrangements.

### **Summary: Equality impact, business and third sector impact and other issues raised**

6.55 In summary, the main findings relating to the equality impact, business and third sector impact and other issues raised in the consultation are as follows:

- Comments on the equality impact of the proposals focused on: general equalities requirements of the proposals; the implications (positive and negative) of each of the options or specific aspects of proposals; and the perceived impact on particular groups.
- The main themes in relation to the impact on businesses and the third sector included comments on: the role of businesses and the third sector in community justice and the general impact; the implications (positive and negative) of each of the options or specific aspects of the proposals; and perceived requirements and suggestions relating to businesses and the third sector.

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

## **ANNEX 1 THE CONSULTATION QUESTIONS**

### **All options**

1. Which option(s) do you think is more likely to meet the key characteristic (set out on pages 15 and 16 of the consultation) that, if integral to any new community justice system, are more likely to lead to better outcomes?
  - a. Strategic direction and leadership to drive forward performance improvements and deliver public services that protect victims and communities and meet the needs of people who offend
  - b. A focus on prevention and early intervention
  - c. Better and more coherent person-centred opportunities for supporting desistance, which focus on developing the capacities and capabilities of offenders to enable them to make a positive contribution to their families and communities
  - d. Clearer lines of political, strategic and operational accountability for performance and mechanisms to support continuous improvement
  - e. Effective local partnership and collaboration that brings together public, third and private sector partners, including non-justice services, and local communities to deliver shared outcomes that really matter to people
  - f. Strategic commissioning of services that are based on a robust analysis of needs, evidence of what supports desistance and best value for money
  - g. A strong and united voice that represents community justice interests with the judiciary, public and media
  - h. Better data management and evaluation to assess organisational and management performance, including the impact of services
  - i. Involvement of service users, their families and the wider community in the planning, delivery and reviewing of services
  - j. Provision of an overview of the system as a whole, including consistency and breadth of service provision
  - k. Better integration between local partnership structures, services and organisations working with offenders and their families
  - l. A more co-ordinated and strategic approach to working with the third sector
  - m. A strategic approach to workforce development and leadership for criminal justice social work staff that is based on evidence of what supports desistance and builds expertise, capacity and resilience and encourages collaborative working with other professionals towards shared outcomes
  - n. Greater professional identity for community justice staff which builds on their existing values and provides well defined opportunities for career progression
  - o. Ability to follow innovation nationally and internationally, as well as develop and share evidence based good practice

2. Which option(s) will result in the significant cultural change required to redesign services so that they are based on offender needs, evidence of what works and best value for money?
3. Which option(s) will result in improvements in engagement with, and quicker access to, non-justice services such as health, housing and education?
4. Do you think a statutory duty on local partners will help promote collective responsibility for reducing reoffending among all the bodies who work with offenders? If not, what would?
5. Under options A and B should funding for criminal justice social work services remain ring-fenced?
6. Are there specific types of training and development that would be beneficial for practitioners, managers and leaders working in community justice? Who is best placed to provide them?
7. Is there potential for existing organisations such as Scottish Social Services Council, Institute for Research and Innovation in Social Services and knowledge portal Social Services Knowledge in Scotland to take on a greater role in supporting and developing the skills and expertise of professionals working with offenders?
8. What do you think are the equalities impact of the proposals presented in this paper, and the effect they may have on different sectors of the population?
9. What are your views regarding the impact that the proposals presented in this paper may have on the important contribution to be made by businesses and the third sector?
10. Are there other options, or permutations of the options presented in this paper, which should be considered? Please provide details.

### **Option A: Enhanced Community Justice Authority (CJA) Model**

11. What are your overall views on retaining CJAs but changing their membership and functions?
12. Will appointing a chair and expanding the membership of the CJA Board to include the Health Board help remove any potential conflict of interest and promote collective responsibility for reducing reoffending?
13. What do you think of the alternative proposal for all Board members to be recruited through the public appointments system based on skills, knowledge and experience?
14. Do the proposals under Option A give CJAs sufficient levers and powers to reduce reoffending efficiently and effectively?

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

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

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

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

### **Option B: Local Authority model**

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

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

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

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

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

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

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

### **Option C: Single Service model**

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

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

28. What do you think about grouping local delivery around the three Federation model currently employed by the Crown Office and Procurator Fiscal Service and police?
29. Does the approach to strategic commissioning and procurement provide a good balance between local and national service priorities and needs?
30. Do you think that placing a statutory duty on local partners and a strong Chief Executive negotiating on behalf of the new single service will help facilitate access to mainstream non-justice services?
31. What do you think of the proposal to establish a dedicated community justice unit as part of the new service?
32. Any additional comments

## ANNEX 2 RESPONSES TO QUESTION 1

Question 1 asked, for each of 15 key characteristics:

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

The tables below deal with the responses provided to each of the 15 elements of question 1. In each case, the data presented is a summary of the number of responses which contain “A”, or “B”, or “C”.

1a. Strategic direction and leadership to drive forward performance improvements and deliver public services that protect victims and communities and meet the needs of people who offend.

Table 1. Summary of responses containing A, B or C for Q1a

	No.	% of all	% of those making a choice
Contains A	16	14%	22%
Contains B	55	49%	74%
Contains C	39	35%	53%
Not answered	38	34%	

1b. A focus on prevention and early intervention

Table 2. Summary of responses containing A, B or C for Q1b

	No.	% of all	% of those making a choice
Contains A	16	14%	22%
Contains B	63	56%	85%
Contains C	23	21%	31%
Not answered	39	35%	

1c. Better and more coherent person-centred opportunities for supporting desistance, which focus on developing the capacities and capabilities of offenders to enable them to make a positive contribution to their families and communities

Table 3. Summary of responses containing A, B or C for Q1c

	No.	% of all	% of those making a choice
Contains A	13	12%	18%
Contains B	60	54%	81%
Contains C	26	23%	35%
Not answered	39	35%	

1d. Clearer lines of political, strategic and operational accountability for performance and mechanisms to support continuous improvement

Table 4. Summary of responses containing A, B or C for Q1d

	No.	% of all	% of those making a choice
Contains A	8	7%	11%
Contains B	50	45%	68%
Contains C	41	37%	55%
Not answered	37	33%	

1e. Effective local partnership and collaboration that brings together public, third and private sector partners, including non-justice services, and local communities to deliver shared outcomes that really matter to people

Table 5. Summary of responses containing A, B or C for Q1e

	No.	% of all	% of those making a choice
Contains A	15	13%	20%
Contains B	62	55%	84%
Contains C	18	16%	24%
Not answered	37	33%	

1f. Strategic commissioning of services that are based on a robust analysis of needs, evidence of what supports desistance and best value for money

Table 6. Summary of responses containing A, B or C for Q1f

	No.	% of all	% of those making a choice
Contains A	20	18%	27%
Contains B	53	47%	72%
Contains C	33	29%	45%
Not answered	37	33%	

1g. A strong and united voice that represents community justice interests with the judiciary, public and media

Table 7. Summary of responses containing A, B or C for Q1g

	No.	% of all	% of those making a choice
Contains A	17	15%	23%
Contains B	43	38%	58%
Contains C	52	46%	70%
Not answered	38	34%	

1h. Better data management and evaluation to assess organisational and management performance, including the impact of services

Table 8. Summary of responses containing A, B or C for Q1h

	No.	% of all	% of those making a choice
Contains A	14	13%	19%
Contains B	51	46%	69%
Contains C	40	36%	54%
Not answered	38	34%	

1i. Involvement of service users, their families and the wider community in the planning, delivery and reviewing of services

Table 9. Summary of responses containing A, B or C for Q1i

	No.	% of all	% of those making a choice
Contains A	14	13%	19%
Contains B	67	60%	91%
Contains C	17	15%	23%
Not answered	37	33%	

1j. Provision of an overview of the system as a whole, including consistency and breadth of service provision

Table 10. Summary of responses containing A, B or C for Q1j

	No.	% of all	% of those making a choice
Contains A	7	6%	9%
Contains B	45	40%	61%
Contains C	46	41%	62%
Not answered	38	34%	

1k. Better integration between local partnership structures, services and organisations working with offenders and their families

Table 11. Summary of responses containing A, B or C for Q1k

	No.	% of all	% of those making a choice
Contains A	14	13%	19%
Contains B	64	57%	86%
Contains C	15	13%	20%
Not answered	37	33%	

1l. A more co-ordinated and strategic approach to working with the third sector

Table 12. Summary of responses containing A, B or C for Q1l

	No.	% of all	% of those making a choice
Contains A	17	15%	23%
Contains B	54	48%	73%
Contains C	45	40%	61%
Not answered	37	33%	

1m. A strategic approach to workforce development and leadership for criminal justice social work staff that is based on evidence of what supports desistance and builds expertise, capacity and resilience and encourages collaborative working with other professionals towards shared outcomes

Table 13. Summary of responses containing A, B or C for Q1m

	No.	% of all	% of those making a choice
Contains A	23	21%	31%
Contains B	50	45%	68%
Contains C	48	43%	65%
Not answered	39	35%	

1n. Greater professional identity for community justice staff which builds on their existing values and provides well defined opportunities for career progression

Table 14. Summary of responses containing A, B or C for Q1n

	No.	% of all	% of those making a choice
Contains A	14	13%	19%
Contains B	52	46%	70%
Contains C	44	39%	59%
Not answered	40	36%	

1o. Ability to follow innovation nationally and internationally, as well as develop and share evidence based good practice

Table 15. Summary of responses containing A, B or C for Q1o

	No.	% of all	% of those making a choice
Contains A	21	19%	28%
Contains B	48	43%	65%
Contains C	52	46%	70%
Not answered	40	36%	

## **ANNEX 3: THE RESPONDENTS**

The respondents were as follows:

Aberdeenshire Community Planning Partnership  
Aberdeenshire Council  
Aberlour Childcare Trust  
Action for Children  
Action of Churches Together in Scotland  
ADSW  
Alec Spencer  
Allison Scott  
Angus Council  
Ann Murdoch  
Argyll and Bute  
Argyll, Bute and Dunbartonshires' Criminal Justice Social Work Partnership  
Circle  
CJA Training Officers  
Clackmannanshire Council  
Community Justice Authorities  
Cornerstone  
CoSLA  
Criminal Justice Voluntary Sector Forum (CJVSF)  
David Cross  
Dumfries and Galloway Regional Partnership  
Dundee City Council  
DWP  
East Ayrshire Community Planning Partnership  
East Ayrshire Council  
East Dunbartonshire CHP  
East Lothian Council  
East Renfrewshire Alcohol And Drug Partnership  
East Renfrewshire Community Health and Care Partnership  
Edinburgh Health and Social Care Partnership  
Edinburgh Local Practitioner Forum (ELPF)  
Errol Community Council  
Faculty of Advocates  
Falkirk Council  
Families Outside  
Fife and Forth Valley CJA  
Fife Council  
Gillian Booth  
Girvan and District Community Council  
Glasgow City Council  
Glasgow City Council  
Glasgow CJA  
Glasgow Housing Association Limited  
Helen Wright  
HM Chief Inspector of Prisons for Scotland

Howard League  
Howard Llewellyn  
Inverness Prison VC  
Isobel Townshend  
Jan Scott  
Jane Fenton  
John Paterson  
Jon Belton  
Julie Morton  
Kirsteen Green  
Lanarkshire CJA  
Law Society of Scotland  
Lillian Cringles  
Liz Coates  
Lynn Youngson  
Mark Hodgkinson  
Midlothian Council  
Moray Council  
National Youth Justice Advisory Group (NYJAG)  
NHS Ayrshire and Arran  
NHS Borders  
North Ayrshire Council  
North Lanarkshire Council  
North Strathclyde Community Justice Authority  
Northern Community Justice Authority  
Orkney Islands Council  
Perth and Kinross Council  
Peter Willox  
Police Scotland  
Renfrewshire [Draft]  
Risk Management Authority  
Royal College of Occupational Therapists  
Royal College of Speech and Language Therapists  
SACRO  
Scottish Ambulance Service  
Scottish Association for SW  
Scottish Drugs Forum  
Scottish Social Services Council (SSSC)  
Scottish Women's Aid  
Scottish Women's Convention  
Scottish Working Group on Women Offenders  
Scottish Disability Equality Forum  
Sheriffs' Association  
Shetland Islands Council  
Shetland Partnership Board  
Skills for Justice  
Social Care and Social Work Improvement Scotland (Care Inspectorate)  
SOLACE  
South Ayrshire Council  
South Lanarkshire Council

South West Scotland CJA  
Stirling Council  
Stirling Council  
The City of Edinburgh Council  
The Highland Council  
The Robertson Trust  
The Wise Group  
Turning Point Scotland  
Unison  
Val Vertigans  
Venture Trust  
Victim Support Scotland  
West Dunbartonshire Community Health and Care Partnership  
West Lothian Community Health and Care Partnership"  
WithScotland  
Youth Justice National Development Team

There was one additional individual respondent who required that their name be withheld.

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