

Sacro's response to the Scottish Executive's consultation on Criminal Justice Authorities

Functions and Structure

1. The 6 Authority option is preferred because:
 - There is a degree of coterminosity with the sheriffdoms, COPFS, and the police forces
 - There is some continuity with the current arrangements
 - The co-ordination tasks will be more easily achieved
 - The geographical spread is manageable
 - There is more likely to be some sense of unity
 - The smaller authorities' voices are more likely to be heard.
 - There will be a better balance of population levels

2. The Island authorities in the new CJA landscape

Our experience is that the islands have no more in common with each other than they do with the mainland, so to bring them together as an Islands authority would not be productive. Bearing in mind that each will deliver its own services locally, as will all local authorities, it can be argued that it would be consistent for them to be part of the Northern Authority for planning, coordination and performance monitoring purposes. However, we think special arrangements would have to be made to ensure their interests were properly represented.

Constitution

We do not wish to comment on the representation and voting principle issues - we see those as a matter for the local authorities to consider. The one exception is with regard to the Island authorities. Because of the special nature of the issues that arise for them, it would be desirable for them to have representation not simply related to their populations. One option would be for there to be one representative from each of the Islands councils, each with full voting rights.

Chief Officer

We have some difficulty in understanding the intention of Section 4(1)(a). This places a special duty of the chief officer of a community justice authority to report to Scottish Ministers any failings on the part of that authority to exercise its functions. This would mean that the chief officer would be reporting on shortcomings of the body that employs him or her to enable the carrying out of these functions. Is the chief officer's primary duty to the employer or to Ministers?

We also think more clarity is required on the relationship between the Chief Officer and the local authority criminal justice managers. Both will have some planning functions – how will they dovetail?

We think that the Chief Officers should have knowledge, experience and qualifications in criminal justice social work. They will need professional credibility if they are going to provide the necessary leadership – business/management expertise will not be enough.

Partner organisations

We agree that those on the list of statutory “partner bodies” should be there.

However, the definition, “*those public bodies which deal directly with offenders, ex-offenders and victims and those voluntary bodies in receipt of public funds for this purpose*”, would exclude organisations whose objective is to support the families of offenders.

Sacro takes the view that offenders’ families have an important role to play in reducing re-offending so bodies that support offenders’ families (e.g. Families Outside) should be included as designated bodies.

The consultation document uses the terms “partner bodies”, “partner organisations” and “partnerships”. The first is defined in statute but the other two terms remain a little unclear, possibly because they may include organisations whose sole purpose is not a criminal justice one. But real partnerships in terms of joint planning and integration of a wide range of services are necessary.

Sacro is firmly of the view that the agencies that are directly involved in the “criminal justice system”, even when they work together well, cannot be expected by themselves to achieve the reducing re-offending goal. They need to engage a raft of other organisations and there is a need for the latter to be meaningfully engaged in strategic planning as well as in local service delivery. These include:

- Statutory benefits agencies
- Statutory and voluntary sector employment agencies
- Housing – both local authority and housing associations
- Children and Families services including Youth Justice
- Education and Training services
- Health - NHS and local authority
- Alcohol and Drug Action teams
- Community safety partnerships
- Business and employer organisations

It should not be assumed that because local authorities are represented on the CJA that local authority non-criminal justice specific services would be adequately represented in the planning processes.

The relevant local authority services (Children, Health, Education and Housing) should be included as statutory partner bodies so that there is a requirement for them to be consulted.

Guidance issued by the Executive to the CJA about partner bodies should cover:

- Values and operating principles
- Roles and responsibilities vis a vis the CJA
- Protocols for information sharing
- Purchaser-provider contracting arrangements

We recommend that CJA plans be required to include evidence that the other key agencies (i.e. non-statutory partners bodies) referred to above have been fully consulted. A model for good consultative practice can be found in Parliamentary procedure. All relevant organisations would be invited to submit written representations and to follow these up with oral submissions to the CJA if necessary.

Other key issues

We would like to draw attention to two issues not addressed in the Consultation questions.

Contracting

Section 3(1) gives CJAs the power to enter into contracts if local authorities wish them to deliver services on their behalf. However, if local authorities do not transfer that responsibility, national voluntary sector providers will still have to enter into separate contracts with a large number of councils, each with its own approaches to purchasing and commissioning services and setting its own requirements in terms of standards. This can be a major burden for the voluntary sector, especially in a regulatory environment where a service like supported accommodation may already be subject to standards set by the Care Commission, The Scottish Social Services Council and Communities Scotland.

However, it would be more efficient and less burdensome for the voluntary sector if the new Community Justice Authorities were to be required to co-ordinate the arrangements and agree a common framework for purchasing services including protocols and criteria for judging the suitability and approval of providers.

Arrangements for assessing and managing risks posed by certain offenders

Sections 9 and 10 propose new arrangements and we refer to them at this point because the “partner body” definition has relevance for the inclusion of the voluntary sector in the partnerships that are necessary to promote effective risk management.

Sacro welcomes this provision which should consolidate, throughout the country, the kind of best practice that already exists in many areas. Sacro staff frequently work with local authorities in providing services which help to monitor and supervise high-risk offenders. In many instances these staff are part of the information-sharing network and contribute to risk management conferences. However, that has not been universal practice so these sections should help to ensure future arrangements are what they should be.

Section 9(3) provides for Ministers to specify the persons with whom the responsible authorities must co-operate. Sacro strongly recommends that these persons should include any staff of “partner bodies” engaged in providing a service to the offender concerned.