

Scotland's Community Justice Authorities

Our role and contribution to reducing re-offending

1. Introduction

This paper sets out the role and contribution of Community Justice Authorities (CJAs) in the creation of a safer and stronger Scotland. We recognise the key and unique position that the Judiciary hold in the Scottish Criminal Justice System and believe we can support this role through our work.

We would like to thank the Judicial Studies Committee for the opportunity to provide this briefing paper and would welcome further comments or questions. A full list of contact details can be found at the end.

2. Background and Role

Scotland's eight CJAs were established by the Management of Offenders etc (Scotland) Act 2005. The CJAs are tasked with working in partnership to reduce re-offending and contribute towards a safer and stronger Scotland.

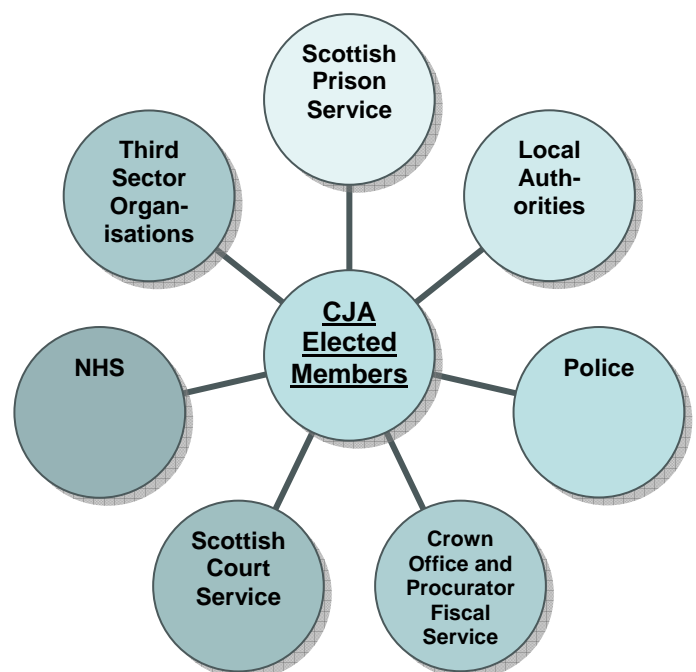
As devolved public bodies with strategic planning, monitoring and reporting functions, CJAs' functions (as outlined in the legislation) include the following:

- To prepare, in consultation with its partner bodies and Scottish Ministers, an area plan for reducing re-offending.
- To submit this plan to Ministers; and to monitor and report annually on compliance.
- To promote good practice in the management of offenders.
- To act as the accountable body for the management of the Criminal Justice Social Work (Section 27) grant.

Each CJA is governed by a Board of Local Authority elected members. In addition CJAs bring together a broad range of agencies to coordinate the delivery of quality services for offenders and their families at a local level.

This partnership working reflects the challenges involved - no single agency can manage a reduction in re-offending.

CJAs, local authorities and the Scottish Prison Service share a special relationship defined as a "duty to co-operate". CJAs' statutory partners include these duty to co-operate partners, as well as Police, Crown Office and Prosecution Service (COPFS), Scottish Court Service, NHS and Third Sector Organisations. Additional partners may be invited to attend CJA board meetings or working groups, as locally determined.



3. Our Priorities

Each CJA produces a three-year Area Plan outlining local strategic priorities. Further information on each of these can be found on the relevant CJA website. For the 2011-14 Area Plans, we have also agreed four national strategic aims as follows.

a. Improve joint working practices

We will promote joint working practices in order to enhance service delivery, create efficiencies and reduce re-offending. For example, the current Multi Agency Public Protection Arrangements (MAPPA), for managing sex offenders in the community, suggest that better joint planning across prison and community settings delivers better outcomes for offenders, and for communities.

b. Improve information sharing

We believe that sharing information is vital to effective service delivery. CJAs are committed to promoting and improving information sharing amongst all partners. This will reduce duplication and avoid repeated assessments in different settings. For example, a new shared assessment and case management tool – Level of Service/ Case Management Inventory (LS/CMI) – is being rolled out across Criminal Justice Social Work Services and the Scottish Prison Service to assist the joint assessment and management of offenders' risks and needs.

c. Improve community integration

We recognise that the majority of offenders have experienced multiple disadvantages from their early years. By linking offenders into community-based support (including housing, employment, health and family) we can increase community safety and reduce re-offending. For example, Tayside CJA has developed a set of 'pathways' for short-term prisoners, covering substance use, employability, healthcare information and homelessness. These inter-agency protocols aim to enable joint working and improve integration between prison and community based services. Other CJAs are now adapting the Tayside model for their own areas.

d. Improve shared management of resources and policy development

In the current economic climate, all organisations recognise the need to do more with less. We promote the sharing of resources across organisational and geographical boundaries to ensure that we get best value. For example, South West Scotland CJA has an area-wide Programme Delivery Team within Criminal Justice Social Work, delivering accredited programmes for offenders on community sentences. This team covers four local authority areas, and enables sharing of specialist staff, resources and best practice across these boundaries.

4. Areas of Common Interest

Through its independent sentencing role the Judiciary supports the development of safer and stronger communities and in reducing re-offending. Within this context of judicial autonomy, we believe that the CJAs and the Judiciary do have significant additional areas of common interest. These include:

a. Promoting public confidence in the Criminal Justice system

Increasing the visibility of the Criminal Justice system can improve public confidence that its constituent parts are working together effectively. Publicising the work of the criminal justice system can illustrate improvements, including issues of speed and efficiency in dealing with cases, and highlight positive outcomes. Victims and witnesses have particular needs within the system and it is vital that they are engaged in the process.

b. Engaging with others

Responsibility for reducing re-offending goes beyond criminal justice agencies. Communities have a vital role to play in preventing, diverting and rehabilitating those at risk of, or involved in, offending. Mainstream services such as housing, health, education, skills development and literacies also make a significant contribution, as we know these have a protective factor in reducing re-offending. Involvement with local partnerships offers us an opportunity to influence their priorities and ensure that reducing offending and re-offending remain high on the agenda. For example, by working with our local Community Planning Partnerships and Alcohol and Drug Partnerships we can ensure offenders' needs are recognised and met in relation to these wider community-based services.

c. Implementing national legislation

By working together with our local partners, CJAs aim to ensure legislation is well understood and effectively implemented by all relevant stakeholders, with ongoing monitoring to understand its impact. An example, in relation to the introduction of Community Payback Orders within the Criminal Justice and Licensing (Scotland) Act 2010, is given in the box below.

An Illustration: Community Payback Orders



The introduction of the Community Payback Order (CPO) provides a good example of an area of new legislation which is of significant interest and importance to both the Judiciary and CJAs.

The CPO will replace the current Probation, Community Service and Supervised Attendance Orders and is designed to be a more flexible and robust order, by offering a range of requirements for the Judiciary to combine together, dependant on offender risk and need, and other sentencing criteria.

CJA areas have been running briefing sessions on the CPO in partnership with the Scottish Government, and specific operational training is currently being delivered to Criminal Justice Social Workers. Local implementation will require an identification of available resources to deliver each requirement, and a well trained and knowledgeable staff group to communicate this to the Judiciary.









Central to the new order is the idea of 'payback'. There is a significant focus on unpaid work as a way to do this, but also a wider principle of payback to society through rehabilitation and breaking the cycle of re-offending.

The new order is likely to be under a high level of scrutiny and CJAs and the judiciary each have an interest in ensuring that we communicate effectively with the public on this new approach. We also have a shared interest in building alliances with local communities, to ensure unpaid work is meaningful, useful and of value to the community. We will support local authorities to consult and engage with communities – and with the Judiciary – on the nature of unpaid work and other activities undertaken by offenders subject to a Community Payback Order.

The CPO is designed to more effectively reduce re-offending. In order to identify how well this is working, it will be necessary to put in place monitoring mechanisms and a feedback loop by which we can learn what works well and what could improve. Courts will have the option of instructing CPO progress reviews, whereby sentencers can assess how far offenders are meeting the requirements of their Order, and respond accordingly.

We will publish an annual report on the delivery of Community Payback Orders in each CJA area which will be circulated to all those with an interest in community justice, including the local Judiciary.

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