

## **DUNDEE CITY COUNCIL**

**REPORT TO: SOCIAL WORK COMMITTEE – 20 JUNE 2005**

**REPORT ON: CONSULTATION ON COMMUNITY JUSTICE AUTHORITIES**

**REPORT BY: DIRECTOR OF SOCIAL WORK**

**REPORT NO: 382 - 2005**

### **1.0 PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to brief members on the key points contained in the Scottish Executive's consultation on Community Justice Authorities which forms part of the Management of Offenders Bill and is a response to the Reducing Re-offending Consultation undertaken in 2004. The consultation on Community Justice Authorities was launched on 31 March 2005 and closes on 23 June 2005.

Background information was presented to the Social Work Committee in January 2005 (Report No 24-2005)

### **2.0 RECOMMENDATIONS**

It is recommended that the Social Work Committee:-

- 2.1 Note the proposals and their significance in relation to the delivery of Social Work Services in the Criminal Justice system.
- 2.2 Require the Director of Social Work to prepare a response to the proposals in consultation with the other authorities within the Tayside Partnership:
- supporting the ADSW/CoSLA proposals for eight Community Justice Authorities and
  - advocating that each local authority within Community Justice Authority should have an equal vote where matters come to the vote.
- 2.3 Require the Director of Social Work to provide further updates to Committee as work progresses.

### **3.0 FINANCIAL IMPLICATIONS**

- 3.1 It is anticipated that there will be financial implications, particularly for the Scottish Executive however, the exact nature of these have yet to be quantified. The Scottish Executive estimates the cost of each Community Justice Authority will be around £200,000 and indications are that this will be financed by the Scottish Executive and will not impact on Local Authority allocations.

### **4.0 LOCAL AGENDA 21 IMPLICATIONS**

- 4.1 The policy objectives of meeting local needs locally and of reducing crime and ensuring people are safe and feel safe are reflected in the proposals

## **5.0 EQUAL OPPORTUNITIES IMPLICATIONS**

- 5.1 None are anticipated as it has been agreed that there will be no compulsory transfer of staff to the proposed Community Justice Authorities.

## **6.0 MAIN TEXT**

- 6.1 Members are aware of the on-going policy debates surrounding the future of Social Work Services in the Criminal Justice System. These date back to 1988 when the consultation document "Community Sentencing – the Tough Option " was published which resulted in the creation of a number of Criminal Justice Groupings, including the Tayside Partnership which became fully operational in 2002. More recently members have been involved in the Reducing Re-offending Consultation.

- 6.2 Arising from the Reducing Re-offending consultation the Scottish Executive propose a number of changes to strengthen working arrangements in order to reduce re-offending. These include:

- establishing a national advisory body to develop common objectives and strategies to reduce re-offending;
- placing statutory duties upon key criminal justice agencies to work together;
- providing a statutory basis for local authorities to work together to improve consistency, quality and accountability. These bodies will be called Community Justice Authorities;
- measures to reduce short term prison sentences;
- measures to improve arrangements for serious and sexual offenders;
- using Home Detention Curfews to assist prisoner's re-integration into the community and relieve pressure on prisons.

## **6.3 CONSULTATION ON COMMUNITY JUSTICE AUTHORITIES**

- 6.3.1 The proposed creation of Community Justice Authorities is likely to impact significantly on local authorities. Their main role will relate to planning, allocation of budgets and monitoring the performance of local authorities. Each Community Justice Authority will be required to appoint a Chief Officer who has a duty to report serious failings on the part of local authorities to Scottish Ministers who will be given powers of direction. There are concerns that this power of direction may set a precedent in relation to Ministerial control of local services and that the performance monitoring function will duplicate existing reporting mechanisms. Community Justice Authorities will have no direct responsibility for service delivery or for the staff involved in delivering services. The relationship between the Chief Officer and the Chief Social Work Officer who retains responsibility for service delivery is not clear and this is also an area of concern.

- 6.3.2 The consultation on Community Justice Authorities seeks comment on three main areas:

- proposed boundaries;
- constitution;
- partners.

- 6.3.3 In terms of the boundaries, the Executive states that it wishes to build on existing good practice and strengthen working arrangements but argues that in order to be effective there needs to be a smaller number of unitary authorities and groupings. The proposals are for four or six Community Justice Authorities with Glasgow identified as a Community Justice Authority in its own right. It is proposed that Dundee, as part of the Tayside Criminal Justice Partnership, should join either with Fife, Stirling, Clackmannan and Falkirk in a Sheriffdom group or with these authorities and Highlands, Moray, Aberdeen and Aberdeen City in a body that reflected the Scottish Criminal Courts area.

- 6.3.4 The proposals pose significant difficulties as they all involve large areas and diverse communities and it is difficult to envisage how the Community Justice Authorities will be able to plan for such diverse areas, particularly given that their organisational boundaries will cut across many other planning structures. There is also no clear indication as to how the Scottish Prison Service will fit into any of the proposed arrangements. The consultation document has rejected the notion of Community Justice Authorities being based around existing Groupings or existing prison establishments however, both of these options appear to offer a more logical structure for planning and service delivery.
- 6.3.5 In terms of constitution, the proposal is that Community Justice Authorities will comprise of serving elected members from local authorities within the area of the Community Justice Authority with the political balance being a matter for each Council. The proposal is that membership should be based on one member from each Council with a vote weighted according to either local authority population or criminal justice service workload.
- 6.3.6 The proposal for elected members to form the Community Justice Authority is welcomed however, a vote based on population alone would mean that areas such as Dundee, who have a high workload and a declining population, would not have the same voting rights as areas with, for example, a low workload and a high population.
- 6.3.7 The commitment to working with a range of partners, including the Scottish Prison Service, Police and independent sector, is to be welcomed. In order to be meaningful there also needs to be clear links between Community Justice Authorities and Community Planning initiatives including the Community Safety Strategy. The private sector also has an increasing role within the criminal justice system and this needs to be reflected in the proposals. There also needs to be clarity as to the nature of the relationship between sentencers and Community Justice Authorities.
- 6.3.8 A working group comprising officers from across the Partnership is drafting a response to the specific questions contained within the Consultation Document. Responses will also be submitted by CoSLA and the Association of Directors of Social Work.

## **7.0 CONSULTATION**

- 7.1 The Chief Executive, Depute Chief Executive (Finance), Depute Chief Executive (Support Services) and the other authorities within the Tayside Grouping have been consulted in the preparation of this report.

## **8.0 BACKGROUND PAPERS**

The following Background Papers were relied upon on preparation of this report:

Consultation Report on Community Justice Authorities and Committee Report 24-2005

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Director of Social Work

Date: 10 June 2005