FINANCE COMMITTEE

PREVENTION

Submission from Scotland’s Community Justice Authorities

INTRODUCTORY COMMENTS

Scotland’s Community Justice Authorities (CJAs) welcome this opportunity to respond to the Finance Committee’s call for evidence on prevention. Through our work in the justice system and with a wide range of partners involved in reducing reoffending, we have experienced at first hand the challenges of a system which is very much loaded in terms of both workload and resource at the ‘failure demand’ end (i.e. high tariff offending and custody), and the difficulties of resource transfer towards early intervention and prevention.

We were represented on the Scottish Government’s Advisory Group on Prevention which was established following the publication of the Christie report. Our experience was that this Group (now disbanded) also struggled with these questions, and did not really succeed in driving forward significant change. For example, when the Group asked CPPs to submit Prevention Plans as part of the Single Outcome Agreement process, these largely reflected a collection of disparate initiatives or projects, rather than a decisive shift across services. There were few examples of complete service redesign or service replacement. Fire and Rescue services (now Scottish Fire and Rescue) were cited to us as a very good example of an entire service which has completely redesigned itself towards a preventative approach, and the drivers for this change and the outcomes (including positive/ negative and anticipated/ unanticipated outcomes) may be of particular interest to the Committee.

We understand that the most efficient and effective way of ‘reducing reoffending’ (the statutory responsibility of CJAs) is of course to keep people out of the justice system altogether. Although prevention is often discussed in terms of youth justice approaches, we believe that all stages of the justice system can (and should) take a preventative approach and select preventative options, rather than those which escalate people through the system. So in justice there should be preventative options and opportunities at all stages – for the police, procurators fiscal, courts, prisons and community-based services. We cannot currently demonstrate this, and indeed we are facing some significant organisational, cultural and resource barriers to achieving this.
Q1. WHY HAS THE PROGRESS OF REFORM PROPOSED BY THE CHRISTIE COMMISSION BEEN SO SLOW?

The concept of ‘prevention’ in reality covers a huge agenda, and this may be one reason why progress has been so slow – it is unwieldy and somewhat overwhelming. It is often simplified to people thinking only about prevention in the early years (although of course we are completely committed to a significant focus on the early years, as this potentially avoids many, many future problems and costs).

There is also a daunting view that preventative approaches cost excessive amounts, or ‘will take a generation’ to change anything or accrue any savings. There are many good examples of prevention having relatively quick effects at very low cost – the ban on smoking in public places is a good example where already we are evidencing population level changes (and savings) such as decreases in low birth weight babies and respiratory problems.

Whilst in principle most people would express commitment to prevention, in reality shifting resources and practices in this way requires clear and firm political vision, commitment and determination. Preventative shifts in resources and services can in reality be unpopular and unpalatable with workers and with communities, as anyone who has looked at reviewing acute hospital care or A&E provision will have found. Conversely investment in high end, ‘mopping up’ services (e.g. policing and prisons) is often more politically popular – as John Carnochan found while at the Violence Reduction Unit when he (unsuccessfully) called for the Scottish Government to invest in 1000 new health visitors rather than 1000 new police officers as a more preventative spend.

Christie’s widely-supported principle of prevention is also simpler than the reality in terms of resource reinvestment. Looking at the public purse as a whole, it is quite obvious on paper that savings in one area can then be freed up for reinvestment in another area. However public sector budgets are not managed at a ‘public purse’ level, they are managed by individuals who closely control their own team, department, service or organisational budget. There are very, very few truly collaborative budgets across any of these lines. Partnerships are more than happy to work together to allocate and manage new, shared resources (such as Change Funds), but they are far less willing (and to be fair sometimes far less able) to free up their own resources for investment by others. Almost all public sector costs are tied up in people and buildings, and the only way these resources can actually be freed up is where jobs are deleted or buildings are closed and sold on.

So in a justice context, a diversion from prosecution is funded and delivered by criminal justice social work services. By diverting the person, this will result in savings for a plethora of different beneficiaries, namely police, procurator fiscal and courts in the fairly immediate term (and of course, if the diversion is effective, there will be
wider system savings in the longer term). However the savings to these other partners are not cashable at that scale. They are time savings only, so the police, PF and court will be less pressured in terms of workload, but will not be able to free up actual money until staff or buildings are not required. That would take a considerable amount of diversion to scale up to that level – as well as a considerable amount of political will to shift resources from the politically and publicly popular investments in the ‘failure demand’ end of the system to areas often portrayed as ‘soft touch justice’.

A more positive example of justice reinvestment can be found in alternatives to secure care for young people. A relatively small upfront investment by local authorities (initially supported by the Scottish Government) in developing a Whole System Approach to young people focused on keeping young people out of secure care and instead supporting them more effectively in their own families and communities. Local authorities (indeed often the same departments) were then able to keep these significant, cashable savings, as they were no longer required to pay for so many secure care places. These savings were then available to be reinvested in Whole System Approach supports. The impact of this preventative spend in the Whole System Approach can already be seen further along the justice pathway, with the notable reductions in the number of young people in custody at HMYOI Polmont and HMPYOI Cornton Vale. This will then have a knock on impact on the adult prison population over time by cutting off one of the main ‘progression routes’ into adult custody and maintaining people within their own families and communities in the longer term.

So the key questions here are:

- Are savings cashable?
- Who is making the preventative spend and who is benefiting, i.e. are the investors and the beneficiaries the same?
- If not, can resources be shifted between them?

**Q2. WHAT ARE THE MAIN BARRIERS TO CHANGE AND HOW DO WE ADDRESS THEM IN ORDER TO ACCELERATE THE RATE OF PROGRESS?**

The barriers can be summarised as “Time, Turf and Trust” (Arthur Turovh Himmelman, *Collaboration and the three T’s: time, trust and turf constraints*).

Preventative approaches do take more time in the immediate term than the ‘quick fix’ but we know that in the longer term multiple ‘quick fixes’ take longer. For example it is quicker to liberate someone from prison with no support than to take time identifying their needs, developing a trusting relationship with a mentor or support worker, developing a plan for liberation, accompanying the person to immediate appointments on liberation, and supporting them in the longer term over the (often very difficult) days, weeks and months to resettle successfully in the community. However whilst liberation with no support is quicker, it is far more likely to result in rapid reoffending.
and re-entry to prison, and so the cycle (and cost) restarts. We warmly welcome the investment by the Scottish Government, Scottish Prison Service (SPS) and charitable funders in both third sector-led mentoring services for people leaving custody, and SPS Throughcare Support Officers within the prison estate. This is an excellent example of a preventative approach being introduced at a specific stage of the justice pathway.

In terms of ‘turf’, many service providers display a degree of protectionism in terms of their own services and ways of working. This is in part due to their duties as employers and their desire to protect their staff complement, though it also reflects the challenge of constricting public sector budgets and perceived threats to what are perceived as organisational (rather than public) resources.

We have extensive experience as partnership bodies of the value of ‘trust’ in working relationships. The best joint working can often be evidenced where there are long standing trusted relationships in place, and we know that service users place extremely high value on relationships of trust with individual workers – indeed many have cited this as the inspiration for them moving on from offending. Similarly, organisations and the individuals within organisations trade on mutual trust. Lack of trust undermines opportunities for partnership commitments to prevention.

“Accelerating” the rate of progress starts with recognising the impact of Time, Turf and Trust and working within the contextual understanding of how organisations function in relation to these three “Ts”.

**Q3. HOW DO WE ENSURE THAT THE NECESSARY CULTURE CHANGE AND GREATER LEVELS OF INTEGRATION TAKES PLACE?**

Whilst truly integrating (rather than just aligning) budgets can be seen as an undeveloped/ under-developed vehicle for prevention, we also believe that strategic commissioning is an essential mechanism for change. This issue is of great interest to CJAs currently, given the opportunities available in the current redesign of community justice to build in strategic commissioning approaches to community justice for the first time, at both local and national levels.

The Christie Commission also placed great emphasis on the value of service user and community engagement in informing the decisive shift to prevention. Indeed co-design/ co-production are an essential part of a preventative commissioning framework. We have been heavily involved in the justice-based Public Social Partnerships (PSPs), which are delivering mentoring and throughcare support services across Scotland. The PSP model is based on co-design, and the early evaluation results look extremely promising in evidencing that redesigning services with service users at their heart and the third sector at the helm is an efficient and effective way of creating change and added value. In the field of addictions, the
investment in supporting the development of recovery communities provides another similar model which is challenging and changing the previous delivery of addictions services and beginning to influence and shape commissioning strategies.

**Q4. HOW DO WE CREATE A CULTURE OF INNOVATION?**

Whilst innovation is always politically popular (and provides new ‘things’ for Government ministers to announce), an endless focus on innovation, rather than investing in what works from an evidence-based perspective, can encourage a stream of unsustainable and unevaluated pilots, projects and standalone initiatives. Creativity and innovation are of course a fundamental part of service design and redesign, however this is best done within the context of a strong evidence base and a co-design process with service users, communities and frontline practitioners.

We can encourage culture change through changing the way we reward good results, for example through committing to lesser monitoring where success is demonstrated, or facilitating the reinvestment of any resources saved through innovative practices.

Prevention works where the focus is wider than a single body, but the link between resource commitment and benefit flow is not always linear, nor timely. We need to look to shift resources across the public sector and allow reinvestment from areas of savings back to the best point of delivery, and to use dynamic commissioning approaches which allows some front loading of investment, ahead of realised benefits. We see this approach in a small scale with a permanent resource transfer of £1.5million per year from the Scottish Prison Service to community justice, initially focussed on women’s service, however, this transfer accounts for just 0.38% of the annual SPS budget, which overall remains three and a half times higher than the total community justice budget.

**Q5. WHAT OPPORTUNITIES DOES DIGITAL TECHNOLOGY PROVIDE IN REFORMING THE DELIVERY OF PUBLIC SERVICES TOWARDS PREVENTION?**

A significant barrier to prevention lies in the disparate information systems managed by public bodies, which are not geared towards sharing information, nor intelligence. This is coupled with concerns in relation to data protection. There are good examples of overcoming the data protection issues through Information Sharing Protocols. The application of technological improvements in moving information between systems is the natural extension of this.

**Q6. HOW SHOULD COMMUNITY PLANNING BE DEVELOPED TO SUPPORT SERVICE INTEGRATION AND THE FOCUS ON PREVENTION?**
There is also a question as to whether community planning is the most appropriate vehicle to drive forward the prevention agenda at a local level, given that CPPs in themselves are essentially a joint governance structure rather than being involved in procurement, direct service delivery or service redesign.

Whilst CPPs bring a strong understanding of their local communities, and their assets and needs, there continues to be a focus more on projects and standalone initiatives, rather than service redesign as such, and there is little evidence that partners are confident to challenge each other’s investment decisions to encourage a more preventative approach.

Interestingly, whilst Audit Scotland’s recent reports on community planning (In 2012, Audit Scotland worked with key stakeholders in developing an audit framework for supporting improved performance and accountability of Community Planning Partnerships (CPPs). See reports between 2013 and 2015 here: http://www.audit-scotland.gov.uk/work/scrutiny/cpp.php) suggests that Community Planning Partnerships (CPPs) struggle to articulate what prevention looks like, the reports do not promote commissioning as a route to prevention.

Q7. WHAT LESSONS CAN WE LEARN FROM OTHER COUNTRIES IN DELIVERING A PREVENTATIVE APPROACH?

We are unaware of a convincing body of evidence from other countries on a decisive shift to prevention across public services, although there are within individual policy areas initiatives which have been highlighted. Within justice, the evolution of the “problem solving court” and its application within the United States has been widely endorsed, though progress towards application in Scotland has been slow.

Q8. WHAT ARE THE IMPLICATIONS FOR THE PROVISION OF PUBLIC SERVICES IF THE DECISIVE SHIFT TO PREVENTION DOES NOT TAKE PLACE?

Audit Scotland has placed the cost of reoffending in Scotland at £3 billion per year. This accounts for over £6 of every £10 spent on the reactive costs of offending (costed at £4.9 billion per year).

Whilst we know that people’s journey from offending often starts at that ‘teachable moment’ when they are ready and motivated to move towards living a different life, we also know that we can bring that timescale forward significantly through providing relationships of trust, a belief that people can change, and ‘stickability’ when times are hard. None of this is about ‘interventions’, or doing things to people. People’s basic needs also need to be met, and undoubtedly we are all being challenged in this by the context of welfare reform and increasing levels of destitution in our communities, accompanied by greater housing instability and persistent barriers to employment.
CONCLUDING COMMENTS

The Community Justice Authorities have warmly welcomed the redirection of £1.5 million of Scottish Prison Service funding into the community justice budget this year, and we understand from the Scottish Government that this is to be recurring in future years.

However the prison service budget still stands at three and a half times the community justice budget, despite 29% more community than custodial sentences being imposed by the courts.

We also welcomed the Cabinet Secretary for Justice’s establishment of a pan-Ministerial Group on Community Reintegration, which has resulted in the sharing of good practice and some practical developments to support the return of prisoners to their communities. We hope to see this approach continue, with its inherent recognition that issues (such as the return of prisoners to communities) are rarely issues of a single portfolio, but extend across the public sector in terms of who can contribute and where benefits will be realised.

We would also like to see prevention written larger into new legislation, and from the experienced perspective of the 8 Scottish CJAs, we have anxieties that the current Community Justice (Scotland) Bill going through parliament is not reflective of the prevention commitment required.

Further details can be obtained by contacting:
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