First of all, on behalf of the Community Justice Authorities (CJAs), thank you for the opportunity to give oral evidence to the Justice Committee as part of its recent scrutiny of the Community Justice (Scotland) Bill. At the end of the evidence session I attended on 15 September, you offered the opportunity to submit any further comments by letter. Having closely followed the remaining evidence sessions, I am now submitting this further letter as Chair of the National CJA Convenors’ Group.

We are reasonably confident – based on the evidence sessions to date and recent speeches by the Minister for Community Safety, Paul Wheelhouse – that many of the concerns we presented in our written submission to the Committee have been recognised and are likely to be addressed. As always we await the detail of any amendments with interest, however we can sense some positive traction around issues such as:

- the definition of community justice;
- recognition of the third sector as equal partners;
- strengthening the voice of service users, families and victims;
- a stronger emphasis on Community Planning Partnerships within the language of the Bill;
- clarifying strategic commissioning arrangements;
- ensuring all those with a role in delivering community justice outcomes are stated within the legislation, including the Crown Office and Procurator Fiscal Service (COPFS) and Judiciary;
- equitable resourcing for local arrangements alongside national arrangements.

We also warmly welcome the Committee’s focus during the evidence sessions on the importance of the fundamental Christie Commission principles of:

- sustainable, long term funding;
- early intervention and prevention;
- the need to develop a Whole System Approach for adults as well as young people;
- the potential to engage communities more actively in community justice.

We realise that a number of key components of the redesign remain in progress, and we are continuing to engage constructively with the development of the National Strategy for Community Justice, performance framework, funding and commissioning arrangements. We support the views of many others giving evidence that a new inspectorate for community justice is not required.

However we remain very concerned that issues around authority, responsibility, accountability and leadership remain unresolved. During the evidence sessions, the
Committee heard many times that the collective responsibility model where everyone has equal accountability offers only “the potential” for improvement, presents “an opportunity” for change, that local partnerships will simply operate “in the hope” that better outcomes will follow, and that “we will see in due course” whether it delivers.

The Minister for Community Safety confirmed at the Holyrood Community Justice Conference last week that he remains of the view that community justice partners should operate within a collective responsibility model, to ensure they are all equally accountable. He believes therefore it would be inappropriate for legislation or guidance to identify a lead body or Chair. However – as I emphasised at the Committee on behalf of the Convenors – it is simply not possible to have a strong model of accountability and responsibility without clear authority.

We know from experience that strong authority and leadership are vital assets in partnership working. Reducing reoffending is not simply about coordinating existing activity in a passive sense, but about actively challenging and changing the way things are done, and driving the partnership forward.

At the very least the legislation should require each local area to identify a local community justice chair and lead officer at both political and senior officer level. The “cluttered landscape” criticised so strongly by the Commission on Women Offenders seems to be destined to become ever more cluttered, not only with multiple partnerships, but also with multiple accountabilities.

We can see the benefits of the strong leadership role played by local Elected Members as CJA Convenors and CJA Board members. We are clearly and directly accountable both to local communities and to the Scottish Government for community justice outcomes in our areas. We remain disappointed that CoSLA, whilst always supporting reform, has not championed a continuation of this local government leadership model within the new local arrangements.

Without this leadership and authority, the excellent local progress to date on reducing reoffending will stall and potentially reverse. The Chair and Chief Executive of Community Justice Scotland will become the only leadership voices for community justice, but this will not be informed by any authentic, community-based presence or experience. There will be no clearly identifiable, accountable person for either communities or the Cabinet Secretary to call to account for local community justice outcomes.

Of course it is not possible to reform community justice without looking at wider penal policy. In principle the CJAs are supportive of the Scottish Government’s plans to look again at the presumption against short sentences, to broaden out electronic monitoring options and to strengthen and expand alternatives to remand, such as early stage diversion and bail supervision. Bold policies of course have to be accompanied by bold resource transfers. Justice reinvestment is critical if we are to meet the ambitions of the Christie Commission.

As I said at the Committee, we warmly welcome the first signs of this, with a permanent resource transfer of £1.5 million per year from the Scottish Prison Service to the community justice budget, initially to be focused on women’s services.
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. With reoffending costing £3 billion annually, justice reinvestment is critical.

Structural reforms do not ever guarantee better outcomes. However with strong and clear leadership and authority at a local level, supported by the right level of resource transfer, we will be able to build on the achievements of CJAs, and drive forward community justice in Scotland.

Cllr Peter McNamara
Chair of National CJA Conveners Group
2 November 2015