

## REDESIGNING THE COMMUNITY JUSTICE SYSTEM A CONSULTATION ON PROPOSALS

### RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

#### 1. Name/Organisation

Organisation Name

Social Care and Social Work Improvement Scotland (Care Inspectorate)

Title Mr  Ms  Mrs  Miss  Dr

*Please tick as appropriate*

Surname

Bruton

Forename

Annette

#### 2. Postal Address

Postcode	Phone	Email

#### 3. Permissions - I am responding as...

Individual

/

Group/Organisation

*Please tick as appropriate*

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

*Please tick as appropriate*  Yes  No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

*Please tick ONE of the following boxes*

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

*Please tick as appropriate*  Yes  No

**(d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

*Please tick as appropriate*

Yes

No

## CONSULTATION QUESTIONS

The consultation questions are split into two parts, which are:

- applicable to all options; and
- specific to either Option A, B or C.

Respondents can reply to all of the questions, or a selection, depending on where their interests lie. General views on the consultation paper are also welcomed.

### All options

Which option(s) do you think is more likely to meet the key characteristics (set out on pages 15 and 16 of the Consultation) that, if integral to any new community justice system, are more likely to lead to better outcomes?

<b>Key characteristic (pages 15 and 16 of the consultation)</b>	<b>Option (please specify A, B or C or a mix of all three)</b>
Strategic direction and leadership to drive forward performance improvements and deliver public services that protect victims and communities and meet the needs of people who offend	C
A focus on prevention and early intervention	B
Better and more coherent person-centred opportunities for supporting desistance, which focus on developing the capacities and capabilities of offenders to enable them to make a positive contribution to their families and communities	B
Clearer lines of political, strategic and operational accountability for performance and mechanisms to support continuous improvement	C
Effective local partnership and collaboration that brings together public, third and private sector partners, including non-justice services, and local communities to deliver shared outcomes that really matter to people	A
Strategic commissioning of services that are based on a robust analysis of needs, evidence of what supports desistance and best value for money	A/C
A strong and united voice that represents community justice interests with the judiciary, public and media	C
Better data management and evaluation to assess organisational and management performance, including the impact of services	A/B/C
Involvement of service users, their families and the wider community in the planning, delivery and reviewing of services	B
Provision of an overview of the system as a whole, including consistency and breadth of service provision	C
Better integration between local partnership structures, services and organisations working with offenders and their	A/B

families	
A more co-ordinated and strategic approach to working with the third sector	C
A strategic approach to workforce development and leadership for criminal justice social work staff that is based on evidence of what supports desistance and builds expertise, capacity and resilience and encourages collaborative working with other professionals towards shared outcomes	C
Greater professional identity for community justice staff which builds on their existing values and provides well defined opportunities for career progression	C
Ability to follow innovation nationally and internationally, as well as develop and share evidence based good practice	C

Which option(s) will result in the significant cultural change required to redesign services so that they are based on offender needs, evidence of what works and best value for money?

We are not convinced there is a need to re-design services to achieve the desired outcome. Our inspections of criminal justice social work services<sup>1</sup> have shown that services are already based on offender needs and evidence of 'what works'. We recognise that much of this is drawn from evidence focused mainly on higher risk offenders eg, high risk offenders subject to MAPPAs, statutory orders and throughcare, progression of long sentence prisoners, and less so on other groups such as women offenders, aftercare of short sentences, persistent low tariff offenders. If resources and prioritisation is given to the latter groups then there is nothing to suggest the services in current structures could not replicate the improvements shown in the former groups.

We are not aware of any obvious correlation between the extent to which services are working effectively and the structure within which the service is operating. Furthermore there has been no examination of the link between quality and spend to determine what constitutes 'best value'. We would suggest caution in making assumptions about what might provide 'best value'.

We do recognise that CJAs fit naturally with the current arrangements for the management of high risk offenders through MAPPAs. Other significant partners such as the police and SPS function as national services and whatever restructure option is favoured would require to relate to this configuration effectively to achieve greater impact on re-offending.

Inspection findings from criminal justice social work inspections and the prison based social work inspections<sup>2</sup> have reinforced the need for stronger leadership and clearer strategic direction.

<sup>1</sup> 'Criminal Justice Social Work Performance Inspection Programme 2003-2007- Final Report' SWIA, 2007

<sup>2</sup> 'Social Work Services in Scotland's Prisons: a National Inspection, SWIA, 2011

Which option(s) will result in improvements in engagement with, and quicker access to, non-justice services such as health, housing and education?

Logic would indicate that a locally-based option would be one that would achieve the best engagement with local services. However our inspections have frequently highlighted the need for closer links between local services. They have also highlighted that responsibility for weaker links does not lie with criminal justice social work services. This would imply that structure is not the answer to this issue.

Many public services are increasingly provided at a partnership level which exceeds that of individual authorities. Often the services provided in this way-mental health, drug and alcohol, and policies and procedures to which services should adhere-such as child and adult protection and community safety, are relevant to the task of reducing re-offending but are planned and delivered at levels wider than individual authorities.

Do you think a statutory duty on local partners will help promote collective responsibility for reducing reoffending among all the bodies who work with offenders? If not, what would?

We think robust statutory responsibilities on partners would be effective in driving accountability. MAPPA provides an example of how this approach has been productive, whilst recognising challenges will remain. We do feel this is best used sparingly for maximum impact.

Under options A and B should funding for criminal justice social work services remain ring-fenced?

We are of the opinion funding should remain ring-fenced. Since the introduction of this in 1989 it has ensured that resources allocated to criminal justice social work have been spent on this provision. Revisiting the rationale behind this being introduced may be useful. Inspection findings<sup>3</sup> have shown where funding is not ring-fenced there is a risk of imbalance between need and level of spend. As the ring-fenced budget is based on demand, in theory this should not happen. Removing this 'protection' increases the likelihood of diversion of funding to other priority areas. This is a significant risk at times of increasing financial pressures to deliver services.

Are there specific types of training and development that would be beneficial for practitioners, managers and leaders working in community justice? Who is best placed to provide them?

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<sup>3</sup> 'Improving Social Work in Scotland-a report on SWIA's performance inspection programme 2005-2009' SWIA, 2010

Our inspections have highlighted the need to consistently refresh training in the core elements of practice: risk assessment and planning; intervention and evaluation; outcomes. Training requires to be both technical and specific to the task of criminal justice social work and generic to the task of being a public service eg, child and adult protection, community safety. Commissioning, both strategic and joint, has been a theme in performance inspections. Training therefore needs to be targeted at different levels depending on task and role from front-line workers to senior managers.

Training requirements are generally applicable to criminal justice staff across Scotland, national strategy and commissioning is essential to ensure that training is delivered to a consistent standard. This could be supplemented by the use of locally available resources.

Is there potential for existing organisations such as Scottish Social Services Council, Institute for Research and Innovation in Social Services and knowledge portal Social Services Knowledge in Scotland to take on a greater role in supporting and developing the skills and expertise of professionals working with offenders?

The Care Inspectorate does not have any specific evidence to indicate which, if any current organisations are best placed to provide this. We would however reinforce the benefit of taking a national approach to ensure consistency. As national organisations the Risk Management Authority and Criminal Justice Social Work Development Centre for Scotland have been able to support the 'coming together' of practice and training across Scotland

What do you think are the equalities impact of the proposals presented in this paper, and the effect they may have on different sectors of the population?

All options aim to improve public protection and therefore should have a beneficial impact on the wider public. Whichever structure is progressed there is a need to ensure this component is at the forefront of the vision and corporate and strategic direction.

We know from research and inspection that: up to 50% of young people who are looked after and accommodated end up serving a custodial sentence at some point and; up to 80% of men and women in prison have either mental health and/or addiction problems. It is therefore crucial to ensure that needs are sufficiently considered and that the 'different sectors' of the population may in many instances be the same population

What are your views regarding the impact that the proposals presented in this paper may have on the important contribution to be made by businesses and the third sector?

Our inspections have found no evidence of contributions made by the private sector and we are therefore unable to comment. Inspections have found potentially useful contributions made by the third sector, but little concrete evidence of the impact of these contributions. Our inspections have recommended that local authorities need to improve the way in which they commission services. This includes clear expectations in relation to the outcomes they expect of the third sector services they commission. To achieve consistency, best impact and value there needs to be a clear, strategic national approach –that takes account of local need and context, robust commissioning and purchasing arrangements with contracts and performance management.

Are there other options, or permutations of the options presented in this paper, which should be considered? Please provide details.

As stated earlier our inspections have found no correlation between structures and the quality of services.