

National Strategy for Community Justice: Review Consultation

September 2021



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1. Introduction

This consultation document invites your comments as part of the review of the National Strategy for Community Justice. This consultation is primarily intended to be responded to by partners that are engaged with or have a direct interest in the current strategy, and will be followed in due course by a wider public consultation as part of the development of a new strategy.

2. Responding to this consultation

We are inviting responses to this consultation by 8 November 2021.

Please respond to this consultation using the Scottish Government's consultation hub, [Citizen Space](#). Access and respond to this consultation [online](#).

You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 8 November 2021.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form, attached as a supporting document, and send it to:

Email: cjstrategy@gov.scot

OR

Strategy Review Team
Community Justice Division
Scottish Government
GWR
St Andrew's House
Edinburgh, EH1 3DG

If you have any queries please contact cjstrategy@gov.scot.

Handling your response

If you respond using the consultation hub on citizen space, you will be directed to the "About You" page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

To find out how we handle your personal data, please see our privacy [policy](#).

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public on [Citizen Space](#). If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

Comments and complaints: If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at cjstrategy@gov.scot.

Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: [Citizen Space](#). Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

3. Background

The current model for Community Justice came into operation on 1 April 2017, underpinned by the [Community Justice \(Scotland\) Act 2016](#) (the Act), which places duties on a group of statutory partners to engage in community justice planning and to report against a set of nationally-determined outcomes.

The Act also established [Community Justice Scotland](#) and required Scottish Ministers to produce a [National Strategy for Community Justice](#) (the strategy), an [Outcomes, Performance and Improvement Framework](#) (OPIF) and [guidance](#) to support the delivery of the new model.

As per section 16 of the Act, Scottish Ministers must review the current strategy by 24 November 2021. Following this review, Scottish Ministers have committed to developing a new strategy, and it is expected that this will be published in Spring 2022, following a public consultation exercise in due course. This targeted consultation forms part of the engagement exercise for the review of the strategy.

The purpose of each of the three documents mentioned above is set out below for further context:

National Strategy for Community Justice: provides a shared vision to help partners and communities work together effectively to drive improvement in community justice. As per section 15(2) of the Act:

The strategy may contain such material in relation to community justice as the Scottish Ministers consider appropriate, including in particular—

- (a) a statement of the aims of community justice,*
- (b) action that the Scottish Ministers propose to take, or consider that others should take, to achieve, or support the achievement of, those aims,*
- (c) action that the Scottish Ministers consider that others should take to facilitate access to relevant general services by persons who have been convicted of an offence following the release of such persons from imprisonment or detention in a penal institution.*

Outcomes, performance and improvement framework: determines the outcomes and indicators used to measure performance across community justice partners, and is a tool designed to support improvement across the community justice landscape. As per section 17(2) of the Act:

The framework is to set out—

- (a) outcomes in relation to community justice which are to be achieved in the area of each local authority (called “nationally determined outcomes”), and*
- (b) indicators to be used to measure performance in achieving the outcomes (called “national indicators”).*

Statutory guidance: to support the statutory community justice partners to understand their roles arising from the Act.

4. Purpose of this engagement

As previously stated, as part of the review process, this consultation is primarily intended to be responded to by partners that are engaged with or have a direct interest in the current strategy. Alongside this consultation, we will also hold workshop discussions with partners to further explore views on the strategy (if you are interested in taking part in one of our workshop discussions, please email: cjstrategy@gov.scot). These activities will directly inform the approach to the new strategy, which will be published in Spring 2022, following a period of development and public consultation.

Ensuring that partners have the opportunity to contribute to this review process is vital to the success of the new strategy. The objective of this engagement exercise is to learn what has worked well and what hasn't over the past 5 years, and to assess what changes in approach to the strategy might be necessary, by seeking views on:

- The current vision, mission statement, priorities and principles;
- The impact of the current strategy; and
- The future priorities for community justice.

5. Strategic context and key interdependencies

There have been a number of significant developments since the current strategy was published in 2016, not least the impact of the coronavirus pandemic over the last 18 months. As we emerge from the pandemic, it is right that we should look at how to renew our public services and build on the lessons we have learnt – both the progress made and opportunities to build greater resilience into our critical services.

The strategy will also operate within the wider context of the [National Performance Framework](#) (NPF) and will be reflected in the development of a new justice strategy. It is specifically mentioned in the [Programme for Government 2021-22](#), which includes a commitment that we will develop and launch a new National Community Justice Strategy next spring, setting out clear aims with an emphasis on early intervention and encouraging a further shift away from the use of custody.

The strategy will be aligned with the NPF. The NPF is used by the Scottish Government to focus activities and spending to help meet national outcomes. To achieve the national outcomes, the NPF aims to get everyone in Scotland to work together. The NPF, last refreshed in 2018, includes the following national outcome which is of particular relevance to the strategy: “We live in communities that are inclusive, empowered, resilient and safe.”

Work is also underway to develop a new overarching justice strategy which will be both ambitious and realistic. We are currently focussed on identifying the high level ambitions, and subsequently a routemap for delivery will be developed. This will reflect all those who play a crucial role in ensuring that progress is made in securing a faster, fairer, more effective system.

Operating alongside the strategy, we will also take account of:

- OPIF - Community Justice Scotland is currently developing proposals for Scottish Ministers for the revision of the OPIF, which will likely be considered alongside the new strategy for publication in Spring 2022. Given the interdependencies between the strategy and the OPIF, the Scottish Government and Community Justice Scotland are working closely together on the respective pieces of work and where they intersect. We anticipate that the collaborative work undertaken by Community Justice Scotland to date on developing proposals for the revision of the OPIF will flow into the new strategy.

- Recover, Renew, Transform Programme - which was established to ensure a whole system approach to the justice system response to the coronavirus pandemic.
- [National Care Service Consultation](#) – which was published on 9 August 2021, regarding the creation of the National Care Service. Whilst the primary focus of the proposals is on adult social care, the consultation will also seek views on the scope and remit of the National Care Service and whether it should, as well as adult social care, include all social work services. This clearly has implications for justice social work and services for children, young people, and their families and carers.
- [Youth Justice Vision and Action Plan](#) – which represents a shared foundation between the Scottish Government and partners to continue to support the agenda to keep children out of the criminal justice system and promote the use of the Whole System Approach.
- [The Promise](#) – which works with organisations to support shifts in policy, practice and culture so Scotland can #KeepThePromise it made to care experienced infants, children, young people, adults and their families - that every child grows up loved, safe and respected, able to realise their full potential.
- Other priorities across Government which relate to community justice, such as victims and witnesses policy, violence prevention, employability, housing, mental health, substance related issues and community safety.

6. Progress to date

Since the publication of the first strategy, the Scottish Government has had a sustained focus on prevention and effective community interventions, and a long standing commitment to encouraging a shift in the balance of sentencing practice in Scotland away from short-term custodial sentences to more community based disposals, where appropriate.

Thanks to the continued efforts of all statutory and third sector partners progress has been made on this over recent years, including the establishment of the new model of community justice, the extension of the presumption against short sentences and progress on embedding trauma informed practice.

A number of key points relating both to progress in this area and to aspects which have seen little significant change are noted below:

- The sustained focus on prevention and effective community interventions has helped see Scotland's reconviction rate fall to its lowest level since comparable records began more than 20 years ago.
- The latest Reconviction Rates in Scotland data showed that the reconviction rate for individuals subject to a Community Payback Order (CPO) was 29.1% in 2017-18. This is the lowest rate since CPOs were introduced.

- In 2019-20, 22% (16,296) of all convictions resulted in a main penalty of a community sentence - the highest proportion of convictions where community sentences were imposed in the past ten years and up from 14% in 2010-11. This is a 7% increase in the number from 15,211 in 2018-19. However, this primarily reflects a decrease in the proportion of convictions receiving a financial penalty, with the proportion of convictions receiving a custodial sentence changing very little over the last decade. At a high level there is little evidence of a change in sentencing behaviour in court towards community sentences since 2016/17 (before the new Community Justice model came into effect).
- At a high level, there is no evidence of an increase in Diversion from Prosecution volumes since 2016/17 (before the new Community Justice model came into effect).
- At a high level, there is some evidence of an increased use of Bail Supervision since 2017/18, though the volumes are still very small in the context of overall bail cases.
- The presumption against short custodial sentences was extended from 3 months to 12 months in July 2019. Initial (pre-COVID) analysis indicates that there may have been a decline in the number of short sentences since the implementation of the policy. However, the impacts of COVID on the court system has made it impossible to isolate any real effects of the policy over time.
- The reconviction rate for CPOs is lower than the reconviction rates for short custodial sentences. Between 2016-17 and 2017-18, the reconviction rate for CPOs decreased by 2.2 percentage points compared to 0.5 percentage points for short custodial sentences.

In addition to our assessment of progress, Community Justice Scotland holds a statutory duty to monitor the performance of each local authority in the achievement of nationally and locally-determined community justice outcomes. It also has powers to identify and promote good practice; provide advice, guidance and assistance to the community justice partners for the area of a local authority; and to make national and local improvement recommendations where appropriate.

The Act requires community justice partners for the area of a local authority to publish a Community Justice Outcomes Improvement Plan, setting out their priorities and planned actions, related to the national outcomes (as set out in the OPIF), and any other locally-determined outcomes. Community justice partners for each local area are also required to publish an annual report on progress towards achieving the outcomes in their Community Justice Outcomes Improvement Plan.

In relation to the performance in Scotland as a whole, Community Justice Scotland publishes the Community Justice Outcome Activity Annual Report, reflecting national progress, using the outcomes and indicators as set out in the OPIF. The [most recent report](#) was published in March 2021 and covers the reporting year from April 2019 to March 2020. The majority of the evidence collated is therefore drawn from the period

immediately prior to the most substantial disruption associated with the COVID-19 pandemic.

The key findings were that:

- in aggregate, progress towards outcomes is being made nationally, however there is a lack of consistent, comparable data available to evidence this at a national level, or to inform detailed needs identification and planning at a local level.
- local arrangements vary regarding the delivery and quality of governance and accountability, leadership, and strategic planning.
- there is a need for work at a local and national level to better contextualise community justice within the complex landscape of interlinked strategic priorities to support local planning and delivery of services.

Overall, progress has been made but there is clearly significant scope for change and improvement. As an example, the Audit Scotland report, '[Community Justice: Sustainable Alternatives to Custody](#)', published in July 2021, sets out a number of issues and challenges within the community justice sector. These include areas for consideration around stakeholder involvement, geographical variation, factors influencing sentencing pathways and decisions, funding allocation for community justice partnerships, and ensuring that the outcomes of community sentences are clearly defined and that there is appropriate data to assess these outcomes. We will consider these alongside the Community Justice Outcome Activity Annual Report, evidence and views gathered as part of this review, in developing the new strategy.

7. Questions

7.1 Vision, mission statement, priorities and principles

7.1.1 Overview

The current strategy includes a vision and mission statement for community justice in Scotland, priorities to drive delivery towards these and principles that underpin the vision. These four components are supplemented by a range of contextual information.

As per section 15(2) of the Act however, the strategy may include, in particular, aims and actions:

The strategy may contain such material in relation to community justice as the Scottish Ministers consider appropriate, including in particular—

- (a) a statement of the aims of community justice,*
- (b) action that the Scottish Ministers propose to take, or consider that others should take, to achieve, or support the achievement of, those aims,*
- (c) action that the Scottish Ministers consider that others should take to facilitate access to relevant general services by persons who have been convicted of an offence following the release of such persons from imprisonment or detention in a penal institution.*

Setting out each component and the contextual information in the strategy may have been helpful and necessary when the model of community justice was being established. There may however be potential to simplify the strategy and to make it shorter, with less headings and a clearer focus. This may assist both partner organisations and the public in understanding and using the document. There may also be potential to consider the inclusion of more specific, time-limited aims and actions to be taken forward during the lifetime of the strategy.

Q1. Do you think that it would be helpful to shorten and simplify the strategy, to make it more user-friendly?

- Yes
- No

Please explain your response further:

Q2. Do you think that the strategy should contain more specific and time-limited aims and actions than at present?

- Yes
- No

Please explain your response further:

7.1.2 [Vision and mission statement](#)

The current strategy sets out a vision and mission statement as follows:

Vision:

Scotland is a safer, fairer and more inclusive nation where we:

- prevent and reduce further offending by addressing its underlying causes; and
- safely and effectively manage and support those who have committed offences to help them reintegrate into the community and realise their potential for the benefit of all citizens.

Mission Statement:

We will achieve this vision by effectively implementing the Scottish Government's plans for penal policy to:

- Deliver a decisive shift in the balance between community and custodial sentences by:
 - increasing the use of community-based interventions; and
 - reducing the use of short term custodial sentences;
- Improve the reintegration from custody to community.

Q3. To what extent do you agree or disagree with the current vision?

- Strongly agree

- Agree
- Neutral
- Disagree
- Strongly disagree

Please explain your response further:

Q4. To what extent do you agree or disagree with the current mission statement?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

Please explain your response further:

Q5. How useful do you think the current vision and mission statement are at helping partners and communities to work together effectively to drive improvement in community justice?

- Very useful
- Quite useful
- Neutral
- Not very useful
- Not at all useful

Please explain your response further:

7.1.3 Priorities

The current strategy sets out four priorities, each with associated improvement actions for delivery by partners, as follows:

Priorities:

- Improved Community Understanding and Participation
 - Informing local communities about community justice issues and involving them in the decisions that affect them will support reintegration, reduce stigma, and lead to the delivery of better, more responsive services and improved community justice outcomes.
- Strategic Planning and Partnership Working
 - A strategic approach to community justice planning and partnership requires that both statutory and non-statutory partners collaborate effectively towards common goals and co-ordinate their activities effectively.
- Equal Access to Services

- The Community Justice (Scotland) Act 2016 places duties on statutory partners who have a key role to play in improving community justice outcomes.
- Effective Use of Evidence-Based Interventions
 - In order to maintain confidence and protect the interests of people who have been victims of crime, it is important that the interventions available reflect the appropriate level of risk and the nature and severity of the offence, and should be robustly and consistently applied and delivered.

The priorities currently mirror the 'structural outcomes' in the OPIF. While this may not be the case going forward, we recognise the need for the new strategy and OPIF to align strategically and to be consistent and clear in their use of language. The Community Justice Outcome Activity Annual Report sets out evidence and commentary on progress towards structural outcomes (as well as the person-centred outcomes), which are consistent with these priorities, and improvement actions.

Q6. Do you think that a renewed community justice strategy needs a focus on each of the following?

Select all that apply

- Improved Community Understanding and Participation

Please add any comments on this priority:

- Strategic Planning and Partnership Working

Please add any comments on this priority:

- Equal Access to Services

Please add any comments on this priority:

- Effective Use of Evidence-Based Interventions

Please add any comments on this priority:

Q7. How useful do you think the current priorities and improvement actions are at helping partners and communities to work together effectively to drive improvement in community justice?

- Very useful
- Quite useful
- Neutral
- Not very useful
- Not at all useful

Please explain your response further:

7.1.4 Principles

The current strategy sets out a number of principles as follows:

Principles

Our vision for community justice is underpinned by the following principles:

- People must be held to account for their offences, in a way that recognises the impact on victims of crime and is mindful of risks to the public, while being proportionate and effective in preventing and reducing further offending.
- Re-integrating those who have committed offences into the community, and helping them to realise their potential, will create a safer and fairer society for all.
- Every intervention should maximise opportunities for preventing and reducing offending as early as possible, before problems escalate.
- Community justice outcomes cannot be improved by one stakeholder alone. We must work in partnership to address these complex issues.
- Informed communities who participate in community justice will lead to more effective services and policies with greater legitimacy.
- High quality, person-centred and collaborative services should be available to address the needs of those who have committed offences, their families, and victims of crime.

Q8. To what extent do you agree or disagree with the current principles?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

Please explain your response further:

Q9. How useful do you think the current principles are at helping partners and communities to work together effectively to drive improvement in community justice?

- Very useful
- Quite useful
- Neutral
- Not very useful
- Not at all useful

Please explain your response further:

7.2 Impact of the strategy

Overall, implementation of the strategy has been supported by Community Justice Scotland which has a key role in promoting the strategy, and to monitor, promote and support improvement in performance in the provision of community justice. The Community Justice Network has also played a key role in supporting Community Justice Partnership Coordinators, who take a key role in facilitating the preparation of and reporting on local plans, and Community Justice Scotland organises regular meetings of Community Justice Partnership Chairs.

In addition, community justice partners of a local authority area have a statutory duty to have regard to the strategy when preparing their Community Justice Outcomes Improvement Plans, and these must be reviewed after the publication of a revised national strategy (section 20(2)(a) and 22(2)(a) of the Act).

We recognise that community justice statutory partners, who are not traditionally justice partners, and the third sector, who are a crucial delivery partner, can make significant contributions to people's life chances and outcomes, through the model of community justice.

A key part of the review process is understanding what impact the strategy has had, and where there may be scope for improvement.

Q10. Thinking about the strategy overall, to what extent has it led to collaboration in the effective and strategic use of resources (including, as referenced in the current strategy, by sharing staff, expertise, information, property, and finance) across the community justice sector?

- To a great extent
- To some extent
- Not at all

Please explain your response further:

Q11. Thinking about the strategy overall, to what extent has it achieved its aim of providing a shared vision to help partners and communities to work together effectively to drive improvement in community justice?

- To a great extent
- To some extent
- Not at all

Please explain your response further:

Q12. Thinking about the strategy overall, would you say that it has influenced the work of your local area/organisation?

- To a great extent
- To some extent
- Not at all

Please explain your response further:

Q13. Thinking about the strategy overall:

- a. Which elements of the strategy do you find most useful?
- b. Which elements of the strategy do you find least useful?

7.3 Future thinking

The Scottish Government will publicly consult on the development and strategic direction of the new strategy at a later date, but early views from partners on key future priorities are welcomed.

Q14. In your view what are the three main community justice priorities over the next 3-5 years?



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