

CONSULTATION ON THE NATIONAL STRATEGY FOR COMMUNITY JUSTICE



CJS Consultation Response

Background

On 13th April 2022 the Scottish Government launched its [consultation on a revised version of the National Strategy for Community Justice](#). As the national public body tasked with monitoring, promoting and supporting improvement in the provision of community justice, we have drawn on our experiences over the last five years and our responsibilities under the Community Justice (Scotland) Act 2016 to develop this response.

Our response focuses on the proposed aims and priority actions set out in the consultation document and makes suggestions for their revision to ensure they reflect local experiences of community justice and align with work currently being undertaken by Community Justice Scotland to review and revise the [Outcomes Performance and Improvement Framework](#). Key points include that:

- The National Strategy must be bold and ambitious in order to achieve the goal set out in the Vision for Justice of achieving a decisive shift in the justice system from custody to community.
- The National Strategy must link with other national strategies and policy areas to ensure that we are taking a joined up approach to supporting people in our communities.
- The proposed aims and priority actions must be based on evidence and must be achievable for local community justice partners across Scotland.
- More must be done to ensure the third sector, people with lived experience of the justice system, families, and people who have been victims of crime are included in local community justice processes.

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Community Justice Scotland is the national public body tasked with monitoring, promoting and supporting improvement in the provision of community justice. We hold statutory duties to promote the benefits that arise from high quality community justice services, planned and delivered collaboratively by locally-embedded partners and informed by local needs and strengths. We are required by the Community Justice (Scotland) Act 2016 to promote the National Strategy for Community Justice, and we welcome this opportunity to comment on the creation of the objectives that will underpin our corporate priorities for the coming years, and influence the delivery of community justice across Scotland.

In developing our response we have drawn on our experiences over the last five years working with stakeholders, the evidence base we have developed to inform our work and considered the concurrent review of the Outcomes, Performance and Improvement Framework (OPIF). We look forward to engaging with partners in the work to come.

General comments:

- The National Strategy for Community Justice must be ambitious and drive forward transformation of outcomes for people and communities who interact with the justice system. This will be essential if we are to achieve the commitment set out in the 2021 Programme for Government of moving towards using prison only for those who pose a risk of serious harm, and the Justice Vision priority to shift the balance of our justice system towards community sentences and support as the default response to offending behaviour.
- To do this, the strategy should also set the intended direction of travel not only for the limited term of the Strategy itself but illustrate the greater longer term outcomes it is seeking. We recommend that consideration is given as to how this could be included in the Strategy. We suggest Scottish Government builds on the cumulative work from the last two years developed by the community justice partners as a starting point for those considerations, such as the “Transforming the Justice System – Stakeholder Paper” prepared by the Community Justice and Prison Sub Group of the Recover, Renew, Transform programme in Summer 2021.
- The National Strategy should set the strategic aims that partners in delivery of the local model of community justice are expected to work towards within the life of the Strategy and beyond. The aims and priority actions must reflect outcomes that are within the influence of the local and national community justice partners to realise, and be paired with an action plan and outcomes framework that will support and enable delivery. Delivering these and ensuring a decisive shift towards community justice and the expansion of available community responses to offending will require significant additional resources.
- At present, the new National Strategy makes only limited reference to families and communities and their place in community justice.

- The new National Strategy is overly focussed on criminal justice processes. While it is clear that the Strategy must be aligned to the Justice Vision, it is essential that community justice looks beyond justice to connect with other key policy and practice areas with essential contributions to shared outcomes. Many other relevant Scottish Government strategies and commitments include outcomes that this strategy should support and will contribute to - directly and indirectly - across housing, public health, physical and mental health, education, employability, and violence against women and girls.
- The Strategy should have clear links to relevant strategic work across the range of policy areas that also contribute to shared outcomes, including:
 - The work of The Promise (in particularly funding for family support)
 - The implementation of recommendations from the Drugs Death Task Force and the implementation of MAT Standards
 - Proposals to establish a National Care Service, regardless of whether justice services are included or not
 - The joint review of diversion from prosecution
 - Delivery of the Restorative Justice Action Plan

This list is not exhaustive, and the Strategy may benefit from explicit linkage with other relevant ongoing strategic activity.

- It is essential that the National Strategy recognises what is deliverable by and accountable to local and national community justice partners. None will be served by mission creep or duplication.
- The National Strategy must help partners deliver the changes required to realise these outcomes, because the cost of failure is too high.

8. Questions

Scottish Government would like your feedback on the National Strategy for Community Justice: Revision Consultation. The questions are focused on key aspects of the revised strategy included within the consultation document (section 7). Please read the consultation document before responding.

1. 8.1 National Strategy for Community Justice - Aims

The draft national aims for the revised National Strategy for Community Justice are:

Aim 1: Optimise the use of diversion and intervention at the earliest opportunity

Aim 2: Ensure that robust and consistent community interventions and public protection arrangements are in place across Scotland

Aim 3: Ensure that services are available to address the needs of individuals accused or convicted of an offence

Aim 4: Strengthen leadership, engagement, and partnership working

Q1. Is the wording of the four national aims understandable?

- Yes
- No

If you answered no, please provide further explanation:

CJS Response: No

We understand the aims, however it is not clear why it is these aims that have been selected or what the associated evidence base is. We nonetheless appreciate these may be better established in the completed Strategy and accompanying documentation.

Our subsequent answers provide suggested amendments for the aims where we feel it is necessary in the interest of clarity and purpose.

Q2. Do you think the four national aims capture the most important aspects of community justice?

- Yes
- No

If you answered no, please provide further explanation:

CJS Response: No

At present, the Aims do reflect vital aspects of community justice, however taken individually and as a cluster, they do not capture the potential for community justice to support an individual to remain in and connect positively with their community, improve their wellbeing, and in turn the wellbeing of that community. In our subsequent answers we propose amendments to the Aims to address this.

Q3. To what extent do you agree/disagree with the national aims for the revised National Strategy for Community Justice?

| National Aims | Strongly disagree | Disagree | Neutral | Agree | Strongly agree |
|---|-------------------|--------------|---------|--------------|----------------|
| Aim 1: Optimise the use of diversion and intervention at the earliest opportunity | | | | | CJS response |
| Aim 2: Ensure that robust and consistent community interventions and public protection arrangements are in place across Scotland | | CJS response | | | |
| Aim 3: Ensure that services are available to address the needs of individuals accused or convicted of an offence | | CJS response | | | |
| Aim 4: Strengthen leadership, engagement, and partnership working | | | | CJS response | |

Do you have any further comments on the National Aims?

Aim 1: Optimise the use of diversion and intervention at the earliest opportunity

CJS agree this aim is of vital importance, and is in line with the evidence that prevention and early intervention can reduce criminalisation. We do however think it should be more explicit in identifying the purpose of this aim and how it can be realised. We propose the following wording:

Revised Aim 1: Optimise the use of diversion and intervention to identify and address needs at the earliest opportunity in order to improve wellbeing and reduce offending

This wording introduces the actions required of delivery partners and the underlying rationale. This revision should be further strengthened by amendments to the associated priority actions.

Aim 2: Ensure that robust and consistent community interventions and public protection arrangements are in place across Scotland

We recommend this outcome is reworded to better reflect the duties set out by the Community Justice (Scotland) Act 2016, and to place an appropriate emphasis on actions required by community justice partners. The words 'public protection arrangements' risk conflation with

duties that are vital for public safety and criminal justice, but are accountable elsewhere, i.e. Multi-Agency Public Protection Arrangements. Community justice partnerships should have good relationships with this work and maintain live connections to it, but the National Strategy should not duplicate accountability and thereby create ambiguity around governance.

We propose the following:

Revised Aim 2: Ensure that **high-quality effective** interventions **that enable community-based support** are in place **where they are required**

Aim 3: Ensure that services are available to address the needs of individuals accused or convicted of an offence

This aim should be revised, along with the associated priority actions, to be more aspirational and establish more clearly the policy ambition and means by which it can be achieved through community justice. It should focus primarily on the need for partners to ensure the availability of appropriate services to enable people to improve their wellbeing and aid their desistance journey.

We propose the following wording:

Revised Aim 3: Ensure that **appropriate** services are available to address the needs of individuals accused or convicted of an offence, **and that people are able to access them, to improve community connections and improve wellbeing**

This revision should be further strengthened by amendments to the associated priority actions, which at present focus almost exclusively on release from prison. This aim should be more ambitious and recognise that work across the system, but particularly that upstream, with the right support, is where opportunities for transformative change lie.

Aim 4: Strengthen leadership, engagement, and partnership working

We support the inference of this aim, however it is at present rather generic and non-specific to community justice with no clear intention i.e. to what end should leadership, engagement and partnership working be strengthened. This presents challenges for implementation. Again, it is possible this will be made clearer through the priorities, delivery plan, and accompanying guidance to the National Strategy, but it is desirable to establish intent clearly in the Aim itself. We recommend the following wording:

Revised Aim 4: Strengthen leadership, engagement, and partnership working **across local and national community justice partners**

8.2 National Strategy for Community Justice - Priority Actions

In February 2022, the Scottish Government published consultation feedback on the review of the current National Strategy for Community Justice. Informed by the responses to this review and other evidence and engagement, priority actions have been developed under each of the national aims. The priority actions should support the national aims.

Q4. To what extent do you agree/disagree that these community justice priority actions will contribute to the achievement of national Aim 1 (Optimise the use of diversion and intervention at the earliest opportunity)?

| Priority actions for Aim 1 | Strongly disagree | Disagree | Neutral | Agree | Strongly agree |
|---|-------------------|----------|--------------|-------|----------------|
| 1. Enhance early intervention by ensuring greater consistency, confidence in and awareness of services which support the use of direct measures and diversion from prosecution | | | CJS response | | |
| 2. Improve support for vulnerable individuals by ensuring the provision of consistent, equitable and accessible immediate support in a crisis and screening within Police Custody Centres | | | CJS response | | |
| 3. Improve support following arrest by ensuring substance use and mental health services are available and appropriate referrals take place at the earliest opportunity | | | CJS response | | |

Q5. Do you have any further comments or suggested changes on how these priority actions will contribute to achieving Aim 1 (Optimise the use of diversion and intervention at the earliest opportunity)?

We broadly support the intent we understand underlies these priorities, but we feel further revision is necessary to ensure they contribute to the achievement of (a revised) national Aim 1. These priorities should more clearly set out their purpose in a way that will support implementation, action, monitoring and improvement.

As set out in our answer to the first section of this consultation, we believe the wording of Aim 1 should be revised to the following:

Revised Aim 1: Optimise the use of diversion and intervention **to identify and address needs at the earliest opportunity in order to improve wellbeing and reduce offending**

The priorities should be amended as follows:

Revised Priority 1. Enhance early intervention by ensuring greater **availability, access to, awareness and use** of services which support the use of direct measures and diversion from prosecution

We believe increased ‘confidence’ is a desirable outcome which should arise from availability and use of effective services, but would be very challenging for partners to evidence and measure. In contrast, the availability and accessibility of services is within the influence of community justice partners local and national.

Revised Priority 2. Improve support for individuals by ensuring the provision of consistent, equitable and accessible immediate **trauma-responsive** support

We propose removing the reference to ‘screening within Police Custody Centres’ from this Priority and moving it to Priority 3. This broadens the scope of this Priority to include a wider range of community justice partners and stages of justice journeys for more people to whom improved support is desirable. Further, we think that this Priority should reference the need for this to involve a trauma responsive approach. We also propose removing the word “vulnerable” as this term may cause confusion given that it has number of specific meanings in different contexts. Moreover, extending the range of people that will be able to access trauma-responsive support in crisis will help to achieve the Justice Vision aim of ensuring effective, modern person-centred and trauma-informed approaches to justice for all.

We also propose removing the words ‘in a crisis’. This support should be available where crises arise, but should not be contingent on crisis point being reached.

Revised Priority 3. Improve **trauma-responsive** support following arrest **and as part of screening within Police Custody Centres** by ensuring substance use and mental health services are available and appropriate referrals take place at the earliest opportunity

Q6. To what extent do you agree/disagree that these community justice priority actions will contribute to the achievement of national Aim 2 (Ensure that robust and consistent community interventions and public protection arrangements are in place across Scotland)?

| Priority actions for Aim 2 | Strongly disagree | Disagree | Neutral | Agree | Strongly agree |
|---|-------------------|----------|--------------|--------------|----------------|
| 4. Support the use of credible and robust alternatives to remand by ensuring high quality services are consistently available and delivered effectively | | | CJS response | | |
| 5. Strengthen supported management in the community by increasing and | | | | CJS response | |

widening the use of electronic monitoring and technologies

6. Ensure that those given community sentences are managed appropriately and safely by delivering high quality, consistently available, trauma-informed services and programmes that support public protection

7. Ensure restorative justice is available across Scotland to all those who wish to access it by ensuring consistent provision and effective promotion of available services

CJS response

CJS response

Q7. Do you have any further comments or suggested changes on how these priority actions will contribute to achieving Aim 2 (Ensure that robust and consistent community interventions and public protection arrangements are in place across Scotland)?

As per our answers to the first part of this consultation, we believe the wording of Aim 2 should be revised as follows:

Revised Aim 2: Ensure that **high quality** interventions **that enable community-based support** are in place **to respond to needs**

The priorities should be amended as follows:

Revised Priority 4. Support the use of **bail** by ensuring **people's needs are considered and they receive** high quality services **where required**

Bail, in some instances supported by additional measures such as accommodation support, needs-targeting services, and victim, family and community support, is the only alternative to remand, and should be given direct focus in this priority to avoid obfuscation. The availability of services is key, but the route to accessing these services must be through assessment and identification to allow delivery.

Revised Priority 5. Strengthen supported management in the community by increasing and widening the use of electronic monitoring and technologies

We offer no specific amendment to this priority, it will certainly form an important part of increasing community-based sentencing, however we must highlight that much of the actions arising will need to be driven by national partners and Scottish Government, and that this must be taken into consideration in the Delivery Plan and wider implementation.

Revised Priority 6. Ensure that those given community sentences are managed appropriately and safely by delivering high quality, consistently available, trauma-informed services

We recommend removing 'and programmes that support public protection' from this Priority. Community justice has a vital role in supporting people and contributing to the protection of the public, however as highlighted in our earlier response, accountability for and delivery of public protection arrangements such as MAPPA and accredited programmes are not within the scope of community justice, though community justice partners must have regard to them in their planning and delivery. To focus on public protection with any degree of ambiguity about responsibilities and lines of delivery is to introduce ambiguity, the likelihood of mission creep and to potentially compromise implementation.

Revised Priority 7. Ensure restorative justice is available across Scotland to all those who wish to access it by ensuring consistent provision and effective promotion of available services

We support this priority, though again note that it is likely to be driven by national partners and Scottish Government as well as local community justice partners, and that this must be taken into consideration in the Delivery Plan and wider implementation.

Q8. To what extent do you agree/disagree that these community justice priority actions will contribute to the achievement of national Aim 3 (Ensure that services are available to address the needs of individuals accused or convicted of an offence)?

| Priority actions for Aim 3 | Strongly disagree | Disagree | Neutral | Agree | Strongly agree |
|---|-------------------|----------|--------------|-------|----------------|
| 8. Enhance individuals' access to health and social care and continuity of care following release from prison by improving the sharing of information between relevant partners | | | CJS response | | |
| 9. Ensure that the housing needs of individuals in prison are addressed consistently and at an early stage by fully implementing and embedding the SHORE standards across all local authority areas | | | CJS response | | |

| | | |
|---|--|---------------------|
| <p>10. Enhance individual's readiness for employment by ensuring increased access to employability support through effective education, learning, training, careers services and relevant benefit services</p> | | <p>CJS response</p> |
| <p>11. Enhance community integration and support by increasing and promoting greater consistency in the use of voluntary throughcare and third sector services</p> | | <p>CJS response</p> |

Q9. Do you have any further comments or suggested changes on how these priority actions will contribute to achieving Aim 3 (Ensure that services are available to address the needs of individuals accused or convicted of an offence)?

As per our answers to the first part of this consultation, we believe the wording of Aim 3 should be revised as follows:

Revised Aim 3: Ensure that services are available to address the needs of individuals accused or convicted of an offence **in order to sustain and improve community connection and improve wellbeing**

We believe that the present priorities do not sufficiently capture the breadth of potential improvement that this Aim, even with the previous wording, describes. Of the four given, three focus exclusively on release from custody and all fail to support the shift towards community delivery away from imprisonment as a default.

In addition to this, these priority actions do not address the issue of remand prisoners' access to services and support, despite Aim 3 referring specifically to the needs of those accused of committing a crime. Under the Prison Rules and other relevant policies and legal considerations, people held on remand are prevented from accessing many services that are otherwise available to people in prison. The National Strategy will therefore need to indicate how these barriers can be addressed to allow delivery of the proposed priority actions for those on remand.

We suggest the priorities are reworded as follows:

Revised Priority 8. Enhance individuals' access to health and social care and continuity of care **during justice transitions, including during supervision and completion of community**

sentences and following release from prison, by improving connections between services across custody and community

We suggest removing “by improving the sharing of information between relevant partners” as unhelpfully prescriptive – information sharing is key, but relationships and partnership working across these spaces is about more than information sharing.

Revised Priority 9. Ensure that the housing needs of individuals are addressed consistently and at an early stage **by assessing and responding to accommodation needs at the earliest stages of involvement in the justice system and by** fully implementing and embedding the SHORE standards across all local authority areas

This Priority should be wider than SHORE standards, and aim to reflect these principles applied to all accused and convicted people, regardless of whether they are serving their sentence in prison or in the community. Actions taken at the beginning of someone’s justice system involvement may lead to the loss of tenancies, property, accumulation of rent arrears and debt, and the loss of family relationships and community connection. It is at this early stage that partners in community justice can make a significant difference.

Revised Priority 10. Enhance individual's readiness for employment by ensuring increased access to employability support through effective education, learning, training, careers services and relevant benefit services

We support this Priority, however as noted above we would welcome the expansion of the other priorities under this aim to include a focus on community and not custody.

Revised Priority 11. Enhance community integration and support by increasing and promoting greater **access to** voluntary throughcare and third sector **support** services

We support this Priority, however the wording should focus on access at the relevant point of need (on liberation from custody) rather than ‘consistency’. The point must be not that services are ‘consistent’ between areas / across Scotland, but available, needs led, reliable and that people are accessing them when they are needed.

We would highlight however that the term ‘voluntary throughcare’ is understood to mean different things by different audiences, depending on circumstances like sentence length, eligibility, and service provider. This term should be clearly defined within the Strategy or accompanying guidance to ensure this Priority is deliverable.

Q10. To what extent do you agree/disagree that these community justice priority actions will contribute to the achievement of national Aim 4 (Strengthen leadership, engagement, and partnership working)?

| Priority actions for Aim 4 | Strongly disagree | Disagree | Neutral | Agree | Strongly agree |
|---|-------------------|----------|---------|--------------|----------------|
| 12. Deliver improved community justice outcomes by ensuring that effective leadership arrangements are in place and working | | | | CJS response | |

| | | | |
|--|--|---------------------|--|
| <p>well, collaborating with partners and planning strategically</p> | | | |
| <p>13. Enhance partnership planning and implementation by ensuring the voices of victims, survivors, those with lived experience and their families are effectively incorporated</p> | | <p>CJS response</p> | |
| <p>14. Support integration and reduce stigma by ensuring the local community and workforce have an improved understanding of and confidence in community justice</p> | | <p>CJS response</p> | |

Q11. Do you have any further comments or suggested changes on how these priority actions will contribute to achieving Aim 4 (Strengthen leadership, engagement, and partnership working)?

As per our answers to the first part of this consultation, we believe the wording of Aim 4 should be revised as follows:

Revised Aim 4: Strengthen leadership, engagement, and partnership working by **local and national community justice partners**

We propose the Priority actions are amended as follows:

Revised Priority 12. **Improve** community justice outcomes by ensuring that effective leadership arrangements are in place and working well, collaborating with partners and planning strategically

Revised Priority 13. **Improve** partnership planning and implementation by ensuring **participation of third sector bodies involved in community justice**, and the voices of victims, survivors, those with lived experience and their families are effectively incorporated

We read this Priority as being linked to the requirement of the Community Justice (Scotland) Act 2016 for partners to secure the participation of third sector and community bodies, and propose amended wording to better reflect the statutory duties. At present the strategy has little to say about the vital role played by the third sector in the delivery of community justice outcomes or the persistent barriers many third sector organisations are facing for their participation in community justice processes. We would therefore welcome a specific reference to the third

sector in this Priority and consideration throughout the Strategy of how it might support third sector participation in community justice.

Revised Priority 14. Support integration and reduce stigma by ensuring the community and workforce have an improved understanding of and confidence in community justice

We support this Priority but have removed the word 'local'. We believe this Priority should be for all stakeholders in community justice, including the national partners and Scottish Ministers.

2. 8.3 Other

Q12. Do you have any other comments on the National Strategy for Community Justice: Revision Consultation document that were not captured in the national aims and priority actions questions?

Community Justice Scotland is the national public body tasked with monitoring, promoting and supporting improvement in the provision of community justice. We hold statutory duties to promote the benefits that arise from high quality community justice services, planned and delivered collaboratively by locally-embedded partners and informed by local needs and strengths. We are required by the Community Justice (Scotland) Act 2016 to promote the National Strategy for Community Justice, and we welcome this opportunity to comment on the creation of the objectives that will underpin our corporate priorities for the coming years, and influence the delivery of community justice across Scotland.

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with an action plan and outcomes framework that will support and enable delivery. Delivering these and ensuring a decisive shift towards community justice and the expansion of available community responses to offending will require significant additional resources.

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- The new National Strategy is overly focussed on criminal justice processes. While it is clear that the Strategy must be aligned to the Justice Vision, it is essential that community justice looks beyond justice to connect with other key policy and practice areas with essential contributions to shared outcomes. Many other relevant Scottish Government strategies and commitments include outcomes that this strategy should support and will contribute to - directly and indirectly - across housing, public health, physical and mental health, education, employability, and violence against women and girls.
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