



October 2022

Community Justice Scotland Response to the Criminal Justice Committee's Pre-Budget Scrutiny 2023-24

Community Justice Scotland have prepared this submission in response to the Scottish Parliament's Criminal Justice Committee's call for evidence as part of their Pre-Budget Scrutiny 2023-24. This annual process seeks to scrutinise the Scottish Government's current funding priorities and to inform future funding plans ahead of the publication of the Draft Budget later in the year.

In our response we set out what we believe the likely impact of the Resource Spending Review and the rising costs crisis will be on the already overburdened community justice system. In our response to the Committee we have highlighted:

- That the community justice system is already struggling to deliver services and is operating at a reduced capacity as a result of the COVID-19 pandemic and a range of other burdens and additional responsibilities placed on it in recent years.
- Any real terms reduction in funding will result in reduced participation in community justice partnership activities, the scaling back or withdrawal of community justice services, and a deterioration in the quality of continuing community justice efforts.
- Due to the vital importance of community justice in reducing offending and reoffending, this will result in more crime and more victims of crime unless steps are taken to mitigate the negative effects of a real terms cut on community justice.
- Funding for the justice system, however, needs a more fundamental overhaul and we would welcome consideration of how future budgets could be used to drive forward a decisive shift in Scotland from custody to community.

We look forward to working with the Committee, the Scottish Government, and other colleagues across the justice sector to explore how we can drive forward community justice priorities together, whilst mitigating the negative effects of reduced spending on the community justice system and the people in it.

Criminal Justice Committee Call for Evidence on Pre-Budget Scrutiny 2023-24

Community Justice Scotland Response as Submitted 21/10/2022

About you:

Community Justice Scotland is the national public body tasked with monitoring, promoting and supporting improvement in the provision of community justice.

Community justice is the collection of individuals, agencies and services that work together to support, manage and supervise people who have committed or are accused of committing offences. It involves people from the point of arrest, through prosecution and diversion out of the justice system, community disposal or custody and alternatives to these, until they are reintegrated into the community. It is principally about organisations working together to ensure that people who have offended address the underlying causes of their behaviour, and pay back to the community where appropriate. It aims to encourage rehabilitation, reduce reoffending, and protect the public, leading to fewer victims and safer communities.

The Community Justice (Scotland) Act 2016 introduced a local model for community justice, with partners responsible for community justice in each local authority area for planning and delivery of services and processes. This also requires participation from communities, the voluntary sector, people with experience of the justice system, victims and families.

Community Justice Scotland holds statutory duties to publicly 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, and to monitor progress towards achieving community justice outcomes.

We welcome this opportunity to provide evidence to the Committee as part of the Pre-Budget Scrutiny of the Draft Budget 2023-24 and have drawn on our experience of monitoring, promoting and supporting improvement in the community justice to develop our response.

What are your views on the impact of a possible real terms cut in the funding for the Scottish justice sector for the financial year 2023/24?

Any reduction in spending across the Justice and Veterans portfolio will have a disproportionately negative impact on the community justice system.

Successful community justice is dependent on a range of partners coming together at a local level to assess need, plan, and allocate resource and activity to address offending in their communities. It requires high quality services that work together effectively, across a range of sectors, including as health, housing and employability, to deliver improved outcomes for people in the justice system.

Evidence indicates that engagement in local community justice partnerships can be a challenge for partners where resources are limited and competing priorities exist; we believe that current pressures and the impact of future funding reductions will make this even more likely to be the case. If organisations are not able to take part in community justice because they do not have capacity to do so or the services they provide are of lesser quality or reduced scope due to a lack of funding, then the whole model we use for community justice in Scotland is at risk. Reduced spending on justice and throughout the budget as a whole, therefore, creates a unique challenge for local community justice activity and we would therefore call on the Scottish Government to consider how best to mitigate against this when making decisions on the 2023-24 Budget.

While the modelling shared by the Committee from the Scottish Parliament Information Centre (SPICe) does not specifically mention community justice, it is clear that the Resource Spending Review (RSR) and inflation will have a significant impact on community justice both locally and nationally.

In the most recent Scottish Government Budget, dedicated community justice spending was £47.2m: if unchanged for 2023-24, the estimated cut to resource spending of 7.8% across the portfolio predicted by SPICe will mean a reduction to community justice spending of £3.7m. The impact of this on a comparatively small budget that is split across a wide range of organisations and 32 different Local Authority areas will be significant, as it will be difficult to spread the burden of reduced spending without compromising key services or projects. Other Scottish Government funding that drives community justice, such as the £86.5m from the Central Government Grant to Local Authorities to fund local Justice Social Work (JSW) services will be similarly affected.

Any reduction in resources would come at a time when the community justice system is already experiencing unprecedented strains. Community justice has historically been an underfunded aspect of the justice system and yet has seen increased demands being placed on it in recent years to support key policy developments, such as the extension of the Presumption Against Short Sentences and the expansion of the use of electronic monitoring, with only limited additional resource.

In addition to this, two years of disruption and hardship caused by the COVID-19 pandemic have left many organisations and professionals struggling to cope with levels of demand in the justice system.

Evidence gathered as part of Community Justice Scotland's Outcome Annual Activity Report for 2020-21 shows the disruption and difficulties that faced by many local community justice partnerships; while reports for the 2021-22 year have yet to be fully analysed and published, initial indications are that local areas are continuing to struggle with the impact of COVID-19 and are facing considerable difficulties. This reflects research recently undertaken by Edinburgh Napier University in partnership with the Criminal Justice Voluntary Sector Forum and supported by Community Justice Scotland on the experiences of voluntary sector providers of justice services in Scotland, who are facing significant and enduring challenges following the pandemic.

Early evidence also suggests that two years of disrupted access to services, such as community mental health and addiction services, throughout the pandemic are taking

their toll on people in the community justice system and services are reporting an increase in the complexity of the cases they are working with. Reports of staff struggling to cope with the effects of the pandemic, both in terms of poor mental health and “burnout”, and high attrition rates for staff are also widespread.

Additional funding currently being made available to address the court case backlog caused by the pandemic will also have a knock on effect on the community justice system. More cases coming through the system over and above the “normal” rate of cases will place additional strain on community justice partners. The prioritisation of solemn cases, which will generally lead to longer sentences, will mean that those cases that are coming through the system are more complex and potentially pose a risk of some harm to the public. While the majority of sentences resulting from these cases will likely result in a period of time in prison for those convicted, we are also likely to see an increasing number result in community sentences. Given the seriousness of the offending and potential risks, these people will require additional support and management in the community, placing extra burden on the system. We would therefore welcome additional resource being made available where needed for intensive support and supervision work in the 2023-24 Budget.

All of this means that, even before future real terms reductions posed by the RSR and inflation come into effect, we are concerned that community justice resources are insufficient to meet current levels of demand and for partners to deliver services effectively.

Further reduction in capacity due to a real terms cut in budgets will force local community justice partners to make difficult choices and to prioritise their activities. For those partners with statutory duties, this will mean focusing on those activities that they are legally required to undertake.

For Local Authorities and JSW services, this will mean a focus on the statutory aspects of their role and responsibilities such as court reports and parole licences. Other critical but non-statutory work, such as support for people on bail with further conditions (Bail Supervision) and Diversion from Prosecution, risk being scaled back or halted altogether. These are vital aspects of community justice delivery that not only help people to address their needs but also keep them out of the already overburdened courts system and custodial estate and expanding delivery of both is key to achieving the aims of the National Strategy for Community Justice Strategy published by the Scottish Government earlier this year. Similar choices will also be faced by other statutory partners such as Police Scotland and the Scottish Prison Service, who, when faced with insufficient resources to do all that they would like to, will be forced to prioritise that which they have to do.

A reduction in resources will also mean similar tough choices for practitioners working with people in the justice system. This has already been reflected in evidence recently submitted to this Committee in relation to the Bail and Release from Custody Bill by Social Work Scotland (SWS). In their submission SWS highlighted that JSW services are already reporting that they are unable to work in the way they would deem most effective and are sacrificing high quality relational work to prioritise statutory and administrative responsibilities. This is particularly challenging in a community justice context as we know from the bodies of academic research relating to desistance and rehabilitation for people in the justice system that it is in depth, relational, and strengths based approaches working with people in the

justice system to address their needs and any underlying issues that are the most effective way of tackling offending behaviour, rather than the use of ineffective options such as short periods in custody.

Any reduction of funding for community justice will also have a disproportionately negative impact on voluntary sector services. Many third sector providers receive funding from Local Authorities and from a range of different local partnerships, such as Health and Social Care Partnerships, to provide vital community justice services. Contracts to deliver these local services are often only awarded on an annual basis and recommissioned regularly, meaning that funding can be precarious and can end at short notice even when voluntary sector providers are able to demonstrate good outcomes and an efficient use of resources. Reduced funding across the system will drive this further as local funders prioritise delivering their statutory responsibilities and protecting staff for job losses, leaving the voluntary sector to either fill the gap from reserves or cease providing those services. Due to the complex and interdependent funding arrangements for many third sector organisations, even the loss of funding for one or two services could have catastrophic consequences for some organisations. Where contracts do continue, inflationary uplifts for providers are unlikely, meaning that third sector organisations will have to do more with less.

Across both the statutory and voluntary sector, any reduction in capacity caused by reduced funding risks lowering the quality of services, making them less effective at reducing offending and reoffending. This increases the likelihood of non-compliance and breach for community sentences and licence conditions. If the quality of services declines or if they are perceived to be at risk of closure, then this will reduce the judiciary's confidence in using community sentences, something that evidence suggests may already be a factor limiting the uptake of community sentences in recent years. A lower uptake of community sentences will result in more people going to prison, which is less effective at preventing re-offending and will therefore lead to more crime and victims of crime in future.

It will also mean that people who commit offences will be less likely to get the help they need to address their addictions issues, to deal with their problems relating to physical or mental health, and to get into safe and sustainable accommodation. This risks perpetuating harm and poor outcomes for people who have already been failed by our institutions all too frequently and sustaining a cycle of offending behaviour.

Community Justice Scotland would therefore like to see any future budget include additional funding to attempt to mitigate some of the likely adverse consequences a reduction of funding will have for community justice and would welcome discussion with Scottish Government colleagues and others on how best this might be achieved collectively.

Any other comments you may wish to make on the impact of the possible flat-cash settlement on the Scottish justice sector or the budget more widely

In addition to the need for additional funding to mitigate the likely consequences of a reduced justice spend on community justice, Community Justice Scotland believe that a more fundamental change to the budget for Justice and Veterans is necessary.

Under current justice budgets, community justice is structurally underfunded and spending on community justice and JSW services equates to only 4.3% of total justice funding – when considering money only specifically earmarked for community justice delivery this drops to only 1.5%.

Instead, we are prioritising spending on criminal justice processes and on custody that we know to be less effective at tackling offending and reoffending than approaches that are rooted in our communities. At present the dedicated spend on community justice and the money allocated to JSW equates to only about 28% of the total operating costs of the Scottish Prison Service (£403.6m). This is despite the fact that significantly more people receive community sentences than custodial sentences and that community justice services must also then continue to support or supervise people in a range of ways after they leave prison or finish their community sentences.

Community Justice Scotland support the priority action set out by the Scottish Government in their Vision for Justice Scotland to shift the balance between the use of custody and justice in the community. If we are serious about achieving this and about increasing the number of cases that we are able to manage and support successfully in our communities, then the balance of spend in the Justice and Veterans portfolio must also make a decisive shift towards community justice in order to support a paradigm shift in how the system responds to crime, harm and offending behaviour. Engaging the public will be a fundamental part of doing this successfully and so coordinated and fully resourced local and national communication campaigns to increase awareness of the benefits deriving from community justice will be essential in ensuring a successful shift in the balance between community and custody. We would therefore welcome further opportunities to come together with the Scottish Government and other partners across the justice system and beyond to explore how best this shift could be collectively realised through future budgets.

The Budget must also support the implementation of key community justice policy developments, in particular the recently published National Strategy for Community Justice. The priority aims set out in the Strategy of increasing our use of diversion, expanding the use of community sentences, and improving support services for people in the community and for those leaving prison will all require well-resourced and coordinated approaches at a local and national level. Recent years have also seen the expansion of the use of electronic monitoring and the continued work to support the presumption against short term sentences and future years will see the introduction of changes set out in the Bail and Release from Custody Bill. While some targeted money has been provided over recent years to support aspects of these developments, at present it is not clear how the current community justice spend or the justice spend as a whole is being utilised to drive these key developments and to ensure their success. We would therefore welcome consideration of how the Scottish Government Budget 2023-24 is able to prioritise and support the delivery of key community justice priorities.

Finally, Community Justice Scotland would welcome consideration of how the 2023-24 Budget could be used to encourage the use and coordination of resources across the Scottish Government. Evidence shows that often the greatest impact on an individual's offending behaviour comes from when they are able to access services that help to address issues relating to their mental health, addictions, and housing.

Connecting and coordinating these services and helping people in the justice system to access them is a key aspect of community justice and yet it remains difficult to do so both locally and nationally as activity and budgets remain in siloes; this is particularly challenging in the context of Scotland's National Mission to Reduce Drugs Deaths. We would therefore like to see an exploration of how resources can be used most effectively across the budget as a whole in order to maximum impact at a time of constrained public spending following the Resource Spending Review.