COMMUNITY
JUSTICE
SCOTLAND

Achieving Community Justice Outcomes

Targeted resource to support national outcome improvement planning in local authority areas

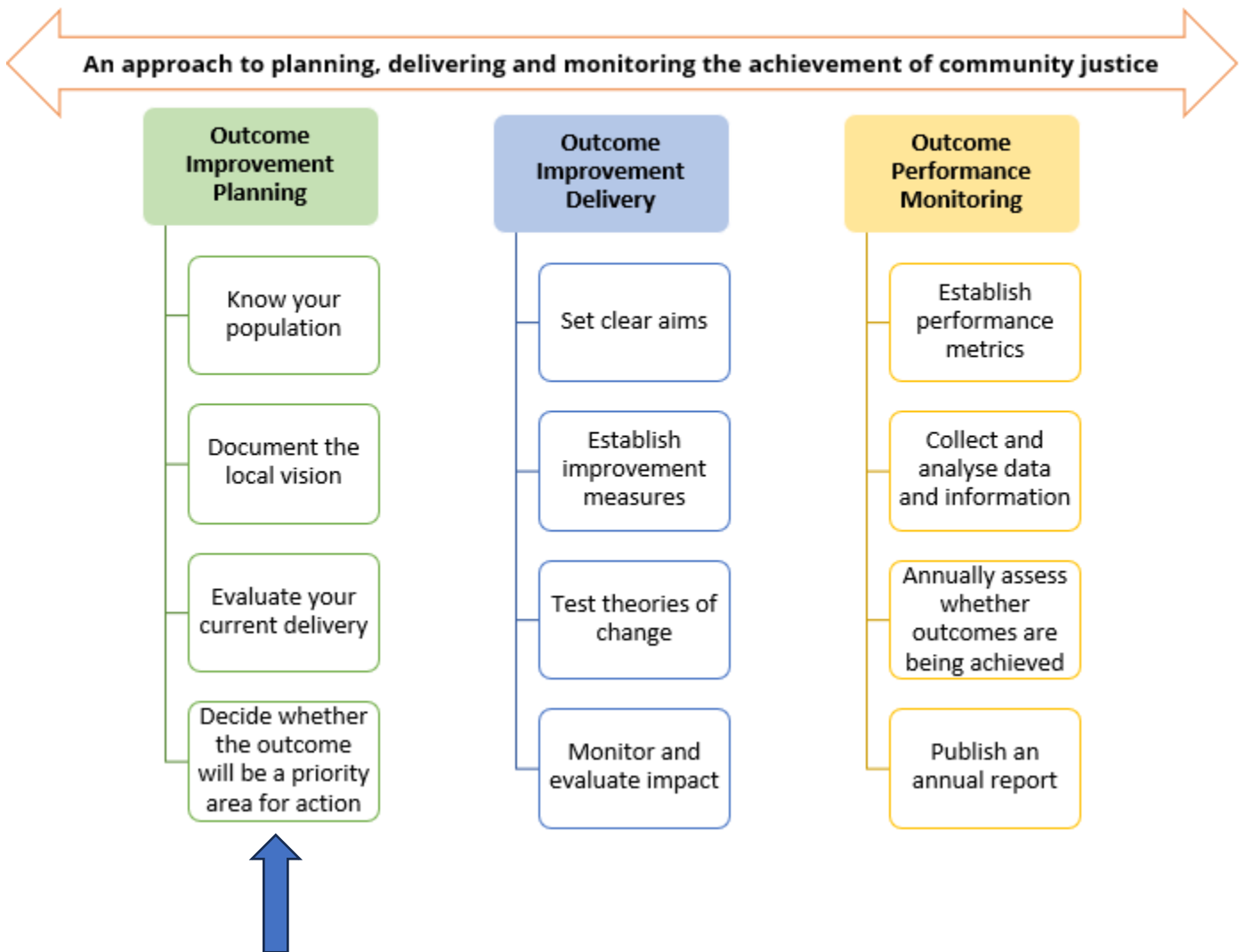**National Outcome: More people successfully complete diversion from prosecution**

Contents

Outcome improvement planning

An approach to support partners in the planning, delivery and monitoring of community justice outcomes in local authority areas was published in June 2024. The approach is intended to provide community justice partners, acting jointly at a local level, with a practical framework to work within to plan, deliver and monitor community justice outcomes.

The approach methodology defines three **processes** to meet this aim, each with a distinct number of steps:

An approach to planning, delivering and monitoring the achievement of community justice

Outcome Improvement Planning
- Know your population
- Document the local vision
- Evaluate your current delivery
- Decide whether the outcome will be a priority area for action

Outcome Improvement Delivery
- Set clear aims
- Establish improvement measures
- Test theories of change
- Monitor and evaluate impact

Outcome Performance Monitoring
- Establish performance metrics
- Collect and analyse data and information
- Annually assess whether outcomes are being achieved
- Publish an annual report

This targeted resource focuses on the first process within the approach: **outcome improvement planning** and relates to the following national outcome:

"More people successfully complete diversion from prosecution."

National outcomes

Nationally determined outcomes are set out in the [Community Justice Performance Framework](#) (the framework) and describe the result of implementing the priority areas for action in the [National Strategy](#) for community justice (the strategy).

This targeted resource provides a detailed step by step process intended to support partners in the planning and assessment of progress towards the national outcome "***more people successfully complete diversion from prosecution***."
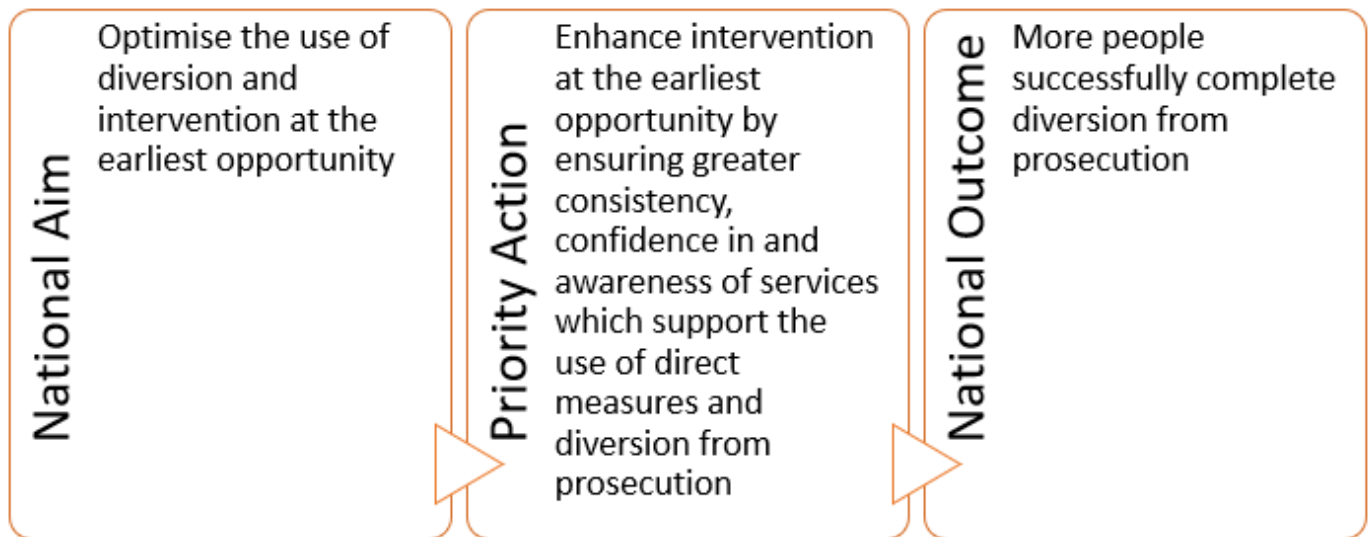
Local Outcomes

Community justice partners may have identified other outcomes in their Community Justice Outcome Improvement Plan (CJOIP). These outcomes will reflect local priorities and will be consistent with the national outcomes, or may relate to priority actions in the strategy where there is no associated national outcome. Partners can use the principles outlined in each step of this process to plan for the achievement of these local outcomes.

Outcome overview

The strategy states that: "The effective and appropriate use of police and fiscal direct measures, including diversion from prosecution, can allow individuals to address a range of issues, behaviours or needs which have contributed to their alleged offending at the earliest opportunity – including allowing beneficial interventions to individuals who do not enter police custody. This may be particularly effective in supporting those with dependence on substances or a mental health need.

We must optimise the mechanisms for direct measures, for example by enhancing information pathways and supporting consistency of use by Police Scotland and COPFS. We must also ensure that effective services, provided by justice social work and the third sector, are in place across Scotland for individuals to be diverted into, recognising the differences between rural and urban geographies. These services should be available in a timely manner and allow individuals to meaningfully engage. Decision-makers should also have an understanding of, and confidence in, the schemes which are available locally."

The strategy sets out aims and priority actions for partners to focus on over the duration of the strategy. The framework describes what the desired change looks like in the form of national outcomes. The aim, priority action and national outcome relevant to diversion from prosecution are:

National Aim	Priority Action	National Outcome
Optimise the use of diversion and intervention at the earliest opportunity	Enhance intervention at the earliest opportunity by ensuring greater consistency, confidence in and awareness of services which support the use of direct measures and diversion from prosecution	More people successfully complete diversion from prosecution

Step 1 - Know your population

Strategic planning information about the use and prevalence of diversion from prosecution, and about the people in your local area who are experiencing it, will significantly help in planning the delivery and achievement of this outcome. It will also help you to assess the scale and depth of the challenge in meeting the outcome.

Knowing your population involves applying principles of strategic needs and strengths assessment (SNSA)[1] and appreciative inquiry[2]. This involves using quantitative and qualitative data and information to help partners collectively understand the people for whom you are striving to meet the outcome for, and supports partners to look at old problems and issues in new ways. A good quality evidence base will enable partners to gain knowledge and wisdom about the delivery of community justice locally, and to use these insights to plan improvement.

To understand the population experiencing diversion from prosecution in your local area, you will need to find out as much as you can about its use and prevalence, who is experiencing it, what their needs are, and whether the right services are available locally to address those needs.

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[1] Find out more: Strategic Needs And Strengths Assessment: Guidance - Community Justice Scotland :Community Justice Scotland
[2] Find out more: Forming new futures through appreciative inquiry | Iriss

And pause for a minute....

What do we mean by quantitative and qualitative data and information?

It is worth taking a moment here to explain what we mean by quantitative and qualitative data and information and what we want to use it for in outcomes planning.

Quantitative data (or numerical data) is helpful for answering basic questions such as "who", "what", "where", and "when" and is helpful for measuring the extent, prevalence, size and strength of an outcome. Quantitative data on its own (as in raw, unprocessed facts and figures) are seldom meaningful or useful and numbers alone do not tell the whole story. However, when processed and analysed, quantitative data can produce a succinct picture which is easy to compare, such as when presented as a baseline and trend.

Qualitative data enables a richer understanding of how outcomes are being delivered and provides important context to the numbers. It is helpful for exploring more complex issues, generating hypotheses and gaining deeper insights into human behaviour and experiences. It can also highlight issues and priorities which are important to the workforce or people with living experience of community justice, which may not fall within a performance remit. Qualitative data helps to answer questions such as "why" and "how".

Ultimately, we want you to use a range of data and information, both qualitative and quantitative, to establish a good quality evidence base on which to make decisions about outcome improvement.

What data and information should we source and what if it isn't available?

We know that the provision of data and information within community justice is an evolving process and some data points, and mechanisms to capture insights, are more readily available than others. There is work ongoing at a national level to discuss community justice data development and improve the publishable evidence base in community justice.

The example data collection plans in the following sections provide a wide range of questions to be answered, and include signposting to potential types of data and information in terms of whether it is quantitative or qualitative and where it might be sourced. These example data collection plans are provided to engender curiosity amongst partners and provide a 'pick and mix' of examples that local areas may wish to choose from. They are not mandatory or directive and local areas can decide what is most meaningful and proportionate when establishing their data collection plans.

The availability of some data and information identified in the example data collection plans may be unavailable currently. This relates to both quantitative and qualitative data. If partners collectively agree that the data and information is meaningful to collect, and it is currently unavailable, partners should consider whether this in itself should be considered as an improvement action. For example, you might identify an improvement activity to work with a local statutory partner to produce a data sharing agreement. Or you might have an improvement activity to develop a survey that collects insights from the workforce in the delivery of the outcome.

If partners have tried to source the data and information and it proves to be unavailable, and won't be available in the foreseeable future, it may be worth including this in the outcome progress report (described in Step 3 this document) as an audit trail of local data and information development. This will help to inform both the local area and national picture of community justice data and information availability.

Once you have a data collection plan for each national and local outcome, it is worth reviewing them collectively to see what data and information you need to source directly from national partners, the workforce and people with living experience of community justice. For example, you may have a number of data items or insights that you want to request from SPS or COPFS and these might need to be coordinated or collated into a single request to make it easier for partners and organisations to respond to.

Understanding People

A demographic data and information profile collates information relating to people in a community or population. The demographic profile should include data and information that enables you to describe the use and prevalence of diversion from prosecution in the local area, and where possible give insights into the people experiencing it, and their characteristics.

Sources of demographic data and information will vary. Some data and information will be national, some may be published and broken down to local authority level, and other data and information may be held locally.

A simple data collection plan should set out the questions you want to ask and should identify possible sources of data and information to help answer the questions. An example of how a data collection plan for diversion from prosecution might look is provided:

Sample questions – answered with quantitative data (possible sources provided in brackets)
How many diversion from prosecution cases were referred for assessment? (Justice social work statistics: additional tables from 2004-current)
How many diversion from prosecution assessments were undertaken? (national indicator - provided annually by JAS)
How many diversion from prosecution cases commenced? (national indicator - provided annually by JAS)
How many diversion from prosecution cases were successfully completed? (national indicator - provided annually by JAS)
How many individuals were marked for diversion from prosecution? (discuss data availability locally)
What was the average length of time people spent on diversion from prosecution? (discuss data availability locally)

Sample questions – answered with qualitative data sourced from local workforce and people with living experience
Why do people decline the offer of diversion from prosecution?
Why are people rejected following assessment?
Why do people fail to complete diversion from prosecution?
Which partner agencies are people completing diversion most often referred on to?
Why are people completing diversion subsequently marked for prosecution?
How do local people experience diversion from prosecution?

The data and information in your final data collection plan may be able to be broken down to give further information about people's characteristics (such as gender, age, employment status etc.).

Using the information gleaned from your data collection plan you should be able to describe the use and prevalence, over time, of diversion from prosecution in the local area. Data that is able to be broken down into specific characteristics should enable some insight into the local population experiencing diversion from prosecution and whether the population profile is changing over time.

Understanding Needs

A needs data profile builds on the demographic data profile. Now that you know who is receiving diversion from prosecution, it will be important to try and understand what their needs are.

There are nationally published data tables relating to diversion from prosecution, broken down by local authority area, which indicate the number of people referred to drug treatment and education services, alcohol treatment services and mental health services.

It can be difficult to obtain further needs based data that is specific to the cohort of people subject to diversion from prosecution. Relevant data is often not recorded or datasets are recorded in such a way that extracting the information is not possible. Therefore, the workforce delivering diversion from prosecution services, and the people receiving support, are perhaps the best sources of information to inform the needs profile.

For example, the Crown Office and Procurator Fiscal Service may be able to provide an overview of the crime types people subject to diversion from prosecution are accused of, which may give an indication of need (for example drug charges or shoplifting due to financial hardship). Justice Social Work and third sector partners may be able to give a generic overview of the needs of people subject to diversion locally. Any strategic planning data and information available from tools used by the workforce for supporting and measuring change when working with people would be particularly useful (such as Outcome Star).

Further analysis of the demographic data may also indicate the needs of people subject to diversion from prosecution. Understanding more about the reasons for non-compliance or breach, for example, may give some insight into specific support needs.

Understanding Services

A services profile provides an overview of the services that are available in your local area in relation to diversion from prosecution. It will be particularly important to collect information about service availability in relation to the needs data profile and to establish how accessible the service pathways are for people subject to diversion from prosecution. For example, health services may be involved in the provision of services such as mental and physical health and substance use.

Once you have collated all of the information it will be important for partners to consider what it means in terms of the local vision for diversion from prosecution delivery. For example, the demographic data profile may reveal trends in age or gender that require a specific focus in delivery. Similarly, the needs data profile may highlight specific needs that require particular focus in terms of local service provision. The services profile may reveal gaps and/or duplication in service provision or may highlight the need to improve the accessibility of service pathways for people subject to diversion from prosecution.

Step 2 - Document the local vision

This step in the process requires partners to collectively agree what good diversion from prosecution delivery looks like for the local area population. A good way to visually represent the process by which the outcome will be achieved is to document this as a 'theory of change' using a logic model.

Policy landscape

Creating the local vision involves taking cognisance of legislation and national standards and guidance, alongside reflecting what is known about the local population (established by applying Step 1). The following policy documents may assist partners when developing the local vision:

- National guidelines on diversion from prosecution in Scotland
- Diversion from prosecution: joint review
- Diversion from prosecution: Targeted SNSA template

Theory of change

A sample logic model setting out the theory of change for diversion from prosecution has been produced by CJS (in consultation with national policy colleagues). Partners should adapt the logic model to reflect any additional partner activities and outcomes that require to be a focus to meet the needs of the local population and to realise the local vision.

National improvement actions

The strategy delivery plan, published by the Scottish Government, expands on the strategy by setting out a number of tangible, time-limited deliverables, detailing exactly what work will be undertaken to drive improvement nationally towards the national outcomes. These activities form an important part of the theory of change for meeting national outcomes and have therefore been included in the logic models (identifiable in brackets by the action number from the delivery plan). Progress towards the deliverables will be monitored by a Community Justice Programme Board which brings together community justice partners at a national level. Keeping up to date with the progress of these activities will be important in the evaluation of your current delivery as some local improvements may be dependent on national improvement progress.

Step 3 - Evaluate your current delivery

Once the local logic model is complete you will need to identify how you are going to tell whether the model works as predicted. To do this, partners should consider **each activity** identified in the logic model and discuss whether, and how, it happens in practice. Formulating some questions to ask relevant partners as part of this process is a powerful way of teasing out the facilitators and barriers to local delivery. These are known as evaluation questions.

Ask evaluation questions

A simple data collection plan should be prepared and completed as part of this step. Consider each activity from the logic model and think about what you might want to know, from whom, about how the activity is working in practice. For example:

Activity from Logic Model	Question For	Question(s)
Notify individuals that arrangements are being made for an assessment of suitability - individual chooses whether to engage (COPFS)	COPFS	How do you notify individuals of an offer for diversion from prosecution? How do you receive their decision and how is this communicated to partners?
	Justice Social Work	How are you advised that an individual has, or has not, given their consent? When are you advised and how does this impact on the assessment process?
	Individuals	Was it clear to you that diversion from prosecution was a choice? Did you receive enough information to help you decide whether to accept the offer of diversion from prosecution?

Individual sessions with partners and stakeholders to ask questions and collect information about how the activities are carried out can be a good way of establishing the realities of local delivery. It is also important to talk to partners collectively to ensure the delivery of diversion from prosecution is considered as a whole system and to test whether the predicted outcomes are being achieved. A facilitated workshop can be an effective way of doing this.

Set specific indicators

In addition to formulating evaluation questions, partners should identify specific indicators that will measure or signal whether the logic model is or isn't working as expected. Often, the demographic and needs data that you collected in the 'know your population' step of the process will be helpful. As a minimum, partners should consider using the indicators specific to diversion from prosecution outlined in the framework, the improvement tool and the self-evaluation guide:

Source	Indicator
Performance framework	Number of diversion from prosecution assessments undertaken
	Number of diversion from prosecution cases commenced
	Number of diversion from prosecution cases successfully completed
Improvement tool	Mechanisms are in place to understand the views of people undertaking diversion from prosecution and are used to support improvement
	Mechanisms are in place to understand the views of people who support the delivery of diversion from prosecution and are used to support improvement
Self-evaluation guide[3]	Improving the life chances and outcomes of people with living experience of community justice (quality indicator 1.1)
	Planning and providing effective interventions (quality indicator 5.3)

Summarise the evidence

You should now have a range of quantitative and qualitative data and information available about how diversion from prosecution is delivered locally. What can be said (either conclusively or hypothetically) about the delivery of diversion from prosecution in the local area? What inferences or conclusions can be made from the data and information?

To help structure this step it might be helpful to prepare an outcome progress report that can be shared and reviewed by partners collectively. The report should summarise what has been established in the steps of this process, particularly:

- Information about the **use and prevalence** of diversion from prosecution over time.
  - ✓ Is the use of diversion from prosecution increasing or decreasing over time?

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[3] These quality indicators have been identified by the Care Inspectorate as particularly relevant in the assessment of diversion from prosecution delivery. However, this is not definitive and the Care Inspectorate would urge partners to promote flexibility in the use of other quality indicators to evaluate impact.

- ✓ Is there any significant attrition between offer, assessment, commencement and completion?
- ✓ Are the reasons for this understood?
- ✓ Is the length of time people spend on a diversion from prosecution increasing or decreasing and what impact has this had on capacity?
- ✓ Are there any gaps in the information and how can this be rectified for the future?

- Information about the **population** receiving diversion from prosecution.
  - ✓ What is known about their demographics and does this necessitate targeted interventions?
  - ✓ Are there any trends apparent?
  - ✓ Are there any gaps in the information and how can this be rectified for the future?

- The **needs** of the population.
  - ✓ What is known about the needs of people subject to diversion from prosecution?
  - ✓ Are there any trends apparent?
  - ✓ Does this necessitate accelerated pathways into certain services?
  - ✓ Are there any gaps in the information and how can this be rectified for the future?

- Diversion from prosecution **services**.
  - ✓ What is known about the accessibility of services for people subject to diversion from prosecution?
  - ✓ Based on the needs profile, which services are particularly relevant in onward referral (for example housing, financial inclusion and mental health)?
  - ✓ Are there any established fast-track pathways into treatment or support services?
  - ✓ How are these configured to maximise the success of diversion from prosecution?
  - ✓ Are there any gaps in the information and how can this be rectified for the future?

- The **local vision** for diversion from prosecution delivery.
  - ✓ What does good diversion from prosecution delivery look like locally?
  - ✓ Has a logic model been developed that clearly sets out the process by which the outcome will be achieved for the local population?
  - ✓ Does the logic model set out who the crucial partners are and the crucial activities they will carry out to meet the outcome?
  - ✓ Are there any gaps in the information and how can this be rectified for the future?

- An **evaluation** of current diversion from prosecution delivery.
  - ✓ How did partners, stakeholders and individuals answer the evaluation questions?
  - ✓ What have you learned about how the activities outlined in the logic model are, or are not, working in practice?
  - ✓ Where are the strengths in delivery and where are the main areas that need improvement?
  - ✓ What did the specific indicators tell you about local delivery?
  - ✓ Are you confident from the information and data collected that individuals have enough information to make a choice about the offer of diversion from prosecution?

- ✓ Is information shared safely and in a timely manner between partners?
- ✓ Is there good awareness across partners of the local availability and capacity to deliver diversion from prosecution?
- ✓ Are there any gaps in the information and how can this be rectified for the future?

Assess progress towards the outcome

The conclusion of the outcome progress report should be a collective agreement by partners as to whether the local area is meeting, or how close the local area is to meeting, the national outcome of "more people successfully complete diversion from prosecution". If the outcome is not being met, the conclusion should clearly state why and list the required improvements. If your theory of change is correct, most of the improvement activity should link directly to the activities outlined in the local logic model. It is important to note that identified gaps in data and information may also form an improvement action.

Step 4 - Decide whether the outcome will be a priority for action

The assessment of whether this outcome will be a priority for action in the CJOIP will include consideration of the other outcome progress reports for both national and local outcomes.

This step involves putting the outcome progress reports in a hierarchical order according to how close or far away from being met the local and national outcomes are assessed to be. Prioritisation of the outcome improvement reports is best done as a collective activity by partners. A facilitated workshop can be an effective way of doing this.

There are a number of techniques that partners can use to aid this step.

Impact vs effort matrix

An impact versus effort matrix is a simple tool that can help generate conversation and aid partners in their decision making regarding prioritisation.

The axes for the matrix can be set according to what will be the most helpful to make an informed choice regarding prioritisation. As well as impact and effort, as shown in the example, you might consider changing the axes to importance versus urgency, cost versus benefit or risk versus reward.
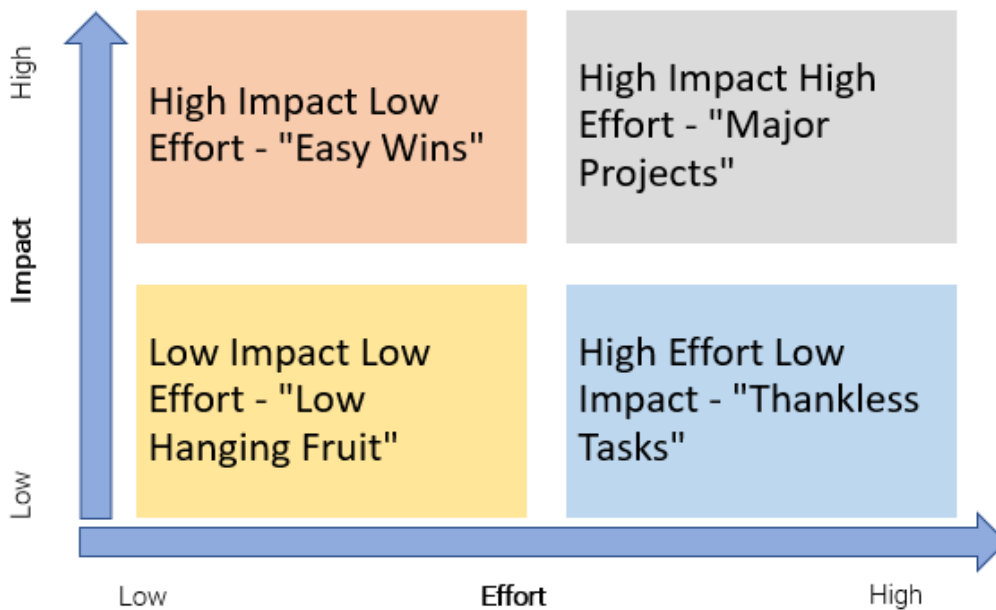
Scoring criteria

Developing a scoring criteria is another method that can be helpful in prioritising the outcomes. This involves partners assigning a score for each identified improvement activity across a range of criteria. For example:

Outcome	Imp activity	Critical to meeting standards	Strategic value	Ease	Benefit to the individual	Cost	Resource impact	Overall priority (average)
More people successfully complete diversion from prosecution	Imp activity 1	4	1	3	3	5	2	**3**
	Imp activity 2	5	2	4	4	4	5	**4**
	Imp activity 3	1	1	5	1	3	4	**2.5**
								3.2

For this table, you could set the following priority ratings:

Critical to meeting standards?	Is the improvement activity crucial to ensure effective diversion from prosecution provision?	1 = Critical	5 = Not critical
Strategic Value?	Is the improvement activity important to your overall strategy?	1 = Highly important	5 = Not important
Ease?	Will the improvement activity be fairly easy to complete?	1 = Very easy	5 = Very difficult
Benefit to the individual?	Will the improvement activity likely yield significant benefit to the individual?	1 = Highly likely	5 = Not likely

Cost?	Will the improvement activity likely cost a lot?	1 = Low cost	5 = High cost
Resource impact?	Will the improvement activity have a great impact on CJP resource?	1 = Low impact	5 = High impact
Overall priority:	Priority for each individual improvement activity is the average score of all five criteria. Total priority for the outcome is the sum of all overall priority scores, divided by the number of improvement activities.		

Note: The lower the score the higher the improvement activity and overall outcome priority.

There are many other techniques that can be used to aid prioritisation.

Narrative assessment for the CJOIP

At the end of the process, partners should use the outcome progress report to clearly articulate:

- whether the diversion from prosecution outcome is being achieved in the area
- if not, how near the outcome is to being achieved
- whether the outcome requires to be a priority for action
- the action they intend to take to achieve, or maintain achievement, of the outcome.

This narrative assessment should be included in the CJOIP.

Diversion from prosecution - sample logic model

National Goal / Priority	Inputs	Activities – What we do					National Outcome

National Goal / Priority

What we want to achieve

Over the duration of the National Strategy community justice partners will:

Enhance intervention at the earliest opportunity by ensuring greater consistency, confidence in and awareness of services which support the use of direct measures and diversion from prosecution.

Inputs

What we invest

Workforce

Staff training

Data

Information sharing processes

National standards and guidance

Legislation

Activities – What we do

Crown Office and Procurator Fiscal Service (COPFS)

Consider all information from Police and JSW and make decisions on whether to offer an individual to undertake an assessment for diversion from prosecution.

Request suitability assessments from the local authority and make decisions based on the information returned about what action to take in the public interest.

Notify individuals that arrangements are being made for an assessment of suitability - individual chooses whether to engage.

Determine the final outcome of a case based on information contained in completion reports provided by JSW.

Collect data and information on referrals, assessments and case outcomes.

Improve the sharing of information and communication between relevant justice organisations at key points of the diversion from prosecution process (action 3).

Police Scotland

Capture information about an individual's needs and include it in the 'remarks' section in the Standard Police Report (SPR).

Local Authority – Justice Social Work (JSW)

Carry out suitability assessments and provide information to COPFS.

Design and implement person-centred interventions within agreed timescales and provide support throughout.

Collect qualitative information on completion of each diversion from prosecution.

Provide progress and completion reports to COPFS.

Third Sector

Provide diversion from prosecution intervention and support services.

Work with partners to help to identify what support people may need in order for diversion from prosecution to be successful.

Scottish Government

Oversee the implementation of recommendations arising from the 'Joint review of diversion from prosecution' report (action 1).

Scottish Fire and Rescue Service

Ensure that diversion from prosecution programmes are available.

Skills Development Scotland

Ensure that diversion from prosecution programmes are available.

Health

Provide services to those subject to diversion from prosecution (such as mental and physical health, substance use).

Provide accessible service pathways for people subject to diversion from prosecution.

Community Justice Scotland

Launch and support the embedding of updated Diversion from Prosecution guidelines (taking account of the Drugs Death Taskforce Report and the 'Joint review of diversion from prosecution' report) (action 2).

National Outcome

What we ultimately want to achieve

More people successfully complete diversion from prosecution