

NORTH LANARKSHIRE COUNCIL

REPORT

| | | |
|-------------------------------|------------|--|
| To: SOCIAL WORK COMMITTEE | | Subject: SUPPORTING SAFER, STRONGER COMMUNITIES CONSULTATION ON COMMUNITY JUSTICE AUTHORITIES - SCOTTISH EXECUTIVE |
| From: DIRECTOR OF SOCIAL WORK | | |
| Date: 25 AUGUST 2005 | Ref: JS/JS | |

1. Introduction

- 1.1 To advise Social Work Committee of the consultation by the Scottish Executive on Community Justice Authorities and to seek homologation of the response submitted by North Lanarkshire Council (attached as an appendix to this report).
- 1.2 The closing date for responses was 23 June 2005.

2. Background

- 2.1 On 4 March 2005 the Management of Offenders etc (Scotland) Bill was laid before the Scottish Parliament.
- 2.2 The Bill lays out detailed legislative measures to improve the management of offenders. It includes a proposal to establish Community Justice Authorities (CJA's) placing new duties on Local Government and Ministers to work more closely together in the development and implementation of plans for the management of offenders.
- 2.3 In March 2005 the Scottish Executive published the document "Supporting Safer, Stronger Communities", Consultation on Community Justice Authorities (CJA's).
- 2.4 The purpose of the document was to gather views on numerous issues related to the creation of Community Justice Authorities being introduced under the Management of Offenders(Scotland) Bill.

3. Proposals/Considerations

- 3.1 The Bill proposes the creation of Criminal Justice Authorities whose members will be drawn from the membership of local authorities within the CJA area, thereby effectively bring individual councils together for the purposes of:
 - Developing a Strategic Area Plan for the management of offenders in liaison with the Scottish Prison Service and other partners;
 - Receiving and distributing amongst local authorities funds provided by Ministers for criminal justice social work under section 27A of the Social Work (Scotland) Act 1968;

- Promoting and sharing good practice;
- Monitoring and reporting on local authority performance;
- If necessary intervening to ensure the local authority elements of the area plan are delivered; and
- Carrying out wider monitoring and reporting functions on other partners including SPS

3.2 North Lanarkshire supports the establishment of eight Criminal Justice Authorities (CJAs) holding the view that the proposals in the consultation document for 4 or 6 would not be a constructive basis on which to build the new Community Justice Authorities and would frustrate the delivery of the aims and objectives highlighted in Scotland's Criminal Justice Plan.

3.5 The proposal for eight CJAs is a more realistic option in relation to service requirement's, population and existing planning mechanisms.

3.6 **Issues for Lanarkshire are as follows:**

Service Requirements

- The Lanarkshire Grouping service requirement amounts to one third of the total for the proposed Western CJA (4 CJAs) and more than half of the requirement for the proposed South Strathclyde CJA (6 CJAs).
- The very substantial business demands of Lanarkshire would be likely to dominate its CJA in either the 4 or 6 CJA configuration and could create imbalances. Conversely, there are concerns that Lanarkshire's requirements might be jeopardised by "equity of distribution" judgements by a CJA set up on a 4 or 6 CJA configuration.
- From the perspective of a service user, there is no obvious geographical centre of gravity within either of the two proposed CJAs that would readily facilitate organisational arrangements and service delivery.
- The ADSW / COSLA response proposed Lanarkshire as a C.J.A in its own right being of a scale similar to but slightly larger than Glasgow having as much as or indeed more business than most of the other proposed CJAs.
- Within Lanarkshire there is proven scope for cross area service and services and structures against a background of similar pattern of offending and population profiles.

Population

- The population of Lanarkshire is greater than that of Glasgow, is approximately a third of the population in the proposed Western CJA and more than half the population of the South Strathclyde CJA. The demands of the Lanarkshire population would be likely to dominate the business of the CJA.
- While It is recognised that there are pockets of need and deprivation throughout the West of Scotland, there are particular issues associated with the population profile in Lanarkshire that could disadvantage other areas through the need to prioritise activity in Lanarkshire rather than elsewhere in the CJA

- Lanarkshire has a shared heritage in both cultural and industrial terms and in relation to criminal justice, commonality of issues that arise from this shared culture and history.

Planning Mechanism

- The Lanarkshire local authorities have planning boundaries in common e.g NHS, Police, Fire, and a history of joint planning in other areas. CJA boundaries should be established in ways which complement rather than confound or complicate existing established arrangements.
- Services to reduce reoffending rely significantly on partners who are already engaged in joint activity.
- A Lanarkshire CJA would allow for the development of locally relevant and appropriate services which are physically accessible to service users.
- The ADSW / COSLA option proposes a manageable number of CJAs in Scotland whilst maintaining links with other planning mechanisms and would facilitate the development of services aimed at reducing reoffending.
- The submission recognises the tensions inherent in consensual arrangements. A Lanarkshire based CJA would have the advantage of building on experience in Criminal Justice and other sectors.
- The responsibility for allocation of resources adds a new dimension and it is recognised that there will be a need for frameworks to enable differences to be resolved in, for example, pay and conditions.
- The establishment of a Lanarkshire Grouping with 2 member local authorities of roughly similar size would require arrangements for member representation similar to Glasgow, with at least 2 members from each authority.
- In general terms population is a reasonable proxy for determining member representation of each authority.
- The debate about member numbers and voting rights should not be allowed to deflect attention from the obligation which will lie on CJAs and individual authorities and partners to achieve consensual decisions. Routine business can be resolved on a simple majority basis but constitutional, or indeed procedural, or standing order changes would require two-thirds majorities.

4. Personnel and Financial Implications

- 4.1 At present there are no personnel or financial implications for the Council, should be noted that future developments may well have personnel and financial implication for the Council. Further developments will be reported back to Committee.

5. Recommendations

5.1. Committee is asked to:

- (i) Note North Lanarkshire's response to the consultation
- (ii) Homologate the response from North Lanarkshire Council
- (iii) Otherwise note the contents of this report



Jim Dickie
Director of Social Work
3 August 2005

For further information on this report please contact Jim Scullion, Service Manager, Justice TEL: (01698 332040)

Our Ref: JD/AB
Your Ref:
Contact: Jim Dickie
Tel: 01698 332027
Fax: 01698 332095
E-Mail: dickiej@northlan.gov.uk
Date: 24 June 2005



Community Justice Authorities
Room GW.15
St Andrews House
Regent Road
Edinburgh EH1 3DG

Social Work

Jim Dickie, Director

Scott House, 73-77 Merry Str

Motherwell ML1 1JE

www.northlan.gov.uk

Dear Sir

Please find attached North Lanarkshire Council's response to the Consultation on Supporting Safer, Stronger Communities Consultation on Community Justice Authorities.

Please note that North Lanarkshire supports the submissions made by ADSW and CoSLA in response to the Consultation document.

Please do not hesitate to contact me if you require further information.

Yours sincerely

A handwritten signature in black ink, appearing to read "Jim Dickie".

Jim Dickie
Director of Social Work



Supporting Safer, Stronger Communities Consultation on Community Justice Authorities

Response from North Lanarkshire Council

Question 1: In your view which option would form the better basis for the CJA areas?

North Lanarkshire Council supports the establishment of eight Criminal Justice Authorities (CJAs). In our view the proposals in the consultation document for 4 or 6 would not be a constructive basis on which to build the new Community Justice Authorities and would frustrate the delivery of the aims and objectives highlighted in Scotland's Criminal Justice Plan.

The proposal for eight CJAs is a more realistic option in relation to service requirement's population and existing planning mechanisms. Issues for North Lanarkshire are as follows

Service Requirements

- ◆ The Lanarkshire Grouping service requirement amounts to one third of the total for the proposed Western CJA (4 CJAs) and more than half of the requirement for the proposed South Strathclyde CJA (6 CJAs).
- ◆ The very substantial business demands of Lanarkshire would be likely to dominate its CJA in either the 4 or 6 CJA configuration C.J.As and could create imbalances. Conversely, there are concerns that Lanarkshire's requirements might be jeopardised by "equity of distribution" judgements by a CJA set up on a 4 or 6 CJA configuration.
- ◆ From the perspective of a service user, there is no obvious geographical centre of gravity within either of the two proposed CJAs that would readily facilitate organisational arrangements and service delivery.
- ◆ In the ADSW/CoSLA proposal Lanarkshire is suggested as a C.J.A in its own right of a scale similar to but slightly larger than Glasgow having as much as or indeed more business than most of the other proposed CJAs.
- ◆ Within Lanarkshire there is proven scope for cross area service and services and structures against a background of similar pattern of offending and population profiles.

Population

- ◆ The population of Lanarkshire is greater than that of Glasgow, is approximately a third of the population in the proposed Western CJA and more than half the population of the South Strathclyde CJA. The demands of the Lanarkshire population would be likely to dominate the business of the CJA.

- ◆ While It is recognised that there are pockets of need and deprivation throughout the West of Scotland, there are particular issues associated with the population profile in Lanarkshire that could disadvantage other areas through the need to prioritise activity in Lanarkshire rather than elsewhere in the CJA
- ◆ Lanarkshire has a shared heritage in both cultural and industrial terms and in relation to criminal justice, commonality of issues that arise from this shared culture and history.

Planning Mechanism

- ◆ The Lanarkshire local authorities have planning boundaries in common e.g NHS, Police, Fire, and a history of joint planning in other areas. CJA boundaries should be established in ways which complement rather than confound or complicate existing established arrangements.
- ◆ Services to reduce reoffending rely significantly on partners who are already engaged in joint activity.
- ◆ A Lanarkshire CJA would allow for the development of locally relevant and appropriate services which are physically accessible to service users.
- ◆ The ADSW/CoSLA option proposes a manageable number of CJAs in Scotland whilst maintaining links with other planning mechanisms and would facilitate the development of services aimed at reducing reoffending.

Question 2: What do you consider would be necessary to recognise the particular circumstances faced by Orkney, Shetland and Eilean Siar and assist them in the new CJA landscape?

- ◆ The scale of each of the Islands Authorities has often been cited as a source of difficulty, but that is to misunderstand the importance of their sense of identity and “difference”. The island authorities have a legitimate expectation, in constitutional terms, of their identity being sustained and enhanced by any institutional changes introduced by the Scottish Parliament.
- ◆ There are advantages for islands authorities in sustaining existing collaborative links with mainland authorities for training, and certain strategic purposes. Islands authorities are already engaged with SPS in relation to a number of prisoners in a range of penal establishments.
- ◆ It is difficult to see how incorporation of islands authorities Criminal Justice Social Work Services into new macro CJAs would be able, in any practical sense, to enhance direct provision of services to people resident in the islands.
- ◆ The relationship between islands authorities and mainland authorities should be on an individually negotiated “associate” basis for particular purposes, but should stop short of incorporation.

Partner Organisations

Question 3: Do you agree with the proposals for establishing membership and weighting of voting rights?

- ◆ We recognise the tensions inherent in consensual arrangements. A Lanarkshire based CJA would have the advantage of building on experience in Criminal Justice and other sectors.
- ◆ The responsibility for allocation of resources adds a new dimension and it is recognised that there will be a need for frameworks to enable differences to be resolved in, for example, pay and conditions.
- ◆ The establishment of a Lanarkshire Grouping with 2 member local authorities of roughly similar size would require arrangements for member representation similar to Glasgow, with at least 2 members from each authority.
- ◆ In general terms population is a reasonable proxy for determining member representation of each authority.
- ◆ The debate about member numbers and voting rights should not be allowed to deflect attention from the obligation which will lie on CJAs and individual authorities and partners to achieve consensual decisions. Routine business can be resolved on a simple majority basis but constitutional, or indeed procedural, or standing order changes would require two-thirds majorities.

Do you agree with this list of voluntary bodies?

Yes

The list of voluntary bodies identified in the document includes all the key partners.

Do you agree with the definition of voluntary bodies?

Yes

Which other agencies do you think should be identified as partner organisations?

- ◆ It is also important to recognise that other services may have different planning and delivery boundaries which will cut across more than one CJA. It needs to be determined how the CJA will link into this.
- ◆ The Risk Management Authority, the Parole Board, ADATs, Electronic Monitoring Companies and the Private Prison at Kilmarnock are not included in the document.

What do you think this guidance in respect of partner bodies should cover?

- ◆ Different Partners by virtue of size and /or function, will have different relationships with the CJA and different responsibilities and guidance will be required to reflect this.
- ◆ Within Lanarkshire we already have a significant partnership base to build on through existing arrangements, such as Community Planning and other planning mechanisms. We would wish the proposals to be sufficiently flexible to be able to include relevant local partners.

How should Housing interests be represented within the partnerships?

We recognise that housing is one of the key factors in reducing re-offending. The responsibility for the development of housing plans lie's with individual Local Authorities. They must ensure effective engagement with all appropriate housing providers.

Are there other bodies which should be included in a statutory list but which may work with CJAs and should be referred to in any guidance?

- ◆ The guidance has to make it clear what is meant by Partner Responsibility and determine what role the CJA will have if partners fail to deliver.

Do you agree non members should be able to attend and speak at the invitation of the CJA?

Yes

If so, should these non members be restricted to statutory partners or should the CJA have discretion to include others?

CJA should have discretion to include others