



Redesigning the Community Justice System – A Consultation on Proposals

**UNISON Scotland's Submission to the Scottish Government on their
Consultation on Redesigning the Community Justice System**

April 2013

INTRODUCTION

UNISON is Scotland's largest trade union representing over 160,000 members working in the public sector – the majority of whom work in local government. We represent criminal justice social workers across Scotland, who will be affected by the Scottish Government's proposals as well as many working in the voluntary sector supporting offenders and victims of crime.

UNISON Scotland welcomes the opportunity to respond to the Scottish Government on their consultation on Redesigning the Community Justice System. We have consulted widely with our members who have expertise in this field and set out their views in our response.

GENERAL COMMENTS

UNISON Scotland responded to the consultation on the Creation of Community Justice Authorities (CJAs) in 2005 and noted that although there was to be co-ordination and joint planning between local authorities, each local authority would continue to have the responsibility for delivering services in its local area. We welcomed this structure which would retain local democratic accountability. We believed the new authorities could provide a strategic lead to the services they provided, whilst retaining an organisational flexibility in operation.

We had concerns however, that the proposals could cause confusion amongst service users and required assurances that service users and staff would be properly advised and enabled to access any services they required.

UNISON Scotland fully supports the aims of the Scottish Government to reduce reoffending. We welcome the fact that reoffending rates have fallen over the years but accept that there is still a lot more that could be done, particularly in areas of prevention which would deliver clear improved outcomes.

In responding to the current consultation, it was clear to our members that Option B, which would abolish CJAs and put the statutory responsibility for the strategic planning, commissioning and delivery of services firmly within the local authority, delivered by local planning frameworks (Community Planning Partnerships, Alcohol and Drug Partnerships or the proposed Health and Social Care Partnerships) was the preferred option and would ensure that services were subject to democratic accountability. We are not opposed to joint working across local authorities where these provide a benefit to the local communities; however we would strongly oppose any transfer of Criminal Justice Social Work staff, into either local CJAs or a national service.

We believe that a national service would have a detrimental impact on the services provided by the community justice system, as they could not be receptive to local need for operational and consultation purposes without

the establishment of regional and local structures. These already exist in local authorities and would, therefore need to be replicated to adequately address prevention and reoffending. We also believe that the upheaval caused by a new employer and the changes to terms and conditions that would involve, would not be cost effective.

UNISON Scotland does not therefore support either options A or C as set out in the consultation paper, as both of these options involve the transfer of services from local democratic control delivered by local authorities to either revamped CJAs or a single national service. Democratic accountability is a key principle for UNISON Scotland.

UNISON believes that a better way of delivering public services is to involve staff and users in designing services from the bottom up, using the approach which was suggested by the Christie Commission:

“4.47 Engaging staff in the design of services is reflected in the concept of systems thinking. In this approach service providers study demand to find out what works for users. Systems are designed against that demand and improvements achieved by managing demand and flow”.

QUESTIONS

Which option(s) do you think is more likely to meet the key characteristics (set out on pages 15 and 16 of the Consultation) that, if integral to any new community justice system, are more likely to lead to better outcomes?

| Key characteristic (pages 15 and 16 of the consultation) | Option (please specify A, B or C or a mix of all three) |
|---|---|
| As stated above, for all the key characteristics outlined in the 15 points we believed that Option B would best fit the views of UNISON members, as this model could deliver all of the indices nearest to the communities involved whilst offering them accountability at the same time. Again, we are not opposed to partnerships being formed across local authorities where improved outcomes are clearly identified. | B |

Which option(s) will result in the significant cultural change required to redesign services so that they are based on offender needs, evidence of what works and best value for money?

Our view is that Option B is best placed to achieve the necessary cultural changes based on offender needs, evidence of what works and the best value for money. Criminal Justice Social Workers have specific social work values and principles and any proposals to limit their role from welfare needs to best value would be resisted. They also have expertise and skills to best help offenders and protect the public which we believe could be put at risk in either of the other two models.

Which option(s) will result in improvements in engagement with, and quicker access to, non-justice services such as health, housing and education?

Local authorities already have established links to housing and education services and in most cases with health boards, as well as with other social work services, such as Children and Families. We believe that these links could be improved but nevertheless support Option B in this respect. We would be concerned that all of these links would be broken, especially if Option C were to be chosen.

Do you think a statutory duty on local partners will help promote collective responsibility for reducing reoffending among all the bodies who work with offenders? If not, what would?

Legislation could assist in bringing together all the partners and dealing with the complexities that could arise. However, there are other effective ways of dealing with these aspects, such as Reducing Reoffending Committees which report back to various council bodies and we believe these should be explored.

However we believe that an important element to developing collective responsibility for reducing reoffending is a coherent community development strategy where all the bodies involved would commit to working with local communities to encourage and empower them to develop preventative and rehabilitation initiatives to address reoffending within their community. Of the three models being considered only the local authority model would be able to deliver this.

Under options A and B should funding for criminal justice social work services remain ring-fenced?

UNISON does not believe that ring fencing should be used to protect any specific services, including funding for criminal justice social work services. Councils are elected to consider the needs of the whole community they serve and are best placed to use funds in the best way they believe satisfies these needs.

We believe that outcomes based approach where Councils agree to achieve set outcomes would be an effective way of ensuring standards were maintained.

Are there specific types of training and development that would be beneficial for practitioners, managers and leaders working in community justice? Who is best placed to provide them?

We believe that training and continuous development are vitally important for ensuring workers are as effective as possible. Any additional resources needed should be made available to ensure that staff are sufficiently appraised of the effects of any structural changes introduced as a result of the proposals in the consultation. Such training should be provided by experienced and skilled practitioners who have a good awareness and insight into the specific roles and needs of the local service providers.

Currently workers have a responsibility to engage in departmental training through their own motivation and funds to facilitate this should be invested.

Is there potential for existing organisations such as Scottish Social Services Council, Institute for Research and Innovation in Social Services and knowledge portal Social Services Knowledge in Scotland to take on a greater role in supporting and developing the skills and expertise of professionals working with offenders?

Such organisations are currently providing an important role in supporting workers to develop skills and expertise. We believe that utilising the wide range of skills and agencies would be helpful in ensuring that the skills and expertise of criminal justice social workers is given equal importance to those of other social work staff which has not always been the case in the past.

What do you think are the equalities impact of the proposals presented in this paper, and the effect they may have on different sectors of the population?

We believe that Option B would deal with the diversity issues within a community or local area, through the undertaking of an equality impact assessment. These proposals could impact on many vulnerable people, e.g. women in vulnerable circumstances, previously looked after young people, people with mental health or addition problems.

What are your views regarding the impact that the proposals presented in this paper may have on the important contribution to be made by businesses and the third sector?

UNISON believes that public services should be carried out by directly employed public service workers and that such important and sensitive services should not be hived off to the private sector. As stated above, criminal justice social workers are subject to ethical values and principles which may be limited if subject to profit-making enterprises.

Option A: Enhanced Community Justice Authority (CJA) model

What are your overall views on retaining CJAs?

As stated above, we do not believe that even enhanced CJAs should be used for providing and delivering community justice services. CJAs were given restricted powers when they were created in 2006 and have not made a huge contribution to the successes that have occurred in reducing reoffending. We do not therefore believe there is any merit in retaining CJAs.

Do you think CJA's should be given operational responsibility for the delivery of criminal justice social work services? Do CJAs currently have the skills, expertise and knowledge to take on these functions?

UNISON would be strongly opposed to the CJAs being given operational responsibility for the delivery of criminal justice social work services. Not only do they not have the skills, expertise and knowledge to take on these functions, but the structural upheaval that would be involved in transferring the functions, including staffing transfers, professional leadership, management of high risk/complex public protection matters would be counterproductive to maintaining a continuous service.

Option B: Local authority model

What do you think of the proposal to abolish CJAs and give the strategic and operational duties for reducing reoffending to local authorities?

UNISON supports this approach and believes that strategic and operational duties for reducing reoffending should be given to local authorities.

We consider that this option would be strong and sustainable, and that it would allow optimal operational integration with partner services, particularly in the context of integrated health and care services. Local Authorities have strong governance structures and substantial experience in delivering criminal justice social work. The local authority model would allow continued integration with reducing re-offending schemes, health and care partnerships, the whole systems approach, early intervention, Multi-Agency Public Protection Arrangements, and Tobacco, Alcohol and Drug Partnerships.

What do you think will be the impact on consistency of service provision, good practice and the potential to plan and commission services across boundaries (and hence value for money) of moving from eight CJAs to 32 local authorities?

UNISON is confident that service provision can not only continue at a good standard, but may be improved by using this Option and that standards and examples of good practice can continue to be shared among all councils. The opportunity to plan and commission services jointly with other councils would allow opportunities could be created for joint work among agencies that may not have been traditional partners in the past.

We believe that providing flexibility in partnership arrangements would effectively reduce costs and should prove less expensive than sustaining the CJA model.

Do you think there is still a requirement for a regional partnership, provision or co-ordination role (formally or informally) in this model? If so, how would it work?

There are many well established examples of partnership working across authorities and other agencies and we see no reason why this should not continue where it provides effective methods of working. It is in the best interests of us all agencies to share best practice.

What do you think would be the impact of reducing reoffending being subsumed within community planning, or other local authority planning structures?

We believe there is sufficient knowledge and resources within local authorities to enable this process to be carried out seamlessly.

Do you agree that functions such as programme accreditation, development of good practice, performance management and workforce development should be devolved from the Government to an organisation with the appropriate skills and experience?

We consider that this would be a reasonable approach. We certainly would not consider it appropriate for the Scottish Government to carry out these functions directly as this could lead to the government having a direct role in the local delivery of social work services, without necessarily consulting or engaging with local chief officers.

However, we would expect that whichever organisation takes on this role would recognise the important activities already taken on by many local authorities, in terms of assessing their own performance in the widest possible context.

What are your views on the proposal to expand the functions of the Risk Management Authority to take responsibility for improving performance?

We consider that the Risk Management Authority may be an appropriate organisation to take on this function, although local authorities already have a degree of experience in this area. We do not believe that local authorities should have to be accountable to the RMA for their performance, which should remain the responsibility of the agencies involved.

What are your views on the proposal to set up a national Scottish Government/ Convention of Scottish Local Authorities Leadership Group to provide national leadership and direction?

We consider this could offer opportunities to learn from best practice and innovation, as well as identifying and analysing, through community planning processes, the most significant patterns and trends identified within communities across Scotland.

Option C: Single service model

What are your views on the proposal to abolish the eight CJAs and establish a new single social work led service for community justice?

UNISON Scotland is strongly opposed to this option. We see no need for a centralised national agency to oversee the work of community justice. We do not support top-down restructuring processes and believe that services are best redesigned from the bottom upwards, taking into consideration the needs of the local communities at the lowest possible level in conjunction with the views of the staff involved in providing for these needs.

A national service would cause a fragmentation with other social work services, such as those involved in children and families who could be involved in supporting the same families; disrupt local community involvement and remove the links between other local authority services and community based/voluntary sector groups.

To be receptive to local need, a national service would need to set up regional and local structures for operational and consultation purposes. This would be expensive and unlikely to be effective. A national service would also lose local accountability, thereby abolishing the local democratic link and with it responsibility in the wider local planning context to address prevention and reoffending.

Social work is a values-based profession with risk assessment, risk management and decision making based on factors underpinned by a framework of principles and values. Social work services need to be locally based and managed with clear professional leadership and accountability. The critical role which criminal justice social work services have in the operation of the multi-agency public protection arrangements (MAPPAs) also need to be based within communities which cannot be achieved through a national agency.

Additional Comments

UNISON Scotland is strongly in favour of Option B. We believe it would work best to bring about the cultural change perceived as being required in the community justice services to reduce reoffending.

Many people involved in the community justice system have experienced poverty and disadvantage and the system needs to take

into account these experiences when redesigning any new approach to reducing reoffending. We believe this can best be achieved by the proposals contained in Option B.

For further information please contact:

Mike Kirby, Scottish Secretary

UNISON Scotland
UNISON House
14, West Campbell Street,
Glasgow G2 6RX

Tel 0845 355 0845 Fax 0141 331 1203

m.kirby@unison.co.uk

Diane Anderson

diane.anderson@unison.co.uk