

## Community Justice Outcome Activity Annual Report CJVSF Response

Just before Christmas, Community Justice Scotland published its consultation on the [“Community Justice Outcome Activity Annual Report 2022-23”](#). Below are CJVSF’s responses to the questions posed.

### Q1. What were your general reflections on the report as a whole? What is helpful or useful? What is not?

The report is a comprehensive, high-level overview and well structured; it is helpful to have a summary of the justice policy landscape, the local picture, and thematic issues for community justice, as well as reporting on progress toward national outcomes. It must have been a huge task to make sense of this.

Last year, CJVSF provided feedback that the outcomes report should provide recommendations, so it is helpful that this year’s report includes a recommendation. This is essential for identifying root systemic issues and driving progress. ‘Talking Points’ are helpful as a collaborative problem-solving tool, and it would be helpful for these talking points to remain a focus for discussion until progress can be evidenced; a persistent and consistent approach will be necessary to shift the needle on issues, and to avoid cyclical recommendations which mask a lack of progress in achieving the system changes needed to support partners to deliver better outcomes.

It is positive that there is space within the report given over to the sustainability of the third sector, and that the report indicates the detrimental effect that sustainability issues have on other services and on meeting national outcomes. It is helpful that the report highlights that resourcing activities beyond statutory requirements across the public and third sector has been ‘at significant risk’. It would be useful to stress that third sector sustainability issues not only threaten support systems for people in the community but are also a barrier to strategic implementation; third sector partners are expected to play a very varied role in community justice – e.g., front line service delivery, contributing to strategic discussions and activities, acting as representatives/links to the wider sector. There is a capacity issue here, particularly given the number and variety of partnerships that they are expected to engage in. CJVSF has consistently called for the outcomes report to include systematic analysis of third sector engagement and how the third sector are being incorporated into local partnerships, which would help to identify the scale of the problem as well as any areas of good practice.

The report highlights good practice examples in other areas, which are helpful in showing what is possible. Potential areas for improvement in the report centre around the reporting of data and evaluation of outcomes. The report’s approach to data, and its evaluation of progress and areas of need, could be more systematic and give an indication of scale. Some parts of the report will allude to ‘most areas’ or a practice

being 'widespread', though in other areas it is difficult to ascertain whether pockets of good practice are visible or if change has been embedded across Scotland.

There is also a wider issue around accountability. If focus is only given over to good practice, there is difficulty in holding partnerships accountable and driving change where needed. It is helpful that it is recognised there are some categories, such as Equality and Access, that all partnerships could see improvement on, but it is trickier to get a sense of what needs to change where the picture across local areas is more diverse and we would welcome more clarification on this. It is also a challenge to consider how developments which are delivering positive outcomes in practice can be implemented more widely; how does good practice propagate across partnerships? This challenge is touched on with the talking point, 'National Levers for local issues', and it may be helpful for this to be a topic of annual evaluation within the report.

## **Q2. To what extent do the key findings resonate with your current understanding of the Community Justice landscape? (Please feel free to provide details of anything you feel particularly resonates or does not)**

CJVSF agrees that the past year can be characterised as one of change, challenge and strategic complexity for justice. The report highlights some good examples of partnership working, though as the report highlights, key priorities such as implementation of the Bail and Release Act will require systems changes to realise integrated multiagency approaches at both a strategic and service delivery level. CJVSF agrees that, "The local coordination of whole systems is essential because the best outcomes are achieved from holistic approaches with joined up services".

CJVSF welcome that this report gives voice to third sector challenges. It is helpful that the report has highlighted difficulties with the sustainability of third sector services, even where areas have managed to leverage funding for third sector services. This resonates with CJVSF members' concern about being able to deliver on contracts without the realisation of Fair Funding, Fair Pay, and ethical commissioning. CJVSF Members concerns are echoed where the report mentions difficulties with staff retention, wellbeing and increases in complex presentation.

CJVSF members welcome the section that relates specifically to families and references the impacts of imprisonment and release on families. Members stress that transport issues, costs and access to prisons should be a key part of the agenda at Community Justice Partnership meetings in order to address some of the barriers which are explored in Families Outside [Paying the Price Report \(2003\)](#). Whilst support for families is now part of the Vision for Justice, members highlighted that some local authorities provide no financial resource for this work.

## **Q3. This year, we have included one specific official recommendation, and three talking points. What are your views regarding the recommendation?**

Last year, CJVSF commented on the lack of recommendations, and argued that recommendations from CJS are essential for identifying areas for improvement and levers for progress. It is helpful that CJS has lent its voice and weight to the calls to 'shift the balance' of funding toward community provision. This is necessary to realise the Vision for Justice, early intervention and prevention approaches and to reduce the risk of reoffending, as the report highlights. Some members have highlighted that the

process of shifting will nevertheless require investment during a period of change, lest people fall through the gaps; shifting the balance could be considered as a long-term outcome of investment.

#### Q4. What are your views regarding this year's Talking Points?

We welcome the inclusion of Talking Points to help spark constructive discussions between partners at a local level. Below, we have included some initial thoughts in relation to each of the three talking points raised.

##### **Talking point 1. National levers for local issues**

*Local partners solve problems at a local level by identifying and overcoming barriers or by implementing workarounds. However, some challenges require decision making and influence which are inaccessible to local partners, relating to regionally and nationally set policy and practice. How can local and national partners work with Scottish Government and others to support overcoming barriers and bring forward developments without compromising local autonomy?*

*Source: Community Justice Scotland (2023) Community Justice Outcome Activity Annual Report 2022-23*

National Levers for local issues might involve:

- Measuring what matters to people and determining the right data to gather for illustrating the scale of issues and solutions. Measuring outcomes should be led by what is needed and not what can be easily measured.
- Increasing awareness of good practice and actively engaging those who can be influenced to adopt good practice.
- Building consensus in what is needed from Scottish Government to enable systems change and uniting voices in calling for specific actions from Scottish Government.
- Investing in models which are proven to be effective, rather than limiting investment to short-term tests of change and requiring repetitive and costly evaluation at the service-level.
- Scottish government and national partners problem solving to tackle widespread reported issues (e.g. information sharing systems between services), using a variety of expertise from within and out with the sector, then properly resourcing solutions.
- The recently published [Children's Services Reform study by CELSIS](#) may offer insights which are applicable to justice, insofar as it considers structural challenges to embedding approaches such as 'whole systems'. It highlights the importance of implementation science and advocates for employing practitioners skilled in change management.
- Accountability. Determining how to leverage areas that are not making effective improvement plans and how to ensure partnerships are accountable to people who run services and access services. Moving beyond tokenistic participation to iterative consultation and codesign, perhaps including the evaluation of progress from people with lived experience within reporting. CJS can increase accountability by scrutinising criteria like codesign within evaluation.
- Ensuring partners and stakeholders are engaged at the earliest stages. The role of national levers in relation to this is discussed further in our response to question 5.

- Fair funding and ethical commissioning: multi-year funding would allow services to achieve and meaningfully report on progress toward outcomes. The current funding models, including single year contracts, create delivery problems at a local level.

### **Talking Point 2: Equality in the justice system**

People in contact with the justice system are a diverse group, experiencing the justice system in different ways and all with distinct needs. The focus on the needs of women and young people in the justice system is comparatively well developed, however there is little evidence of a strategic consideration of the needs of other groups, or on where different aspects of identity may intersect and contribute to additional complexity and experience of marginalisation. How can local and national partners promote and contribute to equality in justice for people who have distinct experiences as a result of their disability, race, sex, religion, sexuality, or other aspect of their lived experience and identity?

*Source: Community Justice Scotland (2023) Community Justice Outcome Activity Annual Report 2022-23*

There are upcoming legislative developments which will have implications for equality in the justice system. Perhaps this talking point could be more focused by asking, 'How will we implement new legislation including [UNCRC incorporation](#) and a [Human Rights Bill for Scotland](#)? What actions will help us collectively meet our responsibilities?'

CJVSF Members would be keen that human rights-based approaches are embedded within Community Justice Partnerships. Members have frequently raised that in order to realise rights, information sharing between the right people at right time is key. Equality and Human Rights Impact Assessments may be a useful tool, however, it is important that this does not become a 'tick box' exercise as this should prompt consideration of how systems and processes need to change to uphold human rights. Resources and guidance from Community Justice Scotland on implementing human rights-based approaches may be helpful, including signposting local partnerships to Scotland's second National Human Rights Action Plan (SNAP 2) so that they can consider how their local partnership can support implementation of the plan.

Members have also suggested that this talking point could be expanded to include children and families who are affected negatively by our justice system. Families Outside [Paying the Price Report \(2003\)](#) demonstrated the role of the justice system in creating, sustaining and deepening poverty, especially amongst women and children.

### **Talking Point 3: Scope and Synergy**

*Scottish Ministers have defined the direction for community justice partners through priority actions in the National Strategy for Community Justice and in the outcomes 6 defined in the Community Justice Performance Framework (CJPF). Policy is also in place for other activity such as community safety, violence against women and girls, alcohol*

*and drugs, employability, poverty, homelessness, health inequalities, education etc. Much of this work overlaps with community justice and provides space for partners to work together, however it can be unclear how some of the work across various local area partnerships contributes to the overarching community justice outcomes. How can partners better identify opportunities for alignment between policy areas to greatest impact without losing the focus on community justice outcomes?*

*Source: Community Justice Scotland (2023) Community Justice Outcome Activity Annual Report 2022-23*

It is encouraging to note that Community Justice Partnerships are linked in with other governance structures in some local authorities, such as Alcohol and Drugs Partnerships. CJVSF Members would be keen to see greater use made of multi-agency around the family approaches and whole systems approaches in referral pathways and in communication between services.

Community Justice Partnerships, Community Planning Partnerships, Alcohol and Drug Partnerships, and Health and Social Care Partnerships are some of the key strategic partners within local areas which would benefit from mapping out core activities and functions, how these connect, and what their joint data and information strategy is. Strategic oversight of how these local partnerships are collaborating across Scotland would be helpful.

It is important that multiagency teams keep participation and voice at the centre of their needs assessments. Multiagency pathways could then feed into the appropriate reporting channels, and this will realise stronger alignment and linkages between different policy areas. Prioritising personal outcomes-based approaches is key, and how we can remove inappropriate demarcation between different resource streams.

## **Q5. Future reporting will be based around the Outcomes and Indicators set out by the Community Justice Performance Framework, contextualised with input from national partners and local area evidence. What other information is needed to meaningfully show progress across Scotland?**

As mentioned in responses to previous questions, more concrete measurement of the scale of improvements would be useful.

Under Outcome 1 of the report, 'Communities improve their understanding and participation in community justice', it is noted that there is variation in participation, but that in some cases it has informed strategic planning. CJS has stipulated in the Improvement Tool that local areas should develop their own methodologies for assessing improvement, including surveys and focus groups with people with lived experience; "responses should be analysed by partners and used to make an overall assessment of whether people feel the support they received met their needs". It would be helpful if CJS were to direct partnerships toward best practice on this (of which there are many existing resources) as engagement can be in danger of becoming tokenistic if people are not meaningfully involved in evaluation. As mentioned in response to the previous question, it is important to move beyond tokenistic participation to iterative consultation and codesign and members have raised concerns in relation to areas

'marking their own homework' around engagement. CJS can increase accountability by scrutinising criteria like codesign within evaluation. Embedding human rights principles such as dignity and participation throughout may help to provide focus for how people can be engaged and empowered to shape their services. It is also important to consider how participation is being sought across a local authority via various partnerships so that there is a joined-up approach which prevents duplication.

At an event held in July 2021 by the Criminal Justice Voluntary Sector Forum (CJVSF) and the Community Justice Network, a set of common factors for successful engagement were identified:

1. Basic information about the CJP is easily accessible
2. Roles are clear and commonly understood
3. Clear governance structures and mechanisms are in place, which support engagement
4. Clear communication routes and processes have been developed and information is shared regularly
5. Spaces have been created where people can develop personal relationships, explore shared values and engage more widely
6. Third sector engagement is effectively resourced
7. CJPs engage with the Third Sector at the earliest possible stage
8. Links have been made between community justice and other policy and practice areas
9. Engagement is regularly monitored and reviewed

It would be helpful if these factors formed part of future CJS annual reporting. This would create a clearer picture of the extent to which effective third sector engagement is taking place across the country.

We have seen progress towards some of the national actions identified at the 2021 event but suggest it would be helpful for this list to be reviewed with national partners as part of the annual reporting cycle:

1. Update and share the table with basic information for each CJP on an annual basis
2. Update the list with the additional sources of information about Third Sector Services that participants identified during the discussions
3. Hold further national discussion events/collaborative activities with CJ Network, CJVSF and other partners to:
  - a. provide more opportunities for Coordinators and Third Sector Partners to discuss how well the engagement models they have been trialling are working in their areas and to share learning
  - b. help build connections and identify solutions to some of the common challenges faced
  - c. discuss what is community justice and how the Third Sector can best engage with that.
4. Ensure Third Sector engagement at each stage of the strategic commissioning cycle is considered in the annual reporting.

5. Ensure that specific outcomes and indicators around partnership working are included in future reporting requirements and the national OPIF.
6. Explore how Participation Statements are currently used by CJPs and how we could make better use of them
7. Capture and protect learning/progress around third sector engagement arising during COVID-19.
8. Develop good practice guidance for Third Sector engagement in local partnerships
9. Once it has been developed, share the national vision more widely to help increase awareness of community justice and the broader range of organisations that can help to meet community justice objectives e.g. those working in mental health, youth work, homelessness, addictions etc.
10. Explore the potential for dedicated posts to support third sector engagement in local CJPs

In CJVSF's previous responses to the CJS Annual Outcomes report, the forum noted that it would be helpful to include analysis of what the annual reports say about the third sector and how the third sector are being incorporated into local partnerships. It is helpful that within the Improvement Tool, a requirement of local evidence is that it includes 'mechanisms to understand the views of people supporting the delivery of diversion from prosecution and are used to support improvement'. The challenge is similar to what is noted above; how can we move beyond engagement to codesign with partners?

Where services are commissioned by a local authority, they will often be required to return data on outcomes they have delivered in line with a contract. Members' experience is that local areas work to an outcomes framework that fits with their local strategic plans. Members would welcome clarity on whether all local authorities have an outcomes framework for the services they commission, how this aligns with health and statutory services' outcomes, and how all of the outcomes at national and local level connect.

It may be helpful for CJS to suggest follow up actions for local partnerships following the the annual outcomes review. Members have noted a disconnect between the Community Justice Programme Board, which was set up to provide accountability at a national level, and the mechanisms for local accountability. This is similar to concerns previously raised during the July 2021 event, where it was noted that, "although CJS has a role on reporting annually, they do not have the powers to allow them to take the follow-up actions which may be required. As such, participants felt there is little accountability for areas which are not meeting their statutory obligations around community justice. Some participants were keen to see legislative changes introduced to award more powers to Community Justice Scotland (CJS) to enable them to hold CJPs that are not performing to account."

There may also be valuable data from the new Scottish prevention hub which can inform evaluation of Community Justice Outcomes.

As noted in our response to question 1, it is important that the recommendations made within this report, and the talking points, remain a focus for discussion until progress can be evidenced; a persistent and consistent approach will be necessary to shift the needle on issues, and to avoid cyclical recommendations which mask a lack of progress in achieving the system changes needed to support partners to deliver better outcomes.

We understand that future annual reports will be aligned to the 2022 National Strategy for Community Justice and the associated Community Justice Performance Framework (published in March 2023). Members have previously raised concerns that the national indicators in the new Community Justice Performance Framework focus heavily on outputs, rather than outcomes, and do not reflect ambitions for person-centred and trauma informed approaches to be adopted. We are therefore keen to understand how Community Justice Scotland will establish whether or not progress has been made towards embedding person-centredness and trauma informed practices and what role they see qualitative evidence playing in future reports.

**Q6: Is there anything else you'd like to tell us about the report, or the consultation process?**