



# Item No: 12

Meeting Date: Wednesday 8<sup>th</sup> November 2017

## Glasgow City Integration Joint Board

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### CRIMINAL JUSTICE AND COMMUNITY JUSTICE OVERVIEW

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| <b>Purpose of Report:</b>     | To update the Integration Joint Board on: <ul style="list-style-type: none"><li>• The National Strategy for Community Justice</li><li>• The Community Justice Scotland Act 2016, Community Justice Scotland and the progress of Glasgow's CJ Outcome and Improvement Plan</li><li>• Justice in Scotland: Vision and Priorities</li><li>• Criminal Justice Developments within the H&amp;SCP</li><li>• Glasgow's Women's Community Custodial Unit</li></ul> |
| <b>Background/Engagement:</b> | Engagement in relation to the Community Justice agenda is undertaken significantly through the Community Justice Glasgow staff group and the broader Community Justice Partners.   |
| <b>Recommendations:</b>       | The Integration Joint Board is asked to: <ul style="list-style-type: none"><li>a) note the content of the report; and</li><li>b) approve the continuing involvement of the HSCP in the evolving plans for the Maryhill Community Custodial Unit.</li></ul>   |

### Relevance to Integration Joint Board Strategic Plan:

This report relates to the overall vision of the IJB as detailed in the strategic plan and specifically to the Criminal Justice aspects as referenced on page 46.

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## Implications for Health and Social Care Partnership:

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| <b>Reference to National Health &amp; Wellbeing Outcome:</b> | This report reflects specifically Outcome 7 people who use Health and Social Care services are safe from harm. But also Outcome 3 People who use Health and Social Care services have positive experiences of those services and have their dignity respected. |
| <b>Personnel:</b>  | No specific implications   |
| <b>Carers:</b>   | The Community Justice partners are alert to the issues for carers and for victims.<br>Victim Support Scotland are an active partner.   |
| <b>Provider Organisations:</b>                               | As detailed in the report the current relationship with Provider Organisations is subject to a new Commissioning Framework which will be operational in April 2018.  |
| <b>Equalities:</b>   | The strategies referred to have paid due regard to the need to eliminate discrimination and promote equality.  |
| <b>Financial:</b>  | As noted in the report at section 6, the ring fenced Criminal Justice Social Work funding received from Government has been reduced by a further 3% in 2018/19.  |
| <b>Legal:</b>  | No specific implications   |
| <b>Economic Impact:</b>                                      | No identified implications   |
| <b>Sustainability:</b>                                       | No identified implications   |
| <b>Sustainable Procurement and Article 19:</b>               | As above   |
| <b>Risk Implications:</b>                                    | The risks relevant to this report relate to the ability to deliver statutory functions with reduced funding, and in a changing Community Justice landscape.  |
| <b>Implications for Glasgow City Council:</b>                | The report references the requirements of the Community Justice Scotland Act 2016. There are reputational risks if these requirements are not met.   |

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| <b>Implications for NHS Greater Glasgow &amp; Clyde:</b> | The specification and service modelling for the new womens Community Custody Unit has not been finalised. There are potential risks regarding resourcing of this new provision. |
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| <b>Direction Required to Council, Health Board or Both</b> | Direction to:   |   |
|  | 1. No Direction Required                                |   |
|  | 2. Glasgow City Council                                 |   |
|  | 3. NHS Greater Glasgow & Clyde                          |   |
|  | 4. Glasgow City Council and NHS Greater Glasgow & Clyde | ✓ |

## 1. Purpose

1.1 The purpose of the report is to update the Integration Joint Board on:

- The National Strategy for Community Justice
- The Community Justice Scotland Act 2016, Community Justice Scotland and the progress of Glasgow’s CJ Outcome and Improvement Plan
- Justice in Scotland: Vision and Priorities
- Criminal Justice Developments within the H&SCP
- Glasgow’s Women’s Community Custodial Unit

## 2. The National Strategy for Community Justice

2.1 The National Strategy for Community Justice was published in November 2016, and sought to confirm the vision, principles and priorities which would be taken forward under the new legislation.

The emphasis remains significantly that of previous policy, in that the strategy confirms the need to prevent and reduce further offending by addressing the underlying causes of offending; while safely and effectively managing and supporting those who have committed offences, helping them to reintegrate into the community and by realising their potential.

2.2 It reinforces that the Scottish Government’s plans for penal policy will deliver a decisive shift in the balance between community and custodial sentences through the greater use of community based interventions and reducing the use of short term custodial sentences.

The National Strategy restates the strong focus on strong partnership working to achieve the intentions of the policy, by ensuring effective intervention from the point of arrest onwards. It recognises that community justice outcomes cannot be improved by one stakeholder alone. Partnership working is required to address the complex issues.

2.3 Fundamentally, every intervention should maximize opportunities for preventing and reducing offending as early as possible and before problems escalate. Reintegrating those who have committed offences into the community and helping them realise their potential will create a safer and fairer society for all.

- 2.4 The Community Justice partners (more detail below) have a statutory duty to have regard to the National Strategy , as it provides a shared vision to help partners and communities to work together effectively to improve community justice outcomes, while retaining the flexibility to adapt to local needs and circumstances.

### 3. The Community Justice Act – progress in Glasgow

- 3.1 On 11th February 2016, the Scottish Parliament passed the Community Justice (Scotland) Bill. Royal assent for the [Community Justice \(Scotland\) Act 2016](#) came on the 23rd of March. This Act established the necessary legislative change to develop a new model for community justice from 1 April 2017 and it:

- Placed responsibility for local planning and delivery for community justice with a defined set of community justice partners;
- Placed duties on these community justice partners to be accountable for local strategic planning;
- Required the development of a national community justice strategy and performance framework;
- Created a national body (Community Justice Scotland) to provide leadership, promote innovation, learning and development; provide assurance to Scottish Ministers on the delivery of outcomes; and to provide improvement support where it is required;
- Promoted a focus on collaboration – including the opportunity to commission, manage or deliver services nationally where appropriate.
- Abolished Community Justice Authorities, the then standing regional bodies responsible for community justice

- 3.2 For local partnerships the legislation places a duty to co-operate in carrying out planning activities, delivering and reporting on outcomes for community justice within their local area. The named local partners are:

- each local authority
- each health board
- the Chief Constable of Police Service Scotland
- the Scottish Fire and Rescue Service
- Skills Development Scotland
- Integration Joint Boards
- the Scottish Courts and Tribunals Service
- Scottish Ministers

The Act further specifically identifies the involvement of the third sector within community justice, and within Glasgow there are named third sector representatives on the local partnership and progress has been made with the [Third Sector Interface](#) to develop more formalised arrangements.

- 3.3 Glasgow partners are also committed to continue to talk with people, listen to and empower them to contribute to local plans and actions, recognising the importance that communities themselves, including those who experience crime and those convicted of an offence, are active in shaping the future.

Indications for change in community justice arrangements meant that most areas were preparing for a new landscape and by the point that the Bill was passed early in 2016 Glasgow was already advanced in developing the new local partnership.

- 3.4 Under the new arrangements set out in the Community Justice (Scotland) Act 2016, each local authority was charged with producing a partnership plan known as a Community Justice Outcomes Improvement Plan (CJOIP) to set the direction and actions to improve outcomes. Part of the requirements on the new local partnerships includes the responsibility to publish and annually report on a local Community Justice Outcomes Improvement Plan (CJOIP). [Glasgow's CJOIP](#) was published in March 2017, with a shared vision:

*Glasgow is a safer place where reoffending is reduced, the impact of crime is mitigated and all citizens have equal opportunity to thrive.*

The CJOIP has a particular focus on “re-offending”, working to reduce the numbers and the frequency that individuals commit subsequent offences following a conviction. In Glasgow, 70% of court convictions are for individuals with previous convictions. A focus on reoffending ensures that as people come into contact with the justice system, the services within the system are joined up and more effective at reducing the likelihood that they will offend again. By focusing on the point of arrest, through prosecution, sentencing and beyond, there is scope to work with all partners to address the underlying causes of an individual’s offending behaviour, to reduce subsequent offences. Evidence from [What Works to Reduce Reoffending \(2015\)](#) indicates that this approach is more effective in reducing crime, and the harm that it causes, to improve community safety overall.

- 3.5 The Glasgow CJOIP runs from 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018 with review in December 2017. Alignment with the newly drafted [Glasgow Community Planning Partnership's Community Plan](#) is in process. During this first year of operation partners will continue to bring both plans together.

- 3.6 Community Justice Glasgow's Plan has nine interrelating themes – forming the focus for its work. The themes were developed following consultation with a broad range of stakeholders. An evidence based approach was taken to show the importance of these themes to the City of Glasgow and the successful delivery of the Community Justice Glasgow Vision.

- **Service User Voice** - ensuring individuals who access services are at the heart of planning and delivery
- **Prevention** - development of earlier intervention and prevention
- **Building Protective Factors** - improving factors evidenced to influence reoffending, including employability, education, health and well-being and housing.
- **Throughcare** - improving planning for people leaving custody
- **Service and Resource Alignment** - using resources where they are most effective, and in a collaborative approach to improve outcomes.
- **Families** - ensuring new developments reflect the impact on families, and build on the resilience opportunities of a supportive family setting
- **Victims** - listening to and acting on victims’ voices
- **Women** - addressing the recommendations of the [Commission on Women Offenders](#)
- **Communication** - improving communication, with a focus on continuing communication between partners, stakeholders and communities

- 3.7 Glasgow's CJOIP includes an Action Plan for 2017-2018 which guides the day to day activity of the Community Justice Glasgow Team and partners. Its objectives are:
- 1) Developing the Partnership
  - 2) Effective Information Sharing
  - 3) Joint Commissioning Strategy
  - 4) Embedding Victim's Voice
  - 5) Instigating and Developing Early and Effective Intervention in the Justice System
  - 6) Improving Health and Wellbeing – Knowledge and Learning.
  - 7) Developing the Recommendations of the Commission on Women Offenders
  - 8) Addressing Addiction Issues for Criminal Justice Service Users.
  - 9) Championing Learning and Implementing Pathways to Learning
  - 10) Continuing to Promote and Improve Employability Pathways
  - 11) Engaging with Housing Providers to find suitable Accommodation
  - 12) Supporting Families affected by the Justice System
  - 13) Engaging Service Users as citizens, at the heart of service planning, structure and delivery

- 3.8 A Community Justice Glasgow (CJG) team has been established to co-ordinate the day to day partnership activity in Glasgow. The team is hosted by Glasgow City Council and resourced by partners to provide a focus on the delivery of actions arising from the Glasgow CJOIP.

CJG is also responsible for the [One Glasgow Reducing Offending Partnership](#), integrating areas of shared interest, learning from its Whole System Approach to young people involved in the Justice System and sharing resources and expertise to support those affected and/or involved in the justice system in Glasgow.

- 3.9 The governance of Community Justice is aligned to Glasgow Community Planning Partnership structures. Community Justice is also closely partnered with the Integrated Joint Board for Glasgow City's Health and Social Care Partnership, and the local scrutiny arrangements for Police Scotland and Scottish Fire and Rescue Service, via the Safe Glasgow Group.

Community Justice arrangements for Glasgow were agreed in the knowledge that a review would be required once confirmation of new Community Planning arrangements were available. While the CJG will produce an annual report at the end of this first year of operation (2017/18) as required by statute, partners did agree to an interim review of local arrangements and progress against the agreed actions and performance framework. Partners have agreed a process for the review in December of this year and a full report will go initially to the partnership group. This review will assist in forward planning for a revised CJOIP from April 2018, and support close alignment with the Community Plan.

## 4. Community Justice Scotland

4.1 Community Justice Scotland (CJS) was established as a body corporate, reporting directly to Scottish Ministers. Community Justice Scotland will, as per the Act, focus on three specific areas:

- Providing professional and strategic leadership for community justice in Scotland
- Providing assurance to Scottish Ministers and to COSLA leaders through oversight of national outcomes, performance and improvement framework
- Establishing and running a national hub for innovation, learning and development

4.2 The Act provides scope for Community Justice Scotland to do anything which appears to be necessary or expedient for the purposes of or in conjunction with the exercise of its functions or to be otherwise conducive to the exercise of its functions.

The new national body is composed of a Chair and Board Members, appointed by Scottish Ministers. The new body also has a Chief Executive, who was initially appointed by Scottish Ministers, although subsequent appointments will be by its members with the approval of Ministers.

4.3 Further staffing is suggested in the legislation and guidance, but it is indicated that the staffing of the body will be at the discretion of its Chief Executive and members. Certain key elements of the body are proscribed, including:

- Preparation of a [Corporate Plan](#) for approval by Ministers, setting out how it intends to exercise its functions. See below.
- The establishment of a “Learning and Development Hub”, alongside a strategy for learning and development.
- Production, monitoring and reporting on the [National Strategy for Community Justice](#)
- Monitoring of the [National Community Justice Outcomes, Performance and Improvement Framework](#)
- Managing (but not providing) services which have been identified and agreed as being best delivered on a national basis
- Monitoring and reporting on the performance of local community justice partners, and, within defined powers, directing local partners to address performance issues and reporting to Ministers on the status of improvement planning for community justice
- Strategic commissioning functions and delegated purchasing authority

4.4 CJS have launched a consultation on its Corporate Plan, reflecting an approach which is:

- Trauma Informed
- Evidenced Based
- Collaborative

- 4.5 The vision put forward by CJS is a commitment to:
- a reduction in the use of short-term prison sentences
  - an increased use of bail supervision and support
  - increased use of community-based interventions
  - effective reintegration processes for those returning from custody to the community
- 4.6 Community Justice Scotland's corporate outcomes for this three-year plan are to:
- become a trusted source of expertise in community justice
  - improve the understanding of community justice with stakeholders and in the wider community
  - have tested and evaluated new approaches to community justice, have worked collaboratively to identify improvements and changes that can be made in the delivery of community justice

#### 4.7 **Coordination of Local and National Arrangements**

The relationship between Scottish Ministers, defined local community justice partners and Community Justice Scotland are detailed within the Act and Policy Memorandum. In terms of the national body, the Chief Executive reports directly to Scottish Ministers and Ministers will be expected to hold members of Community Justice Scotland to account for delivery of its responsibilities.

Ministers also retain powers of direction to require an inspection of local partners. Local community justice partners have a duty to act jointly in carrying out planning, delivery and reporting on outcomes. They will not be accountable to Community Justice Scotland for operational delivery. Local partners remain accountable through existing governance lines and established mechanisms for community engagement and scrutiny.

Although local community justice partners are not accountable to Community Justice Scotland, the legislation requires CJS to scrutinise local plans, to direct local partners to publish its assessment of their performance and to notify the national body of the action they will take to deliver improvement.

The Act also states that community justice partners must comply with any reasonable request from the national body to provide information, advice or assistance, in connection with the national body's functions.

### 5. **Justice in Scotland: Vision and Priorities**

- 5.1 In July 2017 the Cabinet secretary for Justice published Justice in Scotland: Vision and Priorities. This document was published in line with his announcements about the progress being made in terms of the womens custodial estate, the standout vision being "A just, safe and resilient Scotland"
- 5.2 The document was intended for all those working to keep communities safe, and those delivering civil, criminal and administrative justice. It draws on evidence and reflects on recent successes, highlights challenges for the immediate and longer term and sets out seven priorities for 2017 to 2020.



- 5.3 The identified challenges will be familiar, they include;
- Increasing inequality and its potential effects on crime
  - Adverse childhood experiences and their impact on the justice system
  - Delivering on the shift in resources to focus on early intervention and prevention
  - The concentration of crime and victimisation in the most deprived communities
  - The continuing high prison population in Scotland
  - The often poor physical and mental health and wellbeing of those in contact with the criminal justice system.

5.4 The document identifies 7 priorities. Here are 4 which are particularly relevant to Glasgow:

- We will modernise civil and criminal law and the justice system to meet the needs of people in the 21<sup>st</sup> century
- We will work with others to improve health and well being in justice settings, focusing on mental health and substance use
- We will work to quickly identify offenders and ensure responses are proportionate, just, effective and promote rehabilitation
- We will use prison only where necessary to address offending or to protect public safety, focusing on recovery and reintegration.

## **6. Criminal Justice within the Health and Social Care Partnership**

6.1 The IJB is aware that aside from its responsibilities as outlined above in respect of being a community justice partner as detailed in the Community Justice Scotland Act; it also has responsibilities in terms of direct service delivery for Prison Health Care and Police Custody health services, alongside the considerable statutory responsibility for Criminal Justice Social Work.

6.2 Previously the IJB has been alerted to the reduction in the ringfenced funding for Criminal Justice Social Work services, the detail of how this will be achieved will be presented to the IJB later in the financial year. Part of the response to the reduction in funding has been to progress a renewed commissioning framework, which will recalibrate the funding relationship with providers while allowing for future demand to be met where funding allows. The emphasis is on clearly linking the need to reduce reoffending, managing risk within the community on a cost effective and co-produced basis.

6.3 A number of the models of intervention and support currently available for offenders have not changed over a period of time, and require to be refreshed, reviewed and set against a clear evidence base. Some of the newer services, funded previously on one off or short term funding, require to be consolidated and further enabled.

6.4 Glasgow has a number of offender related services which continue to attract interest and commendation. The Drug Court has had visitors and delegations from a number of European countries, Tomorrow's Women Glasgow recently hosted a joint ministerial visit by the Ministers for Social Security and Homelessness. A service funded by Criminal justice but provided through partners Turning

Point/Aberlour won the Scottish Social Services Award – “Silo Buster” for the Women’s Supported Bail Service in Glasgow.

- 6.5 On a day to day basis Criminal Justice staff are dealing with the most complex and risky offenders, and work towards the vision, and priorities set out in the relevant strategy and policy documents referred to in this report.

## **7 Glasgow’s Women’s Community Custody Unit**

- 7.1 The Cabinet Minister for Justice – Michael Matheson, wrote to Glasgow City Council in July 2016 indicating that Glasgow was one of nine authorities being approached in respect of the siting of one of five Women’s Community Custody Units and requesting a meeting between the Council and the Scottish Prison Service to begin the dialogue with local partners as to the most suitable options for siting a Community Custody Unit (CCU).

In July 2017 the Cabinet Secretary confirmed that one of the CCUs would be in Glasgow. In September 2017 he confirmed the proposed site for the Glasgow CCU as Maryhill, on the old Maryhill Health Centre site. With an expected build completion date of 2020.

- 7.2 The Scottish Government’s strategy in respect of women offenders draws heavily on the Commission on Women Offenders Report (2012). Amongst the report’s recommendations was that HMP and YOI Cornton Vale was “not fit for purpose” and should be replaced. In January 2015 the Cabinet Secretary announced that the anticipated full replacement for Cornton Vale would not go ahead. Instead the proposal was for a specialist prison with a capacity of 80 -100 women for those women serving a statutory defined long term sentence, and those who pose a significant risk to the public. Alongside the specialist prison there were to be 5 Community Custody Units.

- 7.3 The capacity of each Community Custody Unit is expected to be 20 - 25 women. Some women will be there who are coming to the end of a longer sentence and are completing their sentence in the CCU, but others will go from court to be assessed at the National facility and then moved to complete most of their sentence in the CCU. The ethos of these units is that they are recovery focused, with a major emphasis on building life skills and helping women develop self-esteem and confidence. This represents a major shift in how the needs of women offenders who receive custodial sentences are addressed. The expectation is that women who are serving their sentence in a Community Custody Unit will access local services, may be subject to curfew or electronic monitoring and may be randomly drug tested where this is relevant to their offending.

There is an expectation that there will be strong links with local community justice services, health and 3<sup>rd</sup> sector services, and that the in reach and outreach service provision will reflect a multi-agency approach to meeting need.

- 7.4 The Glasgow Working Group on Women and Offending (GWGWO) was established as a strategic forum to raise awareness of national and local resources available to support women who offend. Partners provide an up to date picture of women offending within the city allowing the partners to set out key priorities for the city.

The GWGWO, has been updated on the plans for a CCU and will support the development of a community custody unit both directly and through consultative and engagement activity

- 7.5 Improving outcomes for Women Offenders has been embedded in Glasgow since the development of the 218 service (now nationally recognised) in 2003. 218 is a residential service for women offenders in Glasgow City Centre.

In Glasgow, locality Criminal Justice Teams work in conjunction with Tomorrow's Women Glasgow (the Glasgow Women's Community Justice Centre) This is a multi-agency, co-located day time service based in the Adelphi Centre in the Gorbals, which has a social work Team Leader supported by secondments from within the NHS, Scottish Prison Service and the Wheatley Group, and which has been successful in reducing rates of reoffending and supporting women offenders to access appropriate services to address the issues underlying their offending.

- 7.6 **Women in custody** are more likely than men to

- be of lower risk to public safety
- be in prison for dishonesty or acquisitive offences
- have higher rates of mental health and drug misuse problems
- have histories of physical, sexual and emotional abuse and victimisation
- have dependent children

Glasgow has the highest rate of women admissions to custody compared to other parts of Scotland.

Given the rates of custody for women from Glasgow, the siting of a local Community Custody Unit in Glasgow is welcomed. It will encourage closer links with family, community and the quality support services available to women in Glasgow. It is anticipated that siting a unit in Glasgow will help to reduce re-offending and support and divert Glasgow women offenders in custody in the most appropriate way.

- 7.7 The new build Community Custody Unit in Maryhill requires to go through the planning consultation process, but will be built to a high spec, There are no direct comparisons in other countries to that which Scotland is taking forward, but there is learning to be taken from Canadian and Nordic custodial models.

There is a significant amount of detailed consultation, engagement and planning required prior to the final iteration of the shape and standard operating procedures of this radical initiative. There remain some questions as to the resource implications for Glasgow services supporting the women in the CCU and these issues will be progressed.

The Scottish Prison Service supported by members of the Community Justice Glasgow team and with key partners within the Health and Social Care Partnership have begun discussions and initiated some plans to progress liaison and engagement with key stakeholders. It is clear that the HSCP will be at the heart of this innovative and unprecedented provision for female offenders by the Scottish Prison Service and constructive partnership working between the two organisations is already underway which both parties see as being a springboard

to improving the overall provision of health and social care support within the prison system more broadly.

## **8. Recommendations**

8.1 The Integration Joint Board is asked to:

- a) note the content of the report; and
- b) approve the continuing involvement of the HSCP in the evolving plans for the Maryhill Community Custodial Unit.

## DIRECTION FROM THE GLASGOW CITY INTEGRATION JOINT BOARD

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|----|---|---|
| 1  | Reference number  | 081117-12-a   |
| 2  | Date direction issued by Integration Joint Board  | 8 November 2017   |
| 3  | Date from which direction takes effect  | 8 November 2017   |
| 4  | Direction to:   | Glasgow City Council and Greater Glasgow & Clyde Health Board   |
| 5  | Does this direction supersede, amend or cancel a previous direction – if yes, include the reference number(s) | No  |
| 6  | Functions covered by direction  | Criminal Justice and Community Justice services   |
| 7  | Full text of direction  | Glasgow City Council and NHS Greater Glasgow and Clyde are directed to deliver Criminal Justice and Community Justice services as outlined in this report.    |
| 8  | Budget allocated by Integration Joint Board to carry out direction  | As advised by the Chief Officer: Finance and Resources  |
| 9  | Performance monitoring arrangements   | In line with the agreed Performance Management Framework of the Glasgow City Integration Joint Board and the Glasgow City Health and Social Care Partnership. |
| 10 | Date direction will be reviewed   | November 2018   |