

# **National Strategy for Community Justice: Revision Consultation**

**Analysis of Consultation Responses**

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# 1. Executive summary

## 1.1 Introduction

On 13 April 2022, the Scottish Government published a [consultation seeking views on key aspects of the revised National Strategy for Community Justice](#) (the strategy).

The consultation closed on 25 May 2022, and 75 responses to the consultation were received.

The responses will help to inform the finalisation of the revised strategy. Once published, this strategy will supersede the current [National Strategy for Community Justice](#), published in 2016.

This report presents an analysis of the responses to the consultation, and sets out the Scottish Government's next steps.

## 1.2 Summary of responses

Overall, respondents to this consultation generally supported the national aims for the revised National Strategy for Community Justice. In addition, the majority of respondents agreed or strongly agreed with all of the priority actions associated with the national aims. Just over half (56%) of respondents felt that the four national aims captured the most important aspects of community justice. Some respondents however felt that parts of the strategy required further clarity and that the aims could include more of a focus on victims of crime, and trauma-informed and person-centred approaches.

There were several recurring themes mentioned by respondents. These included:

### **Collaborative working**

The need for community justice partners, at a national and local level, to work together and work across sectors with a range of partners was considered key to the deliverability of the aims. This includes a joined-up approach across other policy areas, strategies and community partnerships. There were also reflections that there needs to be more clarity of roles and responsibilities of community justice partners, either in the strategy or the accompanying delivery plan.

### **Consistency**

Throughout the consultation, respondents raised the issue of what is meant by consistency. Some respondents recognised the need for consistency of access to services, but that flexibility is required for delivery in order to respond to local needs, and that there needs to be awareness of the differences between urban and rural areas.

### **Resourcing**

Resourcing was another theme that was raised throughout the responses to the consultation. Some respondents suggested that investment would be needed to deliver the strategy, and that this would need to be sustained in order to ensure the ambition of the strategy is met.

Resourcing was also mentioned in terms of providing training, guidance and support to those working in national and public bodies, third sector and the justice system in order to ensure that the aims are delivered.

### **1.3 Next steps**

As informed by the responses to this consultation and other evidence, the Scottish Government will publish the revised strategy and an accompanying delivery plan.

## **2. Introduction**

### **2.1 Background**

This report presents an analysis of the responses to the [National Strategy for Community Justice: Revision Consultation](#), and sets out the Scottish Government's next steps. We would like to thank all respondents for their contributions. Where permission has been granted, responses have been published in full on the [Scottish Government Consultation Hub](#) website.

The current model for Community Justice came into operation on 1 April 2017, underpinned by the [Community Justice \(Scotland\) Act 2016](#) (the Act), which places duties on a group of statutory partners to engage in community justice planning and to report against a set of nationally-determined outcomes.

The Act also established [Community Justice Scotland](#) and required Scottish Ministers to produce a [National Strategy for Community Justice](#) (the strategy), an [Outcomes, Performance and Improvement Framework](#) (OPIF) and [Guidance for Local Partners](#) to support the delivery of the new model.

As per section 16 of the Act, Scottish Ministers reviewed the current strategy by 24 November 2021. As part of the review process we published the [National Strategy for Community Justice: Review Consultation](#) which ran from 27 September 2021 to 8 November 2021, and held a number of associated workshops and meetings with partners. Following this review, the [consultation analysis report](#) has been published and proposals for the revised strategy were developed.

This consultation subsequently invited comments on key aspects of the revised strategy.

### **2.2 The consultation process**

This consultation was open from 13 April 2022 to 25 May 2022. Respondents were invited to respond in a number of different ways, including online, via email and via post. The majority of responses were received via Citizen Space, the Scottish

Government's online consultation platform. All responses were read and logged into a database for analysis purposes.

Closed question responses were quantified to ascertain the number and percentage of respondents who agreed/disagreed with each proposal or question statement, and open question data were analysed thematically to provide an overview of the main views expressed by participants. For any given question, the number of themes identified may differ from the number of comments received as one comment could include a number of themes.

Analysis is based on those who responded to the consultation and is therefore not necessarily representative of the wider population.

### **Consultation events**

Four virtual workshop sessions were held to encourage participation in the consultation. The events provided attendees with the opportunity to find out further information about the consultation from officials, and to provide feedback to help shape the finalisation of the revised strategy.

The events were attended by a broad range of stakeholders, including social workers, community justice co-ordinators, third sector organisations (including victims organisations) and national community justice partners.

A summary of the discussion from these events is included in section 6 of this report.

### **2.3 Who responded**

There were 75 responses to the written consultation. Of these the majority (57) were received from groups/organisations, and 18 were received from individuals. 64 respondents gave permission for their responses to be published.

Amongst the responses, there were 4 'non-standard' responses that did not follow the question format of the consultation. The comments made in these responses have been taken account, however as they did not answer the quantitative questions, they have not been included in the tables relating directly to closed question responses.

Among the organisations that responded, there was a reasonable split between national organisation, local authorities, Community Justice Partnerships (CJP) and third sector organisations, including victims organisations. Among the local authorities and CJPs that responded, there was wide geographical coverage. A list of respondent organisations is available in **Annex A**.

## **3. National Aims**

This section asked questions about the draft national aims for the revised National Strategy for Community Justice.

The draft national aims for the revised National Strategy for Community Justice are:

**Aim 1:** Optimise the use of diversion and intervention at the earliest opportunity

**Aim 2:** Ensure that robust and consistent community interventions and public protection arrangements are in place across Scotland

**Aim 3:** Ensure that services are available to address the needs of individuals accused or convicted of an offence

**Aim 4:** Strengthen leadership, engagement, and partnership working

**Question 1:** Is the wording of the four national aims understandable?

70 respondents responded to this closed question. The majority (77%) answered yes, that the wording of the four national aims is understandable, while 23% answered no.

34 respondents responded to the open section of the question ('If you answered no, please provide further explanation') and the following themes emerged:

**Table 1**

Theme identified	Number of comments relating to this theme
Would like more clarity and specificity of terms used	20
Would like language to be more accessible to non-justice professionals	6
Would like more ambition	6

A number of respondents suggested that some key terms used in the aims could be clarified to make it clearer what was being referred to. These included terms such as 'diversion', 'intervention', 'robust' and 'services', which were considered to be ambiguous and open to interpretation.

Whilst most respondents felt that the aims were understandable to people working within the justice sector, some considered that the language could be more accessible to the general public and people not so familiar with justice sector terminology. One respondent also suggested that the strategy should be made available in easy read format to make it accessible for everyone involved in the justice system.

A small number of respondents also took the opportunity to comment here on the ambition of the aims which they felt to be too passive and lacking in ambition and aspiration.

**Question 2:** Do you think the four national aims capture the most important aspects of community justice?

68 respondents responded to this closed question. The majority (56%) answered yes, that the four national aims capture the most important aspects of community justice, while 44% answered no.

41 respondents responded to the open part of this question ('If you answered no, please provide further explanation'), and the following themes emerged:

**Table 2**

Theme identified	Number of comments relating to this theme
More emphasis on victims of crime	10
Importance of services including mental health, substance use, housing and trauma support	10
More emphasis on rehabilitation and the role of families and communities in supporting rehabilitation	6
More emphasis on primary prevention	5
More emphasis on professional skills and capacity of local services	4
Understanding and awareness of community justice	3
Aims should include outcomes	2

Respondents made a number of suggestions for things that should have greater emphasis in the aims.

A number of respondents suggested that there should be more reference to victims of crime and their needs and voices.

In addition, a number of respondents talked about the importance of services, such as support for mental health, trauma, housing and substance use. These respondents felt that more acknowledgement was needed of the importance of these services and consideration should be given to their availability. It was also felt that a social justice approach was needed to tackling the social issues that create the conditions for crime, such as poverty.

Several respondents remarked on the importance of rehabilitation and wanted to see more emphasis given to this. Alongside this, a couple of respondents commented on the role that families can play in supporting rehabilitation and reducing offending and wanted to see this recognised in the aims.

Some respondents observed that the strategy was based on community justice partners being involved from the point of arrest onwards, and some wanted to see more emphasis primary prevention, and support at earlier stage, within the aims.

The importance of skilled justice professionals, resources and funding for delivering the aims was raised by some respondents who wanted to see this recognised. They felt that investment and support for those working in the sector should be included in the aims. In particular, one respondent mentioned the importance of having appropriate risk assessment expertise within the system.

A small number of respondents observed that the concept of community justice is not understood consistently. These respondents suggested that one aim should be to promote better understanding of what community justice is both to the public and the judiciary. They felt that a communications strategy was needed to set a clear narrative with the public around what community justice is if the aims of the strategy are to be achieved. Respondents also felt that this was important for reducing stigma in society.

A couple of respondents observed that the aims were system focussed and did not articulate the desired outcomes. It was therefore suggested the aims could be reworded to ensure that the intended outcome was made clearer.

**Question 3:** To what extent do you agree/disagree with the national aims for the revised National Strategy for Community Justice?

69 respondents responded to each part of this closed question. The vast majority of those who answered this question agreed with these aims (between 84% and 87% for each aim), and only a small minority (between 7% and 10%) disagreed with them. See table 3 for responses:

**Table 3**

	<b>Strongly disagree</b>	<b>Disagree</b>	<b>Neutral</b>	<b>Agree</b>	<b>Strongly agree</b>
<b>Aim 1:</b> Optimise the use of diversion and intervention at the earliest opportunity	4%	3%	7%	38%	48%
<b>Aim 2:</b> Ensure that robust and consistent community interventions and public protection arrangements are in place across Scotland	3%	4%	6%	41%	46%
<b>Aim 3:</b> Ensure that services are available to address the needs of individuals accused or convicted of an offence	3%	7%	4%	33%	52%
<b>Aim 4:</b> Strengthen leadership, engagement, and partnership working	6%	3%	7%	39%	45%

48 respondents responded to the open 'Do you have any further comments on the National Aims?' section of the question, and the following themes emerged:

**Table 4**

<b>Theme identified</b>	<b>Number of comments relating to this theme</b>
Delivery and collaborative working	12
Clarity and specificity of terms used	9



Theme identified	Number of comments relating to this theme
Accessibility and consistency of services	8
More emphasis/clarity on primary prevention	6

Responses to this question mostly focussed on delivery of the aims, with respondents emphasising the challenge and importance of delivery for achieving the aims. These responses fell into two broad themes.

First, a number of respondents commented on the importance of all parts of the justice system working together to ensure that there was effective delivery and access to services. It was suggested that there is a need to emphasise that the aims are interlinked and need to be addressed together. Respondents felt that more clarity was required around roles and responsibilities of community justice partners in general to ensure delivery and access to services. In addition, it was felt that links could be made to ongoing primary prevention work and some highlighted their view that community justice could include primary prevention within its scope.

Second, respondents commented on the importance of accessibility and consistency of services. These comments were particularly made in reference to rural areas and island communities where the geography and resources are different and therefore it was felt that services had to be different from the Central Belt and other urban areas. One respondent suggested that we should therefore strive for consistency in outcomes rather than consistency in services. A couple of respondents commented that it is necessary to ensure that people on remand also had equal access to services.

One respondent noted that there are known barriers to accessibility and availability of services and that these need to be specifically addressed. Whilst another respondent commented on the potential for community planning to help assign roles and responsibilities.

A number of respondents also commented here on the role of primary prevention in the strategy and on the terms used in the strategy which they thought could be open to interpretation. These themes are identified in response to the questions above and are discussed there.

## 4. Priority Actions

This section asked respondents about the draft priority actions for the revised National Strategy for Community Justice.

**Question 4:** To what extent do you agree/disagree that these community justice priority actions will contribute to the achievement of national Aim 1 (Optimise the use of diversion and intervention at the earliest opportunity)?

67 respondents responded to the first part of this closed question, 68 to the second and 67 to the third part. The vast majority of those who responded to each part of

the question agreed that the priority actions would contribute to the achievement of national Aim 1 (79% for priority action 1, 82% for priority action 2 and 84% for priority action 3). See Table 5 for responses:

**Table 5**

Priority actions for aim 1	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
1. Enhance early intervention by ensuring greater consistency, confidence in and awareness of services which support the use of direct measures and diversion from prosecution	4%	1%	15%	49%	30%
2. Improve support for vulnerable individuals by ensuring the provision of consistent, equitable and accessible immediate support in a crisis and screening within Police Custody Centres	1%	0%	16%	41%	41%
3. Improve support following arrest by ensuring substance use and mental health services are available and appropriate referrals take place at the earliest opportunity	3%	0%	13%	33%	51%

**Question 5:** Do you have any further comments or suggested changes on how these priority actions will contribute to achieving Aim 1 (Optimise the use of diversion and intervention at the earliest opportunity)?

61 respondents responded to this open question, and the following themes emerged:

**Table 6**

Theme identified	Number of comments relating to this theme
<b>General points:</b> not relating to any single priority action	<b>120</b>
Intervention to avoid becoming involved in the justice system in the first place / Identify those needing support before they reach crisis point / enter a custody centre	24
Partnership working, data sharing, whole systems approach, joining up across policy areas	24
Encouraging uptake of support	20

Consistency of services nationally, whilst responding to local needs (including awareness of urban /rural differences)	19
Needs to be resourced	16
Need for training, guidance, support	8
Need for risk assessment and risk management and public protection considerations	3
Need for support for wider family	3
Outcomes would be useful to measure progress	3
Similarity between priority action 2 and 3	2
Impact of fines on people in poverty	1
<b>Priority Action 1:</b> Enhance early intervention by ensuring greater consistency, confidence in and awareness of services which support the use of direct measures and diversion from prosecution	<b>6</b>
Important to incorporate victim safety into decision making (particularly in relation to violence against women and girls and domestic abuse)	6
<b>Priority Action 2:</b> Improve support for vulnerable individuals by ensuring the provision of consistent, equitable and accessible immediate support in a crisis and screening within Police Custody Centres	<b>9</b>
Argument that all who end up in police custody are / should be treated as vulnerable	9
<b>Priority Action 3:</b> Improve support following arrest by ensuring substance use and mental health services are available and appropriate referrals take place at the earliest opportunity	<b>27</b>
Support should meet wider needs, be trauma informed and person centred, more focus needed on certain groups e.g. young people, neuro-diverse people, those with additional support needs	24
Timing of "earliest opportunity"	2
Focus on alcohol	1

### General themes

Respondents emphasised the importance of intervening early to stop people from entering the criminal justice system in the first place. Access to support, universal services, joining up between sectors (such as health and justice) and the need to understand and address the vulnerabilities which might lead someone into the justice system were commented upon in relation to this. There was a feeling that justice should not be a “safety net”, and it would be better to meet needs earlier, through

support. Similarly in relation to priority action 2 which mentions support in a crisis, and screening within Police Custody Centres, there were comments that individuals should be identified and supported, before they reach crisis point.

“If considering diversion in its broadest sense, we need to ensure that we are not drawing people into the system to address welfare needs that would be better met elsewhere. As stated previously, justice should not have to act as a safety net. Sometimes support measures are all that is required, rather than formal diversion as such.” - **A Community Justice Partnership**

The importance of joining up and partnership working was highlighted by a number of respondents. Joining up at a national strategic level was considered to be very important, for example being aware of how this strategy fits with other relevant Scottish Government strategies, and providing clarity on what is expected to be delivered nationally and what is expected to be delivered by local partners.

A number of different services will be required to work together to support people, including health and mental health services, social work, third sector partners and Drug and Alcohol Partnerships, to ensure people have access to appropriate support. Issues such as the need for data sharing between organisations and clarity of roles of who does what were also highlighted. The need for “mutual understanding” between partners around direct measures, and when to best use it, was highlighted.

Some respondents felt that there was a need for national consistency, to avoid a “post-code lottery”. However it was also acknowledged that “one size does not fit all” and there was a need for flexibility around delivery to respond to local needs, which will differ, and local innovation should not be stifled. It was suggested that rural communities might require additional assistance to achieve parity with urban areas. It was also pointed out that Police Custody Centres can cover large geographic areas and those detained may not necessarily live in the areas they are detained, and access to services shouldn’t be restricted by such boundaries.

“Boundary restrictions can restrict access to an equitable service as well as create an environment that is system satisfying rather than person satisfying.” – **Police Scotland**

It was commented that the strategy needed to be adequately funded and resourced in order to achieve its aims. There were also some calls for training, guidance, and support at a national level to support local delivery. This included suggestions for: training around person centred and trauma informed support; national guidance for initiating and prescribing OST (Opiate Replacement Therapy) within a custody setting; and setting up a National Forensic Psychology Service for Scotland.

## **Priority action 1**

Some respondents stated that the safety of victims needed to be considered in decision making, and that communication is required with victims where cases are being considered for diversion. The nature of domestic abuse, which is often repeated and escalates prior to police involvement, tends to mean that when the

police intervene it is not “early”. Therefore, it was suggested that diversion from prosecution is not appropriate in domestic abuse and other violence against women offences, such as sexual offences

### **Priority action 2**

A number of respondents argued that all people who enter police custody are vulnerable. It was suggested that this therefore should be extended to “all” individuals, rather than “vulnerable” individuals. There was a comment that explicitly mentioning vulnerability “could give the appearance of rationing help” (a CJP).

### **Priority action 3**

A recurring theme was that “support” should meet wider needs, be trauma-informed and person-centred, and that more focus is needed on certain groups. It was suggested that the focus on substance use and mental health was too narrow, and that support should be more holistic and include wider needs such as housing, education, employment, welfare rights, and physical health needs.

Some respondents also mentioned particular groups requiring support that they felt required more focus. This included young people under 25, those who are neuro-diverse, those with additional support needs, those with a learning disability, and those with communication support needs.

Some respondents went on to mention encouraging uptake of support, with some suggesting that offering support following arrest was a good time to intervene, as it is “when people are often at their most vulnerable but also open to receiving help”. Other respondents pointed out that support would only be effective if people were willing to take responsibility for their actions and engage with support.

Some practical issues around providing support were highlighted, including: the need to promptly and reliably identify those suitable for diversion and intervention, the availability of appropriate interventions, long waiting lists for support; information sharing between partners, and the timing of when people are in custody, if it is for a short period it could limit their opportunity to access support, outreach and follow up after the custody centre to encourage engagement was suggested as a helpful option.

Some respondents also suggested that families should also have access to support.

**Question 6:** To what extent do you agree/disagree that these community justice priority actions will contribute to the achievement of national Aim 2 (Ensure that robust and consistent community interventions and public protection arrangements are in place across Scotland)?

67 respondents responded to the each part of this closed question. The majority of those who responded to this question agreed that the priority actions would contribute to the achievement of national Aim 2. Agreement was lower for priority action 7 (73%) than for the other priority actions, where between 80% and 86% of

those answering agreed. Priority action 7 received a higher proportion of “neutral” responses (22%) than the other priority actions. See Table 7 for responses:

**Table 7**

Priority actions for aim 2	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
4. Support the use of credible and robust alternatives to remand by ensuring high quality services are consistently available and delivered effectively	1%	3%	9%	43%	43%
5. Strengthen supported management in the community by increasing and widening the use of electronic monitoring and technologies	4%	1%	9%	60%	25%
6. Ensure that those given community sentences are managed appropriately and safely by delivering high quality, consistently available, trauma-informed services and programmes that support public protection	3%	6%	10%	40%	40%
7. Ensure restorative justice is available across Scotland to all those who wish to access it by ensuring consistent provision and effective promotion of available services	1%	3%	22%	43%	30%

**Question 7:** Do you have any further comments or suggested changes on how these priority actions will contribute to achieving Aim 2 (Ensure that robust and consistent community interventions and public protection arrangements are in place across Scotland)?

57 respondents responded to this open question, and the following themes emerged:

**Table 8**

Theme identified	Number of comments relating to this theme
<b>General points:</b> not relating to any single priority action	<b>146</b>
Needs to be resourced	21
Consistency of services nationally, whilst responding to local needs (including awareness of urban / rural differences)	19

Theme identified	Number of comments relating to this theme
Victim's needs / Victim Safety (esp. around restorative justice violence against women and girls (VAWG) and coercive control)	19
Partnership working, joining up across strategies	19
Would have liked more information / details / clarification on aims and actions	16
Needs to be about support and rehabilitation not just punishment	12
Training / guidance / support staff to deliver	10
Should be evidence based / "what works" / best practice	9
More support for young people and those with learning disabilities / communication support needs	3
Need to communicate to public about community justice/restorative justice	3
Outcomes	3
Human Rights Approach	3
Ensure prison / remand is only used for those who pose the most risk	3
Include mentoring	2
Information sharing issues	2
Strengthen focus on COVID recovery	1
Aim too broad	1
<b>Priority Action 4:</b> Support the use of credible and robust alternatives to remand by ensuring high quality services are consistently available and delivered effectively	<b>13</b>
Relating to priority action 4 & 5: Access to housing / digital exclusion	5
Role of judiciary / courts need to be aware of the options available	4
Needs to be person-centred	3
Focus more directly on bail	1
<b>Priority Action 5:</b> Strengthen supported management in the community by increasing and widening the use of electronic monitoring and technologies	<b>18</b>
Nationally driven / clearer guidance for local partners / clarity on roles and responsibilities	9

Theme identified	Number of comments relating to this theme
Expansion shouldn't be used to "up-tariff" those who would not ordinarily be electronically monitored	5
Need to understand risks /any limitations	2
Consequences for those who do not comply	2
Use of technology in relation to sex offenders	1
<b>Priority Action 6:</b> Ensure that those given community sentences are managed appropriately and safely by delivering high quality, consistently available, trauma-informed services and programmes that support public protection	<b>21</b>
Trauma informed approach important	9
Public Protection separate from remit of CJPs	8
Already happening?	3
Include reoffending	1
<b>Priority Action 7:</b> Ensure restorative justice is available across Scotland to all those who wish to access it by ensuring consistent provision and effective promotion of available services	<b>23</b>
Concerns around restorative justice and VAWG victims	14
Preparation / Time to set up / roll out (2023 aim too soon)	8
People need to be in a position where they are able to take responsibility before they can participate in RJ	1

A number of themes recurred in responses to more than one question. Comments relating to these recurring themes have been covered in more detail above, and are not expanded on again here. Such comments relate to the need for the strategy to be resourced; partnership working, and joining up across strategies; consistency of services nationally, whilst responding to local needs (including awareness of urban/rural differences); and training, guidance, and support for staff who are delivering the strategy.

### General themes

A number of respondents said that they wanted more information, details, and clarification on the aims and actions outlined. Linked to this, some suggested that outcomes would be helpful.

A number of comments related to victims and there were suggestions that these aims and actions could be more victim-centred. It was highlighted that remand can provide “breathing space” and a feeling of safety for victims of domestic abuse. Most



comments relating to victims were linked to concerns around action 7 and restorative justice.

In relation to actions 4, 5 and 6, respondents commented on the importance of supporting people to change their behaviours and encouraging rehabilitation. It was commented that support which would be available in custody needs to be extended into the community.

A number of respondents mentioned that actions should be evidence based, focusing on “what works” and promoting best practice and improvement, with a comment that “data and evaluation needs to be a priority action”.

It was suggested that there is a need to communicate with the general public around community justice and restorative justice, to raise awareness and to promote understanding around the impact and effectiveness.

### **Priority actions 4 and 5**

Some respondents noted that homelessness, issues accessing appropriate accommodation and digital exclusion could act as barriers to accessing and successfully completing community disposals. It was also suggested that certain groups, such as young people, those with learning disabilities or communication support needs would require extra support around community disposals.

Some respondents felt that more needs to be done to inform courts and the judiciary about community sentencing, and build their confidence in using community sentences as an alternative to custody.

There was a feeling, particularly in response to priority action 5, around electronic monitoring, that this was something which was being nationally driven, and there were calls for national partners to provide clearer guidance for local partners, and greater clarity on roles and responsibilities.

Also relating to priority action 5, some respondents were concerned that an increase in electronic monitoring might result in the "up-tariffing" of those who would not ordinarily be electronically monitored. Some respondents also felt that more needed to be understood about the limitations of and risks around electronic monitoring. Some respondents said it was important that there were consequences for those who breached their conditions.

### **Priority action 6**

Some respondents questioned how this priority differed from what was currently happening. A number of respondents took the opportunity to state that they think a trauma informed approach is very important. Some comments also referred to the importance of taking a person-centred approach and embedding this within a rights based approach. The need for the trauma focus to extend to victims was also noted.

Some respondents commented on the public protection element mentioned in this priority action, expressing the view that such arrangements, such as MAPPA (Multi

Agency Public Protection Arrangements) and MARAC (Multi Agency Risk Assessment Conferences) are separate from Community Justice and are not overseen by CJPs. Some respondents therefore suggested that MAPPA should not be referenced within the strategy, whilst others wanted more information, and greater clarity around roles and expectations of the various partners.

There was a suggestion that re-offending could be included in this priority action.

### **Priority action 7**

Priority action 7 relates to restorative justice. Whilst there was support for this action, a number of concerns were raised. There were strong concerns raised around the use of restorative justice in cases of VAWG, particularly in cases involving coercive control. Some respondents felt that restorative justice was not appropriate in VAWG, due to risks around the victim being coerced into participating, and potentially experiencing additional harm and being re-traumatised. Others mentioned the need to engage with VAWG Partnerships and victim support services and adhere to the aims of Equally Safe, with robust risk assessment and safety planning in place. The importance of well-trained facilitators was also highlighted. There were suggestions that action 7 should be more victim-centred, and be more consistent with the vision outlined in the Restorative Justice Action Plan.

Some respondents also noted concerns around the time and resources it would take to set up and roll out restorative justice services in their area, and there was a concern that the aim of doing so by 2023 was too ambitious. Respondents mentioned wanting more guidance around restorative justice, particularly in complex cases, and more clarity around how it will be funded, and delivered. Some wanted to see what the results from the test sites were, as that could influence national roll out. There was a concern about raising victim's expectations around restorative justice and then not being able to deliver it, which could result in further harm.

A respondent also noted that a person who has harmed others can only engage in restorative justice when they have reached a point where they are willing and able to take responsibility for their actions.

**Question 8:** To what extent do you agree/disagree that these community justice priority actions will contribute to the achievement of national Aim 3 (Ensure that services are available to address the needs of individuals accused or convicted of an offence)?

67 respondents responded to the first part of this closed question, and 66 to the second, third, and fourth parts. The vast majority of those who responded to each part of the question agreed that the priority actions would contribute to the achievement of national Aim 3 (ranging between 83% and 89% for each priority action). See Table 9 for responses:

**Table 9**

Priority actions for aim 3	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
<b>8.</b> Enhance individuals' access to health and social care and continuity of care following release from prison by improving the sharing of information between relevant partners	1%	3%	10%	42%	43%
<b>9.</b> Ensure that the housing needs of individuals in prison are addressed consistently and at an early stage by fully implementing and embedding the SHORE standards across all local authority areas	2%	3%	11%	41%	44%
<b>10.</b> Enhance individual's readiness for employment by ensuring increased access to employability support through effective education, learning, training, careers services and relevant benefit services	2%	3%	6%	44%	45%
<b>11.</b> Enhance community integration and support by increasing and promoting greater consistency in the use of voluntary throughcare and third sector services	2%	3%	12%	44%	39%

**Question 9:** Do you have any further comments or suggested changes on how these priority actions will contribute to achieving Aim 3 (Ensure that services are available to address the needs of individuals accused or convicted of an offence)?

59 respondents responded to this open question, and the following themes emerged:

**Table 10**

Theme identified	Number of comments relating to this theme
<b>General points:</b> not relating to any single priority action	<b>87</b>
Consider needs of those on remand or transitioning into custody, or completing community sentences too	22
Partnership working /Joining up across strategies / whole systems approach	16
Greater clarity / more information / national leadership and support	14

Theme identified	Number of comments relating to this theme
Needs resourcing	11
Consistency of services nationally, whilst responding to local needs (including awareness of Urban /rural differences)	9
Peer support / mentoring / lived experience	5
Consider needs of victims	4
Support for families	3
Aim 3 limited in ambition	2
Importance of risk assessment	1
<b>Priority Action 8:</b> Enhance individuals' access to health and social care and continuity of care following release from prison by improving the sharing of information between relevant partners	<b>25</b>
Information sharing	16
Support to access services / promote engagement with services	9
<b>Priority action 9:</b> Ensure that the housing needs of individuals in prison are addressed consistently and at an early stage by fully implementing and embedding the SHORE standards across all local authority areas	<b>13</b>
Availability of suitable accommodation	7
Housing needs should be considered at appropriate time	6
<b>Priority action 10:</b> Enhance individual's readiness for employment by ensuring increased access to employability support through effective education, learning, training, careers services and relevant benefit services	<b>21</b>
Be realistic - Might require extra steps / intensive support to get people more ready for work, or voluntary work, or other pro-social outcomes might be more appropriate	17
Employers need to be engaged / willing to recruit	4
<b>Priority Action 11:</b> Enhance community integration and support by increasing and promoting greater consistency in the use of voluntary throughcare and third sector services	<b>6</b>
Availability and accessibility of third sector services	4
Strengthening throughcare offer	2

Again, a number of themes recurred in responses to more than one question, and are not expanded on again here. Such comments relate to the need for the strategy to be resourced; partnership working, and joining up across strategies; and consistency of services nationally, whilst responding to local needs (including awareness of urban /rural differences).

### **General themes**

A common theme was for respondents to say that the actions in aim 3 should be widened out beyond those leaving custody and “apply at all points in the justice pathway”. It was felt that this should cover those on remand, who have less access to services than others in prison, and can be “overlooked” upon release. It should also include those who are carrying out a community-based disposal, which would be in line with the intention to move from custodial to community sentences. It was also suggested that it include the transition into custody, not just the transition out of custody.

“Three of the four priority actions are focused on support to those in prison custody and the wording could be amended to include those working with a community based justice intervention. This would also reflect the direction of travel from custodial to community based interventions” - **A Health and Social Care Partnership**

Again, some respondents called for greater clarity or more information around the aims and actions, and felt that national leadership and support would be required to implement the aims and actions.

It was suggested that access to mentoring and peer support would be helpful. Whilst lived experience could feed into service design. Support for the whole family was also suggested as being helpful in reducing re-offending, and also helping families to cope with the trauma of involvement with the justice system.

Again there were calls to take the needs of victims into account, and suggestions that the strategy should be more victim-centred. Particular issues raised in relation to aim 3 included, communicating with victims prior to an offender’s release from prison, and automatically offering the victim support at this point; and considering the victim when housing someone who is released from custody, to make sure the housing does not give them increased access to their victim, particular in cases of domestic abuse. Using a gender analysis to make sure policies are VAWG compliant, and engagement with Victim’s Services and VAWG partnerships were also highlighted.

### **Priority Action 8**

A number of respondents made comments relating to information sharing. There was a feeling that information sharing was important, but that it could be challenging and time-consuming. IT systems and a lack of high quality data were highlighted as potential barriers. National guidance and support around data sharing agreements was requested.

However some respondents also pointed out that data sharing alone would not be sufficient to improve access to services.

Some respondents also commented that access to services is not enough and there is a need to support people to access services and the need to promote engagement with and uptake of services.

### **Priority Action 9**

Respondents were generally supportive of this action. However issues with lack of housing stock and lack of suitable accommodation were highlighted as barriers. It was also felt that housing needs should be addressed early/at an appropriate time, so that there is some certainty around accommodation before people are released.

### **Priority Action 10**

The most commonly recurring theme under this action related to the need to be realistic in expectations, and that some people might be quite far from being employment-ready. Intensive, personalised support is likely to be required, and there may be many additional steps required, around issues such as dealing with drug or alcohol use, or developing confidence before people are ready to consider employment. It was suggested that voluntary work, or other pro-social outcomes might be a more realistic goal for some people, including those with complex needs.

It was also highlighted that there is a role for engaging with employers, as they need to be willing to employ people.

### **Priority action 11**

A number of the comments made around topics such as national consistency, the need for funding and partnership working were linked to priority action 11. It was noted that there could be a lack of third sector organisations in some localities, and single-year, rather than multi-year funding was highlighted as being an issue around consistency. There was a suggestion that services should be mapped and a needs assessment carried out to ensure full coverage of services. There was also a suggestion that throughcare should not be voluntary, but should be something which was included as part of every sentence and release process.

**Question 10:** To what extent do you agree/disagree that these community justice priority actions will contribute to the achievement of national Aim 4 (Strengthen leadership, engagement, and partnership working)?

67 respondents responded to the each part of this closed question. The vast majority of those who responded to each part of the question agreed that the priority actions would contribute to the achievement of national Aim 4 (between 88% and 91% for each priority action). See Table 11 for responses:

### **Table 11**

Priority actions for aim 4	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
<b>12.</b> Deliver improved community justice outcomes by ensuring that effective leadership arrangements are in place and working well, collaborating with partners and planning strategically	3%	3%	6%	52%	36%
<b>13.</b> Enhance partnership planning and implementation by ensuring the voices of victims, survivors, those with lived experience and their families are effectively incorporated	3%	1%	4%	36%	55%
<b>14.</b> Support integration and reduce stigma by ensuring the local community and workforce have an improved understanding of and confidence in community justice	3%	1%	7%	45%	43%

**Question 11:** Do you have any further comments or suggested changes on how these priority actions will contribute to achieving Aim 4 (Strengthen leadership, engagement, and partnership working)?

54 respondents responded to this open question, and the following themes emerged:

**Table 12**

Theme identified	Number of comments relating to this theme
<b>General points:</b> not relating to any single priority action	<b>11</b>
Funding and resources	8
Underpinning aim	3
<b>Priority Action 12:</b> Deliver improved community justice outcomes by ensuring that effective leadership arrangements are in place and working well, collaborating with partners and planning strategically	<b>40</b>
Partnership working / governance	36
Primary prevention	4
<b>Priority Action 13:</b> Enhance partnership planning and implementation by ensuring the voices of victims, survivors, those with lived experience and their families are effectively incorporated	<b>11</b>

Theme identified	Number of comments relating to this theme
Lived experiences	11
<b>Priority Action 14:</b> Support integration and reduce stigma by ensuring the local community and workforce have an improved understanding of and confidence in community justice	<b>11</b>
Communications	11

## General themes

The majority of responses to this question considered aspects of the deliverability of the aim. Comments focussed on both the ways of working in partnership and the resources available to partner organisations.

A number of respondents also emphasised the need for funding and resources to ensure that community justice partners were able to deliver on the aims. The importance of staff training was also mentioned. Whilst one respondent remarked that there should be a National Forensic Psychology Service for Scotland.

Several respondents observed that aim 4 is an underpinning aim which runs through the strategy and without which the other aims cannot be achieved. For this reason, they suggested that aim 4 should be the first aim, or threaded throughout the strategy.

## Priority Action 12

Responses related to the governance arrangements for community justice partners emphasised the importance of structures to ensure effective partnership working and delivery of community justice. There was a general desire expressed for more clarity on how the partnerships were to work in practice. Respondents suggested that clearer definitions of the roles and responsibilities of different partners were required in the delivery plan. It was suggested that effective ways of working would ensure that all partners are treated equally. Meanwhile targeted engagement with partners was mentioned to make most use of their time and not be burdened by other activities that were out with their remit. Whilst it was recognised that greater clarity of roles and expectations was required, some respondents highlighted the need for flexibility at the local level.

A few respondents commented particularly on ways of working between national agencies and local partnerships. These respondents felt national leadership was needed to support local implementation and that national organisations needed to communicate equally with local partners. Meanwhile, others pointed to the particular role that third sector organisations play in CJPs and the need to ensure that this is recognised as they are not statutory partners.

A number of respondents asked for processes to ensure accountability and transparency in partners' work and to demonstrate their contribution towards CJPs'



plans. Some respondents also made suggestions about processes for better data sharing, analysis and presentation with one respondent suggesting that this should be a separate priority action in itself.

Finally, a few respondents mentioned the importance of primary prevention and argued that this should have more focus and recognition in the strategy.

### Priority Action 13

The next most common theme identified in the responses was the importance of lived experiences and hearing the voices of victims of crime and others with experience of the justice system.

### Priority Action 14

Another theme involved social and cultural perceptions of community justice. Several respondents commented on the need for national communications around community justice to ensure that the concept was consistently understood. These respondents suggested that greater understanding of community justice is needed across society to enable the implementation of the aims. Linked to this was a suggestion by some that more data and evidence on rehabilitation and reoffending rates should be shared.

## 5. Other

This section asked respondents for any other comments on the National Strategy for Community Justice: Revision Consultation.

**Question 12:** Do you have any other comments on the National Strategy for Community Justice: Revision Consultation document that were not captured in the national aims and priority actions questions?

52 respondents responded to this open question, and the following themes emerged:

**Table 13**

Theme identified	Number of comments relating to this theme
Delivery/funding/governance	21
Consultation timescale	5
Ambition and achievability	4
Impact assessments	1

The majority of responses to this section reiterated points that had been made by respondents in answers to the previous questions around delivery, funding and governance. These responses included comments about roles and responsibilities in partnership working including between national and local bodies and third sector organisations. Respondents also repeated points about the need for accountability

and evaluation of outcomes. The importance of long-term sustainable funding to enable delivery was also emphasised here by respondents.

Respondents also repeated comments here about the need for clarity of language and terms used in the strategy and suggested edits. The need for a wider societal conversation about community justice was also mentioned again here.

Comments also were made about wider universal services and how these are important for community justice and need to be considered together. One respondent went as far as to contend that the strategy was not very strategic as it did not set out how it aligns with other “policies that are relevant to community justice in order to ensure coherency and a joined-up approach” or articulate “how the strategy will lead to change and improved outcomes for people”. Several respondents also reiterated the importance of primary prevention and suggested that this should be part of the strategy.

There were also a few themes raised in response to this question which had not been frequently raised in responses to the earlier questions. These mostly focussed on the consultation process itself but also included points around the level of ambition in the strategy.

A number of respondents welcomed the ambition in the strategy but felt that this should be tempered by realism about what was achievable. This tied to the frequently made point about the level of investment needed to deliver the strategy. A couple of respondents suggested that the strategy should make reference to the current context, namely Covid-19 recovery and the proposed National Care Service.

A few respondents commented on the short timescale given to this consultation and expressed hope that there would be more time available in drafting the delivery plan. They hoped that this process would ensure that all stakeholders would have a chance to contribute to the delivery plan including those with lived experience of the justice system. One respondent noted that there were not currently any impact assessments published for the strategy and suggested that these should be done to understand the impact of the strategy and its delivery on people with protected characteristics and people who experience socio-economic disadvantage.

Finally, a number of respondents said that they look forward to working together on delivering the strategy.

## **6. Consultation events**

This section sets out a brief summary of the discussion from the events held as part of this consultation, as described in section 2.2. Four virtual workshop sessions were held during the consultation period and the events were attended by a broad range of around 125 stakeholders, including social workers, community justice co-ordinators, third sector organisations (including victims organisations) and national community justice partners.

The key points raised by participants at the workshops in relation to each of the aims are summarised below along with cross-cutting general reflections.

### **Aim 1 - Optimise the use of diversion and intervention at the earliest opportunity**

- It was suggested that the role of prevention within the strategy needs to be clearly stated and explained, and links outlined to other work ongoing in this area.
- Attendees noted that the breadth of this aim may need to be considered further, to recognise that a collaborative approach with a range of other services and sectors is required - not just in relation to mental health and substance use. There could also be more focus on screening and the identification of individuals.
- In relation to the drafting of the aim, it was suggested that some of the language should be edited or more clearly defined, e.g. 'early intervention', 'consistency' and 'vulnerable'. There may also be some duplication across priority actions 2 and 3.
- There appeared to be wide agreement that buy-in from national partners is key in the use of diversion and early intervention, as is the availability and reliability of information for decision-makers.

### **Aim 2 - Ensure that robust and consistent community interventions and public protection arrangements are in place across Scotland**

- The focus on remand was welcomed, but there were some reflections that the aim as a whole may be too broad and encompasses a wide range of different approaches.
- In relation to drafting – and similar to points raised in relation to aim 1 – it was suggested that some of the language in the aim should be clarified or edited, e.g. 'consistency', 'public protection' and 'robust'.
- It was suggested that the roles and responsibilities of community justice partners in the delivery of these priority actions must be outlined clearly, whether in the strategy or delivery plan, particularly in relation to public protection arrangements and restorative justice.
- Attendees noted that there should be an emphasis on using a person-centred and trauma-informed approach for these interventions (though it was highlighted that any such approaches should take into consideration the interests of others affected – in particular victims – as well as those who have committed an offence), and there could be more focus on engagement, relationship building and rehabilitation.

### **Aim 3 - Ensure that services are available to address the needs of individuals accused or convicted of an offence**

- The focus on access to services and voluntary throughcare was welcomed, but there were widespread views that the priority actions may be too focused on prison, and could be extended to those in community, as well as those on or being released from remand.
- It was suggested that the joining up of services, digitalisation and the effective sharing of information between relevant partners is key to achieving this aim.

There could be more clarity in outlining the roles of other strategic partnerships, non-justice partners and the importance of the third sector.

- It was suggested that this aim should be about connecting services with service-users, and not just about the availability of services. Also, the importance of a person-centred and trauma-informed approach should be reflected more clearly.
- There were some suggestions that rather than focusing on increasing the use of certain specific interventions or services, more strategic consideration should be given to what works in the first instance (this is also relevant to aim 2).
- Attendees noted that the wording of the priority actions, either in the strategy or the delivery plan, could be more definitive and give more direction about how the aim will be achieved.

#### **Aim 4 - Strengthen leadership, engagement, and partnership working**

- There was a suggestion that this could be the first aim, or that the priority actions in this aim should be more clearly threaded throughout the document (not least in relation to recognising the interests of victims and other affected by offending behaviour), as they set out a framework for the whole strategy and are vitally important in the improvement of community justice outcomes.
- It was suggested that the priority action related to embedding the voices of victims, survivors, those with lived experience and their families could be strengthened and multi-partnership mechanisms will require to be in place to drive this.
- Attendees noted that there could be more clarity on the role of the third sector and the relationship between national and local planning and delivery, and that the expectations of community justice partners could be set out more explicitly.
- It was suggested that the language around leadership, and what kind of leadership is required at a national and local level, and how these should connect, could be strengthened.

#### **General Reflections**

- There were generally positive reflections on the aims and the overall direction of the strategy, though there was considerable discussion around the tension between ambition, being realistic about what can be achieved over the course of the strategy and ensuring we are getting the basics right.
- Key pieces of context that need to be considered include recovery from the pandemic and the potential impact of the National Care Service.
- It was suggested that some overarching principles could be more clearly threaded throughout the strategy, including ensuring trauma-informed practice is embedded, that a person-centred approach is taken to delivery, and more clearly recognising the interests and concerns of victims, survivors and families (such as in relation to the importance of public protection and risk assessment).
- There was some discussion around whether the strategy may be too focused on setting out what actions will be taken, without clearly enough explaining

why (or setting out the wider strategic context) – and it was suggested that this could perhaps be addressed in any pre-amble at the start of the final document.

- Funding concerns linked to the delivery of the priority actions were raised, and there was an ask for more explicit resource and financial planning.
- Collaborative working across portfolios, joining up with partnerships across the whole system and working with the third sector was highlighted as being key to the delivery of the strategy (and it was suggested that these strategic links could be more explicitly referenced throughout the strategy).
- There was generally positive feedback on the overall approach to setting out the strategy in a more streamlined and directive way. But it was noted that the delivery plan will be key, and must be collaboratively developed, clearly set out responsibilities for taking actions forward and be clear on the links it has to local planning and delivery.
- It was noted that being able to demonstrate progress towards these aims is crucial in moving forward on community justice - either the strategy or the delivery plan needs to set out more clearly where we are and where we want to get to, and how we will know when things have improved.

## **7. Next steps**

As informed by the responses to this consultation, accompanying workshop discussions and engagement and other evidence, the Scottish Government will publish the revised strategy and an accompanying delivery plan in due course.

## **8. Annex A**

### **8.1 List of organisational responses to the written consultation**

- Aberdeen City Community Justice Partnership
- Aberdeen City Health & Social Care Partnership
- Aberdeenshire Community Justice Partnership
- Action for Children
- Angus Women's Aid
- Argyll & Bute Community Justice Partnership
- Audit Scotland
- Care Inspectorate
- Chair of Heads of Forensic Clinical Psychology Services (HOFS)
- Circle
- Clackmannanshire Community Justice Partnership
- Community Justice Ayrshire Partnership
- Community Justice East Dunbartonshire Partnership
- Community Justice Scotland
- Convention of Scottish Local Authorities (COSLA)
- Criminal Justice Voluntary Sector Forum (CJVSF), hosted by CCPS
- Dumfries and Galloway Community Justice Partnership
- East Ayrshire Health and Social Care Partnership
- East Renfrewshire Community Justice Partnership
- EL Community Justice Partnership
- Falkirk Community Justice Partnership
- Fife Community Justice Working Group
- Glasgow City Council
- Highland Council
- HM Inspectorate of Prisons for Scotland
- HTSI/Community Justice Partnership
- Inverclyde Community Justice Partnership
- Justice services for adults and young people, the City of Edinburgh Council
- Midlothian Community Justice Partnership
- Moray Community Justice Partnership
- NHS Greater Glasgow and Clyde
- North Ayrshire Health And Social Care Partnership
- North Lanarkshire Community Justice Partnership
- Orkney Islands Council - Orkney Health and Care - Community Justice Partnership
- Perth & Kinross Community Justice Partnership
- Police Scotland
- Public Health Scotland
- Sacro
- Scottish Association of Social Work (SASW)
- Scottish Borders Council
- Scottish Community Safety Network
- Scottish Courts and Tribunals Service

- Scottish Health Action on Alcohol Problems (SHAAP)
- Scottish Quaker Community Justice Working Group
- Scottish Sentencing Council
- Scottish Women's Aid
- Shetland Islands Council - Community Planning & Development
- Skills Development Scotland
- Social Work Scotland
- Stirling Council
- The Reward Foundation
- The Scottish Social Services Council
- The SOLD Network, ARC Scotland
- The Wise Group
- Victim Support Scotland
- West Dunbartonshire HSCP Justice Services
- West Lothian Council



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