

# Response ID ANON-4XVP-CJQG-Q

Submitted to National Strategy for Community Justice: Revision Consultation  
Submitted on 2022-05-20 12:57:28

## Introduction

### National Strategy for Community Justice - Aims

1 Is the wording of the four national aims understandable?

Yes

If you answered no, please provide further explanation:

The Scottish Association of Social Work (SASW) is part of the British Association of Social Workers, the largest professional body for social workers in the UK. BASW UK has 21,000 members employed in frontline, management, academic and research positions in all care settings. There are over 10,000 registered social workers in Scotland around 1,500 of whom are SASW members. This comprises staff working in local government and the independent sector, across health and social care, education, children and families, justice services, as well as a growing number of independent practitioners.

SASW's key aims are:

- Improved professional support, recognition, and rights at work for social workers,
- Better social work for the benefit of people who need our services, and
- A fairer society

SASW welcomes the opportunity to respond to this revision consultation on the National Strategy for Community Justice. Many of our members include social workers working in justice services who play an integral role in the successful delivery of the Community Justice strategy.

SASW believes that the four aims are, in the main, clear and understandable, although some additional clarity could be added in parts.

In aim one, the wording could make explicit reference to "diversion from the justice system". There is also not enough focus in this aim on prevention of crime and of entering the justice system. This either needs to be incorporated into the wording of this aim or made as a separate, stand-alone aim.

The wording in aim two perhaps needs consideration. The use of the word "robust" is opaque. What is usually means is that community diversion and sentencing options are seen as valuable by the judiciary, public and media. The word "consistent" should be strengthened with "high quality and effective" and needs to have regard to local geography and the flexibility to respond to local need.

In aim three, the scope of community justice and it's linkages to adults social support should be made more clear. This may be challenging as the CJ strategy does not have all the levers for holistic social support and will need to work with adult social care, health, housing and employment to deliver this aim.

Aim four could explicitly mention the purpose of strengthening leadership, engagement and partnership. For example, 'to improve understanding of and confidence in community justice' if this is the intention behind the aim. Both aims two and three are clear in their current form.

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

No

If you answered no, please provide further explanation:

All four aims do capture important aspects of community justice but we have answered no to this question because we believe that more could be included.

There is still very little reference to tackling the root causes of crime. It is widely observed that the vast majority of offenders in Scotland are from poor socio-economic backgrounds with underlying causes of offending related to substance misuse, mental ill-health and trauma.

Scotland needs to address the wider societal problems create conditions that increase the likelihood of people offending in the first place. Absolute prevention in terms of reducing first offences must be a priority.

Therefore, a specific social-justice approach to tackling poverty, substance misuse, addiction, trauma and poor mental health both for individuals and those communities most affected by crime must be considered in strengthening community justice and clear links made to government policy areas seeking to address these issues.

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

Q3 - Aim 1: Optimise the use of diversion and intervention at the earliest opportunity:

Agree

Q3 - Aim 2: Ensure that robust and consistent community interventions and public protection arrangements are in place across Scotland:

Agree

Q3 - Aim 3: Ensure that services are available to address the needs of individuals accused or convicted of an offence:

Agree

Q3 - Aim 4: Strengthen leadership, engagement, and partnership working:

Agree

Do you have any further comments on the National Aims?:

### National Strategy for Community Justice - Priority Actions

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)?

Q4 - 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:

Agree

Q4 - 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:

Agree

Q4 - 3. Improve support following arrest by ensuring substance use and mental health services are available and appropriate referrals take place at the earliest opportunity:

Strongly agree

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)?

Please give us your views:

The aim focuses on diversion and intervention once somebody has entered the justice system and there is a lack of attention given to prevention at the earliest opportunity. Prevention of offending and reoffending should either be included in this aim or become the focus of its own aim. People should not just be able to access support and services when they enter the justice system.

A lot of offending is a direct failure of a lack of support for young people and families. A priority must be to explore the experience of young people in families, communities, education, and universal services, where this fails and how it can be addressed.

We welcome the strategy's recognition that many people who find themselves in the justice system are affected by mental health and substance use but are less likely to engage with community health, social care and other services. There are also a significant number of people who are neuro-diverse or with a learning disability who have little support for living or communication help. Therefore, support needs to be provided immediately following arrest. We would like to see adult social work assessment and care and support included as part of the services being provided. As already stated though, there needs to be a greater focus on early intervention by ensuring that people can access support before the point of arrest too. It's not enough to only provide support once someone is in custody.

We also welcome the recognition of the differences between rural and urban settings. Rural local authorities are likely to face challenges in economies of scale when it comes to commissioning services and so these areas need to be well supported to achieve parity with urban local authority areas.

The scope of the National Care Service (not announced as this is written) will be a key factor in delivering advice, signposting and services to people in the justice system. Depending on the structure and governance arrangements, this may be more or less challenging for people in and working in the system in terms of access to the right supports.

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)?

Q6 - 4. Support the use of credible and robust alternatives to remand by ensuring high quality services are consistently available and delivered effectively:

Strongly agree

Q6 - 5. Strengthen supported management in the community by increasing and widening the use of electronic monitoring and technologies:

Strongly agree

Q6 - 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:

Strongly agree

Q6 - 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:

Strongly agree

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)?

Please give us your views:

We are very supportive of greater use of high quality community-based interventions where it is appropriate and which supports rehabilitation, including alternatives to remand, electronic monitoring and community sentences.

We agree with increasing and widening use of electronic monitoring, in line with the principle of keeping the prison population to a minimum and reducing the negative impacts of time spent on remand. However, such a consideration would require a robust assessment of suitability and there is a danger this could result in delays in court processes. There are other considerations that need to be taken into account. For example, in certain homeless accommodation the electronic monitoring equipment cannot be used. We would not like to see situations where people were refused electronic monitoring based on it not being practical because of their disadvantaged circumstances. Places of work might also not be able to accommodate the equipment, for example shifts or offshore. An assessment of electronic monitoring being not appropriate must not be the same decision as 'therefore they should be remanded.'

The biggest challenge to ensuring that all of these priority actions can be delivered effectively is ensuring there is enough funding and capacity in assessment and support services to support and sustain it over time. There also needs to be an assurance that any additional funding made available for restorative justice won't impact on delivery of justice social work services. More clarity around what restorative justice will look like, who will be responsible for its roll out and how it is being funded needs to be made available swiftly given that the proposed timescale for it being made available across the country is 2023. Otherwise, there risks being a lack of understanding on how it should be delivered and therefore different versions being rolled out in each local authority.

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)?

Q8 - 8. 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:

Strongly agree

Q8 - 9. 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:

Strongly agree

Q8 - 10. Enhance individual's readiness for employment by ensuring increased access to employability support through effective education, learning, training, careers services and relevant benefit services:

Strongly agree

Q8 - 11. Enhance community integration and support by increasing and promoting greater consistency in the use of voluntary throughcare and third sector services:

Strongly agree

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)?

Please give us your views:

We welcome the focus being given on strengthening the level of throughcare and quality of support available to people coming out of prison. Ensuring people receive proper care and facilitating greater connections between community justice and prisons will help to reduce the risk of crisis upon release, and in turn, of people returning to the justice system in the future.

We also fully support moves to identify any possible risks to individuals in prison and to address these as early as possible ahead of their release. For example, no person should be at risk of becoming homeless when they leave prison yet, 30% of people leaving prison end up in homelessness services. Early steps taken to establish their housing situation and monitor into during their sentences is critical. Clear routes of engagement within the prison for housing, adult social work as well as justice social work and social care is essential. This would include community substance use services, community health and mental health too.

Currently people have to request throughcare support (unless on sentences of more than 4 years or less for some sex offences) which puts the onus on them. We believe that throughcare should not be voluntary but should be part of sentence and part of every process of release. As a minimum, people should leave the prison setting with a clear home defined for them, benefits or work, a reliable pharmacy prescription, access to primary health care and a support organisation to call should problems arise in the first few weeks of release. A community sentence plan would look holistically at the social and wellbeing needs of the person and link with adult social services where that would be helpful. This has significant resource implications but would be the best way to reduce post-release crisis and return into the justice system which so often happens.

We also welcome the person-centred approach to providing employment-related support to those in prison through engagement with SPS, Justice Social Work and others to continually develop and enhance relationships, policy and processes, enhance community links, and ensure that the pathways to employability and positive life opportunities are supported at each key stage.

Again though, all of this will require sufficient levels of funding and resources. The reality is that social workers and others providing throughcare support need to be allowed the time to build relationships with those receiving support. The reasons why people have offended, cannot find employment, are at risk of homelessness are often very complex and there is no quick fix. For throughcare to be effective, it needs to be delivered consistently, be adaptable to individual needs and circumstances and be joined up with appropriate aftercare. This also means that support needs to be followed-up and continued after the person leaves prison and not just available to them if they were to reoffend.

There also needs to be recognition that support should be made available more widely than just those in a custody setting. It should include those in the justice system who are not in custody, for example, serving a community based disposal.

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)?

Q10 - 12. Deliver improved community justice outcomes by ensuring that effective leadership arrangements are in place and working well, collaborating with partners and planning strategically:

Agree

Q10 - 13. Enhance partnership planning and implementation by ensuring the voices of victims, survivors, those with lived experience and their families are effectively incorporated:

Strongly agree

Q10 - 14. Support integration and reduce stigma by ensuring the local community and workforce have an improved understanding of and confidence in community justice:

Strongly agree

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)?

Please give us your views:

Effective collaboration with groups in the community and a willingness to share information, co-ordinate planning and join-up services is very important if community justice is to work well in practice. However, while this intention is correct, it must be backed up with adequate resources and funding to make sure that the required time and capacity that a more joined-up approach across service needs to operate properly is there. If this does not happen, then there is a risk that services become overwhelmed and that buy-in diminishes as a result.

We also welcome the action point to make sure that victims, survivors and those with lived experience and their families have the opportunity to appropriately and effectively participate in the justice system and that their experience is represented in order to inform policy development, implementation, and the design and delivery of services. This needs to be trauma informed, safe and VAWG informed too, which will require leadership, expert support and funding to ensure capacity.

Again, there is a top-heavy focus on supporting those within the justice system and less attention given to the community aspect of the strategy. We would like to see more emphasis placed on the role of communities, community engagement and community participation as this is also relevant to victims and families.

## Other

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?

Please give us your views:

A focus on tackling inequality and poverty needs to be included in a national strategy for community justice. Early intervention, prevention and reduction in reoffending means getting to grips with the underlying causes of offending. The Criminal Justice Social Work Statistics in Scotland: 2020-21 highlighted that in each of the last three years, around half of diversion from prosecution cases commenced have been for people either unemployed or economically inactive. Three-quarters of those receiving community payback orders in 2020-21 were unemployed or financially inactive. Eighty-one per cent of people given SDS in 2020-21 were either unemployed or economically inactive. We therefore know that poor socio-economic circumstances is a contributing factor and so steps need to be taken to addressing this problem. Substance misuse, addiction, trauma and poor mental health are other contributing factors that need to be recognised as underlying causes to be addressed.

In terms of the consultation process itself, the timescale given to consider and reflect on these proposals in detail was very short. We hope that more time will be allocated to the development of the delivery plan which will follow the strategy.

## About you

13 What is your name?

Name:

Jonny Adamson

14 What is your email address?

Email:

jonny.adamson@basw.co.uk

15 Are you responding as an individual or an organisation?

Organisation

16 What is your organisation?

Organisation:

Scottish Association of Social Work (SASW)

17 The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

18 We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

19 I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

Evaluation

20 Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Please enter comments here.: