



SMART AND SOCIAL JUSTICE: A FRAMEWORK FOR ACTION

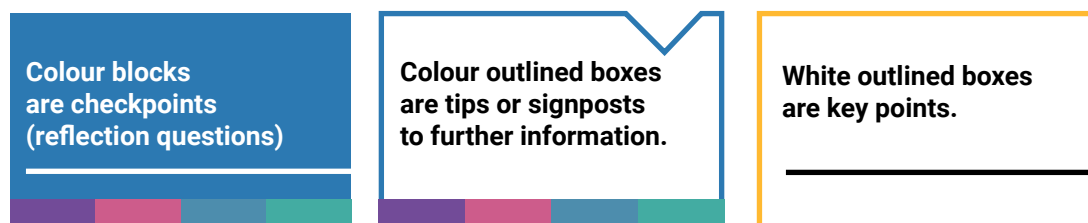
Smart and
Social Justice:
A framework for action

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4 Introduction

At its simplest, commissioning involves finding out what people need from services and, within available resource, meeting them in the best possible way. Effective delivery will enable community justice partners to deliver across a range of national policy priorities to improve outcomes. It will support improvements to quality and standards in provision. It will also help partners meet their duty to jointly plan, co-ordinate and fund activities that help reduce offending, in accessible ways.

This Framework aims to support partners to have the most effective and efficient impact on the following national priorities:

- **Improved community understanding and participation**
- **Strategic planning and partnership working (with people, communities, partners and third, private and independent sectors)**
- **Effective use of evidence-based interventions**
- **Equal access to services**
- **Improved life chances and outcomes for people in and on the edges of community justice.¹**



The benefits of a strategic approach to community justice planning and partnership are clear. If partners collaborate towards a shared, long-term approach to preventing and reducing further offending, their actions will complement and reinforce each other to maximise improvement of community justice outcomes. ”

Community justice is a system that includes public, third and private sector services. It works with people across their justice journey, into the community and on to rehabilitation and reintegration. As well as traditionally 'justice' services, wider services that affect the likelihood of offending form a crucial part. These include health, housing, education, social welfare. Done well, community justice commissioning will adopt a **whole system approach**. It means thinking about how all partners work at every stage to support people away from re/offending.

Local areas are at varying stages of delivering effective strategic commissioning and there are known challenges to achieving it. Issues such as data availability and outcomes measurement will take time to resolve. During the next three years a number of strategic updates are expected

that will create improvements in these areas. These include review of the National Strategy for Community Justice and the Outcome Performance and Improvement Framework.

For these reasons Scottish Government has requested the Framework outline guidance to support partners to develop the same level of good practice over the next three to five years. The intention is that, in parallel to partners implementing this approach, system improvements are also put in place.

Adoption by partners will improve the strategic use of resources to reduce reoffending and improve people's life chances. It will also support sector efforts to achieve a consistent, integrated and localised approach, and the Community Justice Quality Ambitions. These are:²

Every person with lived experience of community justice has a positive story to tell of support for their desistance or integration into the community

All partners work together in delivering improved community justice outcomes to achieve lasting change across Scotland

Interventions have a sound evidence base and are proportionate to the need to prevent and reduce further offending and protect the public

The next section outlines when the Framework can be used and what effective delivery will achieve.

² SCOTTISH GOVERNMENT, 2016. *Community Justice Outcomes Performance and Improvement Framework*. pp 15-16. Edinburgh: The Scottish Government

6 Using the Framework

Who should use it, and when?

The National Strategy for Community Justice outlines that all community justice partners should implement this approach. Most content, while targeted towards joint working, is not just for Partnerships. It should support all partners' planning and delivery, whether for a single area, service or group of people. Embedding principles and practices will take varying amounts of time depending on the starting point, and effectiveness in both should be achieved within 3-5 years.

The principles apply to all scenarios where partners are working to improve the effectiveness and availability of services. Processes are consistent with wider health and social care practice in Scotland and will not, for many, be new. Many partners will already be delivering some of the outlined activities.

The Community Justice Outcome Improvement Plan will be the main document that develops through joint strategic commissioning (CJOIPs). For Partnerships, this will become their **commissioning strategy** (the long term plan outlining how strategic outcomes will be met). Individual partners will have their own plans that outline this information as they do not develop CJOIPs. When this Framework describes CJOIPs it means what they will develop to include in future. Content aims to work within existing performance reporting, rather than create new responsibilities.

Community Justice Partnerships should work through activities in the Framework together. Key activities in each stage of planning, delivery and improvement are included, with guidance on delivering them. As local circumstances will vary, the Framework provides universal principles for Partnerships to use locally, rather than a set/single way of working for all areas.

The sections on **Governance** and **Key competencies and roles** outline how to ensure that partners are clear about their roles and responsibilities. Partners should also review skills and competencies, identify where they sit across partners and what (if any) gaps need to be filled. Each partner should lead on activity relating to the sector they represent (e.g. health, employability).

Discussion points, tips and signposts to additional resources have been threaded throughout the Framework to support joint working. Where there are gaps or areas for development are identified, produce a clear vision for what is to be achieved and if appropriate, a plan to do that and update relevant partners.

Developing and embedding joint strategic commissioning will support improvements in the strategic use of resources over the medium to long term. The following long term model outlines outcomes that will be achieved across Scotland if the Framework is widely adopted, and its assumptions met. They illustrate what the sector will accomplish by working together effectively.

In the short to medium term (the next 5 years), embedding the Framework will enable a shared knowledge and use of commissioning's principles and practices across Scotland. Better defined governance and accountability arrangements across partners and partnerships will strengthen status, decision making and effectiveness.

Within five-to-ten years, we hope that partners will be delivering effective joint strategic commissioning. We anticipate joined up agendas, better alignment of planning locally and nationally, and effective leadership and accountability in place. We are working towards greater equity of access to services. These shorter term goals all support the long term aims of increasing rehabilitation and reintegration, reducing offending and reducing harm.

The model takes account of existing challenges in the sector. These include: data availability, variable partnership practices, and availability of strategic commissioning knowledge and skills, system capacity and resource challenges, and long term demographic change in the justice population.

Outcomes should be read left to right, from the short to long term. Some need to be achieved before others. For example, many medium term outcomes are dependent on particular short term outcomes. Both are necessary for the long term outcomes to be achieved. Content has been arranged show progression over time (e.g. an understanding of need is necessary to needs-led planning and delivery). There is no ranking of outcomes. They are all equally important.

Tip:

As you start to adopt the Framework, use these outcomes to reflect on what you have already achieved and any areas for improvement.

A template of the model is available on the Community Justice Scotland website. Community Justice Partnerships (CJPs) can use this to create a plan of what actions and resources you will need to achieve effectiveness in your area.

8 Long term model for effective joint planning and delivery³

Current challenges and context to achieving effectiveness in community justice strategic commissioning	Priorities	Inputs	Outputs		
		What we will put in	Who we will reach (Reach)	What we will do (Activity)	What we will produce (Products)
<p>Lack of available data to define population need</p> <p>Variation in access to services and community justice partnership practice, locus and status</p> <p>Robust national assessment of impact and outcomes outstanding</p> <p>Availability of strategic commissioning knowledge and skills within CJPs</p> <p>System capacity and availability of resource (including joint/integrated budgeting)</p> <p>Long term demographic change (increase in size and age of population)</p> <p>Annual funding and associated instability of CJ Coordinator post (CJ Stat)</p>	<p>Long term, needs led planning and delivery enables effective evidence-based provision, equitable access and improved outcomes for people (better overall and reduced variation)</p> <p>Strategic planning and partnership working (with people, communities, partners and third, private and independent sectors)</p> <p>Improved community understanding and participation</p> <p>Effective use of evidence-based interventions</p> <p>Increased preventative and root cause action</p> <p>Equal access to services</p>	<p>Staff time</p> <p>Partner input and support</p> <p>Planning and scoping time</p> <p>Knowledge and expertise</p> <p>Other resource</p>	<p>Community justice partners, i.e.:</p> <p>Statutory and non-statutory partners, third and private sectors</p> <p>People involved with the justice system (including people with convictions, families, victims and witnesses)</p> <p>Planning partnerships (e.g. CPPs; IJBs; ADPs; VAW; MAPPA; other CJPs)</p> <p>Communities</p>	<p>Framework activities, including:</p> <p>Review governance arrangements in line with good practice</p> <p>Increase coproduction with all partners and communities</p> <p>Identify partner resource</p> <p>Map services</p> <p>Assess need</p> <p>Identify what works</p> <p>Gap analysis</p> <p>Long term strategies</p> <p>Monitoring and evaluation</p> <p>National improvement activities, including support and training with Partnerships</p>	<p>Framework outputs, including:</p> <p>Terms of Reference</p> <p>Participation statements</p> <p>Service mapping</p> <p>Needs assessments</p> <p>Evidence briefings</p> <p>Options appraisals</p> <p>Commissioning strategies/ CJOIPs</p>

Assumptions

Sufficient support for priorities and outcomes to be achieved. The updated OPI framework enables effective process, outcomes and impact measurement. National Community Justice Outcome Improvement Plan developed to identify national improvement priorities and delivery plan. Delivery model makes best use of local and national resources (e.g. workforce development; analytical resource). Existing improvements to person-centred outcomes continue in years one-to-ten into the long term.

³ Note the template includes priorities and challenges and space for inputs and outputs to be agreed locally.

Outcomes and impact		
Short term (1-5 years)	Medium term (5-10 years)	Long term (10-15 years)
<p>Shared partner understanding of strategic commissioning</p> <p>Consistent adoption of strategic commissioning</p> <p>Increased collaboration, co-production and strengthened partnership working</p> <p>CJPs have access to key skills and capacity to deliver effective strategic commissioning</p> <p>Improved governance, decision making and effectiveness</p> <p>Solutions to data constraints are identified and progressed</p> <p>Shared, evidence-based understanding of population need</p> <p>Effective measurement of Outcomes</p> <p>Increased leveraging of resources</p> <p>Increased prevention and earlier intervention</p> <p>Increased partner role clarity</p> <p>Increased adoption of a whole system approach</p>	<p>Partners are effective at long term, joint securing, specifying, overseeing and evaluating services in their area</p> <p>Effective leadership and accountability, co-production and participation</p> <p>Aligned strategic planning and improvement activities (nationally and locally)</p> <p>All partners have strategic commissioning capacity and capability in place</p> <p>Improved equity of access to services</p> <p>Agreed, available dataset for assessing and forecasting need and demand</p> <p>Needs-led planning and delivery</p> <p>Evidence-based priorities and resourcing</p> <p>Optimal mix and models of service provision</p> <p>Negative impacts of involvement with the justice system are reduced</p>	<p>Prevent and reduce reoffending</p> <p>Increased rehabilitation and reintegration</p> <p>Improved outcomes and reduced inequalities</p> <p>Improved community support and participation</p> <p>Community justice resourcing more aligned with need and effectiveness</p>

External factors

Review of National Strategy for Community Justice (due by 2021)

Review of Outcomes and Performance Improvement Framework (due by 2021)

10 Community justice partners and planning arrangements

Community justice partners are responsible for the strategic planning and delivery of community justice⁴. They decide both the governance arrangements and how local structures deliver on their duties. Elected members, individual partners and Scottish Government have an important role in ensuring accountability, and how well community justice partners improve outcomes⁵.

Thirty Community Justice Partnerships were created across Scotland to oversee community justice in their area. They report to CPPs and include statutory and non-statutory partner members.

Other local planning partnerships have responsibility for improving people's outcomes and arranging services to support that, such as addictions and mental health. Upstream and primary prevention is often planned by partnerships other than CJPs. Strong connections across partnerships are therefore required to achieve the best possible outcomes for people in community justice, and deliver the aspirations of both the Christie Commission and public sector reform⁶.

Many CJPs have made these important links with other partnerships. Connections should be established, if not already in place, and outlined in governance arrangements. These might include, for example, identifying how resources align on shared priorities and named strategic and operational leads. In practice, these collaborations will support improvements to services that support people in community justice, by being better tailored to their needs.

Within partnerships, effective delivery requires meaningful, ongoing engagement and co-production with all partners. Learning from expertise and experience, including with people with experience of the system, the third sector and community bodies is critical. To support this to happen, community justice partners are expected to integrate non-statutory partners into planning structures and processes⁷:

4 Community Justice (Scotland) Act (2016)

5 SCOTTISH GOVERNMENT, 2016. *Guidance to local partners on the new community justice model*. Edinburgh: The Scottish Government.

6 SCOTTISH GOVERNMENT, 2017. *Renewing Scotland's public services: priorities for reform in response to the Christie Commission*. Edinburgh: The Scottish Government.

7 SCOTTISH GOVERNMENT, 2016. *The National Strategy for Community Justice*. Edinburgh: The Scottish Government

Statutory partners in community justice are⁸:

- Chief Constable of Police Scotland
- Health Boards
- Integration Joint Boards for Health and Social Care
- Local Authorities
- Scottish Courts and Tribunals Service
- Skills Development Scotland
- Scottish Fire and Rescue Service
- Scottish Ministers (i.e. Scottish Prison Service, Crown Office and Procurator Fiscal Service)

Wider services also part of community justice (and part of what Partnerships are to plan and oversee) include advice and guidance, emotional or practical support in a range of areas. These involve:

- Housing
- Employment
- Education
- Children
- Physical or Mental Health
- Social Welfare
- Any other general services which may affect the likelihood of future offending
- Public, private and third sector provision.

Want to learn more?

See [Appendix B](#) for practical insights on commissioning in complexity

12 Where collaboration can take place

Collaboration (joint working) can be organised in different ways, depending on whether and where value can be added. Levels where joint commissioning take place include:

- **Multi-agency**
- **Across planning structures (e.g. multiple Community Justice Partnerships)**
- **Nationally-locally**
- **Regionally**
- **Multi-departmental, within organisations.**

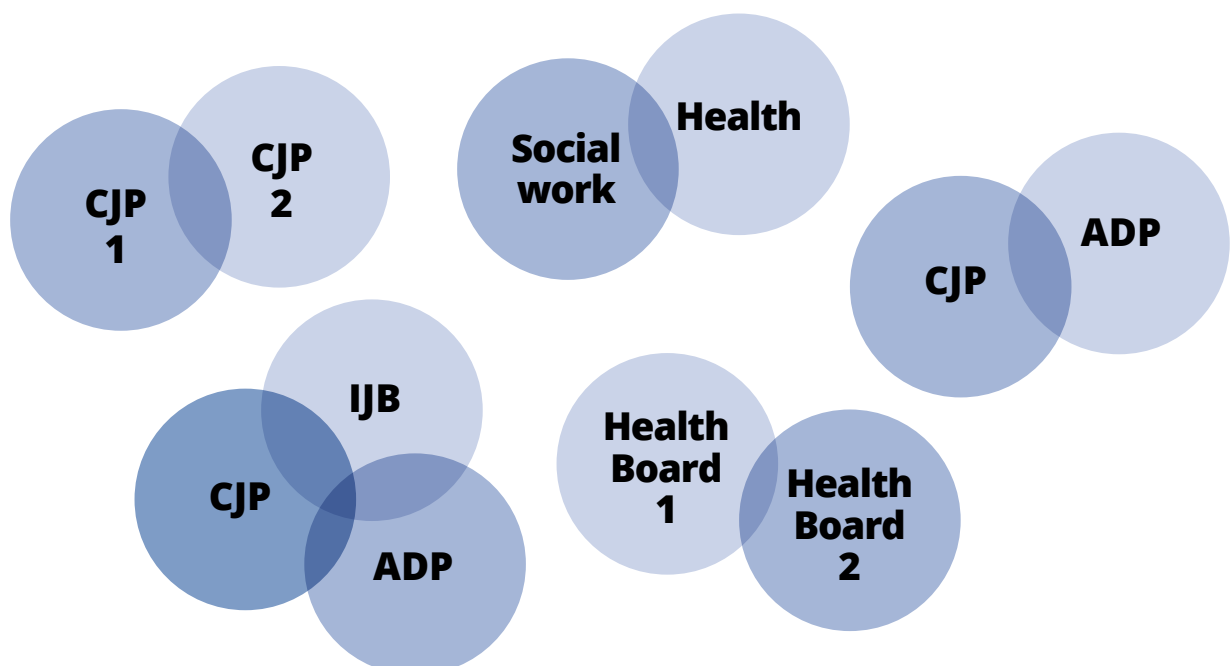
Joint commissioning with other planning partnerships is likely to add value where there is a shared strategic aim or plan to benefit the same people or, overlap in service pathways. Examples include Community Planning Partnerships, Violence Against Women Partnerships, or Alcohol and Drug Partnerships.

Other possible scenarios for collaboration include:

- New/emerging service models and organisations
- Where providers work across geographical areas
- Encouraging a provider response to gaps or shortfalls in provision.

Any collaboration should be decided on the basis of whether value can be added.

The diagram below outlines example joint models that could be developed.



The process of identifying what people need from services and arranging the best possible provision is often shown as four stages: **Analyse, Plan, Deliver, and Review**. All activities and stages run in order and inform the next.

Each stage involves:

Identifying available resource, people's needs and how to most effectively meet them.

Pinpointing any gaps in provision, ways to put the best services in place and developing a strategy to do that.

Delivering the strategy, focussing particularly on capacity building between commissioners and service providers so that quality is assured and improved.

Reflecting on how well needs have been met and outcomes improved.

Commissioning uses the same set of principles and practices whether done as a single agency, or in partnership. As this Framework supports collaboration across partners, it focusses on joint strategic commissioning. This is what will partners will develop and embed. It involves partners working together to develop a long term strategy to arrange, put in place and oversee the best possible community justice services in their area.

For simplicity, the term **commissioning** is generally used throughout.

Key principles for commissioning well

The following principles should be applied in all activities:

Establishing agreed principles across all partners involved in commissioning will help to support a common purpose and ongoing commitment as the work progresses. There may be additional principles that the Partnership wants to identify and commit to, to help strengthen partnership working across all activities, both formally and informally.

Key points

Focus holistically on people's needs (all decisions should focus on how best to meet these and improve people's outcomes)

Each activity in the cycle is equally important and informs the next

Commissioning drives any 'procurement' of services (not the other way around)

Dialogue with people, practitioners, and providers should be maintained throughout the process

Learning from previous community justice procurement should inform long term plans.

14 The commissioning cycle for community justice



Types of commissioning and procurement – definitions and terms

'Strategic commissioning' involves long term planning for an entire group of people (ten to fifteen years and beyond). This might be everyone in a particular area or service pathway, for example. It is more complex on a multi-agency basis.

There are different levels of working, illustrated below. The activities and processes outlined in this Framework apply at all levels. It is important to be clear at the start which approach is being taken and why. The best depends on what partners want to achieve:⁹

Single	Parallel	Joint	Integrated
Actions and decisions are arrived at independently and without co-ordination	Objectives, plans, actions and decisions are arrived at with reference to other agencies	Objectives, plans, actions and decisions are developed in partnership by separate agencies	Objectives, plans, actions and decisions are arrived at through a single organisation or network

Multi-agency working is called **joint** (or **collaborative**) **commissioning**. This involves commissioning different services on a **long term and multi-agency** basis for a group of people in partnership with others. This is what Community Justice Partnerships (and partners) are developing.

commissioning activities, if there are plans to **buy** services, and with effective delivery (for example, effective monitoring). Requirements, exemptions and processes will vary depending on a range of factors and should be considered on a case by case basis.

Commissioning sometimes involves arranging services through procurement, grant, or other types of contracting. This Framework uses the terms **purchasing** and **procurement** to refer broadly to all activities and routes to **buying in** services (or non-statutory provision). These will not always involve competitive processes.

Alliance contracting or **alliancing**, is a commissioning (rather than procurement) process. It is delivered in cooperation between commissioners, a group of providers and people using services. Not yet widely used in Scotland, the approach aims to promote openness, trust and innovation, share risk and responsibility, and align interests across parties. The process creates the conditions for cooperation throughout and providers self-organise into a group (or may already be in one). Its benefits can include: increased flexibility, collaboration (sharing benefits and risks), shared values and principle-based decision making, and a no fault, no blame approach to disputes.

Procurement is part of commissioning, where it happens, and includes specific activities such as tendering and contracting. If 'buying in' services, ensure that procurement colleagues are involved early in the process to support the best options to be identified. They can also advise on appropriate provider engagement in

⁹ Institute for Public Care, 2017. *Leading Integrated and Collaborative Commissioning* [online]. Oxford: Institute for Public Care.

Any public authorities procuring services must comply with the EU procurement regulations¹⁰ and the Procurement Journey¹¹, while private organisations will follow their own processes.

The following procurement processes can be considered when seeking to increase collaboration between commissioners and providers:

The **light touch regime** (LTR) is a procurement option available when the services being 'bought' are unlikely to be subject to cross border competition, e.g. from providers outside Scotland. It offers greater flexibility in the process used as public bodies can choose the tools and procedures to be used. The LTR can only be used for certain types of services.¹² Regulations and guidance vary depending on the type of service – procurement colleagues will advise if this is a suitable approach and assist with the development of the process.

Innovation Partnerships are another procurement route involving cooperation between commissioners and providers. This can be used where there is a need to develop a new and innovative service/product that is not already available. Its benefits include the new types of services/products being developed, market stimulation and allowing the most appropriate partners to be chosen for development work.

Non-Competitive Action (as a procurement procedure) can only be used in exceptional circumstances and advice should be sought from procurement colleagues on when it applies.

Questions for partners, tips and checklists are included throughout the Framework. Use the check point boxes to discuss current views in the Partnership about commissioning and whether any changes are necessary:

Checkpoint:
 For discussion with partners:

Do we have a shared understanding of commissioning?

If no, how will we develop this?

Do we have an agreed set of principles as a Partnership? Do they reflect good practice?

If no, how will we develop these and put them in place?

In the next sections, each stage of the cycle is outlined. The first section looks at **Analyse**. Although each stage is as important as the next, the first two take longest to deliver. Also, processes and practices to support long term effectiveness are less established within community justice. For these reasons content in the following pages is most detailed for activities in **Analyse** and **Plan**.

10 More information is available at: <https://www.gov.uk/guidance/transposing-eu-procurement-directives>

11 More information is available at: <https://www.procurementjourney.scot/procurement-journey>

12 See Schedule 3, the Public Contracts Regulations (2015) at <http://www.legislation.gov.uk/ukxi/2015/102/schedule/3/> made and detailed service codes at <https://simap.ted.europa.eu/cpv>

**WE ANTICIPATE
JOINED UP AGENDAS,
BETTER ALIGNMENT OF
PLANNING LOCALLY
AND NATIONALLY,
AND EFFECTIVE LEADERSHIP
AND ACCOUNTABILITY**

18 Stages of the cycle



Analyse

Before starting activities in Analyse, ensure that partners have a shared vision and purpose of what is to be achieved. If these are not yet developed, take the time to do so – it will help guide onward collaboration and decision making throughout the process. Take time to discuss what is involved so that everyone is clear about what will be done, when, and by who.

Often, Analyse is the stage that takes the most time and resource to do well. This section assumes that Partnerships have agreed strategic outcomes in place at the outset. These outcomes will align to the OPI Framework and National Performance Framework, e.g. preventing and reducing reoffending, increasing equity of access to services, improved mental health.

Using the information collected through activities within this section, partners can establish whether certain types of provision or population subgroups need to be prioritised (this is done in the **Plan** stage).

Activities in **Analyse** aim to identify what people need from services, the most effective ways to meet that need and available resource to put services in place. It is crucial to gather high quality information to support a robust, long term CJPIP. Involving people and partners in each activity will help to ensure reliable findings and collective support to using these to inform decisions about how best to meet people's needs.

As community justice is a broad and complex system, it will be useful to define the scope of activities at the outset. Journey mapping approaches, used in improvement methodologies may be helpful.¹³ These can help to clarify the level of upstream and preventative action across the Partnership area and possible opportunities to increase it over time, as well as better points in people's journey to support them.

13 An example of using this approach in health is available here:
<https://improvement.nhs.uk/documents/2143/conventional-process-mapping.pdf>

Fully understand and map partner resource

This stage aims to create an understanding of what resource is available to partners to achieve strategic outcomes. **Resources** include people, expertise, information, property, and finance. In mapping what is available, include all partners providing support or services to people in community justice, including non-statutory and third sector partners. Types of resources could include: good existing collaborations, analytical staff, and relevant reports.

Including the types of resources needed for joint strategic commissioning will help partners to consider jointly how to put these in place. Examples might include analytical skills or training options.

Tip:

When mapping resources, including partners' deadlines for submitting funding bids can help ensure any requests are developed and submitted in time.

See [Key competencies and roles](#) to assess how far the necessary skills are in place (or can be accessed).

Community Benefits may be a training/apprenticeship resource for people and providers. See [Appendix B](#) for further information.

Review and map available services

This activity aims to understand the level, range and quality of existing services. Reviewing availability and design (across statutory and wider partners) will allow an assessment of how well current provision aligns to people's needs, whether quality and value for money are sufficient, and if there are risks to sustainability or quality of provision. All relevant services should be included in review and mapping.

In mapping services, activities are focussed around enabling partners to identify:

- types of services currently provided, organisations providing them, arrangements for provision (e.g. funding source and governance)
- any specialist services (e.g. for people with multiple or complex need)
- how services differ (e.g. intended outcome, target group, availability in different areas)
- existing cost, quality and activities of provision
- current and anticipated future funding and capacity levels (or risks to same and/or sustainability)
- skills and expertise of the workforce
- services' main focus: primary, secondary or tertiary prevention (see Appendix B)
- any duplication in provision.

Tip:

Quality can be assessed using a range of approaches, for example: feedback from people and practitioners, inspection or evaluation findings, complaints, mapping experiences across the justice to rehabilitation pathway.

It is likely that a range of analyses will have already been done by other partnerships – checking their availability at the outset will reduce the risk of duplicating efforts.

Having this information available will support partners to assess and identify the contribution providers *could* make to strategic outcomes in the next stage (**Plan**). Mapping services will also help to create an overview of the balance of current provision and potential for increasing upstream action over time. This is a key activity to deliver robustly, in order to make credible decisions about future delivery in the next stage of the process.

Need more information?

Community Justice Scotland has published guidance to support local areas to map services and develop a robust strategic needs assessment to set local community justice priorities and baseline future progress.

Assess the needs of your people

This activity aims to understand what people need from services to stop or reduce offending and to improve their life circumstances, resilience and opportunity. Undertaking a robust needs assessment will support decisions about how to arrange and resource the best possible services to give greatest benefit to people. This is a crucial piece of work for a strong long term strategy.

Needs assessments should be outcome focussed and person-centred. For the purposes of the needs assessment, defining **need** as ‘the capacity to benefit from services’¹⁴ will help keep a focus on gathering only data that will help identify improvements and people who could benefit.

Needs assessment guidance talks about a **population** approach. This refers to the group of people being considered in planning. In Community Justice Partnerships this will include everyone in and on the edges of community justice in that local authority or Partnership area. For an individual partner, it might be people in a single service.

Smaller groups should be considered, where they have particular needs. These are described as **population sub-groups** and examples include people at high risk of re/offending or people with a disability.

14 ISD SCOTLAND, 2014. *Population Needs Assessment for Health and Social Care Partnerships: guidance on the use of data sources*

As far as possible, a range of factors should be included in assessments (social, economic, environmental and political). These can help identify barriers to accessing services e.g. distance between home and services, transport availability in rural areas.

The National Strategy for Community Justice outlines people's needs that, if met, will support people away from offending and towards rehabilitation and reintegration. These are what partners should work jointly to understand and meet and are illustrated below¹⁵:

Complex Needs to Address



Good practice highlights that needs should be considered holistically. Each Partnership will have statutory and wider partner representation of all of the above needs. Named strategic and operational leads should be identified for each (i.e. health, education and training, etc.).

This will support understanding of population need in each 'category' as well as the overall profile of people in the Partnership area. Named leads can also provide oversight and action to improve outcomes throughout the process.

15 SCOTTISH GOVERNMENT, 2016. *The National Strategy for Community Justice*. Page 23 Edinburgh: The Scottish Government.

Needs assessments typically use three approaches:¹⁶

(1) Quantitative: these approaches outline the size and make-up of the population, including demographic information about the area, key subgroups (e.g. age, gender) and changes over time. They usually include current and projected future numbers, broken down by factors such as gender, urban/rural status, or ethnicity, for example.

Where at all possible, profile the **level** and **complexity** of people's need (for example those with substance misuse issues, and those with substance misuse **and** mental health **and** housing issues **and** experiencing financial crisis). This will help identify those with greatest need.

(2) Comparative: comparisons can help to identify variations and possible areas of need. Comparisons can be done across, for example: the same population groups in different areas or differences over time (e.g. current profile compared to five years previously).

An example comparison is the difference over time in the number of people being diverted from prosecution by the Crown Office and Procurator Fiscal Services (COPFS). Comparison of numbers over time allows consideration of possible future increases or decreases in the use of services.

(3) Engagement: these approaches aim to capture views about current needs and future priorities. They mainly use qualitative information and might include direct engagement or research. A range of people, e.g. those with experience of services, practitioners, policy and planning colleagues, and service providers, might be involved. It is important to include those who have not accessed services (or left early) in order to understand their needs too. See the section on **Effective co-production and participation** for more information.

A local example is an exit survey from a service. These enable an understanding of whether needs are being met and any gaps to be identified.

Predicting future need is an important part of needs assessment to be able to plan on a medium to long term basis. Currently, data challenges mean that there is very limited ability to do this (larger areas may be able to use Community Payback Order or Persistent Drug User data). The aspiration is that ability to predict need on a short, medium and long term basis will be developed in the near future.

Want more information?

See **Appendix B** for a list of datasets to support geographic assessment of need in community justice strategic planning.

Training and guidance on horizon scanning will be available to community justice partners in 2019/20.

16 ISD SCOTLAND, 2014 (as previous)

Define what you should do – and how

This stage is about stocktaking obligations, opportunities and effective action. It aims to help partners to be clear about:

- legislative context to services in community justice
- individual partner (and other Partnership) priorities and commitments, and opportunities to align them
- what the evidence says is the most effective action to meet people's needs.

Drawing on legislation and guidance supports clearer understanding of the 'golden thread' from national to local outcomes, and the alignment of partners' priorities with the vision of the work. Equalities, human and patient rights legislation, and wider quality standards should also be considered. Summarising relevant links within community justice can help to identify opportunities to secure support for action and deliver more effectively on priorities.

For example, good links with Community Planning Partnerships (CPPs) could help maximise opportunities for targeted community justice action within existing local priorities such as financial inclusion or housing. Local reference documents are likely to include plans relating to Local Outcome Improvement, anti-poverty, or gender-based violence, for example.

This stage can also clarify partner responsibilities in different areas of provision. Mapping responsibilities is often most useful in pathway planning, for example, partner actions to improve transitions from prison into the community.

The evidence base will outline effective or promising interventions with different groups, or the types of actions most likely to reduce reoffending and inequalities.

It is helpful to produce a clear summary statement of key partner (or Partnership) duties, requirements and any principles for effective action.

Want more information?

See [Appendix B](#) for:

- Evidence summaries for effective and promising interventions and investments for community justice populations and priorities ('What works')
- Actions that Community Justice Partnerships can take to reduce inequalities and reoffending
- Reflections from Community Planning Partners about using different types of evidence in planning.

The end of **Analyse** can be a good time to re-engage widely to share findings and conclusions. Engagement can help to:

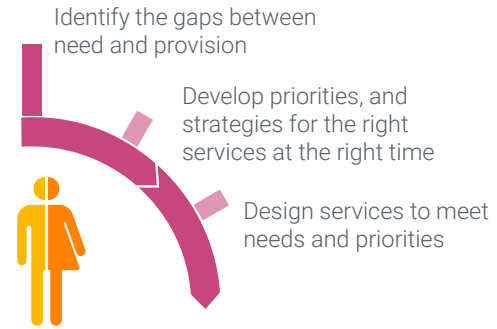
- deepen understanding of conclusions and identify any assumptions (e.g. how well current provision is meeting need)
- start thinking about how and where provision might need to change
- check if the right questions and data have been used
- allow people to input, if they think there are gaps.

Before moving on to the next stage, consider together:

Checkpoint For discussion with partners: Do we have a clear and robust understanding of	Yes/No	If No, where are the weak points?
...All partner resource?		
...Current service quality and availability?		
...People’s current and future needs?		
...What policy, legislation and evidence say should be delivered?		

The next section looks at Plan. Its activities use findings from Analyse to develop a long term strategy to arrange the best possible services for people.

**ALL DECISIONS
SHOULD BE CENTRED
ON PEOPLE
AND ON IMPROVING
THEIR OUTCOMES**



Plan

Activities in **Plan** focus on creating a long term strategy for the best possible provision to meet people's needs. Ownership of this stage by commissioner(s) is critical, and wider partners and stakeholders should also contribute.

Community Justice Partnerships currently outline their strategy to meet national and local community justice outcomes in their Community Justice Outcome Improvement Plans (CJOIPs). Most Partnerships have developed Plans of three to five years. As joint strategic commissioning is embedded, planning will look to the longer term (i.e. ten to fifteen years ahead or more). This longer term focus aims to increase joint action to improve outcomes for the whole population (including more preventative and root cause action). CJOIP content will develop in line with this timescale to outline long term strategies to arrange the best possible community justice services.

Identify the gaps between need and provision

The first area of action is to identify any major gaps between current service provision, people's needs and preferences and what the evidence says is the most effective provision. This is done using the findings and conclusions from **Analyse**. For example, if a Partnership's strategic outcome is to improve recovery among a group of people, any gap in provision can be identified by cross referencing:

- people's recovery-related needs and preferences, to
- the nature and availability of existing recovery-related services, with
- how well provision aligns with the evidence on what is most effective.

Develop priorities, and strategies for the right services at the right time

The next action is to consider how best to arrange provision to meet people's needs, using evidence gathered to date. Decisions will inform the **commissioning strategy** (or CJOIP): the strategic plan outlining a high-level, long term approach to secure all necessary services, develop their specifications, and oversee their delivery. In Partnerships, this strategy should cover the whole system of community justice provision across statutory, non-statutory and wider partners.

For Partnerships, this commissioning strategy will become an expanded CJOIP. (Partners may develop individual commissioning strategies.)

All will outline what outcomes are to be achieved in the long term, and to achieve these, what will change in the short and medium term. Shorter term arrangements are outlined in more detail and called **delivery plans**. (Many Partnerships currently have these in place and call them their **action plan**.)

Developing long term strategies will necessarily involve deciding how best to organise a range of services to meet people's needs and where best to invest resource to achieve that. These should include plans for the whole population and any sub-groups with particular needs, including those furthest away from meeting outcomes and/or least likely to engage with services.

Strategies should include **strategic objectives**: SMART statements of what needs to be done to achieve strategic outcomes. These (and the long term strategy) are often high-level but act as an important, agreed direction across partners and provision.

An important activity to inform these decisions is to assess different options and their strengths and weaknesses (**options appraisal**).

Some services or activities may need to be prioritised when resources are limited. Where **priorities** need to be developed, a prioritisation exercise can support best value and decisions aligned to strategic objectives. This is often a challenging process and can involve difficult decisions about services. Clear and transparent criteria are important to support fair and robust decisions. Evidence and data generated in **Analyse** must inform the process. Guiding principles for prioritisation include being:

- assets-based, to best use people and communities' strengths
- rights-based, equitable and participative
- focussed on services that will prevent negative outcomes
- ethical, transparent, objective and fair
- practical and proportionate to the size and impact of decision making.¹⁷

Key point

Long term strategies may mean **decommissioning** has to be considered: removing provision that is *not* effective, reducing what is *less* effective and retaining (or expanding) the most effective (achieving these principles may include service redesign rather than cessation). Any process to decommission should be guided by evidence gathered in **Analyse** and the gap analysis which identifies how well current provision matches with what people need and what the evidence says is the most effective way to meet it.

17 SCOTTISH GOVERNMENT, 2016. *Advice Note – Prioritisation Process*;
SCOTTISH GOVERNMENT, 2011. *Commission on the Future Delivery of Public Services*

In outlining shorter term plans, **delivery plans** should also be outlined in SMART terms and include actions to achieve strategic objectives over a 3 year period. The greatest detail should be given to arrangements for the forthcoming year. Plans should be outcome focussed and outline how delivery in years 1-3 will contribute to longer term outcomes. It is important to identify and include partner contributions, roles and responsibilities. Where particular services are to be put in place, plans should outline how these specifications will be developed. These might include activities and routes to 'buying' services or co-production for example. All services should give clear attention to developing person-centred approaches to meet people's needs.

Delivery plans should also include key services/ activities and their resource requirements. Any cost implications (efficiencies or otherwise) and arrangements for leveraging of resource should be included. Where these cannot be decided directly within the Partnership, good arrangements will provide clear links to more senior decision making.

Beyond outlining how services will be secured and their specifications developed, plans should include effective impact monitoring and oversight. Arrangements should include:

- an overall plan for monitoring and review, including ways for commissioners, providers and wider stakeholders to assess progress
- agreed measures to assess activity, performance and impact (linked to strategic outcomes) as well as the frequency of analysis and reporting
- for 'purchased' services, agreements that have clearly outlined terms and conditions to ensure effective monitoring (e.g. contract or grant documentation).

Want more information?

Detailed advice on prioritisation and options appraisals is provided in [Appendix B](#).

Links to evidence summaries on effective and promising interventions to reduce reoffending (to support investment decisions) are provided in [Appendix B](#).

Tip:

Individual national partners' planning will be strengthened by strong local-national mechanisms to develop comprehensive conclusions to activities in **Analyse** where these do not already exist. Doing so will also strengthen collaboration to identify, agree and disseminate priorities.

Use the box below to discuss current practice and any areas you might develop:

Checkpoint For discussion with partners: Are all partners/colleagues aware of their duty to:	Yes/No	If no, where are the weak points?
...Ensure a sufficient level and mix of services that reflects the evidence about what is most effective?		
...Ensure community justice services are tailored to people's needs?		
...People's current and future needs?		
Have we clearly identified roles and responsibilities across leadership, management, partnership and delivery?		

Design services to meet needs and priorities

This section outlines key points to consider in designing services outlined in the CJOIP. Ensuring provision can be put in place and sustained over the long term may involve both big and small changes. Changes may need to be considered across the whole system of community justice provision or within particular clusters of partners. Changes may include: reconfiguration, co-location, contract renegotiation, or the creation of new services, for example. Design should always be based on the evidence base to ensure effective models are put in place that are person-centred, timely, effective, efficient, economical and equitable. Evidence that is relevant to characteristics of local need should be considered (e.g. effective rural models for rural populations).

Want more information?

See [Appendix B](#) for effective Partnership actions to prevent and reduce re/offending and reduce inequalities.

Involving wider stakeholders at this stage is particularly important. Engagement will help to test and refine plans and ensure no negative effects are accidentally created. This is a listening exercise for commissioners: listening to people using services and partners involved in delivering them. Modelling and scenario testing are two approaches that can support further improvements to be identified in both the strategy and service specifications, for both people and services.

'Buying'/procuring services

For any services that will be 'bought' (non-statutory), procurement colleagues will advise Partnerships throughout the whole cycle. Considerations will vary, depending on the focus of activity. See the earlier section on **types of commissioning** for examples of commissioning and procurement routes.

If considering purchasing services through competition, consult with procurement colleagues as early as possible. They will support the development of a procurement strategy which will help decide the most appropriate route to market, drafting of the Invitation to Tender, lead the evaluation process and award the contract. They can also assist with contract management to ensure that performance standards are maintained.

Options appraisals will help define the required service and whether the best service can be achieved through going to market or through grant or otherwise. The Procurement Journey offers support to developing different routes to market, depending on different factors such as the type of service or value of the contract.¹⁸

Key points Ensure that:

the principles of transparency and fairness are adhered to, and involvement of the broadest range of potential providers supported

ensuring services (and approaches to putting them in place) support intended outcomes

early engagement with providers to understand and address economic conditions (including financial stability)

long-term contracts and risk sharing are considered, including whether they would strengthen efficiency and effectiveness, if feasible and appropriate e.g. if evidence shows people have improved outcomes through provision that uses longer contracts

consideration is given to flexibility in delivery to continue to see that needs can be met

feedback from service users, communities and providers supports a review of the effectiveness of commissioning processes at meeting needs and informs any necessary updates.¹⁹

The final stage in preparation of long term strategies, arrangements and specifications will be formal approval using the agreed governance routes developed at the beginning of the processes.

¹⁸ See: <https://www.procurementjourney.scot/procurement-journey>

¹⁹ NATIONAL AUDIT OFFICE, 2010. *Successful Commissioning Toolkit* [online]

Ensuring all CJOIPs/Commissioning Strategies are published and disseminated will help partners to be clear about each other's strategic intentions and greater alignment and effectiveness across the system.

Use the box below to discuss current practice and any areas you might develop:

Checkpoint		
For discussion with partners:		
Do we have...?	Yes/No	If no, where are the weak points?
A clear set of findings and conclusions from activities in Analyse ?		
A clear understanding of gaps in community justice services?		
People and processes in place to develop our next CJOIP in line with the checklist and guidance?		
A clear, detailed and evidence-informed outline of effective service design that will meet people's needs?		
Clearly outlined arrangements to secure the necessary approvals to finalise and implement final plans?		

The next section looks at activities involved with putting Plans into place and overseeing and developing the effectiveness of service provision.

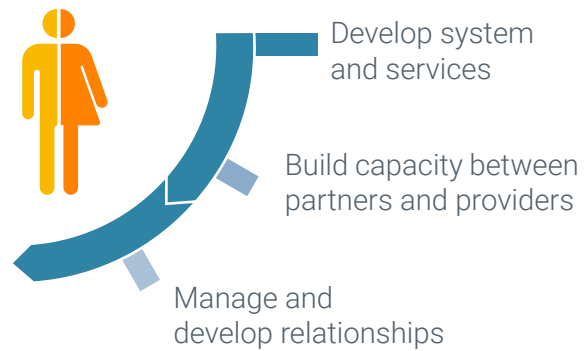
32 Partnership checklist

The following checklist outlines what partners should include in their commissioning strategies. Community Justice Outcome Improvement Plans should develop to include these points. The checklist is aimed at CJP use, but any strategy (whether working singly or jointly) should ensure each point is included:

Vision – what is the Partnership goal for community justice provision?	✓
Short, medium and long term outcomes	
Strategic objectives	
Priorities	
Governance arrangements	
How activities will be developed, delivered and overseen (roles and responsibilities of partners)	
Delivery plans for achieving objectives over the next 1-3 years, in 'SMART' terms ²⁰	
Arrangements to ensure any major changes to services will be put in place and retained during the period of the CJOIP	
Key deliverables	
Workforce considerations (e.g. emerging skills shortages or training requirements)	
Involving people with lived experience, and providers and practitioners – how and when people will be involved in planning and delivery	
Links to supporting documents (e.g. participation statement, impact assessment, needs assessment)	
Evaluation and improvement – how outcomes, process and impact will be monitored, measured and improved upon (where necessary)	

The Guidance outlines tips, tools and principles to support Partnerships with the points above.

The next section outlines key principles for good practice.



Deliver

This third stage of the cycle is about putting **Plans** into practice. It includes set-up, learning during delivery, and management of relationships throughout. The first activity involves developing processes and structures to support effective delivery and setting up services. The second focusses on increasing understanding between commissioners and practitioners to build capacity, assure quality assurance and enable continuous improvement. It is important to create a learning culture across commissioners, partners and providers. This will support trust and allow partnership working to strengthen and mature.

Develop systems and services

New services will be set up and established in this stage (as will any agreed changes to existing provision). This includes putting any agreed financial arrangements in place as well as processes for monitoring and improving how well services are achieving their intended outcomes. These arrangements will ensure:

- accountability
- confidence that planned outcomes are being achieved

- demonstration of the impact of investment
- clarity that quality, value for money and any contract terms are met
- learning and improvement to develop and be put in place.

Systems and supports to these arrangements need to be established if not already in place. These might include protocols for securing commissioner support to innovations in delivery, or sharing improvements and good practice across partners, for example.

Build capacity between partners, providers and practitioners

This activity increases providers' capacity to meet services' intended outcomes. It is important to develop relationships between commissioners, providers/practitioners and people. This will enable clearer understanding of how well delivery is meeting need and any problems to be quickly resolved. It also supports and strengthens a common purpose across all partners, providers, and practitioners in community justice. Collaboration is key to developing and sustaining quality in delivery and resolving any problems that occur. Capacity building activities can be organised in a number of ways, for example:

- regular sessions between commissioners and operational staff across partners to update each other, fostering a better understanding of any challenges and jointly identifying solutions
- sharing good practice between organisations and teams, e.g. peer challenge and support
- support to innovate in delivery, e.g. training.

Manage and develop relationships

It is important that good relationships are developed and maintained between commissioners and providers during delivery. This helps to ensure that both strategic and service-level outcomes are achieved.

Active monitoring is part of relationship management and key to good delivery. It also helps to inform thinking about what improvements might be necessary in future cycles of commissioning. Good management will necessarily involve considering how to work on a multi-agency basis, understanding partners' challenges (both individually and all together), and enabling solutions to be developed that support strong, mature partnership working.

Monitoring involves different mechanisms for partners and providers to demonstrate how well they are achieving their aims. Arrangements should support any necessary problems, solutions or improvements to be discussed and agreed. To support these most effectively, both formal and informal mechanisms will likely be developed, and it should be a two-way process.

Use the box below to discuss current practice and any areas that you might need to develop this over coming years:

Checkpoint

For discussion with partners:

Do we have...?	Yes/No	If no, where are the weak points?
Systems and structures in place for effective monitoring and delivery of services?		
Partnership commitment to developing and embedding a learning culture across strategic and operational staff?		
Effective monitoring, oversight and improvement in place?		

Tip:

See [Appendix B](#) for links to

- The 5-step evaluation tool (for monitoring and evaluation)
- Principles for monitoring processes

The next section looks at Review stage of the cycle – the final stage of the process.



Review

Review is the final stage of the commissioning cycle. Work in this stage seeks to answer:

- How well have we done what we planned to do?
- What has the impact been?
- How can we do better?

Review strategy, performance and impact

Arrangements to enable formal and informal review of strategic processes and impact are already in place in community justice. Partnerships will continue to review performance themselves, through local reporting channels, reporting annually on outcome activity and through a programme of self-evaluation. Individual partners will have their own reporting and governance processes.

It is important to review the strategic commissioning process as well as the outcomes achieved as a result. Assessing both will allow improvements to be identified and put in place in future delivery.

Annual review of activities and impact should be undertaken using the content outlined in the Delivery Plan at the start of the year. This review should consider how well planned outcomes have been achieved and activities delivered in that year.

As with earlier stages in the process, consider how to get feedback about how well services are meeting needs and preferences. Perspectives should include: people using services, their families, communities and providers.

The Care Inspectorate's guide to self-evaluation²¹ supports community justice partners to review performance and identify any areas to develop or refocus on in future. Quality Indicators 3-6, 8 and 9 support with an assessment of performance and impact, and Indicator 7 supports developments to Partnership knowledge and skills. All Quality Indicators can be used to consider performance and impact in joint strategic commissioning. Other tools (such as stakeholder surveys) can also help.

We recommend that findings and conclusions developed in **Review** are shared with other Partnerships to spread learning.

How will effective joint strategic commissioning be measured across community justice in the long term?

It is anticipated that the Community Justice Outcomes, Performance and Improvement Framework will be updated in 2021, with new indicators identified and put in place. This work will consider ways to ensure effectiveness in joint strategic commissioning can be measured.

In the meantime, the existing Outcomes, Performance and Improvement Framework should be used to measure achievement against relevant national outcomes.

An important part of the review process is to consider the overall long term vision for community justice. Including this within annual reviews allow a check that it remains up to date and any necessary changes to be made. This in turn supports increased confidence that medium term plans to achieve the vision also remain valid.

Review new and existing strategic outcomes

It is important to review strategic outcomes (national and local) to identify whether they have changed since the CJOIP was developed. If they have, these new outcomes and their implications will be apply when developing an updated commissioning strategy.

The review should include current and expected changes and consider the impact on the ability of partners to deliver on local priorities. Horizon scanning activities, such as PEST analyses,²² are a useful way of identifying broad changes and their implications, e.g. updates to legislation. This ensures that the content of commissioning strategies (CJOIPs) stay valid and up to date.

Learning from both activities in **Review** should be used to identify learning for future delivery to support continuous improvement of both process and impact.

Discussion point:

The National Strategy for Community Justice outlines joint partner actions to improve people's housing, health, financial inclusion, employability and pathway transitions (pages 25-28).

How well have these been achieved in your area so far? What is still to be progressed?

38 Key activities

This section includes two cross-cutting activities that should be put in place in all commissioning. They relate to good governance and co-producing with people and partners.

Good Governance

Good governance is key to ensuring robust accountability, resourcing, delegation and direction in commissioning. At the start of any new cycle, it is important to have governance arrangements clearly outlined. These can be included in Terms of Reference or a Memorandum of Understanding, for example.

Content should include clear responsibilities and accountability for:

- leading the development of the Community Justice Outcomes Improvement Plan
- agreeing priorities, including routes to more senior decision making if required
- aligning/pooling resources on agreed priorities
- leading strategic change and/or improvement
- securing partner commitment to delivering actions (including senior support to resourcing if not directly available within CJP membership)
- overseeing implementation of agreed plans
- reviewing the strategic impact of services

This case study illustrates how one area has implemented the key components of good governance, and how arrangements have supported effective delivery so far.

Aberdeen Community Planning Partnership has adopted a whole system, quality improvement approach to enhancing outcomes for economy, people and place. Fifteen stretch outcomes have been agreed, across these three themes, and outlined in its Local Outcome Improvement Plan (LOIP) for 2016-26. All outcomes support delivery of the National Performance Framework as well as individual policy and partner goals. Community justice makes up three of the fifteen outcomes. Priorities to improve community justice outcomes are also embedded in the LOIP.

Activity is currently focussed on improvement projects to inform long term decisions about services. Once these projects have reported their findings and conclusions (in 2021), it is anticipated that the governance structure will support outcomes-focussed, holistic commissioning of services via a range of planning partnerships.

All partners are directly accountable to the same single group for their work to improve community outcomes. The Community Planning Aberdeen (CPA) Board provides strategic leadership and direction for community planning in the area, and scrutinises progress towards improvement of outcomes as identified in its Local Outcomes Improvement Plan. Board membership includes the Council Leader, Councillors, Chief Executives of the local authority and NHS Grampian, and senior representation from third sector organisations, further/higher education, fire, police and others.

The Community Planning Management Group is accountable to the Board and oversees the progress of work to achieve the stretch outcomes. Responsibility for achieving these outcomes is delegated to seven themed

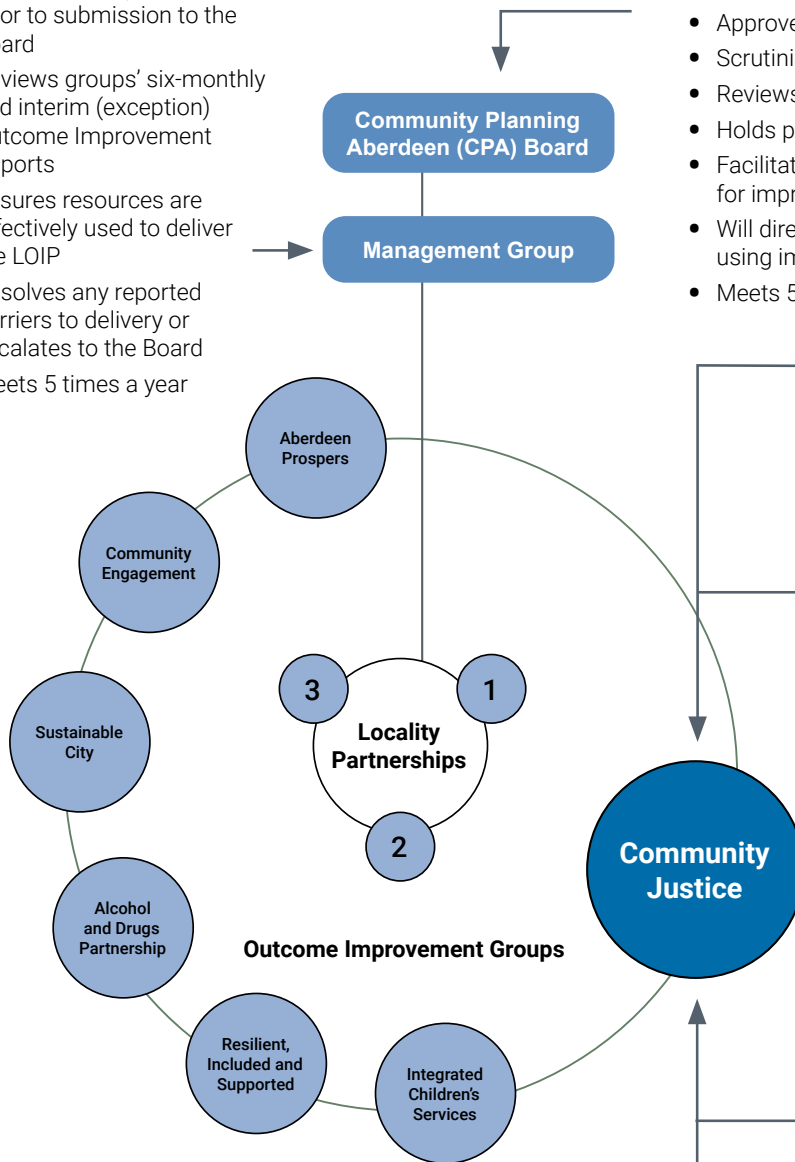
Outcome Improvement Groups and three locality groups. The Community Justice Partnership is an Outcome Improvement Group. The Management Group supports partners to work together effectively and escalates any issues, as necessary, to the CPA Board. Its membership is also multi-agency, and includes senior members of local authority, health and social care, NHS Grampian, police, education, third sector organisations and others.

Improvement aims have been developed in partnership by the CJP to achieve each of the community justice stretch outcomes, as part of the LOIP. Each improvement aim has clearly defined timeframes, milestones and measures for success. Partner roles and responsibilities and arrangements for resource contribution or alignment are defined in a Project Charter. This is developed for each project and also sets out its scope.

The structure and approach adopted in Aberdeen, which is underpinned by robust data collation and analysis, has supported joint delivery in a number of ways. Close and clear links to senior oversight and accountability have helped facilitate partner commitment to joint improvement and resourcing. Multi-agency oversight has supported improved understanding and collaboration, at project and strategic levels. Clear project charters, with defined roles and responsibilities, delivery milestones, deadlines and measures, have enabled clear progress reporting and scrutiny of delivery at project, partnership, Management Group and Board levels.

- Responsible for Outcome Improvement Group delivery
- Scrutinises project charters, prior to submission to the Board
- Reviews groups' six-monthly and interim (exception) Outcome Improvement Reports
- Ensures resources are effectively used to deliver the LOIP
- Resolves any reported barriers to delivery or escalates to the Board
- Meets 5 times a year

- Strategic leadership and direction for all Community Planning.
- Sets all-area stretch outcomes to 2026.
- Approves LOIP (CJOIP) and oversees implementation
- Scrutinises whole system performance and progress
- Reviews annual reports on progress
- Holds partners to account for contributions
- Facilitates multi-agency data sharing for improvement
- Will direct strategic commissioning activities in future, using improvement project data
- Meets 5 times a year



Delegated responsibility for

- Leading the CJOIP development
- Identifying and agreeing priorities to improve community justice outcomes, for CPA approval (CJP Chair)
- Progress reporting, twice yearly, to the Management Group (Coordinator named lead), including timely exception reporting, where progress does not align to milestones in the project charter
- Performance reporting, annually, to the CPA Board

Accountable for:

- achieving three community justice stretch outcomes by 2026 (Led by CJP Chair)
- overseeing implementation of approved project charters

Project resourcing

- Individual project teams are established
- Report to the CJP
- Project team membership is endorsed by the CJP. Relevant members of the CJP are responsible for progressing individual projects, and may be members of project teams. Project team members commit to resourcing in person
- A Project Charter identifies each project's lead, partner contributions, roles and responsibilities, as well as its scope, timescales, milestones, and measures of success.

Delivery responsibilities include:

- leading/driving project delivery to achieve stretch outcomes (Chair)
- securing partner commitment to deliver on actions (All)
- adjusting delivery, if desired impact not achieved (changing approach and/or resourcing)
- meeting 5 times per year
- self-evaluating partnership and project performance
- requesting in year agenda items on CPA Board or Management Group, when barriers to progress which the CJP is unable to resolve are identified

Effective co-production and participation

Key to good commissioning is putting people at the heart of decision making, and involving them in all processes. In parallel, an inclusive approach to commissioning that supports participation with communities and wider partners is also recommended. **Communities** include both local residents as well as people in and on the edges of justice. Within the National Strategy for Community Justice, local Partnerships are asked to 'integrate non-statutory partners such as local businesses, service users, citizens and community bodies into community justice planning structures and processes'.²³

The views of people, communities and wider partners will help to develop the best possible design and delivery and support everyone's resource, skills and capacity to be used to best effect. Done well, working together to jointly design and deliver services will improve outcomes for people and services.

In developing co-production, there are a range of approaches and levels of involving people, and these should be proportionate to the decisions being made. It is particularly crucial when service transformation is likely. The following sections outline ways that co-production can improve the quality of services, and some principles for considering the best approach when engaging with people with lived experience and wider partners. More tools are in the Appendices.

With people in and on the edges of justice

Involving people with lived experience of the justice system might include people who have committed an offence, victims, family members, representative community bodies/groups and the wider community. This can support commissioning in a range of ways, including with:

- governance – assurance and performance management
- identifying what people want, need and prefer from services
- defining priorities – developing strategies and plan
- service design – designing pathways and service specifications
- procurement – inputting into activities e.g. tendering and contracting
- review – giving feedback on existing provision
- future improvement – opportunities for innovation or transformation

Co-production with people with lived experience can improve the experience and outcomes for both those taking part and others using services. It can also improve service performance. Examples include support to recovery and desistance, promotion of social justice, and increased effectiveness and credibility of services.²⁴

²³ SCOTTISH GOVERNMENT, 2016. *The National Strategy for Community Justice*. Edinburgh: The Scottish Government

²⁴ For more detail see: https://cycj.org.uk/wp-content/uploads/2019/06/Weaver_Lightowler_Moodie-2019-_Inclusive_justice_Final.pdf

The approach taken will depend on the significance of decisions the Partnership is planning to make, the needs of different groups, and any lack of evidence about people's needs or preferences. People might have current or past experience. Considering where involvement will have the greatest impact can help to prioritise if necessary.

There will likely be existing processes in place to gather people's views. These might include surveys or inspections. When planning a new activity to involve people with lived experience, make time to ensure it is designed and delivered well. Other partners or areas may have insights and experience that supports this. The following checklist outlines points to consider:

Level of influence	the weight that people's views will have in decision making (the ladder of engagement²⁵ might help with this)
Feedback loop	how to sense check decision making and/or tell participants how their input informed decision making, e.g. 'You said, we did' sessions
Evaluation and future improvement	how to capture process and outcome learning (both positive and negative) and use in future activities
Equitable access	ways for people with experience of the justice system (including as victims) to share views how to tailor activities to ensure no one is excluded and that people with different needs can take part (e.g. physical access, communication or religious needs)
Targeting	how to particularly involve and understand the needs and preferences of those who are worst off, and who could benefit from services but do not use them (for effective action on inequalities)
Transparency	an open and upfront description of the process, the evidence base for decision making, constraints, and any limitations to confidentiality
Avoiding bias or apathy	avoiding consultation fatigue or always asking the same people for their views

Consider if Participatory Budgeting is a feasible approach to take, either with local residents, and/or people using services as 'the community'.

²⁵ See, for example: <https://www.england.nhs.uk/participation/resources/ladder-of-engagement-2/>

With wider partners and stakeholders

Effective co-production will ensure the best possible services and a common goal across partners. Long term, outcomes-focussed discussions are important to achieve a shared understanding of need and contribution to priorities across services. Developing a shared focus on common problems across all partners can help develop a shared vision for the future and transformational strategies to achieve it.

Developing a shared understanding of perspectives, expertise, constraints and actions is also important. Doing so can increase each other's effectiveness and strengthen impact by best using expertise and capacity across partners.

Communities and the third sector are critical to community justice. Improving people's outcomes by involvement and co-production in planning is recognised in the National Strategy for Community Justice, and partners have a duty to engage with them in planning.

“ The third sector are a source of innovation, responsiveness and flexibility, and can provide a meaningful connection to otherwise hard-to-reach service users and communities. The most effective way to improve outcomes for people and communities is by joined up working with the third sector at the planning stage. (2017: 9). ”

Other partners, such as local businesses, citizens and community bodies, are also highlighted for integration into community justice planning structures and processes.²⁶ As with people and communities, the wider involvement of partners should be built into all stages. Depending on the purpose of the work, the level and type of involvement will differ. Early advice from procurement colleagues will ensure that you design fit for purpose participation. It can help to avoid any potential pitfalls, for example a potential conflict of interest.

Capacity constraints can challenge the ability to co-produce with stakeholders but it is important to invest the time to do this. It will enable mutual trust, good collaboration and innovation to develop across commissioning.

Want more information?

Links to Participatory Budgeting are in [Appendix B](#).

Toolkits for involving people with lived experience and for developing trauma informed practice are in [Appendix C](#).

Checkpoint For discussion with partners:	Yes/No	If no, where are the weak points?	What will we do to put this in place?
Do our governance arrangements include all points listed in Section 2.1?			
Are we involving people and wider partners across all stages of strategic commissioning?			

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46 Key competencies and roles

A number of skills are core to the development and delivery of strategies. They are included to allow partners to reflect on whether the necessary skills are currently held by partners and, where there is a capacity or development need, how this will be filled. Within Community Justice Partnerships, this section should be considered jointly by partners. It is important to avoid creating any reliance on a single person or point of contact.

Roles should be shared across partners where an activity is being taken forward jointly. It might be that accessing existing specialist support can be explored through partners' internal resource teams (e.g. planning or analysis). Skills may be well established within single organisations. Successful delivery on a multi-agency basis is more complex and will need time to develop, if not already in place. Skills are often categorised into four areas: leadership, management, partnership and production.

The following are key skills to developing a good CJOIP or commissioning strategy. For each activity, partners should identify how these skills will be available and put in place:

	✓
Project management, including developing SMART objectives/actions	
Change management	
Policy analysis	
Data collection and analysis (including horizon scanning)	
Qualitative research	
Working with people using services and their families	
Interviewing people, designing questionnaires and analysing responses	
Delivering presentations	
Managing and facilitating workshops	
Report writing	

Leadership

Good commissioning requires strong leadership to develop a long term perspective on future delivery, secure visible ownership across partners and drive the shared agenda. It also requires a commitment to developing outcomes-focussed working across partners, and a culture open to change, supportive of learning, improvement and innovation. Strong leadership is required of roles that involve:

- overseeing the commissioning system, its aims and risks
- leading the development of CJOIPs/ commissioning strategies and partner support
- ensuring implementation of planned strategic improvement activities
- reviewing strategic impact and effecting change.

Good leadership will find and maximise benefit from other parts of the system, build relationships and partnerships and choose the right level of strategies, outcomes and resource to achieve better outcomes for people.²⁷

Management

Commissioning strategies (CJOIPs) will involve multiple actions across partners. High-level and strong project management skills are therefore key to successful commissioning. Good management necessarily involves understanding the challenges experienced by partners both individually and collectively, and creating solutions that allow strong, mature partnership working to develop.

Management of the design and delivery of arrangements will apply to people whose roles involve:

- designing and sustaining collaborative commissioning arrangements
- ensuring effective engagement of commissioners with people and partners
- ensuring proper management of shared resources, performance (including monitoring and review), risks and quality
- leading CJPs/collaborations to implement evidence-based improvement
- managing connections with other community plans and/or agreements.

Partnership

Strong partnership working is the third core skill set. Done well, this focusses on action to achieve the best possible outcomes for people, over and above individual partner interests. It helps to create a mature and dynamic process across partners. Partnership working often involves those who do not hold the key roles in commissioning design and delivery but who, critically, ensure authentic co-production. People requiring these skills include roles with responsibilities in:

- effective partnership development and delivery of CJOIPs
- contributing to shared activities (e.g. needs analysis or service mapping)
- Community Justice Partnership membership
- strengthening collaboration across practitioners and services for better population outcomes
- collaborative review of performance and impact.

²⁷ See Institute for Public Care (2014) Joint Strategic Commissioning Learning & Development Framework for the full outline of these skills and roles

Establishing effective partnership working requires the ability to establish strong and trusting relationships with others and a shared commitment to achieving the best possible outcomes for people in community justice, rather than within particular services.

Tip:

To reflect on current leadership and any areas for development, use

- criteria outlined in the **Good Governance** section
- the Care Inspectorate’s self-evaluation, especially quality indicators 9.1-9.4.

To avoid losing important knowledge and expertise, make sure handover plans are developed and in place if partners move roles

Production

Production skills relate to developing various outputs across the commissioning cycle. These include needs assessment, service mapping, and participation statements, for example. These skills will be located across a range of partner organisations, and effective delivery will require a sharing of skills to achieve strategic outcomes.

Within community justice these skills will be drawn from a range of professionals and may include those working in strategic planning, data analysis, researchers, procurement and in/equalities for example.

Want more information?

See [Appendix D](#) for a detailed learning and development framework for commissioners and delivery of leadership, management, partnership and production roles.

<p>Checkpoint</p> <p>For discussion with partners:</p>	<p>Yes/No</p>	<p>If no, where are the weak points?</p>
<p>Have we identified and named roles and responsibilities for effective leadership, management, partnership and delivery?</p>		
<p>If there is a capacity or development need, do we have a plan in place to fill that?</p>		
<p>Does each partner have a named strategic and operational lead for all outcomes?</p>		

Appendix A

– Definitions and terms

CJOIP – Community Justice Outcome Improvement Plan. Created by each area partnership to outline local actions to improve community justice outcomes in the area.

Commissioning Strategy – the long term plan outlining how strategic outcomes will be met over ten to fifteen years (also known as Community Justice Outcome Improvement Plan or CJOIP)

Community – those part of or living in the area that partners are planning for

Community Justice – ‘services that work together to support, manage and supervise people who have committed offences, from the point of arrest through prosecution, community disposal or custody and alternatives to these, until they are reintegrated into the community. Local communities and the third sector are a vital part of this process which aims to prevent and reduce further offending and the harm that it causes, to promote desistance, social inclusion, and citizenship’.²⁸

Communities – a range of different groups of people inputting into or affected by planning decisions, including those with and without experience of the justice system

Decommissioning – the planned process of removing, reducing or replacing services

Delivery plan – a detailed outline of actions to achieve strategic objectives over 3-5 years

Economy (as part of value for money) – refers to minimising costs in the context of agreed quality

Efficiency – refers to the relationship between products (or outputs) and resources required to produce them

Effectiveness – refers to the relationship between strategic objectives, the level to which they are achieved and the actual impacts occurring

Equity – refers to fairness in decision making and design, including the availability of services to people who need them.

Need – (for needs assessments) refers to people’s capacity to benefit from services

Purchasing and **procurement** – used as broad terms to refer to all processes and routes involved with ‘buying’ services

Service specification – a clear and detailed outline of the service you want to see delivered and what it should achieve

Strategic objectives – actions or steps necessary to achieve strategic outcomes

Timescales – we use **short term** to mean 1 year, **medium term** to mean 3-5 years and **long term** to mean ten to fifteen years.

Types of commissioning –

- Multi-agency working is **joint** (or **collaborative**) **commissioning**
- **Strategic commissioning** is long term (ten to fifteen years and beyond)
- **Joint strategic commissioning** is long term and multi-agency

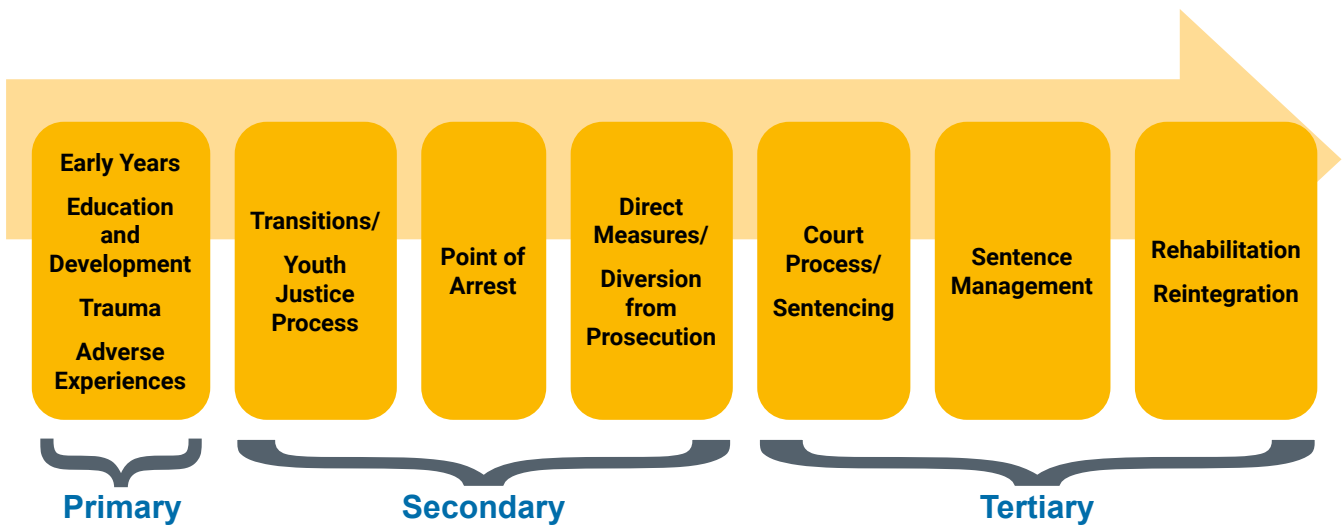
50 Appendix B – Tools and further guidance

Primary, secondary and tertiary prevention in community justice

The intended outcomes of primary, secondary and tertiary prevention in community justice are:²⁹

Primary	Prevent people coming into the justice system
Secondary	Reduce the prevalence of people progressing through the justice system
Tertiary	Improve the outcomes for those in the justice system – particularly in relation to community-based sentences and post-custodial rehabilitation and reintegration

The graphic below illustrates types of prevention at different points of the justice process:



To access any of the tools listed in this section, just click on the document title.

Community Benefits

Procurement colleagues will advise on employment, training or apprenticeship opportunities using Community Benefits. The Scottish Government has produced guidance on their use. See:

www.gov.scot/policies/public-sector-procurement/community-benefits-in-procurement/

Commissioning and Complexity

Collaborate CIC and partners have recently published two pieces of research with commissioners exploring practical insights for commissioning well in complexity.

The most recent report looks at funding and commissioning in complexity. The other provides practical insights on funding, commissioning and managing in complexity and focusses on the key factors of systems and human lenses and learning.

KNIGHT, A, LOWE, T, BROSSARD, M, WILSON, J, 2017. *[A Whole New World: Funding and Commissioning in Complexity](#)*. [online]. London: Collaborate CIC.

LOWE, T AND PLIMMER, D, 2019. *[Exploring the new world: Practical insights for funding, commissioning and managing in complexity](#)*. [online]. London: Collaborate CIC.

Data sources to assess population need

SCOTTISH GOVERNMENT, 2016. *[Assessing Geographical Need for Strategic Planning](#)* provides a list of datasets for partners' use in community justice strategic planning.

Effective action to prevent and reduce re/offending and inequalities

MINISTRY OF JUSTICE, 2019. *[The Farmer Review for Women: The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime](#)*. [online].

NHS HEALTH SCOTLAND, 2017. *[Inequalities Briefing Community Justice](#)*. Edinburgh: NHS Health Scotland.

NHS HEALTH SCOTLAND, 2017. *[Reducing reoffending, reducing inequalities](#)*.

SCOTTISH GOVERNMENT, 2019. *[Reducing Reoffending: Effective and Promising Investments](#)*. Edinburgh: The Scottish Government.

SCOTTISH GOVERNMENT (online) *[The 'What Works' and Desistance Evidence Base](#)* – a range of evidence reviews focussing on effective action with different population groups.

Evidence use – reflections from community planning

Learning from community planning partners. While not generalizable, partners may find reflections on using different evidence and involving different groups helpful.

BYNNER, C, and TERJE, A, 2018. *Making Data Meaningful – evidence use in a community planning partnership in Scotland* What Works Scotland: Glasgow.

Health Inequalities Impact Assessments

Aimed at strengthening the contribution of policies and plans to reducing health inequalities by improving equity of access to services, ensuring non-discriminatory practice and acting on social determinants of health – many are criminogenic needs. The approach meets and exceeds Equality Impact Assessment requirements by considering protected and wider population groups, human rights, and the social determinants of health (such as housing, employability). It also includes guidance on different types of data, how and when to use them. The user guide is available here.

Market Shaping

The following Toolkit offers ways for Local Authorities and Small and Medium Enterprises (SMEs) to work together to innovate in the way services are provided. INSTITUTE FOR PUBLIC CARE, 2017. *Market shaping toolkit: supporting local authority and SME care provider innovation and collaboration.* Oxford: Institute of Public Care.

Monitoring principles

See the National Audit Office commissioning toolkit for advice and guidance on effective monitoring.

Procurement information and advice

The following is advice and guidance on applying EU procurement directives and UK regulations: CABINET OFFICE 2014 *EU procurement directives and the UK regulations.*

Information and guidance on the light touch regime is available here.

The following may also be of use if procuring care and support services: SCOTTISH GOVERNMENT, 2016. *Guidance on the Procurement of Care and Support Services (Best-Practice) Executive Summary.* Edinburgh: The Scottish Government.

Prioritisation and Options Appraisal

Prepared to support Integrated Joint Boards, the following note outlines principles and process to robustly and transparently develop priorities in strategic commissioning.

SCOTTISH GOVERNMENT, 2016. *Advice Note – Prioritisation Process.* Edinburgh: The Scottish Government.

Appendix C – Key activities

To access any of the tools listed in this section, just click on the document title.

Participatory Budgeting

Partners may wish to consider using Participatory Budgeting as a way of involving people in decision making about local authority services, whether the wider community or those with experience of the justice system.

[Further information is available here.](#)

Involving people with lived experience – toolkits

The approach to involving people with experience of services will vary depending on the significance of planning decisions being made and their own particular needs. The following is a selection of existing toolkits which may be useful to refer to in your own planning. Some are targeted to particular groups covered by community justice, and others have more general principles to support thinking on the design and delivery of your approach.

[Inclusive Justice: Co-producing change](#) is a practical guide to involving people who are using community justice services in their design, development and delivery. It includes advice on a range of topics such as methods, approaches, common concerns and how to overcome them.

[Running a peer research project with offenders in the community: A handbook for staff](#) is an accessible guide to project considerations, research methods, analysing data, ethics and includes a range of resources for use.

[NHS England produced a Framework for patient and public participation in health and justice commissioning.](#) It outlines core principles and approaches to engaging with different groups.

[The National Offender Management Service \(NOMS\) toolkit](#) is for commissioners involving people using probation services. It includes a range of methods, resources and templates.

[NHS England summary guide](#) to proportionate public engagement in commissioning, outlines levels and timescales for engagement depending on the significance of decision making.

Trauma informed practice

NHS Education for Scotland developed a [Trauma Training Framework](#) for professionals working with people with experience of trauma.

Animations:

- [Opening Doors \(Trauma Informed Practice for the workforce\)](#)
- [Sowing Seeds \(if Working with children and young people\)](#)
- Shumela Ahmed, discussing the impact of practice and examples: vimeo.com/341311003

Appendix D – Commissioning knowledge and skills

To access any of the tools listed in this section, just click on the document title.

Free e-training modules

Developed for Health and Social Care, outlining transferrable principles and practice. A set of six free, open access e-tutorials.

[Register a new account to access materials.](#)

Reviewing existing commissioning competencies and skills

To support Health and Social Care Integration in Scotland, a detailed Learning and Development Framework was commissioned by Scottish Government and endorsed by NHS Scotland and COSLA in 2012. It is intended for those wishing to develop their skills in joint commissioning (and others) and can be used to review existing skills and develop onward improvement plans.

[The Joint Strategic Commissioning Learning Development Framework is available here.](#)

To access any of the tools listed in this section, just click on the document title.

AUDIT SCOTLAND, 2014. [**Options appraisal: are you getting it right?**](#) [online]. Edinburgh: Audit Scotland. [viewed 10 June 2019].

AUDIT SCOTLAND, 2011. [**An overview of Scotland's criminal justice system**](#) [online]. Edinburgh: Audit Scotland. [viewed 25 April 2019].

CARE INSPECTORATE, 2016. [**A guide to self-evaluation for community justice in Scotland**](#) [online]. Dundee: Care Inspectorate. [viewed 25 April 2019].

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COMMISSIONING SUPPORT PROGRAMME, 2010. [**Good commissioning: Principles and practice**](#) [online]. [viewed 25 April 2019].

COMMUNITY JUSTICE SCOTLAND, 2017. [**Corporate Strategy 2017-2020**](#). Edinburgh: Community Justice Scotland [online]. [viewed 09 July 2018].

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INSTITUTE FOR PUBLIC CARE, 2015. [**Market Shaping Toolkit: supporting local authority and SME care provider innovation and collaboration**](#) [online]. Oxford: Institute of Public Care. [viewed 25 April 2019].

INSTITUTE FOR PUBLIC CARE AND CARE SERVICES IMPROVEMENT PARTNERSHIP, 2012. [**Key activities for social care commissioning: Lessons from care services improvement partnership better commissioning learning network commissioning exemplar project**](#) [Workshop Handout]. [viewed 25 April 2019].

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NATIONAL AUDIT OFFICE, 2011. [**Successful Commissioning Toolkit**](#) [online]. National Audit Scotland. [viewed 10 October 2018].

NHS COMMISSIONING BOARD, 2012. [*A framework for collaborative commissioning between clinical commissioning groups*](#). [online]. [viewed 25 April 2019].

NHS ENGLAND, 2017. [*Patient and Public participation in commissioning health and care: Statutory guidance for clinical commissioning groups and NHS England*](#) [online]. [viewed 25 April 2019].

NHS ENGLAND, 2014. [*Commissioning for effective service transformation: what we have learnt*](#) [online]. [viewed 25 April 2019].

NHS ENGLAND (online) [*The ladder of participation*](#)

NHS HEALTH SCOTLAND, 2017. [*Community Justice*](#). Edinburgh: NHS Health Scotland [viewed 16 July 2018].

NHS HEALTH SCOTLAND, 2017. [*Reducing reoffending, reducing inequalities*](#) [online]. Edinburgh: NHS Health Scotland. [viewed 16 July 2018].

SCOTTISH GOVERNMENT, 2018. [*Costs of the Criminal Justice System in Scotland dataset*](#) [online]. [viewed 24 April 2019].

SCOTTISH GOVERNMENT, 2017. [*Renewing Scotland's Public Services*](#) [online]. Edinburgh: The Scottish Government. [viewed 24 April 2019].

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