



# **Community Justice Scotland**

Ceartas Coimhearsnachd Alba

**Community Justice  
Strategic Commissioning Framework  
Explanatory Note**

**CONSULTATION DRAFT**

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# Contents

Foreword.....	3
1. Introduction .....	1
2. National legislation and policy.....	2
3. Who is the Framework for? .....	3
4. How to use the Framework .....	4
5. What is commissioning?.....	6
5.1 Where collaboration can take place .....	8



## Foreword

There is much resting on community justice services both now and in the future. This is why guidance to support all Community Justice Partnerships (CJPs) to work to the same high standard is so important. There are so many examples from around Scotland where lives have been transformed, and when transforming one person had a halo effect in a family and even in the community – and we must never forget that. We now have to face increasing complexity and changing requirements and this will require us all to examine whether we have the right services going forward and whether the public money we spend is in the right place.

The development of the draft framework for strategic commissioning in community justice was a requirement of the National Strategy for Community Justice, and was completed with the input of partners across Scotland. It aims to support local Community Justice Partnerships to develop long term, joint approaches to arranging community justice services in their area. It will also support both national and local commissioning of community justice services. A few local Partnerships may already be some way down this process and already be developing their strategic plans for services, for others it may seem a huge step and a daunting prospect. It's important to remember that this is a new model of working, you may still be working out how well your partnership is functioning, what your problems are in further reducing reoffending, and how you are going to improve the service you provide.

The most critical starting point is the analysis of what people need to help reduce reoffending - it's the most challenging and difficult part of the process but without it we are working with only part of the jigsaw completed. I know that getting data and information seems fraught at this time and it will take real commitment around your Community Justice Partnerships to provide this. In addition, the people we work with in communities are often traumatised and have complicated problems; there is no one simple solution or service that will meet their needs.

If we can get these steps right together we will have a much firmer grasp on what we need to do to ensure there are fewer victims in Scotland now and in the long term. This is what lies at the heart of community justice and what we need to make Scotland the safest country in the world.

**Karyn McCluskey**  
Chief Executive  
Community Justice Scotland

## 1. Introduction

The National Strategy for Community Justice outlines four 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.**<sup>1</sup>

At its simplest, commissioning involves all activity to find out what people need from services and put the best provision in place to effectively meet those needs, within available resource. Effective delivery will enable community justice partners<sup>2</sup> to achieve a range of national policy priorities to improve outcomes and meet their duty to plan, co-ordinate and fund activities together. National impact will be achieved through partnership working to strengthen national-local connections, understand need, identify priorities and implement effective action.

In community justice, ‘**joint strategic commissioning**’ refers to two or more partners ‘working together to assess and forecast need, link investment to improving people’s outcomes, and plan the long term nature, range and quality of future services supporting community justice outcomes’<sup>3</sup>.

*“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.”*

(Scottish Government, 2016: 16)

Partnerships are currently at varying stages of effective strategic commissioning and there are a number of challenges to achieving this. Issues such as data availability and impact measurement will take time to resolve. During the next three years a number of strategic updates are expected, such as the review of the National Strategy for Community Justice<sup>4</sup> and the Outcome Performance and Improvement Framework<sup>5</sup>.

<sup>1</sup> SCOTTISH GOVERNMENT, 2016. *The National Strategy for Community Justice*.

<sup>2</sup> See Appendix A of *The Strategic Commissioning Framework Guidance* for the definition of community justice

<sup>3</sup> As 1

<sup>4</sup> As 1

<sup>5</sup> SCOTTISH GOVERNMENT, 2016. *Community Justice Outcomes, Performance and Improvement Framework*

For these reasons the Scottish Government has requested the Framework outline guidance to support Partnerships (CJPs) to develop the same level of good practice over the next three to five years. The intention is that, as partners implement the approach locally, national improvements are also put in place.

The Framework provides a set of roles, principles and practices aimed at supporting partners to work together achieve the best possible outcomes for people and their families, *with* people and their families. The hope is that delivery will accelerate innovations and improvements in reducing reoffending and improving people's life chances.

Our goal is that the Framework is an interactive toolkit that supports partners to reflect together on current and future practice and identify and implement continuous improvements. This Explanatory Note outlines who the Framework is for, how it should be used and some of the different ways that commissioning can be done.

The Framework Guidance outlines the purpose of strategic commissioning, activities and roles involved in the process and how to deliver each stage.

## 2. National legislation and policy

Community justice contributes to the achievement of a range of major national policy areas through its collective efforts to improve life chances and reduce inequalities. In linking investment to outcomes, effective strategic commissioning in community justice will support increased impact across a range of national priorities. These include earlier and preventative action with the early years, health, recovery, financial inclusion, education, employment and training.

Strategic commissioning in community justice will support adoption of the Christie Commission principles: empowering and involving people in decisions about design and delivery, partners working more closely to integrate provision for better outcomes, prioritising expenditure on preventing negative outcomes, and taking a whole systems approach to improved efficiency<sup>6</sup>.

Continued strengthening of partner collaboration beyond the traditional justice sphere is critical to moving provision from incarceration to the community and achieving national impact. A wide range of partners have an essential role in preventing people from entering the justice system, reducing the number of people within it, and supporting rehabilitation and reintegration.

**“partners should (...) break down boundaries between traditional justice services and the wider range of partners who also have a role in improving community justice outcomes. Improving these will also improve outcomes for constituent partners such as health, housing, social care, employability and policing.”**

(Scottish Government, 2016: 18)

<sup>6</sup> SCOTTISH GOVERNMENT (2011) *Commission on the Future Delivery of Public Services*.

### 3. Who is the Framework for?

This Framework is for all partners involved in community justice services. Most content is targeted towards Community Justice Partnerships (CJPs), to support them to develop long term plans for arranging the best possible services in their area. The Framework is not just for use by Partnerships however.

Within Partnerships, statutory partners are responsible for arranging services and supports for people's rehabilitation and reintegration, with a particular focus on reducing or preventing reoffending. They are also accountable for improving these outcomes. As the model matures, CJPs will continue to develop their effectiveness in jointly securing, specifying and overseeing community justice services in their area.

As set out in the National Strategy for Community Justice, community justice partners are expected to contribute to the development of a strategic approach to commissioning and implement this in their area. This will include involving and learning from the expertise and experience of non-statutory partners, including people with lived experience, the third and independent sectors, and community bodies. Delivering good strategic commissioning depends on meaningful engagement and co-production with the full range of partners and this should be built into the full process<sup>7</sup>.

Statutory partners in community justice are<sup>8</sup>:

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

These services are not the sum total of community justice. Wider services provided within 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 are referred to as 'general services' in the legislation and include:

- Housing
- Employment
- Education

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

<sup>8</sup> Community Justice (Scotland) Act (2016)

- **Children**
- **Physical or Mental Health**
- **Social Welfare**
- **Any other general services which may affect the likelihood of future offending.**<sup>9</sup>

Many Partnerships will have a representative for each of these, leading improvements to provision to benefit people's life chances and circumstances. The Framework should support all partners' community justice planning and delivery, whether for a single area, service or group.

Joint strategic commissioning with other planning structures is likely to add value where they are aiming to benefit the same people or overlap in pathways of provision. Examples include Community Planning Partnerships, Integrated Joint Boards, or Alcohol and Drug Partnerships.

Guidance for the new community justice model outlined a default position that any existing purchased services will continue to be locally arranged, unless there is clear benefit to be achieved (for the people using them) by national arrangements being put in place<sup>10</sup>.

## 4. How to use the Framework

Community Justice Partnerships should work through activities in the Framework together. The sections on **Governance** and **Key Commissioning skills, competencies and roles** outline arrangements to ensure that all partners are clear about their roles and responsibilities. Each partner should lead on activity relating to the sector they represent (e.g. health, employability).

Whether planning as a single service or in partnership, all new activity begins with a clarity about the intended outcomes. The Framework outlines the full cycle of planning, delivery and improvement across its four stages: **Analyse, Plan, Deliver, and Review**. Key activities are included within each stage with guidance on delivering them. As local circumstances will vary, the Guidance provides universal principles for Partnerships to use rather than a single way of working for all areas.

Ensuring good governance and co-production are critical to commissioning well. Two sections cover points to consider in these cross-cutting activities.

The Framework outlines the practices that partners should work to embed and it will take varying amounts of time to do so, depending on their starting point. Effectiveness in Partnership process and practice should be achieved within 3-5 years. The key

<sup>9</sup> Community Justice (Scotland) Act (2016) Sections 1-3.

<sup>10</sup> Scottish Government, 2014. *Guidance to local partners on the new community justice model*. Edinburgh: The Scottish Government

skills and roles involved in developing and delivering a new strategic plan are also included. Partners should review these, identify where they sit across partners and what (if any) gaps need to be filled.

The principles apply to all scenarios where partners are working to improve the effectiveness and availability of services. The processes in the Framework 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, and the Guidance aims to work within existing planning and performance reporting rather than create new ones.

Discussion points for Partnerships, tips and signposts to additional resources have been threaded throughout the Framework to support joint working.

Partners can work through the Framework systematically or refer to individual sections. Where there are areas for development of processes identified, develop a clear vision for what is to be achieved and if appropriate, a multi-year plan to do that.



## 5. What is commissioning?

Commissioning is about identifying what people need from services and arranging to put the best possible provision in place within all available resource. Activities include understanding need, what the evidence says about the most effective way to meet it, considering what services could look like, and putting the best choice in place.

As the Guidance is mainly aimed at supporting Partnerships, it focusses on **joint strategic commissioning**. This is what will Partnerships will develop and embed. It involves all 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.

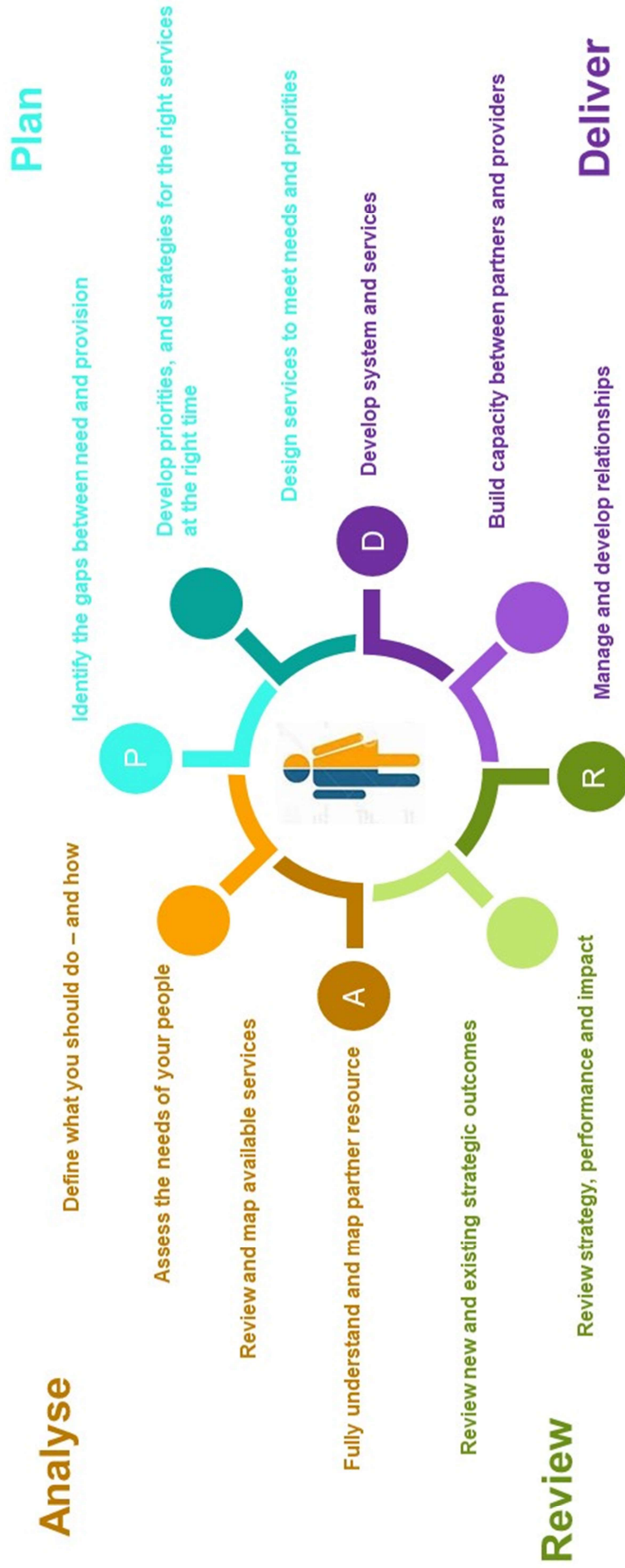
Commissioning uses the same set of principles whether it is done on a single agency or partnership basis. For simplicity the term commissioning is generally used throughout the Framework. The cycle is often shown as having four stages: **Analyse**, **Plan**, **Deliver**, and **Review**. They run clockwise and each stage informs the next.

Activities in **Analyse** create the evidence base for what people need from services to achieve planned outcomes, what services are most effective, and the priorities and roles of partners helping to deliver them.

**Plan** involves considering any gaps in current provision, ways to put the most effective services in place and developing a strategy to do that.

**Deliver** involves all activities during the delivery of the strategy. It focusses particularly on good oversight, relationships and capacity building between commissioners and service providers so that ongoing improvements can be made to meeting need.

**Review** involves reflecting on how well people's needs have been met and how well services have achieved their goals, to be able to understand how well outcomes have been achieved. It also considers how well the process of commissioning has been delivered.



(Adapted from model by the Institute of Public Care, 2017)

## 5.1 Where collaboration can take place

Collaboration (joint working) can be organised in a range of ways, depending on whether and where value can be added. It might include partnerships or providers across different Local Authority areas. Arrangements can also be made between different partners or partnerships in the same area – across statutory, non-statutory, third and private sectors.

Different levels where collaborations take place include:

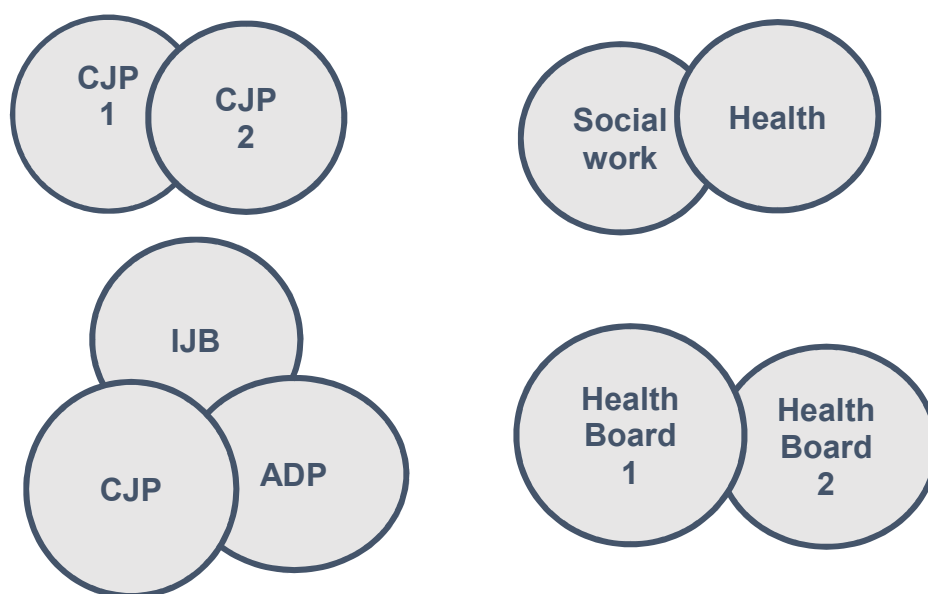
- **Multi-agency**
- **Across planning structures (e.g. between CJPs)**
- **Nationally-locally**
- **Regionally**
- **Multi-departmental, within organisations.**

While the community justice model is predominantly local, joint regional arrangements may be useful if they add value. For example, where a process identifies that jointly procuring a service across two local authorities will reduce variations in access.

Other possible scenarios include:

- **Where different planning partnerships have the same strategic objectives, or serve the same people**
- **New service models and organisations emerging**
- **Where providers work across geographical areas**
- **Encouraging a provider response to gaps or shortfalls in provision.**

The diagram below outlines examples of different joint models that could be developed. **Any collaboration should be decided on the basis of whether value can be added:**



(Adapted from Institute of Public Care, 2017: 10)