



**Community Justice Scotland**  
Ceartas Coimhearsnachd Alba

Community Justice  
Strategic Commissioning Framework

Consultation feedback report

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# Community Justice Strategic Commissioning Framework Consultation Feedback

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## Executive Summary

### Background

The National Strategy for Community Justice<sup>1</sup> outlined that a strategic approach to commissioning would be developed for use by all partners in community justice. Community Justice Scotland (CJS) has prepared a draft *Framework* for all partners. It aims to provide a common vision for effective implementation and good practice to support partners to meet their duty to jointly plan, coordinate and deliver services.

### The consultation exercise

The consultation was open between 1<sup>st</sup> July and 30<sup>th</sup> August 2019. Draft documents were made available to partners for consultation online. Views were sought on the drafts and future actions necessary to achieve effective implementation across the sector.

Partners were invited to respond in writing via questionnaire<sup>2</sup> and four consultation events. A total of 38 written responses were received, and 45 stakeholders attended consultation events. Twenty-eight of 30 Community Justice Partnerships (CJPs) contributed, through written responses and/or consultation events, and contributions were received from a range of statutory and non-statutory partners. Statutory partners from the Scottish Fire and Rescue Service, Scottish Ambulance Service, Skills Development Scotland, Crown Office and Procurator Fiscal Service (COPFS) and Scottish Prison Service (SPS) also took part. Non-statutory sector respondents included third sector charities working with prisoners on release and their families, homelessness organisations, substance misuse and mental health charities, among others.

Feedback was collated and a thematic analysis undertaken. This executive summary provides an overview of the dominant themes for the total sample, and of differences in the views expressed by those representing different sectors, where appropriate.

### Main findings

#### Feedback on the draft documents

The majority of respondents across all sectors found the *Model for effective implementation in community justice* comprehensive, visually easy to navigate, well-structured and straightforward, with consistent language and messages presented throughout. All types of partners recognised a need for a set of key outcomes for establishing and supporting the development of strategic commissioning, and viewed that the *Model* went some way to achieving this. CJPs, in particular, reported that clear direction was needed to reduce current variability in practice across Scotland.

The main perceived gaps in the *Model* were related to lack of resources/leveraging of resources, and the need for a cultural shift in partnership working towards a 'whole

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<sup>1</sup> Scottish Government (2016) (Available at <https://www.gov.scot/Publications/2016/11/5600/downloads>)

<sup>2</sup> Consultation documents, including feedback questionnaire, are available at: <https://communityjustice.scot/news/strategic-commissioning-Framework-for-community-justice-now-open-for-consultation/>

system approach'. Linked to this were views across different sectors that long term outcomes could not be delivered and sustained by the community justice sector alone. Recognising the role of the third sector in strategic commissioning more explicitly in the *Model* (and *Guidance*) was also encouraged, mainly by third sector respondents.

Across most partners, the short, medium and long-term outcomes were considered to be relevant and to provide a robust strategic structure for the future. They were also seen as helpful in embedding best practice in strategic commissioning in a progressive way. Longer timeframes for each set of outcomes may, however, be desirable.

In updating and finalising the model, requests for greater clarity of national outcomes and actions were made. Statutory and third sector partners also stressed that achieving outcomes would depend on external factors (such as the wider determinants of offending).

Feedback on the *Guidance* was largely positive, being seen as detailed, well-structured and comprehensive among all respondent groups. Setting out more clearly what is meant by 'strategic commissioning' (particularly aspects of commissioning that are unique to community justice) would help partners. Similarly, adding clarity around the scope of the *Framework* was seen as necessary.

There was a shared view among CJPs and statutory partners that the document needed to consider the local context and strategic influences more thoroughly, and better align to other local planning partnerships. A small minority of CJPs also expressed disappointment in the *Guidance* overall and felt that best practice guidance was not what was required or expected.

Specific sections within the *Guidance* attracted a limited range and volume of feedback, as did the *Explanatory Note* and *Executive Summary*. For reasons of space they are not reported in this summary.

#### Implementing joint strategic commissioning

Despite support for the *Framework Guidance* and draft *Model* in principle, several contributors from across different sectors questioned how it would support local delivery.

Specifically, it was felt that while the draft documents make clear that the *Framework* and model are for all partners, it is unclear how local partners should engage with the outcomes as the activities outlined were led by CJS. Respondents in different sectors also indicated that the model may be too ambitious in trying to achieve both a national and local focus.

The main barrier to effective delivery was not a lack of awareness of how to approach strategic commissioning, but rather the need for a shift in perspective, some suggested. While the *Framework* was seen as helpful in detailing the skills and knowledge required within CJPs and demonstrating to partners the importance of their roles and responsibilities within the Partnership, a common theme was that more guidance on how collaboration should be realised was needed.

One of the other main challenges identified was the lack of integrated budgets to support joint commissioning. Several respondents from across different sectors, including event attendees, noted that existing challenges include lack of resources/insufficient resource, sustainability of resources (with some short-term frailty in annual budget commitments and funding for coordinator posts), and upstream movement of resources (i.e. changes in political will and local leadership arrangements impacting on how resources are used).

Other constraints included data availability and sharing, and the availability of skills for using and analysing data to inform planning. Different CJP starting points (and local contexts), leadership and governance arrangements were also cited.

Despite these constraints, the majority of respondents indicated that the *Framework* would help develop long term planning, arrangement and improvement of services for people in community justice. Training to support implementation would be needed in some cases. The value of sharing best practice to support implementation was also a feature of responses.

#### Timeframes for implementation

The majority of CJPs indicated that timeframes for implementation were only possible with support (n=13 of 19 respondents). A third of CJPs did not think that the proposed timeframes were feasible.

#### **Actions for ensuring effectiveness in joint strategic commissioning**

The main 'broad' priorities and actions to emerge were:

- Resolving capacity and resource challenges
- Increasing collaboration, whole system vision and strengthened Partnership working
- Effective leadership and accountability
- Effective co-production and participation
- Increasing effectiveness, needs-led planning and delivery
- Accessing key skills and capacity to deliver effective strategic commissioning
- Finding solutions to data constraints and improving available datasets

Partners from different sectors suggested that new outcomes may be needed and others may need to be refined to provide greater focus.

#### **Conclusions**

Although the *Guidance* and *Framework* were largely welcomed, a number of barriers to implementing strategic commissioning exist, primarily insufficient resource for community justice, lack of shared commitment and lack of access to reliable data on service need and effectiveness. These constraints are characteristic of the sector *per se*, and beyond the scope of the *Framework*. Partners reported that the *Framework* should, however, support and contribute to a shared vision for community justice and help to focus partner activities in the short, medium and long term.

## 1. Introduction

The National Strategy for Community Justice (Scottish Government, 2016) outlined that a strategic approach to commissioning would be developed for all partners in community justice. At the request of the Scottish Government, Community Justice Scotland (CJS) prepared a draft *Framework for strategic commissioning in community justice* (CJS, 2019). The *Framework* aims to provide all partners with a common vision for effective implementation and good practice to meet their duty to jointly plan, coordinate and deliver services.

Community justice was established as a local model in Scotland in 2016. There are 30 Community Justice Partnerships (CJPs) across Scotland, with the sector served by eight statutory partners and a range of non-statutory partners including the third, independent and private sectors. The statutory partners are:

- Each local authority
- Each health board
- The Chief Constable of the Police Service of Scotland
- The Scottish Fire and Rescue Service
- Skills Development Scotland (SDS)
- Each integration joint board
- The Scottish Courts and Tribunals Service (SCTS)
- The Scottish Ministers (including the Scottish Prison Service (SPS) and the Crown Office and Procurator Fiscal Service (COPFS))

The *Framework* was developed collaboratively with partners and aims to support CJPs to achieve the Scottish Government's ambition for them to be effective strategic commissioning bodies within three to five years.

## 2. Consultation with partners

Building on earlier engagement with the sector in 2018, CJS created a set of documents for consultation. The consultation was open between 1<sup>st</sup> July and 30<sup>th</sup> August 2019 and documents were available online. Its aim was to gather partner views on the drafts and actions necessary to achieve effective implementation across the sector. The documents included:

- *A Model for long term effectiveness* in strategic commissioning
- An *Explanatory Note*, outlining the benefits, audience and use of the *Framework*
- The main *Framework Guidance*, outlining the processes and skills for effective delivery
- An *Executive Summary*, summarising the *Framework Guidance*

A series of feedback options were developed for partners, these being:

- Individual meetings – with eight local areas (seven CJPs and one with a Chair and Coordinator) and nine national partners, to discuss the work and support

people to respond. Informal feedback was recorded on the day and most formalised their contribution by written response.

- Four consultation events – two with statutory partners, one with community justice coordinators<sup>3</sup> and a fourth with third sector partners. Discussions focussed on the model for long term effectiveness and priority actions or work streams necessary to achieve them.
- Written questionnaire – consisting of open and closed questions on the drafts (see Appendix B).

The consultation and offer to meet with partners was circulated to all CJP coordinators and Chairs, statutory partners (via Chief Executives and/or senior staff), and non-statutory partners including the Criminal Justice Voluntary Sector Forum (CJVVSF), the Third Sector Interface, and Social Work Scotland. The consultation was also shared via social media.

All participation in the consultation was voluntary.

### 3. Data analysis and reporting

#### 3.1 Respondent profiles

A total of 38 valid written responses were received<sup>4</sup>. In addition, 45 individuals took part in consultation events.

Profiles	Responses via feedback form	Represented at consultation events
Community Justice Partnerships	17	21 <sup>5</sup>
Community Justice Coordinators	3	21
Community Justice Chairs	N/A	5
Statutory partners	7	1
<i>NHS Boards<sup>6</sup></i>		4
Health and Social Care Partnerships (HCSPs)	1	-
Third sector	8 <sup>7</sup>	12 <sup>8</sup>
Other partners <sup>9</sup>	2	-
Scottish Government	-	3
<b>Total</b>	<b>38</b>	

**Table 1: Breakdown of responses by sector and means of contribution**

Contributions were received from across a wide range of different partners. A total of 28 CJPs were represented, either through formal responses or consultation events.

<sup>3</sup> This meeting was also attended by a small number of national/external partners who contributed to discussions. They are included in the table under appropriate respondent category.

<sup>4</sup> One response was excluded from analysis. It included the contact details of a partner network only.

<sup>5</sup> One Coordinator is currently working across two areas; both CJPs are included in the count.

<sup>6</sup> One NHS Territorial Board and three national NHS Boards. Count included under statutory partners.

<sup>7</sup> One respondent was a third sector member body.

<sup>8</sup> One attendee shared a joint TSI-CJP capacity and is included in third sector and CJP counts.

<sup>9</sup> Two national non-statutory bodies responded.



Statutory partner contributors included the Scottish Fire and Rescue Service, Scottish Ambulance Service, Skills Development Scotland, Crown Office and Procurator Fiscal Service and the Scottish Prison Service (no response was received from the Scottish Courts and Tribunals Service or Police Scotland). Non-statutory third sector respondents included third sector charities working with prisoners on release and their families, homelessness organisations, substance misuse and mental health charities, among others.

### 3.2 Analytical framework

All written responses were copied into Microsoft Excel for data analysis using an analytical *Framework* developed by CJS. All responses were read in full and grouped by type of respondent to allow data to be extracted and matched to questions asked. For each question, positive and negative sentiments were clustered to allow a count of supportive/unsupportive feedback (marked as 'n =' throughout). In some cases, however, respondents provided feedback that could not be classified using a simple dichotomy (i.e. they were partially supportive and partially unsupportive). Ambivalent or mixed responses are reported in the text. Quotations were extracted and are presented in this report to highlight the main sentiments raised<sup>10</sup>.

Free text transcripts of consultation events were also produced with consent from participants and are included in the analysis. Individual partner meetings' write ups were not included in this analysis, as most provided formal written responses. For the same reason, the transcript of the joint CJS-CJVSF event for third sector partners was not included.

Data were thematically analysed and this report provides an overview of the dominant themes to emerge for the total sample, as well as identifying differences in the views expressed by those representing different sectors, where appropriate.

### 3.3 Limitations of the work

As a qualitative consultation exercise, the analysis and reporting was constrained in a number of ways.

Several responses were very similar in content. This duplication in a small number of responses also meant that disaggregate analysis by type of respondent was sometimes blurred (for example, one CJP and one statutory partner in neighbouring geographic regions gave near-identical responses to some questions).

Some CJPs did not provide a collective response, largely due to time or other constraints. In three areas, responses were submitted by a community justice coordinator as an 'individual' response. In contrast, a number of CJPs took part in both the written consultation and the consultation events, and/or contributed at more than one event. Although the same weight was given to written responses and feedback at consultation events, the fact that some CJPs were represented more than once means that their views may be represented more in the analysis compared with those who

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<sup>10</sup> Where quotes have been shortened for reporting purposes, the redacted text is marked as '(...)' throughout.

took part only once. There may therefore be some bias within reporting. For analysis and reporting purposes, CJP and community justice coordinator responses were combined.

While the number of responses was reasonably high and the feedback was detailed, the findings should not be considered as representative of the full range of partners' views. For CJPs, there can be strong confidence in representativeness, given that 28 of 30 Partnerships contributed. However, as the community justice model is still relatively new and Partnerships are of varying maturity, some responses were detailed and nuanced, while others were more general in nature. In some areas there were strong views either in support or against various *Framework* principles or content, and these were described in detail. This has been reported but these should not be generalised too broadly or misinterpreted as being representative of the whole sector. To mitigate against this, the report outlines the number of Partners indicating particular views in places (numbers represented as 'n='). This is to provide a deeper reader understanding of the relative balance of the views. However, it was not always possible or appropriate to include this numerical breakdown.

It was evident in a small number of responses that there was misunderstanding of some of the content of the draft documents and this resulted in some inaccurate use of terminology in referring to the drafts. This is picked up where relevant in the report.

The remainder of this report sets out the findings from the consultation. It focusses first on feedback on the draft *Framework* documents, before exploring respondents' views on implementation, its challenges and the onward support or guidance that may be needed to achieve effective strategic commissioning in community justice.

#### **4. Feedback on the draft documents**

The *Strategic Commissioning Framework Guidance* ('the Guidance') is the main document outlining the process and key components of effective strategic commissioning and is supported by a *Model for implementing effective strategic commissioning in community justice* ('the Model'). Respondents were asked to provide feedback on the *Model* overall, as well as identifying any gaps in the draft. CJPs were also asked if the timescales outlined in the *Model* were achievable for Partnerships. This section summarises the feedback received.

##### **4.1 Model for implementing effective strategic commissioning**

The majority of respondents across all sectors found the *Model* comprehensive, visually easy to navigate, well-structured and straightforward, with consistent language and messages presented throughout:

*"The model for effective implementation of strategic commissioning is well laid out and easy to understand. The flow of the model is very logical and articulates expected outputs, outcomes and impact well, including those responsible for their achievement." [Statutory partner]*

All partners recognised a need for a set of key outcomes for establishing and supporting the development of strategic commissioning, and suggested that the model

went some way to achieve this. Community Justice Partnerships, in particular, reported that clear direction was needed to reduce current variability in practice across Scotland.

Among CJPs, the *Model*, in broad terms, was also seen as good for focussing the work of Partnerships:

*“The Framework is extremely comprehensive and should prove to be a useful step by step guidance/reminder for CJPs as to what is required of them. It will also be a valuable tool for new partners/coordinators joining CJPs.” [CJP]*

Overall, there were mixed views on how clearly the model overlapped with the national strategic outcomes outlined in the National Strategy for Community Justice (Scottish Government, 2016). While most CJPs felt that the two were aligned, one statutory partner indicated that it was not always clear how the *Model* in the commissioning *Framework* linked with either the national strategy or the Community Justice Outcomes, Performance and Improvement *Framework* (Scottish Government, 2016) logic model. As both are due for review by 2021, national outcomes and indicators may shift and impact on the Strategic Commissioning *Framework*, in particular in relation to long-term outcomes and impacts.

Some attendees at a consultation event also discussed that there needed to be greater clarity about how *Framework* documents and existing outputs linked, such as the national strategy for community justice and community justice outcome improvement plans.

Observations were made (in particular among third sector organisations) that the model, as written, fails to include sufficient recognition of the role of third sector delivery in community justice:

*“The model presents principles that are generic for commissioning as an activity but fails to establish services and activities that are required to be procured by public authorities for Community Justice in Scotland at this time; Detail of outcomes in the consultation is not defined at the level of service type requirement.” [Third sector]*

Similarly, this group viewed that the model was unclear about service user involvement in the process:

*“The model is unclear about how people in local communities, and their families, who have experience of community justice, will be involved in the process of strategic commissioning. There needs to be a clearly defined role for these individuals and their families within the commissioning Framework. Without this there is a risk that people’s voices will not be heard and services will not match the unique needs of diverse communities across Scotland.” [Third sector]*

Attendees at one event also agreed on the importance of service user participation in the model.

One CJP expressed disappointment at the suite of documents overall and indicated that it was not what was required or expected. This point ran throughout their consultation responses and is reported throughout. This Partnership suggested that what was instead needed was a collaborative strategy for all-Scotland.

Another CJP also offered suggestions for what they believed should be included in an alternative *Framework*:

*“We believe that the document itself does not represent a Framework. It represents good practice when commissioning, and while of use this expertise will be available to all Local Authorities through procurement teams. We believe that a Framework should consist of three clear strands: 1 - A strategy for Community Justice. This would set out clearly what CJS and SG expect local Community Justice Groups to achieve (...) 2 - A commissioning strategy. This would follow the Community Justice Strategy objectives and identify the areas that asserted commissioning actions was required (...) locally and nationally (...) in order to achieve the objectives. 3. An assessment of whether the objectives were achieved. This is most likely to be the [next] Outcomes, Performance and Improvement (OPI) Framework, but at a local level is also likely to be assessed through the Local Outcome Improvement Plan.” [CJP]*

#### 4.1.1 Gaps in the model

Respondents were asked to identify any gaps in draft model. Four respondents felt there were no gaps and four gave no substantive response.

Among those who highlighted specific gaps (n=25), a common thread was reference to resources (highlighted mainly by CJPs, and some non-statutory partners). A small number of CJPs perceived that system resourcing had been overlooked, especially the shortfall of resources and the impact on setting and achieving outcomes:

*“Outcomes should also consider what resources are available immediately to evaluate where the partnership currently is and where we want to be in the short, medium and long term. This will ensure that outcomes remain realistic. Furthermore, the implementation of longer-term outcomes may be affected by the availability of Scottish Government funding which has to be confirmed each year.” [CJP]*

Increased leveraging of resources was included as a short-term outcome. However, all respondent types noted that CJPs’ and third sector providers’ limited resources made it challenging to achieve delivery in line with best practice. In particular, it was felt that a commissioning budget for the CJP needed to be identified, perhaps with a requirement that key partners matched this input. There needed to be a willingness to co-fund and collaborate:

*“Based on the previous experience of Community Planning Partnerships, it is suggested there is a clear need for a ‘place budget’ approach to ensure that funding is available and that (...) commissioning and spend are agreed by local agencies.” [CJP]*

Challenges around pooling budgets were highlighted as a barrier to implementation by CJPs, although one other partner highlighted challenges arising from a lack of cross-boundary integrated budgeting. This needed to be highlighted in the *Model* and linked to outcomes:

*“Additional flexibility in relation to budgets may encourage partners to think more creatively about how they could be used to achieve community justice outcomes. Having a portion of allocated budgets available for development work may also assist with this.” [CJP]*

*“Long term outcomes will allow us to set out a meaningful plan for the future, and outline the background and reasoning behind some of the shorter-term outcomes. There has been lack of clarity around the mid-long-term outcomes and [the Framework] will help to address this, which will ultimately lead to an improvement in services. Relatively short-term funding of provision will perhaps inhibit this however – if third sector providers are unable to plan/sustain long term delivery of services due to funding restrictions then there may be a lack of long-term projects supporting the long-term outcome delivery.” [CJP]*

Achieving a cultural shift in partnership working was also mentioned by several CJPs and event attendees:

*“The culture supporting how agencies work as the Community Justice Partnership also needs to be strengthened, in order for the achievement of community justice reform to be seen as a local objective in its own right. (...) For reform to be successful, all local partners need to understand each other’s role and be in agreement on the outcomes and commissioning intentions. While locally these relationships will develop, there is a need at a national level to ensure that the development of a fit and robust culture is a key priority.” [CJP]*

Linked to this was the view across different sectors that long term outcomes cannot be delivered and sustained by the community justice sector alone. A ‘whole system approach’ was needed with all agencies sharing a clear understanding of how they connect to, coordinate and complement the work of other partners and other local partnerships (for example, Health and Social Care Partnerships, Community Planning Partnerships and Alcohol and Drug Partnerships). This was not currently reflected in the outcomes, it was felt:

*“We know that there are different needs, different service approaches and demands on the workforce at each phase of an individual’s recovery journey, and we know that each part of the system (health, social work, education, housing, employment, etc.) has a different contribution to make at different stages. Services need to be strategically commissioned based on the whole system approach to what people need at different times of their journey and at different access points across the justice system.” [Third sector]*

The need for a whole system approach with clear, common strategic purpose was also discussed and seen as important by attendees at one consultation event.

In line with more general contributions made throughout the consultation, one CJP suggested it may be of benefit to be clear about how the national strategic commissioning *Framework* and national organisations will support participation within the local partnerships, particularly around resource.

The model could also make reference to local outcome improvement plans, it was suggested.

Reference to the wider policy landscape in Scotland was needed, it was felt, including how this might positively or negatively impact on outcomes being achieved. Third sector respondents agreed that the outcomes could be more clearly cross-referenced with wider policy:

*“We should also make stronger connections to other related policy areas such as housing and homelessness, problematic drug and alcohol use, mental health, social isolation, poverty and inequality; this would contribute to the ‘golden thread’ that Community Justice partners have said would support them in taking this work forward.” [Third sector]*

There were also some suggestions from third sector partners that action in relation to the inclusion of the third sector on CJPs needed to be emphasised:

*“Given that the third sector need to be effectively integrated into local partnerships and will be a key aspect of any local commissioning processes and delivery of services, any model or strategy for embedding strategic commissioning needs to target improving third sector representation in strategic commissioning processes. This is not reflected in the model.” [Third sector]*

A different third sector partner again reiterated that the model (and *Guidance*) should make more explicit reference to the value and role of the third sector:

*“References to the third sector in the model are rolled up with “statutory and non-statutory partners, third, independent and private sectors”, but given the value the third sector brings, and how integral it is to delivering services to vulnerable groups and supporting statutory services, we believe the involvement and value of the third sector needs to be called out clearer. ” [Third sector]*

A different partner also raised that the outcomes would only be achievable if there was willingness from all partners and a shared agreement/commitment to remove existing barriers. One CJP agreed and offered a more general view that if the *Framework* was not compulsory, there may be variable uptake among different local partnerships:

*“There are some concerns that use of the Framework is not compulsory [and] therefore may result in some local authorities not using it, as well as some partners within CJPs being unwilling to be active within the process.” [CJP]*

Specific suggestions for change were:

Additions to short term outcomes

- Shared understanding and capture of key local needs (CJP)
- Widening 'Improved governance arrangements' to include improved engagement level by partners to improve active engagement and accountability<sup>11</sup> (CJP)
- A shared understanding of the barriers to strategic commissioning, willingness from each partner to look at the part that they play in preventing effective strategic commissioning and a shared agreement on and commitment to take the actions required to remove those barriers (third sector)
- CJPs adapt to include third sector representation as full partners (third sector)

Amendments to medium term outcomes

- Clarifying the level at which 'Improved equity of access to services' should be achieved (National/Regional/Local) (CJP)
- Clarifying how 'Increased effectiveness in community justice' would be measured (CJP)

Amendments to long term outcomes

- Adding 'reducing custodial sentences' (third sector)
- Referencing 'people and resilience'/involving communities (CJPs) – the focus throughout the *Guidance* on involving communities, third sector partners and those with lived experience was seen as not being reflected in the outcomes (although this may be covered by the existing medium-term outcome of 'effective co-production and participation')
- Reducing prison populations/increased use of alternatives to custody (third sector)

General proposed amendments/additions (no timeframe given)

- Agreeing information sharing protocols across the CJPs
- A role for CJS in increasing (and making more accurate) public understanding and awareness of community justice issues/demystifying community justice (CJP)
- Ensuring that the public are supportive of 'Smart Justice' (third sector)
- Improving third sector participation in community justice partnerships (third sector)
- Increasing alternatives to remand (statutory partner)
- Acknowledging the need for gendered approaches and a gendered analysis of both need and performance/outcomes (rather than subsuming these concerns under reduced inequalities) (statutory partner)
- Explicitly adopting of a rights-based approach and further strengthening the advocacy, empowerment and support to families which CJS and others offer (statutory partner)
- Making explicit reference to a trauma-informed approach to enable a more effective set of community solutions that involve not just justice but also wider and more universal health and social care services and partners in reducing the likelihood of reoffending (statutory partner)

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<sup>11</sup> Some respondents reported on a current absence of representation and participation from the Crown Office and Procurator Fiscal Service, in particular.

- Promoting the role of CJPs in preventing offending patterns escalating to the level of serious crime and associated long sentences (statutory partner)
- Preventing homelessness on release from prison in accordance with the Sustainable Housing on Release for Everyone (SHORE) standards (statutory partner)
- Referencing outcomes for recognised cohorts in community justice, such as throughcare, community disposals, gender based (third sector)

#### 4.1.2 Feasibility of proposed timescales for achieving outcomes

Across most partners, the short-, medium- and long-term outcomes were considered to be relevant and to provide a robust strategic structure for the future. Having short-, medium- and long-term outcomes was also seen as helpful so that embedding best practice in strategic commissioning could be achieved in a phased way:

*“The outcomes have a realistic timescale in terms of the transformation required and their scope is broad and justice system-wide. They are a mixture of specific and more measurable outcomes and some which will rely on the quality of relationship and leadership at national and local level.” [Statutory partner]*

There was, however, a shared view among CJPs that some outcomes may be more difficult to achieve than others within proposed timescales. At one event, there was universal agreement that timeframes were not realistic given the complexities of the political landscapes Partnerships were operating in. The fact that many Partnerships were still new was also a perceived barrier.

Across different respondent groups, some outcomes, in particular the long-term outcomes, were described as broad. Some used terminology which could be interpreted differently around the country (for example, ‘improved’, ‘increased’, ‘effective’); – more concrete outcomes could perhaps be included. There was also some questioning of whether these were linked specifically to strategic commissioning or to community justice *per se*. Refining outcomes and a wider *Framework* of indicators may be needed:

*“In our view the outcomes will be difficult to embed. There is a vagueness around the outcomes that leaves a large degree of interpretation around the extent to which outcomes can be met and embedded. Within the model it is not clear how the outcomes will...affect practice at a local level. There needs to be a wider Framework of indicators to (...) determine whether outcomes are embedded (...), see how the model will drive change and innovation at a local level. We understand that this Framework may be introduced later in the process.” [Third sector]*

In updating and finalising the model for effectiveness, requests for greater clarity of national outcomes and actions, and allowance for flexible local use were recurring themes. Outcomes should be nationally relevant yet allow for local differences in ways of working (including skills available among partners), local context, populations and needs. These views came from both CJPs and statutory partners:



*“It would be more helpful for CJS to identify only the actions that they intend to take at a national level and provide a blank or exemplar version that local partnerships can use to determine/identify their own actions to improve strategic commissioning as part of their partnership processes and planning.”*  
[Statutory partner]

*“The presentation of local and national outcomes is confusing, and presumes a homogeneity across all of the local partnerships. We would propose that Community Justice Scotland articulate the national commitments, providing scope for local, complementary planning.”* [CJP]

There was a range of understanding across partners around what the model seeks to achieve and how it should be used. This may represent an action for onward consideration.

Long-term outcomes were seen as more achievable overall. Several contributors (including six CJPs and various event attendees) suggested lengthening timeframes to make them more pragmatic/achievable. For example, short-term outcomes could become one to five years, medium-term five to ten years, and long-term outcomes over ten to fifteen (which would also remove the gap between the current three to five and ten to fifteen year time periods)<sup>12</sup>. This was seen as more realistic, especially given the financial constraints and challenges facing partners at the present time.

Achieving effective practice within the proposed timescales was also seen as ambitious in the context of impact and interrelation of the pending new Community Justice Outcomes, Performance and Improvement *Framework* and the fact that many Partnerships were still in their relative infancy:

*“Community Justice Partnerships are still relatively new collaborations, and to some extent are still in the process of development. Partnerships are already under pressure to deliver on their CJOIPs, report annually on their progress, evidence improvement in outcomes, carry out self-evaluation and now to develop a long-term strategy for effectiveness. This is achievable; however, partnerships will require varying levels of support in order to accomplish all that is asked of them.”* [CJP]

One contributor suggested removing ‘Effective Outcomes, Performance and Improvement Framework’ from the short-term outcomes as they perceived this was not an outcome (instead related to an output).

Medium-term outcomes attracted the least feedback. Some respondents felt that outcomes needed to be more explicit (although they did not specify which). There was also a view that partnerships were already doing much of what was described, and that timeframes were not ambitious enough. One contributor felt that the medium-term outcomes had a mixture of specific and more generic focus and that some may be hard to measure in the absence of data. It was also suggested that consistent adoption

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<sup>12</sup> An alternative suggestion of one to five years, five to ten years and ten years plus was also put forward by one CJP.

of strategic commissioning may be more appropriate as a medium-term outcome, given the considerable variation in commissioning practices across partnerships.

A specific query was also raised by one third sector partner in relation to the outcome that 'All partners have strategic commissioning capacity and capability'. It was questioned if this was achievable in the medium term.

Reducing the number of outcomes and increasing the clarity between them may make the *Model* more manageable for some smaller/local partners to engage with, it was suggested by one third sector respondent. Another contributor suggested that it may be helpful to more explicitly link the relationship between inputs, outputs and outcomes.

Statutory and third sector partners reported that achieving outcomes would also depend on external factors (e.g. the wider determinants of offending). The language of the *Model* could be changed to reflect strategic commissioning may *contribute to* the prevention and reduction of re-offending, but could not prevent or reduce reoffending in isolation:

*"These factors (welfare reform, housing and homelessness, and Adverse Childhood Experiences, for example) could potentially disrupt the impact. We suggest therefore that the wider determinants should be included or at minimum captured as assumptions." [Statutory partner]*

*"(...) some outcomes listed were either not outcomes or were outside the sphere of control and influence of local community justice partnerships. All outcomes need to relate to change and that change needs to be measurable and capable of being effected by local partners." [Third sector]*

Again, there was an expressed disappointment by one third sector partner that the document did not provide a definitive blueprint for strategic commissioning in community justice, offering guidance which may or may not be adhered to across all areas:

*"...we believe the model should set out the nationwide goals and then it's up to local partnerships to align their activities to meet the national objectives. Provided there is a clear Framework to operate to, this will ensure the local activities will deliver the national outcomes. There are too many outcomes to allow effective engagement from local partners." [Third sector]*

The same respondent suggested that not enough thought had been given to maximising economies of scale, and how some parts of delivery could be centralised to maximise value for money.

A small number of contributors queried how CJPs would be able to evidence success, and whether outcomes would be adopted in the absence of a statutory obligation to do so (i.e. how would governance and accountability work in practice?).

One third sector contributor suggested that, given that local partnership governance structures have already been developed and reflect local realities, it was unlikely that the *Model* would be able to have any effect in this regard.

Suggestions for specific additions included adding a short-term outcome around engaging service users and frontline service staff in co-production. Reducing custodial solutions, transferring resource to communities and building self-management and recovery in people within the justice system were all also cited as aims in keeping with the community justice strategy and legislation and which could/should be captured in the *Model*.

#### 4.2 Strategic commissioning framework guidance

In addition to comments on the *Model*, respondents were asked for views on the *Strategic Commissioning Framework Guidance*, overall and on each section individually.

Feedback on the *Guidance* overall was largely positive, being seen as detailed, well-structured and comprehensive among all respondent groups:

*“This is a useful toolkit. The checklists and checkpoints contained in it are particularly useful to help focus the mind on what is required to achieve the desired outcomes. It is also handy to have the discussion points included as a tool for partnerships to consider different elements of the application of the Framework, and the reference to additional information from other documents is a welcome addition too. [CJP]”*

Among CJPs and coordinators, the *Guidance* was mainly seen as helpful as a discussion and planning tool to help partners stay focussed on all aspects of strategic commissioning. It also clearly linked the Community Justice Outcome Improvement Plan) with the tasks required to be carried out jointly to support effective strategic commissioning of future services. Respondents thought that the process was clearly explained with helpful prompts throughout:

*“A worthy document focusing on how to “get the best” from our Community Justice partnership using the Analyse, Plan, Deliver and Review cycle with useful appendices for further guidance.” [Coordinator]”*

One CJP welcomed that Partnerships were not being asked as part of the guidance to publish a separate commissioning strategy, which they suggested was essentially their Community Justice Outcome Improvement Plan.

Statutory partners agreed that the *Guidance* was well put together, clear, logical and easy to read. The document was reported as practical, and containing helpful checklists, points and tips. It was also seen as being useful for a wide range of Partnerships:

*“It is a comprehensive overall guide to strategic commissioning. It is easy to understand and probably pitched at about the right level – not too much detail”*

*and use of references to find this elsewhere. It would be useful for a range of other community planning partnerships as well.” [Statutory partner]*

While there was support in the main, for one CJP, statutory and two third sector partners, the document was seen as overly detailed or complex and not user friendly, as a result. More general observations were made that the language of the document could be simplified and clarified (especially in relation to terms such as ‘commissioning’, ‘procurement’ or ‘buying’) to make the *Guidance* more relevant to a wider range of partners:

*“The language used throughout is challenging and perhaps needs to be revisited to ensure there is no confusion, especially for those working in local authorities where there is an altogether different understanding of the term ‘commissioning’.” [CJP]*

One third sector partner concurred that the terminology in the guidance was confusing in places. References to procurement, purchasing and buying may detract from the focus on working together to meet local and national needs:

*“[The Guidance] has been referred to as ‘strategic commissioning’ for simplicity but strives to be a combination of needs assessment and procurement/service provision model. By calling it ‘strategic commissioning’ we would be concerned that it may complicate things for practitioners and strategic leads.” [Third sector]*

Attendees at a consultation event also suggested using the term ‘decision making’ instead of ‘commissioning’ as this might better reflect what the document entailed. In contrast, one coordinator that attended a different consultation event fed back that the *Model* worked well in defining strategic commissioning, helping to debunk the meaning.

One CJP queried what constitutes a ‘community justice service’. This was also discussed at a consultation event with attendees noting that there needed to be clarity on this point and whether Partnerships should commission only for people with convictions or for universal services. Similarly, a specific concern was raised about how wider services would fit in the *Model*, such as services that may not have reducing reoffending as a primary objective, housing or employability. Again, event attendees suggested that some third sector agencies may not know they are part of the community justice process, despite being integral to it.

Another view shared between CJPs and statutory partners was that the document needed to consider the local context and strategic influences more thoroughly. It also needed to be better aligned with other planning partnerships locally, they felt:

*“Commissioning for Community Justice outcomes at local level isn’t going to happen in a vacuum but in reality be intertwined or influenced/influence other local structures (e.g. mental health improvement planning, primary care improvement planning, children’s services planning, public protection planning and implementation) and partnerships (e.g. Community Planning, Alcohol and Drug partnerships, Violence against Women partnerships) to achieve common outcomes. This complexity also exists at regional and national levels with the*

*variety of statutory organisation and agencies that commission at this level. It is a complex landscape and integration and joint working need to be acknowledged, and reality of effective strategic commissioning reflected.”*  
 [Statutory partner]

One statutory partner suggested that it may be beneficial to add more specific explanations or illustrations of where statutory services connect locally and where a joint commissioning approach can add value and benefit and savings (specifically in relation to health), as well as reducing offending.

A small number of CJPs (n=5) were more critical of the content, indicating that the *Guidance* reflected existing practice by local partners, particularly in relation to how Community Justice Outcomes Improvement Plans (CJOIPs) are produced. Others, including coordinators attending consultation events, reported that the *Guidance* would be useful for preparing future Community Justice Outcome Improvement Plans.

Greater clarity on how CJPs were expected to use the *Guidance* and how it connected to the other strategic commissioning *Framework* documents was also sought from two CJPs.

Two CJPs stressed that commitments to future funding were needed to allow the *Guidance* to be implemented properly:

*“The guidance seems to be straightforward though there are clear interdependencies in how this is applied nationally, regionally and locally and the brokering that Community Justice will have with statutory partners to create a willingness to co-fund and/or free up resource on an equitable basis.”* [CJP]

One CJP suggested that it would be helpful to add reference to the overall aim of shifting resources to deliver the outcomes in the *Framework*. The same contributor felt that reference should also be made more explicitly to the importance of partnership working:

*“...strategic commissioning is crucially about establishing a mature relationship between different partners from across the public, third and independent sectors in a way which will help to achieve the best services for the population. Every partner has a role to play in strategic commissioning process and that is why it is important that local arrangements promote mature relationships and constructive dialogue.”* [CJP]

The title of the *Guidance* document attracted criticism from a number of CJPs, especially its reference to ‘commissioning’. One suggested that the title denoted a focus on procurement, while the *Framework* actually incorporated wider process from initial thinking and analysis<sup>13</sup>:

*“We would respectfully suggest a change to title of the Framework to something more user friendly, to encourage buy-in from all community justice partners and stakeholders. Those partners who are involved in strategic commissioning and*

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<sup>13</sup> This may represent a misunderstanding, however, as the *Framework* is about all services, not only ‘procured’ services.

*working at a high level to plan and deliver services will be familiar with the terminology, but not all partners will be.” [CJP]*

The title of the document was also seen as confusing by one CJP who pointed out that the title included the terms ‘Framework’, ‘Guidance’ and ‘Toolkit’ – they suggested that the title could be simplified and the terms used more consistently.

In relation to the title, there was concern that changing the title to a ‘*Framework for Smart Justice*’ and removing explicit reference to commissioning post-consultation would have limited impact, as perceptions among partners may have already been tainted and may influence future buy-in.

The main limitations of the *Guidance* highlighted by statutory partners were in relation to:

- Single/specific services:
  - The need for greater clarity around what is best commissioned at a national level and what is best commissioned at a local level, and the evidence underpinning these decisions
  - A coherent and consistent approach to throughcare being needed which recognises the distinctive contributions of different partners
- The system of services:
  - More connection with universal services and where health services in particular can add value

One statutory partner also suggested that, while the section on the *Principles of good commissioning* was helpful in describing the underpinning skills required to support the process to work, their availability may be a challenge to individual CJPs. Achieving clarity around local capacity was required, they suggested, to help understand the pace at which the process can be adopted across Scotland.

Feedback from third sector partners was also mixed. Six respondents concurred that it was comprehensive and detailed, and would be useful for partners (especially those with little previous experience of local strategic commissioning). There was, however, some frustration from most third sector organisations that the document was not what they had expected. In particular, the *Guidance* did not tackle existing challenges around recognising the role of the third sector in strategic commissioning:

*“There is no recognition of the unique contribution the sector can make to commissioning, or how the local partnerships should utilise the knowledge and experience contained in the sector in the commissioning process. We feel this is a missed opportunity.” [Third sector]*

One third sector partner expressed views that there was an underlying assumption throughout that the third sector was external to CJPs and should be engaged at specific points in the strategic commissioning cycle, rather than as full partners:

*“(…) the Framework Guidance could be bolder in its vision of commissioning for community justice and the Framework Guidance could be used as an opportunity encourage practice change.” [Third sector]*

This same respondent expressed concern around the conflation of the third sector, the independent sector and the private sector in the *Guidance* and suggested that the distinctive features of the ways in which each sector works needed to be more fully explored in the document (including how they are funded and their differing priorities). Defining what was meant by the 'independent sector' was also seen as important as this was a term that was not commonly used in justice in Scotland.

One statutory partner also suggested a need for an agreed definition of 'prevention' in the community justice context (and for this to be presented in the *Guidance*). This would ensure that the respective contributions, roles, responsibilities, outcomes and resources of public bodies are not misinterpreted and misunderstood, they felt. Attendees at one of the consultation events also discussed earlier prevention as being key as a priority outcome.

Third sector partners also viewed the *Guidance* as 'aspirational', compared to others. There was scepticism that consistency in practice would be achieved across partnerships, and more reference to the funding resources that would or would not be made available to support the achievement of outcomes was needed, it was felt:

*"It is welcome that the guidance lays out a positive and aspirational vision for strategic commissioning and sets out a timeline for achieving this vision. We do feel though that there is a lack of detail on how this will be achieved across the multiple community justice partnerships. In our opinion there needs to be an approach that is both aspirational and directive with a clear Framework for how services should be commissioned. There should also be more reference to the challenges around the funding resource that will be available to support the achievement of the outcomes in the Framework."* [Third sector]

A final concern across sectors was that the document may be too lengthy or complex and, therefore, not be accessible for all audiences (n=4). While most seemed to welcome the principles behind the *Guidance* to encourage more evidence-based approaches to strategic planning and service delivery, some felt that its length may be intimidating. The complexity of the *Guidance* may also prevent some individual CJPs from engaging, as could its status as 'guidance':

*"We welcome this work from Community Justice Scotland to adopt a more evidence-based approach to strategic planning and service delivery. Whilst the detail in it is useful, in terms of facilitating implementation the length and detail can be intimidating, particularly for people who are not coming from a needs assessment/commissioning background. This document could be more helpful if used to support a training package to upskill those responsible for undertaking strategic commissioning."* [Third sector]

One third sector partner also queried if there might be a more structured, visual way to present the *Guidance*. The same respondent did state, however, that the existing 'tips' and checklists were helpful.

### 4.3 Sections within the guidance

The consultation also asked respondents to provide any specific feedback on individual sections in the *Guidance*. These are summarised below.

#### 4.3.1 Section 1 – What is strategic commissioning?

There was relatively little feedback on Section 1 of the *Guidance*, and no common themes emerged between or among partners. Although 30 responses to the written consultation gave an answer, some simply indicated that they found the section helpful, or had no suggested changes or further comments to make.

Most CJPs focussed on the need to update the *Guidance* to focus on the unique aspects of commissioning for community justice:

*“Where it says that ‘joint strategic commissioning’ is about commissioning different services on a long term and multi-agency basis for a group of people”, it needs to be more explicit in saying that in the case of community justice partnerships there is no new or additional funding, so it also involves partners pooling existing resources, be that financial or otherwise, to achieve joint outcomes.” [CJP]*

This echoed earlier views from statutory partners, who also stressed the need to consider the local context and other local structures and partnerships more thoroughly throughout the *Guidance*.

One CJP welcomed that this section fully described the need for CJPs to continue to adopt a ‘service user’ or needs-led approach to commissioning service delivery through leveraging of resources. This would, however, require more investment from the ‘top down’, they felt.

While two CJPs welcomed the checklists and cyclical diagram in this section, another suggested that the language needed to be changed. The ‘*Deliver*’ element of the diagram could include an entry on ‘monitoring activity and performance’ to ensure that services being delivered were on the right track, it was suggested, prior to the ‘*Review*’ stage.

Specific suggested updates from statutory partners included:

- Emphasising that strategic commissioning can be undertaken at both a national and local level
- Emphasising that, in order to minimise costs, joint training could take place, where possible
- Adding known good practice examples, if available
- Explicitly including scope of statutory partners’ internal services
- Highlighting that mapping pathways/models of care can be included when planning

One statutory partner also explained that they were unclear about the distinction between strategic objectives and priorities (i.e. could it be assumed that the outcomes



and therefore objectives within the plan had already been prioritised?). Another suggested that greater clarity was needed in this particular section on links to the National Strategy for Community Justice and alignment of commissioning principles with those of the Community Justice Outcomes, Performance and Improvement *Framework*. In contrast, two other statutory partners felt that the section overall was clear as written:

*“This is a very helpful introductory section, which outlines the strategic commissioning process well (...). The linkages between strategic commissioning and Community Justice Outcome Improvement Plans is also made clear. The checklist approach will also undoubtedly be helpful to partnerships in understanding where their attention should focus.” [Statutory partner]*

Four third sector partners suggested the inclusion of:

- More detail and clarity on the ‘whole system approach’
- A ‘visual’ to aid understanding
- An explanation of what a non-competitive procurement process would look like, and how that would work
- Reference to the importance of preventative/pioneering activities that may be better delivered through ‘grant’ and other forms (e.g. Public Social Partnerships (PSPs))

While one national non-statutory partner indicated that they found this section helpful overall, especially reference to ‘common principles’, one third sector partner found the phrasing and terminology unhelpful, saying that it did not serve as a strategic commissioning *Framework*, but was written more as a set of best practice or options to pick from.

#### 4.3.2 Section 2 – Key commissioning activities

Section 2 sets out *Key Commissioning Activities*. This section also received a limited range of feedback overall, with no obvious differences in views expressed by respondent type. Content that was seen as particularly helpful included:

- The checklists
- The section on Good Governance
- The section on Effective Co-production and Participation

Suggestions for improvements included:

- Adding electronic links to further information, checklists and tools
- Illustrating where governance might be located, for example, CJPs or an oversight board

All respondents welcomed the focus on co-production and the central role of those with lived experience (this was discussed in more detail in relation to the *Model*, below). One CJP and one third sector partner also suggested that, while welcomed, support would be needed to help Partnerships realise this in practice (and avoid tokenistic involvement of those with lived experience):

*“From our point of view, effective co-production and the participation of people with lived experience is critically important (...) my understanding is that most of the CJPs have not really made much progress with this (...) the insight of lived experience is an essential part of evidence gathering and understanding what services are needed. There is skill involved in facilitating effective participation, and I suspect many of the partnerships currently do not possess those skills. They will need to be supported to do this effectively and properly.”*  
[Third sector]

A second third sector partner stressed the need to harness organisational experience:

*“While the importance of involving all people in justice is well articulated, particularly at the local level, the activities should also refer to the importance of organisations that have both the capability and capacity to provide service design and delivery at scalable and national levels.”* [Third sector]

One CJP also noted that the non-mandatory nature of the *Guidance* may result in variable co-production practices. One third sector partner raised similar concerns with regards to involving third sector partners:

*“We are pleased to see that coproduction is prominently featured within this section but concerned that since the Framework is only a guidance document there may be varying degrees of meaningful engagement with service users to inform policy and practice decisions. [CJP]*

*“We welcome references to engaging with third sector and recognition of the value it brings. However, this doesn’t read like it’s a required part of the Framework, more like an optional choice if “capacity constraints” allow.”* [Third sector]

One CJP felt that there was considerable duplication with the *Guidance* and the Care Inspectorate *A Guide to Self-Evaluation for Community Justice in Scotland* (2016). They felt that links to different quality indicators should be made throughout the document (as per the existing example on page 12 of the *Guidance*).

Two statutory partners provided more in-depth feedback<sup>14</sup>. The first indicated that the importance of information governance should be highlighted. The second noted the participatory budgeting fit with the recommendations of the Christie Commission (2011) and the Convention of Scottish Local Authorities (COSLA) Commission on Strengthening Local Democracy (2014)<sup>15</sup>, as well as the ambitions of the Community Empowerment (Scotland) Act 2015 to give communities more powers to achieve their own ambitions. This partner felt there should be more of an explanation in the *Guidance* as to what this kind of empowerment entails and what Participatory Budgeting could achieve – for example, strengthening partnerships, reducing inequalities and encouraging participation.

<sup>14</sup> This included minor typographical changes for internal consideration.

<sup>15</sup> COSLA (2014) (Available at: <https://www.localdemocracy.info/wp-content/uploads/2014/03/Report-Community-Councils-Forum-for-COSLA-Commission-2014.pdf>)

### 4.3.3 Section 3 – Key commissioning skills, competencies and roles

Again, there was limited and less detailed feedback on Section 3. Among the small number of CJPs that gave a substantive response (n=9), the main views were that development of training from CJS for all partners would assist with developing the right skillset across the country.

All welcomed that roles and responsibilities were being clearly set out but capacity to deliver, ownership of particular roles, and the availability of necessary local leadership and oversight, were raised as concerns:

*“The guidance is useful, but there are some potential challenges in application and delivery. Strong leadership across the partnership is imperative, but this can vary depending on a number of factors. Is this the responsibility of the Chair of the CJ partnership or is it being driven by the coordinators? Who has overall ‘ownership’ of the community justice agenda locally? And how much influence does that person have?” [CJP]*

These views were largely echoed by statutory partners (seven provided a substantive response to this question):

*“This section appears to contain all the relevant skills and competencies required within partnerships for effective commissioning. The prominence of leadership within this section is welcomed, as this will be key to success.” [Statutory partner]*

One statutory partner suggested that a section on collaborative leadership may be particularly helpful for partners. Other specific suggestions from this sector included:

- Describing the four roles (*Leadership, Management, Partnership and Production*) before listing the key skills required for developing a good Community Justice Outcome Improvement Plan or commissioning strategy (i.e. changing the order that they appear in the document) and more clearly linking the skills to each of the specific roles
- Clarifying if the person-centred outcomes refer to those in the Community Justice Outcomes, Performance and Improvement *Framework* (Scottish Government, 2016)
- Creating a link between lived experience, use of peer research and the skills and competencies outlined in Section 3 to strengthen accountability and a rights-based focus
- Expanding on how the Care Inspectorate *A Guide to Self-Evaluation for Community Justice in Scotland* (2016) fits with the community justice strategic commissioning *Framework*
- Adding a section on learning and development within a multi-agency context
- Including something more specific about practice experience and professional expertise. (As written, the Guidance makes reference to production skills being drawn from a range of professionals, with only some general examples given.)

Third sector respondents to this question (n=4) offered a slightly different perspective – that there was a lack of clarity about specific partner roles and the extent of their

involvement. Among third sector respondents, there was concern that any lack of clarity around roles and responsibilities could lead to the third sector being excluded. The value of the third sector could be more clearly recognised, it was felt:

*“Key commissioning skills’ should recognise the significant contribution of third sector leadership to existing community justice strategic commissioning initiatives that have successfully delivered collaborative services across statutory boundaries (i.e. PSPs).” [Third sector]*

One concern was raised that, without clearly defined role responsibilities, community justice coordinators could find themselves overburdened by changes to strategic commissioning:

*“It is useful to acknowledge that skills will be well established within single organisations and delivery on a multi-agency basis is more complex and will need time to develop. As stated previously this may be even more challenging in the current climate with organisations stretched to their limits with very little capacity to offer support with the extensive list of skills and expertise mentioned. There is a risk that much of the work will fall to the Community Justice Coordinator/Manager which could impact on other aspects of their role.” [CJP]*

One coordinator summed up views shared throughout the consultation that the right people with the correct skills needed to robustly lead strategic commissioning, involve everyone to move forward and engage in additional training to address areas of weakness.

Across sectors, ensuring that all partners were collecting, interpreting and sharing data appropriately was also something to highlight, it was felt. Attendees at consultation events also discussed data analysis skills as something to be addressed. There was also an expressed desire for more emphasis on ‘soft skills’ within the *Framework*, such as relationship building and relationship management.

#### 4.3.4 Section 4 – The commissioning cycle

The *Guidance* offers a breakdown of each of the four core steps in the commissioning cycle: ‘Analyse’, ‘Plan’, ‘Deliver’ and ‘Review’. CJPs that fed back (n=10) stated that the cycle was clearly described across each stage.

Identifying a named strategic or operational lead for each need was seen as good by one Partnership, and something that local CJPs could build on, if not in a position to do it at present. The same respondent welcomed references to decommissioning services, as they felt this was an important part of any commissioning strategy.

Two other CJPs noted that the commissioning cycle would be useful for CJPs and other strategic partnerships alike.

This section also received particular praise from statutory partners (n=7), who also described it as being comprehensive, well structured, and helpful. One statutory partner suggested that the ‘*Reviewing and Mapping Available Services*’ sub-section

fitted well with their own approach to third sector partnership agreements. This same partner also welcomed references to decommissioning and links to engaging with hard-to-reach or disengaged service users.

One statutory partner provided very specific feedback, including:

- Making it more explicit if the local vision and purpose should align to national strategy (4.1)
- Including reference to a more detailed guide to carrying out needs assessments (4.1.3)
- Adding costs to the checklist to ensure that partners discuss and agree if they have a clear and robust understanding of costs before moving on to the 'Planning' stage (4.1.4)
- Adding in consideration of impact at population level as a prioritisation principle (4.2.2)
- Adding in more detail to this section on 'Quality Improvement' (4.3.3)
- Explaining what arrangements are in place to 'review strategic processes'
- Stressing that it is also important to review new evidence of best practice

One other statutory partner suggested more emphasis be given in this section on the concept of commissioning for outcomes:

*"At the moment there is quite a lot of content about the design of services to deliver outcomes – rather than the idea that we might procure services to deliver a set of outcomes but leave the design of that service to the provider."*  
[Statutory partner]

The same respondent felt that it might also be worth acknowledging that, dependent on local arrangements, procurement colleagues were likely to have a valuable role to play in supporting monitoring of delivery.

Non-statutory partners added little to this question not already raised earlier the *Guidance* overall. One third sector partner again focussed on the need to widen the presentation of the term 'commissioning':

*"While commissioning may involve "buying" or procuring services, this is far from the only way in which to arrange relationships with providers. Grant funding, Innovation Public Partnerships, Public Social Partnerships and alliancing are all potential mechanisms through which to structure service delivery. Current procurement processes are over reliant on competitive tendering as a means of engaging providers, which can be wasteful and prevent collaboration (...) [We] would therefore welcome a fuller consideration of alternatives in this section."* [Third sector]

One suggested that there may be merit in referring to the importance of evaluating and benchmarking all services to ensure best value is achieved. Another suggested it may be helpful to identify who needs to be involved in monitoring and review and plans for risk management.

One third sector respondent also felt that there was not a strong enough direction given to planning services using a whole system approach and no attention given to the design of nationwide services. Rather than encouraging individual CJPs to design services for their area, they recommended that the strategic commissioning strategy should encourage nationwide services that are adapted for local delivery.

Other feedback from this sector included that monitoring of 'purchased' services was key.

Finally, one statutory partner warned against using terms such as 'outcomes focussed' and 'person-centred' without a commitment to ensure that these were observed (i.e. tokenistic language).

#### 4.4 Explanatory note and executive summary

The *Explanatory Note* and *Executive Summary* received largely positive feedback. There was consensus among CJPs that both documents were clear, concise, and easy to follow and provided a good summary.

Partnerships felt that the documents would be particularly useful for those who had not previously had much involvement in strategic commissioning, or were new to the community justice arena.

Partnerships also noted that Section 5.1, regarding '*Where collaboration can take place*' was particularly useful, and may encourage partners and partnerships to think beyond collaboration just being within the CJP (e.g. cross-area commissioning).

Some CJPs and statutory partners suggested that the information could be streamlined by:

- Combining them into one document to remove overlaps;
- Including the *Explanatory Note* in the *Guidance*, or
- Presenting the information in a cohesive 'toolkit' format.

One statutory partner suggested using 'talking heads' or case studies to bring the subject to life.

One statutory partner reported that commissioning locally would depend on which partner was the lead-commissioner in any given area, and the guidance/legislation with which their processes must adhere. This needed to be acknowledged within the *Framework*, they felt, with greater discussion of the complexity of justice commissioning and solutions for how issues might be overcome.

Feedback from statutory and third sector partners reflected that it was helpful for the *Explanatory Note* and the *Executive Summary* to outline the background and context to the *Framework*, including wider justice strategies and policy drivers and who the *Framework* was for.

Views from the third sector again mainly focussed on their contribution having been overlooked again:

*“The Explanatory Note fails to recognise the significant contribution that third sector is capable of providing in planning and co-designing community justice services.” [Third sector]*

Third sector partners also reiterated the importance of referencing people with lived experience in the documents, which they were pleased to see. One questioned if the commissioning model could involve ‘living experience’ to ensure that the input is up-to-date. Overall, third sector partners in particular welcomed that collaboration and co-production had been given prominence.

One third sector partner specifically welcomed that the documents challenged partners to think about and demonstrate how they would achieve outcomes.

Some specific feedback related to the presentational detail of the documents was also given but is not included here, as the proposed changes were not substantive.

## **5. Implementing joint strategic commissioning**

Despite support for the *Framework Guidance* and draft *Model* in principle, several contributors from different sectors questioned how it would support local delivery. This chapter presents some of the main themes to emerge throughout consultation responses in respect of challenges to implementation, before setting out responses to specific questions on the support and guidance required to aid implementation.

### **5.1 Differentiating national and local actions**

While the draft documents make clear that the *Framework* and *model* are for all partners, it is currently unclear how local partners should engage with the outcomes, especially since some viewed the focus to be mainly on activities led by CJS. Local adoption and implementation of the model will be essential to ensuring its success, it was stressed:

*“While CJS are not able to place obligations on local partnerships, further developing the model to establish a clear set of supporting local actions will be key in guiding local partnerships towards establishing effective strategic commissioning in their local areas. This will also provide an opportunity to refocus partners on the importance of effective partnership working, so clear guidance on how best they can engage with all local stakeholders in real collaboration will be required.” [Third sector]*

Respondents in different sectors indicated that the model may be too ambitious in trying to achieve both a national and local focus. Some felt that more clearly setting out the local actions that are required to realise implementation may be necessary. Attendees at one group event suggested disaggregating national and local actions.

In contrast, others felt that it would be more helpful to have only identified CJS activities and actions in regard to strategic commissioning, without trying to prescribe actions to local partnerships:

*“It’s unclear from the model how implementation will work. It may be more helpful to draw out the activities intended by CJS around commissioning and not attempt to address actions for local partnerships.” [Third sector]*

The common ask, it appeared, was for local (recommended) and national (confirmed/pending) actions to be clearly stated in the final draft.

## 5.2 Cultural shift and shared vision

Among a small number of CJPs there was also disappointment that the *Framework* had been constrained. Although providing useful guidance, it did not go far enough in emphasising the need for partners to change their way of working in order for the ambitions to be achieved, they felt. The ideas presented were not new to partners: a wealth of experience, guidance, advice and best practice for strategic commissioning was already in place. The main barrier to effective delivery was not a lack of awareness of how to approach strategic commissioning but rather the need for a shift in perspective:

*“...what is required to improve strategic (and collaborative) commissioning is not further iteration of existing good practice guidance but a genuine national approach to collaborative commissioning, a (...) strategy for Scotland...This requires a long-term vision for achieving the shift; one which addresses the challenges of organisational commissioning silos and achieving the stepped changes necessary to free up resources for reinvestment.” [CJP]*

While the *Framework* was seen as helpful in detailing the skills/knowledge required within CJPs and demonstrating to partners the importance of their roles and responsibilities within the Partnership, a common theme was that more guidance on how collaboration should be realised was needed:

*“...the breadth of the multi-agency approach outlined in the document will require significant cultural and systems change to support a shared vision.” [CJP]*

## 5.3 Leverage of resources

One of the main challenges identified was the lack of integrated budgets across structural boundaries to support joint commissioning. Several respondents from across different sectors, including event attendees, noted that existing challenges include lack of resources/insufficient resource, consistency of resources (with some short-term frailty in annual budget commitments and funding for coordinators’ posts), and movement of resources (i.e. changes in political will and local leadership arrangements impacting on how resources are used). Attendees at one event indicated that there may be an issue with partners losing confidence in strategic commissioning and the partnership approach due to shrinking budgets.

There were also more general concerns among CJPs around resourcing for implementation and a perceived shift in the model from ‘partnership working’ to sharing of resources. More detail was needed to explain how this transition in approach would



be supported and, specifically, how decisions would be made regarding the shifting of resources from one activity to another (and how these would be prioritised):

*“...there is no budget for Community Justice and with partner agencies facing a range of financial challenges, leveraging of resources for joint funding and procurement is a significant challenge. This not only impedes progress, but can increase financial burdens within specific partner agencies to bear the brunt of costs.” [CJP]*

One third sector partner also discussed resourcing in the context that the priority ‘Increased preventative action focused on root causes’ was correct, but may not be realistic given lack of available funding for preventative work. Recognition also needed to be given that, with no funding uplifts, everything partners work on becomes a priority:

*“It can be a constant struggle to promote innovation with funding freezes/cuts.” [Third sector]*

The lack of funding was seen as a problem exacerbated by a lack of shared vision, discussed above:

*“The absence of a clear national vision and direction for justice commissioning makes influence and contributions difficult to leverage.” [Statutory partner]*

Developing a clear national set of priorities and a strategy to achieve them was seen as important. Some suggested that the *Framework* wrongly assumes sufficient support for the approach will be put in place.

#### 5.4 Data availability and use

A further main challenge to implementation was ‘data’. Several respondents from across different sectors made reference to the lack of available data to define population need and it was felt that the challenge needed to be understood and presented in broader terms. Specifically, it was noted that there is not a consistent set of data gathered by statutory and non-statutory partners, that use of data varies widely between partners and that there is no current, comprehensive national baseline. This challenge could also be broadened to include lack of awareness of available data and the skills or capacity to make constructive use of it, it was suggested (and this was a feature of many of the suggested actions presented by partners, and discussed more below).

Data sharing was also highlighted as a challenge by respondents across sectors:

*“We do not believe that a lack of data is an issue. Rather, the issue is how this intelligence is collected and used – including information sharing between partners. The need to comply with GDPR is understood, but ensuring that agencies and staff are focussing on the right data and using it to inform commissioning is critical to achieving best value and true transformation. We propose therefore that there are two challenges and two outcomes related to data: 1. Intelligence – the capture, analysis and application of data to create*

*intelligence to feed the commissioning cycle; 2. Information sharing – how this intelligence can be effectively shared to improve outcomes.” [CJP]*

Solutions to improve data availability, sharing and use were needed and the model could reference these, rather than focussing on lack of data alone. Attendees at one of the consultation events endorsed this view and suggested that the challenge was not generating ‘more’ data, rather making connections between data. Reinforcing how partners must use data (alongside need) to identify priorities was also suggested by a range of partners.

## 5.5 Other constraints

Other existing constraints to implementation that were mentioned included risk aversion (lack of willingness among partners to ‘change’), and a lack of strong leadership (at the national level) that sets out what is expected of partners and that guides them through the process. Attendees at the coordinators’ meeting agreed that the *Model* needed to recognise that this was a new way of working for partners (i.e. collaborating, not competing). It would, therefore, take time for working cultures to evolve and develop, they felt.

Attendees at a different event also suggested that willingness to co-fund and co-produce were challenges to be included in the *Model*, alongside the culture of making decisions.

Another event attendee highlighted withdrawal of SPS Throughcare Support Officers (TSOs) as a specific constraint. Most local authorities would now be faced with a gap in services previously provided by TSOs, it was suggested. Despite being a model of provision that was known to work, partnerships would struggle to find funding to meet need for throughcare support. This was an example of the challenges faced by Partnerships in getting best practice into the field when set against political and national funding decisions made outside of their control.

An additional constraint raised by coordinators at the event, and reiterated throughout various written responses from different Partners, was the need to recognise that CJPs would have different starting points which would affect practice and the speed with which implementation could occur.

Again, an additional constraint highlighted at two of the consultation events was the lack of coordinator post stability and the perceived ‘fragile’ nature of these posts. Medium term assurances around post stability may be needed, it was felt. Ways of avoiding a ‘single point of contact’ and mitigating the potential for lost skills and experience if post-holders move on may also be needed.

A small number of respondents suggested that, since the *Framework* is guidance only, there may be some difference in how it is utilised across partnerships with the risk that it is viewed by some as an ‘aspirational’ approach, but with no power to back up the use of the model. Event attendees at one session agreed that there needed to be engagement with national partners at a local level to mitigate against inconsistency of participation in CJPs, even from within national bodies, to achieve consistency.

Although not mentioned by any of the written consultation respondents, attendees at one of the consultation events emphasised the need for the *Framework* to reflect access to services governed by geography and to ensure that geography did not influence whether or not someone could access services. This was not a point linked only to rurality but rather also encompassed the constraints imposed by political boundaries. The group discussed that a flexible *Framework* must have need as a driver, not geography, i.e. needs-led access to services.

Finally, one CJP suggested that current challenges should make reference to population projections over the next 15 years, noting that an increase in population, and change in age profiles, may place very different pressures on services and partners over time, i.e. needs and priorities may change.

## 5.6 Support for implementation

CJPs were asked if the timescales outlined in the *Model* were achievable for their Partnership and to list areas where support may be needed in implementing joint strategic commissioning as a Partnership.

Among the 19 CJPs/coordinators who responded, the majority (n=11) indicated that they would need some support and two indicated that they would need a lot of support. Six CJPs indicated that they felt the timescales were unachievable. None said that they could deliver implementation unaided.

<b>Coded response</b>	<b>Number of respondents</b>
Yes, but we would need some support	11
Yes, but we would need a lot of support	2
Not achievable	6
<b>Total</b>	<b>19</b>

**Table 2: Level of support for implementation required by CJPs**

Although specifically aimed at CJPs, two statutory partners and one third sector partner also responded to this question. One statutory partner indicated that they would need a lot of help and the other that the timescales were unachievable. The third sector respondent indicated that they would need a lot of support.

The main challenge cited by CJPs was that Partnerships were still in the process of building relationships, which were not yet established enough to implement joint strategic commissioning:

*“Many partnerships still in relative infancy would find it difficult to achieve this level of cohesion across national/regional/local partners against the outcomes listed, timescales are likely to be perceived as unrealistic.” [CJP]*

Funding and accessing relevant data were again cited as the main areas where support may be needed.

Among CJPs, national support was more likely to be needed in the form of funding/resourcing to increase capacity to deliver outcomes, it was felt:

*“...the current resource allocation for community justice partnerships is limited and allocated on an annual basis, making planning difficult. It is already evident that those partnerships with a larger resource and community justice team are in a position to achieve outcomes more effectively and commission research for future planning; this needs to be considered.” [CJP]*

Funding stability was also a common theme in CJP responses, with views that national/mainstream funding streams may need to change to enable the model to be implemented and outcomes achieved:

*“Clarification of funding to support the work of the community justice partnerships is required and would benefit from additional funding. There needs to be recognition that the current funding formulas/arrangements for statutory partners in particular may need to change over time to facilitate community justice as current arrangements limit room for manoeuvre/innovation out with the third sector.” [CJP]*

Support to achieve a better understanding of partners' financial situations was suggested. Among CJPs, views were given that a lack of capacity would remain without additional resource and that working alongside other local partnerships may provide one solution to this:

*“It is perhaps the interlink at local level with other planning and partnership arrangements that offer greatest opportunities for investment in joint prevention or early intervention commissioning (i.e. inclusion in ADP activities or children's services the recognition of families or persons affected by convictions in delivery of those services or links with wider CJ services/activities). This is not strongly reflected in the document; the local context is different to the national context and hence the document appears confused as it is attempting to cover both.” [CJP]*

One CJP suggested that the level of support required for implementation was as yet unknown (i.e. as work progresses, issues may emerge that). They did not feel able, therefore, to confirm what level of support may be required at this time. Another suggested that the success of short- and medium-term goals would fundamentally be impacted by earlier outputs, and it may therefore be of benefit for the timescales to be extended in relation to the short- and medium-term goals.

One Partnership reported that they would need or benefit from support specifically in relation to the one-year objectives<sup>16</sup> and another suggested that it may be more realistic for the outcomes to be integrated into their next planning cycle and future plans for 2021-2024, rather than before.

One CJP noted that there was an argument that Partnerships should be striving to meet ambitious timescales in the joint commitment to community justice outcomes.

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<sup>16</sup> No objectives are listed in the draft model, and so it is likely that the respondent was referring to the short term outcomes.

They noted that delivery would require effective leadership and accountability at a local level.

One statutory partner endorsed the view that Partnerships were in their relative infancy and so may struggle with the timescales set out, and another indicated that, because Partnerships were at different stages of development, they would need support to varying degrees. Assistance with accessing relevant data and assistance in analysing data were again cited by two as means of helping to determine where there may be existing gaps or duplication. One statutory partner outlined what they perceived to be significant challenges of capacity in local Partnerships to undertake strategic commissioning without additional resource.

The one third sector partner who provided a view on this point noted more generally that a lot of support would be required in order to secure buy-in for this approach, and support partners to deliver it:

*“...the way that Community Justice Partnerships are constituted presents the most glaring barrier to effective joint strategic commissioning. They are not a legal entity and do not have the power to commission themselves, but further, there are no identified financial resources for them to direct... The hope might have been that partners would identify the portion of their budget to be spent on community justice and bring that to the table, but that does not seem to be the way this works.” [Third sector]*

In addition to adopting different cultural attitudes to budget sharing, partners needed to be more open to sharing data. Working together to create a core set of data that could be accessed at a national level and fed back to Partnerships was seen as a necessary requirement going forward.

Other support mentioned by CJPs included improving equity of access to services, removing the uncertainty around the coordinator role and training for coordinators and Chairs to ensure consistency of approach and an improved skill set.

In sum, the main support needed by CJPs was a commitment to co-funding among partners, collaboration and a change in cultural outlook of partners, as well as accurate data to underpin practice. Ensuring a common understanding of strategic commissioning across all partners was also seen as key.

## 5.7 The Digital Hub – further guidance

CJS is developing a Digital Hub to support partners in community justice planning and delivery. It will host resources for partners to use. Partners were asked to indicate useful resources to support effective strategic commissioning, for addition to the Hub.

CJPs provided mainly generic feedback including that any additional resources should be user friendly and available electronically, if possible.

One CJP said that future resources should adopt a similar style to the *Executive Summary*, *Explanatory Note* and *Guidance* documents already produced (seen as user friendly and easy to follow). Others indicated it would be beneficial if edited

documents could be hosted, with an interactive element and links to greater detail if required. Practice examples or experiential learning examples would be also be helpful for CJPs and statutory partners alike.

Two CJPs suggested a 'suite' of options for training (including joint training) for those who feel that they require some support to implement the *Framework*. A different Partnership suggested that training materials for procurement and purchasing processes including cost-benefit analysis may be helpful. The same respondent also suggested that CJS could collate (or work with Justice Analytical Services (JAS) to update) a central point for national research and analysis.

Two statutory partners endorsed these views around training:

*"...guidance on appropriate multi-agency learning and development may be helpful to partnerships to ensure they collectively possess the necessary skills and competencies for strategic commissioning."* [Statutory partner]

A mix of face to face and distance learning options was suggested. CJS could also make support available to train local partners in the use of evaluation methodologies where necessary, it was suggested.

Two CJPs and one statutory partner also reiterated the need for guidance on undertaking robust strategic needs and strengths assessments:

*"Guidance in relation to strategic needs assessment development to support a consistent and robust approach across Community Justice Partnerships."* [CJP]

Other specific guidance which may be helpful, each mentioned by one CJP, included:

- Requirements to report progress on each commissioning stage to help keep partners engaged and focused on implementing guidance locally
- Access to relevant data, provided there was also a resource to analyse it effectively
- Support to develop meaningful local performance indicators
- Scrutiny groups to ensure effective and supportive governance
- Opportunities to share across Partnerships experience of how to engage the third sector in the commissioning process
- Facilities to share best practice between local Partnerships, particularly in relation to the process of understanding the needs of those using services, and how to engage and understand need beyond the presenting or "obvious" issues.

A common thread to emerge from non-statutory partners was that good practice examples and case studies should be included as part of the *Framework Guidance*. Discussion space, exemplar documents, troubleshooting advice and sharing of good practice may all also help to develop confidence and expertise in using the model, it was felt. The Hub may be an appropriate place to host some such resources, they noted.

One CJP indicated that this was an area they wished to discuss further with partners and so gave no substantive response. One third sector partner included a general request that those undertaking the commissioning process be mindful of the Scottish Social Services Codes of Practice and the duties they place on social services workers.

Wider comments were provided on the Digital Hub and its functionality. These are not presented here but have been summarised and shared with the Learning Development and Innovation Team in CJS for onward consideration.

## 5.9 Using the strategic commissioning framework

The majority of respondents (n=22) indicated that the *Framework* would help develop long term planning, arrangement and improvement of services for people in community justice, although just under one fifth (n=8) indicated that it would not. The remainder gave no response or were undecided.

Views were again expressed by all respondent groups that the *Model* was clear, that it provided structure which could be easily followed with outcomes that could be realised with continued support and guidance, in particular from Community Justice Scotland.

One statutory partner also explicitly noted that the *Framework* would help to clarify roles:

*“The Framework offers a robust (...) approach to long-term planning and introduces common language which is useful so that all partners can more easily understand what is involved. We see it as a useful development to better understand partner roles in the agenda.” [Statutory partner]*

As above, the main barriers to use were a perceived lack of willingness to collaborate among some partners, financial constraints and silo working.

To maximise utility, some CJPs reiterated that the *Framework* needed to be more specific to the community justice context, rather than duplicate existing guidance for public sector commissioning or the processes that Partnerships were already following:

*“Guidance already exists for local level commissioning which commissioners must follow within statutory agencies; many third sector partners are also familiar with the commissioning processes that partnerships follow. At a local level, significant contributors and commissioning agents are those already experienced in the processes and requirements; therefore, less detail is required. More information on the particular challenges of commissioning within the justice context and of engaging regional/national as well as local partners in this process is required.” [CJP]*

In particular, the *Framework* alone is not sufficient to affect change among national statutory partners, it was felt. The challenge remains as how to ensure commitment and responsivity to local need among national partners (for example, SPS, SDS,

COPFS and Police Scotland). This view was also stressed by participants attending one of the consultation events.

In line with feedback elsewhere in the consultation, local practice would continue to be driven or determined by whichever community justice partner acts as lead commissioner for local action, it was felt. More information was required on recognising and finding a solution to effective contribution from regional and national in the process, as well as local partners:

*“The complexity of the obligations and constrictions for the variety of partners has not been addressed. There is real and difficult challenge in particularly national partner contributions at local level – how can this document move forward or contribute to understanding on the contributions of regional health boards and national special health boards bring to local partnership local need?” [Statutory partner]*

One CJP expressed that further groundwork was required to ensure buy-in and for the CJPs to be seen as the main forum for decision making for community justice services. Third sector respondents also reiterated that the *Framework*, as currently written, may not contribute to the desired involvement of third sector providers in strategic commissioning:

*“We hope that this Framework will support greater involvement of third sector providers in, and a greater valuing of our contribution to, this process, but for the reasons outlined<sup>17</sup> [the model does not set out the actions that community justice partners will have to take in order to achieve the outcomes set] we are not confident that this Framework as currently outlined will deliver any real change.” [Third sector]*

Overall, however, the *Framework* was seen as being useful:

*“The Framework document offers step by step guidance for partnerships on how to develop / achieve longer term planning for people in community justice, providing good direction and clarity on how partnerships should plan, deliver, etc. It is easy to follow, but will take some time and effort for partnerships to deliver effectively.” [CJP]*

## 6. Discussion

### 6.1 Cross-cutting themes

The draft *Framework* received mixed and differing responses. While most seemed to welcome the principles behind the drafts to encourage more evidence-based approaches to strategic planning and service delivery, some felt that the focus was not right overall or that greater clarity was needed in the revised drafts. Similarly, there were mixed views on whether the *Framework* and outcomes were linked clearly enough to wider policy, national outcomes and the National Performance *Framework*.

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<sup>17</sup> This same respondent highlighted that a whole systems approach was needed and that resistance to change, risk aversion and lack of strong leadership among partners may all also represent barriers to use.



For partners across all sectors, however, there seems to be agreement that outcomes should drive Partnership decision making. Increased clarity of outcomes in the draft model would assist with this.

A number of partners thought that increased clarity in the *Guidance* would be helpful in relation to:

- The scope and range of services to which the guidance applied
- Who partners should be planning for
- Partner roles (especially those working in the third sector) and clarity of partner contributions to community justice (including added value that some may bring).

Third sector partners seemed to find the suite of documents more difficult to understand overall, and it was a common thread among this group that the contribution of the third sector was not given enough weight in the *Framework*.

The language used around 'strategic commissioning' may also be inhibiting as it stands. Focussing on the principles of 'Smart Justice' (i.e. prevention, early intervention and needs-led service planning) are key. This would ensure greater buy-in and engagement with the *Framework*, it seems.

Lack of resources and barriers to leveraging resources emerged as a challenge facing community justice as a sector and there were shared views that the *Framework* aspirations could only be achieved if this challenge was overcome. Feedback suggested the need for a requirement to set national priorities and find ways to supersede structural challenges to be able to 'move money around'. Reassurances regarding the stability and longevity of coordinators' posts also seemed to be key.

A further barrier to implementation appeared to be governance and accountability. There were clearly some concerns that the non-compulsory nature of the *Framework* Guidance may result in some local authorities not using it or engaging with it as intended. Similarly, the absence of an explicit duty on national partners to cooperate is something which was seen as a challenge to overcome in the short term. The fact that many Partnerships are still in their relative infancy seems to be a contributing factor making it difficult to achieve cohesion across national/regional/local partners and to achieve against the outcomes in the *Model* in the timescales specified.

A small minority expressed disappointment that the *Framework* was not what is required to achieve policy aspirations for justice and felt that what was required for collaborative commissioning would not result from providing best practice guidance of this kind. What was needed is a better understanding of what each partner brings in terms of policy focus, money and skills.

## 6.2. Actions and support required

Respondents to the written consultation were asked to outline any actions they felt were required, at a local or national level, to ensure the effectiveness of joint strategic commissioning in three to five years. Event participants were similarly asked to identify any priority outcomes and work streams.

The tables in Appendix A summarise all actions proposed under the main emergent themes, along with the underlying rationale/assumptions given by respondents. The respondent source is also given, with an indication of whether actions should have a local or national lead.

In summary, the main priorities and actions to emerge were:

- Resolve capacity and resource challenges
  - Funding availability
  - Funding stability/sustainability
  - Leveraging of resources
- Increase collaboration, whole system vision and strengthened Partnership working
  - Defined partner contributions
  - Aligned national-local strategic planning structures and processes
  - Consistent adoption of strategic commissioning
  - Whole system vision and approach
- Effective leadership and accountability
  - Role clarity
  - Improved governance arrangements
- Effective co-production and participation, with:
  - Partners (statutory and national)
  - The third sector
  - People with lived experience
- Increase effectiveness, needs-led planning and delivery
  - Agreeing measurable impacts and outcomes (people and services)
  - Needs-led planning
  - Increased effectiveness of community justice
  - Effective Outcomes, Performance and Improvement *Framework*
- Access to key skills and capacity to deliver effective strategic commissioning
  - Training provision
  - Local improvement support
- Solutions to data constraints and improving available datasets
  - Data consistency via core dataset, infrastructure and guidance
  - Data availability
  - Data collection, analysis and use

While some of these map directly onto existing outcomes in the *Model*, feedback from the consultation suggests that some new outcomes may need to be added, including achieving clear definitions of partner contributions, better engagement by national partners and ensuring that all partners are equally represented.

Outcomes could be refined to provide even greater focus for partners, including addressing analysis and use of data, rather than tackling lack of data alone and

providing strategic commissioning training to partners directly, rather than focussing on access to skills externally, to help local Partnerships build capacity. An outcome linked more explicitly to achieving a shared 'vision', rather than a shared 'understanding' of strategic commissioning also seems key.

### 6.3 Next steps

The feedback presented above will help to shape and refine the final *Framework* drafts, with the intention that they will be published at the end of 2019. Proposed updates will be discussed and agreed with both Scottish Government and the Community Justice Scotland Board. Support to deliver on priority actions will be sought from the Scottish Government via the development of a business case.

### 6.4 Conclusions

Although the *Guidance* and *Framework* were largely welcomed, there appears to be some skepticism that effective implementation can be achieved. The majority of CJPs indicated that timeframes for implementation were only possible with support, the majority of them needing significant support. A third of CJPs did not think that the proposed timeframes were feasible.

While some concerns can be addressed by making components of the draft *Framework* and *Guidance* clearer, and refining outcomes in the *Model*, underlying challenges remain. These constraints are characteristic of the sector *per se*, and are beyond the scope of the *Framework*. The *Framework* should, however, support and contribute to achieving a shared vision for community justice and help to focus partner activities in the short, medium and long term.

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## Appendix A – Priority outcomes and actions suggested by respondents

The tables below summarise all actions proposed under the main emergent themes, along with the underlying rationale/assumptions given by respondents. The respondent source is also given, with an indication of whether actions should have a local or national lead (either as stated by the respondent, or inferred from their response). Where actions are marked as 'National/Local', this suggests that action is required at both levels.

### Resolving Capacity and Resource Challenges

Sub Theme	Proposed areas of action	Respondent sector	Level of proposed action (Local/ national or whole system)
Funding availability	Partnerships to identify local collaborative funding opportunities	CJP	Local
	National-level funding which local partnerships could bid for, to enable tests of change to be implemented which may lead to significant structural change in the longer term	CJP	National
	Sufficient resourcing to support the ongoing development of this approach, given the demands it places on partners, including sustained resourcing of the Whole System Approach for young people who offend	CJP	Whole system
Funding stability/ sustainability	Scottish Government to look at the impact of short-term funding on service delivery and collaborative working (sustainability)	CJP	National
	Review of the Section 27 funding formula for Criminal Justice Social Work (CJSW) to respond to levels of local need. Flexibility to deliver more localised solutions	CJP	National
	Section 27 funding formula to better support community justice	Event attendees	National
	Resourcing for Community Justice, <i>per se</i>	CJP	National/Local
	Longer term funding arrangement for Community Justice rather than annually reviewed to increase stability in co-ordination	CJP	National
	Addressing gaps in local knowledge brought about by changes in service providers	Event attendees	
Leveraging of resources	To be realistic about the challenges of potential resource transfer e.g. from prisons to community justice	Statutory partner	National/Local

	Movement of the resources from nationally commissioned services to local level commissioning (i.e. leveraging from national to localised commissioning)	CJP	National/Local
	Increasing understanding of partner budgets (national)	CJP	National/Local
	Scottish Government and Community Justice Scotland to regularly make available a directory of where funding has been distributed (including who to)	CJP	National
	Increased ability for local public sector partners to allocate any year end underspend to third sector partners	Event Attendees	National / Whole system

### Increased Collaboration, Whole System Vision and Strengthened Partnership Working

Sub Theme	Proposed areas of action	Respondent sector	Level of proposed action (Local/National or whole system)
Defined partner contributions	Leadership from Community Justice Scotland to direct and guide and to build connections and collaborations where they are needed (national leadership for local change)	Third sector	National/Local (Whole system)
	More meaningful co-operation at a local level from national partners, for example, COPFS, Sheriffs, SPS, with greater consistency of engagement around the country	CJP	National/Local (Whole system)
	Clarifying roles, especially in respect of national statutory partners	Statutory partner	Whole system
	Reaffirmation of the expected contribution from statutory partners i.e. to engage key statutory partners locally to enable delivery of outcomes	CJP	Local
	A greater buy-in from education, particularly schools (to achieve increased prevention and earlier intervention)	CJP	National/Local
	Help needed to engage Sheriffs/sentencers	Event attendees	National/Local
Aligning national-local strategic planning structures and processes	A national delivery plan which has been agreed to by all national statutory partners, to ensure buy-in at the local level	CJP	National
	Development of a national level group which would enable national agencies to be sighted on and influence community justice developments. This group would also work with Community Justice	Statutory partner	National

	Scotland to support the delivery of the National Performance <i>Framework</i>		
	Further input around the explicit responsibility of the wider Community Planning partnership within Community Justice, especially in relation to prevention (education)	CJP	National
	Set out how services can be commissioned and delivered at a national or multi-area level, including statutory services such as local authority social work and the NHS	Third sector	National/Local
	The Scottish Government to look at the number of strategies already in place to promote collaborative working, to minimise and reduce duplication and increase effectiveness	CJP	National
Consistent adoption of strategic commissioning	Development of local action plans for embedding strategic commissioning	Third sector	Local
	Clear articulation of what is best commissioned at a national level and what is best commissioned at a local level	Statutory partner	National
Whole system vision and approach	Cross-agency/departmental Scottish vision and direction for commissioning in justice that accepts and reflects the complex landscape of services, organisations and agencies that require to be involved in transforming justice in Scotland and achieving the vision set out in the Community justice strategy and legislation	Statutory partner	Whole system
	Clarity of purpose - a 'golden thread' that ties outcomes to those of partner agencies and planning structures at a local level, and with policy, planning and strategy at a national level	Third sector	Whole system
	A comprehensive multi-agency training plan for people within the wider community justice context to convey a consistent message and to ensure that (1) everyone is aware of the outcomes (2) partners know how they can contribute to achieving them	CJP	Whole system

## Effective Leadership and Accountability

Sub Theme	Proposed areas of action	Respondent sector	Level of proposed action (Local/National or whole system)
Role clarity	Clarification of the role and expectations of the community justice coordinator, both nationally and locally	CJP	National
	Robust guidance on how all stakeholders are included in the process	Other non-statutory partner	National
	Partners share expertise and relevant information to allow each other to understand what is offered as a service	CJP	
	Continued role for partners in explaining/presenting what they do to enable clarity on their services, challenge myths and help the development of joint commissioning	Statutory partner	
	Clarity of partner contributions to community justice, specifically in terms of added value	Event attendees	
	Support/briefings on the details of what other partners provide, (e.g. services, support)	Statutory partner	
	Partner role definition using primary, secondary and tertiary categories. Show level of activity in each, catalyse discussions about opportunities for earlier action	Event Attendees	Whole system
	A specific event (for all partners) to consider and understand the model as a first step giving consideration as to how this model fits with other stakeholders' commissioning strategies locally and nationally	Other non-statutory partner	National
	National, standardised roles and responsibilities	Event Attendees	National
Clarity around ownership for Community Justice <i>per se</i>	Event Attendees	National	
Improved governance arrangements	Inclusion of strategic commissioning within OPI <i>Framework</i> and self-assessment and governance/inspection/audit/scrutiny processes (in order to embed the approach)	Third sector	National/Local
	Strengthened governance to secure a better political home for CJPs, reduce isolation and associated risks	Event attendees	National/Local
	CJPs to create governance of the use of the strategic commissioning processes to ensure the <i>Framework</i> is used effectively locally	CJP	Local
	Increased autonomy of local partnerships to enable tailoring of services to local needs	CJP	Local



## Effective Co-Production and Participation

Sub Theme	Proposed areas of action	Respondent sector	Level of proposed action (Local/National or whole system)
...with partners (statutory and national)	Equal and sustained partner engagement with community justice outcomes (i.e. whole systems approach)	CJP	Whole system
	Nationally drive active engagement from all statutory partners i.e. COPFS	CJP	National
	Continuous development and promotion of the community justice agenda, ensuring that all members feel fully involved and are collectively engaged in its work	CJP	Whole system
...with the third sector	Ensure the third sector is represented as a full partner in CJPs.	Third sector	National/Local
	Support for local third sector partners to engage effectively in CJPs. Community Justice Scotland take a more active role in supporting local third sector engagement	Third sector	
...with people with lived experience	CJP to effectively engage in user participation, to redress perceived lack of representation of the voices of victims, offenders, their families in CJPs	Third sector	National/Local
	Engagement strategy, to guide partners in engaging with people who traditionally disengage with services to ensure strategic vision is inclusive	CJP	
	More involvement of service users in planning <i>per se</i>	Event attendees	Whole system

## Increased Effectiveness, Needs-led Planning and Delivery

Sub Theme	Proposed areas of action	Respondent sector	Level of proposed action (Local/ National or whole system)
Agreeing measurable impact and outcomes (people and services)	Development of effective evaluation processes across commissioned services. To allow, for example, impact measurement and tracking of service user progress through a service where it contains more than one element of provision or is delivered across different providers	CJP	Whole system
	CJPs make an ongoing commitment to best practice, to learning from what the evidence and experience around the most effective way to deliver outcomes and refining, developing and improving services on an ongoing basis (for example, understanding of Adverse Childhood Experiences (ACEs), trauma informed practice and delivery and psychologically informed environments grows)	Third sector	Local
	Use of Health Inequalities Impact Assessment (HIIA)	Statutory partner	Whole system
	Consistent outcomes measurement across services and infrastructure to support this	CJP	Whole system
	Consistent outcomes measurement across services including services with clients who have complex disadvantage or needs	CJP	Whole system
	Consistent outcomes measurement across services including services with clients who have complex disadvantage or needs	Statutory partner	Whole system
	Monitoring and evaluation of outcomes making use of expertise in national agencies	Statutory partner	Whole system
	Capacity and resourcing informed by the national strategic needs assessment	CJP	
	An information sharing concordat/agreement nationally to enable information sharing to improve people's outcomes (i.e. across partners and services; with people to ensure eligibility)	Event attendees	National
	National support to assist with reporting on health outcomes	CJP	National

Needs-led planning	Map services available to people who become involved with the community justice system	CJP	
	Standardisation in service mapping and delivery	Third sector	
	Create accurate national picture of baseline data and outcomes measurement to identify needs for commissioning of services and to measure and evidence the success of any such commissioned services	Third sector	National
	Consistent outcomes measurement across services with clients who have complex disadvantage or needs	CJP	Whole system
Increased effectiveness of community justice	Provide evidence of effective interventions	Statutory partner	
	Embedding of a trauma-informed approach by all partners	Statutory partner	Whole system
	Service user focus and consistent approach to throughcare required to improve consistency and continuity of pathways	Statutory partner	Local and national
	At a national policy level, creation of a forum to integrate community justice into the wider policy <i>Framework</i> around inequality and exclusion	Other non-statutory partner	National
Effective Outcomes, Performance and Improvement <i>Framework</i>	Regular (possibly annual) updates and feedback, in a concise format, at local and national level - what is working and what is not?	Third sector	Local and National
	An appropriate blend of leading (input orientated) and lagging (output orientated) indicators to support effective joint strategic commissioning	Statutory partner	National
	A review and/or development of policy for employing ex-offenders to ensure the contribution of organisations such as [respondent organisation] to the principles of community justice is optimal	Statutory partner	National

## Access to Key Skills and Capacity to Deliver Effective Strategic Commissioning

Sub Theme	Proposed areas of action	Respondent sector	Level of proposed action (Local/National or whole system)
Training provision	An 'induction module' or induction pack for new partnership Chairs or partners. To outline the vision and priorities and respective responsibilities	CJP	Local
	CJPs supported with strategic commissioning training to enable all CJPs, all partners within them, to reach the same level of skill and capacity and reach the same level	Event Attendees	National
	Development and sharing of best practice guidance and related learning (including best practice examples)	Third sector	
Local improvement support	Support from Community Justice Scotland to local partnerships to interpret and use the model	Other non-statutory partner	National
	Support the <i>Framework</i> by putting champions into place in each area	Third sector	Local
	A champion/ambassador role within partnerships or regions who are steeped in the work and can support skills development	Third sector	Local

## Solutions to data constraints and improving available datasets

Sub Theme	Proposed areas of action	Respondent sector	Level of proposed action (Local/National or whole system)
Data consistency via core dataset, infrastructure and guidance	Development of a core, consistent, robust and reliable dataset across community justice	CJP	National
	Development of a core, consistent, robust and reliable dataset across community justice	Event Attendees (multiple)	National
	Agreed national datasets and accompanying guidance/IT investment to create consistency across Scotland of information and data available to inform and influence for improvements	CJP	National
	Agreed national datasets and accompanying guidance/IT investment to create consistency across Scotland of	Statutory partner	National

	information and data available to inform and influence for improvements/commissioning in community justice		
	Standardise data capture and consider centralising analysis	Third sector	National
Data availability	An information sharing agreement, to give partners confidence that they are acting lawfully when sharing information with other agencies/services (i.e. GDPR compliant)	CJP	National/local
	A commitment from all justice partners to open and honest information sharing across the sector	Third sector	National
	Data improvement planning and personalised information sharing and clear accountability for each person	Statutory partner	National/Local
	Better data sharing arrangements across the public service system in Scotland	Statutory partner	Whole system
Data collection, analysis and use	An evidence-based approach that ensures partners are gathering and basing decisions on the right data and making relevant connections between data. To be backed up by qualitative data gathered from people with lived experience	Third sector	
	Robust data analysis resource for all justice related data - time needs to be dedicated to triangulating the data and make it meaningful to partnerships	CJP	

## Appendix B – Consultation Feedback Questionnaire

### Strategic Commissioning Framework for Community Justice Consultation Guidance and Feedback form

#### Overview

The Community Justice Strategic Commissioning Framework aims to support local Partnerships to develop effective joint strategic commissioning of community justice services.

#### Why We Are Consulting

We are consulting to make sure the Framework documents work for Partnerships, partners and stakeholders, and that it can be adopted by the sector to meet the needs of local areas, communities and individuals. With your support, we aim to create a common vision across the sector, guidance that enables partners to implement it and in parallel, priority improvements to system and structure over the next three years. We want to understand any activities partners think are necessary to enable effectiveness to be achieved. Your opinions will help to shape and refine the final versions, which we intend to publish at the end of 2019. Support to deliver on actions will be sought from Scottish Government via development of a business case.

To be able to answer the consultation questions, you will first need to download and read the following:

1. [Model for long term effectiveness in strategic commissioning](#)
2. [An 'Explanatory note', outlining the benefits, audience and use of the Framework](#)
3. [The 'Framework Guidance', outlining the processes and skills for effective delivery](#)
4. Executive Summary (to be uploaded to CJS webpages week commencing 1<sup>st</sup> July).

The current presentation of the Framework documents is for illustration only – final content will be redesigned and refined to maximise accessibility and value to its users.

If you have any questions, please get in touch – contact details are at the end of this form.

#### About this consultation

Participation is voluntary, and responses will be kept confidential. They will not be published.

The feedback form is in 5 sections. First we ask about you as a respondent, then about your views on each of the consultation documents, and finally about implementing joint strategic commissioning in community justice.

What Community Justice Scotland will do with your responses:

- ✓ We will collate and analyse responses from partners and share a summary of views with the sector. Comments will be anonymised.
- ✓ With the Scottish Government, we will decide on any changes to draft documents and share these with you.
- ✓ We will develop a business case for action to support partners with implementing joint strategic commissioning in community justice, in terms of structural/system improvements and direct support.

### Section 1: Respondent information

1.	Are you responding as an individual, a partner or Partnership?	
	<input type="checkbox"/>	Individual
	<input type="checkbox"/>	Community Justice Partnership (please state):
	<input type="checkbox"/>	Statutory partner (please state):
	<input type="checkbox"/>	Non-statutory partner (including third/independent/other sectors) (please state):
	<input type="checkbox"/>	Other (please state):
2.	Please provide your email address:	

### Section 2: Model for effective implementation of strategic commissioning

The model for effective implementation of strategic commissioning proposes outcomes that this will achieve over the short, medium and long term.

With your input, we will refine this model to become a sector-wide vision for effectiveness over the short, medium and long term. It is intended to apply to Partnerships and across community justice in Scotland. We will also add actions by partners, once these are agreed.

3.	Please describe your overall thoughts on the model.  <i>E.g. How easy is it to understand? How easy will outcomes be to embed? Is it comprehensive?</i>
4.	Do you agree with the outcomes in the model? Why do you say this?
5.	Are there any gaps in the outcomes described in the model? If so, what are they and why do you feel this is the case?


**Questions 6 and 7 are specifically aimed at Community Justice Partnerships:**

6.	Are the timescales outlined in the model achievable for your Partnership?
	<input type="checkbox"/> Yes, no support needed
	<input type="checkbox"/> Yes, but we would need some support
	<input type="checkbox"/> Yes, but we would need a lot of support
	<input type="checkbox"/> Not achievable
	If no, please explain your response:

7.	Please list any areas where you feel you will require support with implementing joint strategic commissioning as a Partnership:

8.	<p>Please list below any actions you think will be required, at a local or national level, to ensure effectiveness in joint strategic commissioning within three to five years?</p> <p>Actions might include an ask of a partner, or an offer from you.</p> <p><i>Please include a brief explanation of why you think actions are necessary. Please list <u>in order of importance</u>:</i></p>
	<p>1. 2. 3. (add more actions if necessary)</p>



### Section 3: Explanatory note for the Framework, and Executive Summary

9.	Please provide any comments you have on the Explanatory Note and Executive Summary.

### Section 4: The Strategic Commissioning Framework Guidance

10.	Please describe your overall thoughts on the Strategic Commissioning Framework Guidance.

11.	Do you have any comments on Section 1, “What is Strategic Commissioning?”

12.	Do you have any comments on Section 2, “Key Commissioning Activities”?

13.	Do you have any comments on Section 3, “Key commissioning skills, competencies and roles”?

14.	Do you have any comments on Section 4, “The Commissioning Cycle”?

15.	<p>Further guidance CJS is developing a Digital Hub to support partners in community justice planning and delivery. It will host resources for partners to use.</p> <p>Please describe below any additional resources/guidance that you think would be helpful to partners as they develop joint strategic commissioning. <i>Include as much detail as possible.</i></p>

### Section 5: Using the Strategic Commissioning Framework

16.	Will the Strategic Commissioning Framework help you with developing long term planning, arrangement and improvement of services for people in community justice?		
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
<i>Please explain your answer</i>			

17.	We may wish to contact you again to discuss your suggestions for joint strategic commissioning and to support development of the business case. Are you content for Community Justice Scotland to contact you again about this work?		
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

Please return your completed forms to [info@communityjustice.scot](mailto:info@communityjustice.scot) and [sarah.mccullough@communityjustice.scot](mailto:sarah.mccullough@communityjustice.scot) by **Friday 30<sup>th</sup> August 2019**.

Thank you for your comments.

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