

How do we pay for this? Funding community justice in Scotland

Background

The United Kingdom is a unitary state, but three of its constituent countries (Scotland, Wales and Northern Ireland) have their own devolved parliaments and governments with distinct responsibilities. The UK Parliament remains responsible for areas such as macroeconomics, defence and immigration, and legislates on these areas for the whole of the United Kingdom. The Scottish Parliament is responsible for everything which legislation does not explicitly reserve to the UK Parliament. This covers many of the issues of day-to-day concern to the people of Scotland, including health, education, justice and rural affairs.

The Scottish Parliament is unicameral and comprises 129 members, making it roughly the size of the state legislatures of California or Ohio. The way the electoral system is balanced means that usually no individual party wins enough seats to form a government, and instead government is by coalition. However, since 2007 the Scottish National Party (SNP) has ruled autonomously; first as a minority government and more recently – having significantly increased the number of seats it holds at the last election - as a majority government. The SNP favours an independent Scotland, and has announced its intention to hold a referendum on independence from the United Kingdom in the autumn of 2014.

Scotland's legal system – Scots law – is unique, and differs substantially from the legal jurisdictions in the rest of the UK, particularly in criminal law. The Scottish Government has executive responsibility for the Scottish legal system.

In terms of community justice, Scotland is divided up between eight Community Justice Authorities (CJAs), which were created in 2006 to provide a co-ordinated approach to planning and monitoring the delivery of offender services in their areas. Each CJA is composed of elected councillors from the local authority areas within its boundaries. Working together with local partners, the CJAs produce three year plans setting out how they intend to target services to reduce reoffending and ensure close co-operation between community and prison services to aid in rehabilitation.

CJAs are funded directly by the Scottish Government to the tune of almost £100,000,000 (about \$153,000,000) annually. Some of their spending is non-discretionary (for example, they pay for the implementation of court orders in their areas), while some is discretionary, intended for the support of local initiatives.

Tackling reoffending in Scotland

The SNP Government is committed to finding effective ways to stop the revolving door of reoffending, which sees over 60% of prisoners in Scotland re-convicted within two years of release. In 2009 the Government launched a more coordinated approach to the issue with its Reducing Reoffending Programme. Initiatives taken forward under the programme included the introduction of a presumption against prison sentences of three months or less and the implementation of Community Payback Orders, under which offenders are sentenced to work in the community, while at the same time addressing the underlying issues that can influence their repeat offending behaviour, such as drugs or alcohol addiction.

The results of the programme have been encouraging, as evidenced by the fact that in 2011 the two year reconviction rate reached its lowest level in over a decade. However, there are still strong impetuses to do more to tackle reoffending. Although the level of recorded crime in Scotland has been on a downward trend, the prison population is at record levels¹, and the recidivism rate remains stubbornly above 42%. Work is therefore underway to develop Phase II of the Reducing Reoffending Programme. This will comprise several related strands of work, of which one will be a new “change fund” specifically intended to help reduce reoffending.

The Reducing Reoffending Change Fund

The Scottish Government is keen to place a greater emphasis on preventative spending, in the hope that by focusing on preventing problems we can deliver improved social outcomes and better value for money. To support this approach the Government has set out a comprehensive preventative spend package comprising three “change funds”, each focussed on a particular aspect of preventative spending. One of these funds is the Reducing Reoffending Change Fund (RRCF), to which the Government has allocated £7.5m over a three year period. This is a relatively small amount – to put it into context, the overall community justice budget is around £110m a year – but it’s a powerful symbol of the Government’s commitment to tackle the shortcomings of the current approach to reducing reoffending. The stated aim of the fund is, “to expand the coverage and impact of those interventions with a proven track record in reducing reoffending”, and for this work to “take account of the particular contribution that can be made by third sector service providers”.

The £7.5m could simply have been distributed between CJAs, or used to finance one-off programmes, but that would have minimised its impact by spreading it too thinly and investing it non-sustainably. If we want to secure a meaningful and lasting transformation in the way in which services targeted at reducing reoffending are commissioned, we need to take a more tactical approach, and the fund offers us an exciting opportunity to do that. We would like to see services with a proven track record supported sustainably and expanded, becoming embedded in mainstream provision, with third sector partners playing an important role in service delivery.

If we can deploy the fund to bring about meaningful improvements to the current system, that will provide a framework enabling us to put the overall Community Justice budget to more efficient and strategic use in future. To achieve this, we are launching a fundamental review our approach to community justice funding as part of our work on the fund. We have convened a group of stakeholders who we are tasking with agreeing a set of principles that should underpin the new arrangements, and recommending ways in which we can give practical effect to these principles.

If we can get the new funding arrangements right, there is a strong possibility of then using the change fund to lever in significant amounts of net additional funding from charitable trusts which support services aimed at reducing reoffending, as they have a strong interest in ensuring that existing projects which have demonstrated their effectiveness during a pilot phase are sustained in the long term.

¹ 8049 on 13 January, not including 363 individuals on Home Detention Curfews. This equates to approximately 154 prisoners per 100,000 of Scotland’s population.