

SCRA Consultation Response FULL VERSION 2021

NATIONAL STRATEGY FOR COMMUNITY JUSTICE REVIEW CONSULTATION



The Scottish Children's Reporter Administration (SCRA) welcomes the opportunity to respond to this consultation.

The Children's Hearing is Scotland's distinct statutory approach, in which concerns about a child's circumstances (whether about the care or treatment of the child by adults or the behaviour of the child) are considered by Children's Reporters and then by panel members in a Children's Hearing, who make a decision about whether there needs to be compulsory professional involvement with the child and family.

In the Children's Hearings System:

- the needs of children or young people are addressed through one holistic and integrated approach which considers all the circumstances of the child and the child's welfare
- the welfare of the child remains at the centre of all decision making and the child's best interests are paramount throughout
- the child's engagement and participation is crucial to good decision making
- the rights of children and families are respected

The role and purpose of SCRA is:

1. Receiving referrals for children/young people who may be at risk.
2. Ensuring that other public agencies carry out enquiries and assessments into children/ young people's circumstances so we can make informed decisions about children/young people referred to us.
3. Making decisions on whether to refer a child/young person to a Children's Hearing if they need compulsory measures of supervision.
4. Drafting the grounds for the Hearing.
5. Arranging for Children's Hearings to take place when we decide that compulsory measures of supervision are warranted and where there is sufficient evidence to prove the grounds.
6. Ensuring fair process takes place within the Hearing, including the rights of those in attendance being met.
7. Having a key role in establishing grounds of referral in court, where these are contested, and in defending decisions of Children's Hearings which are subject to appeal.

Our Vision: Children and young people will be listened to, protected and supported to realise a positive future where they are safe, valued and respected.

Our Mission: We protect and support Scotland's children and young people, by making high quality decisions, upholding their rights and working collaboratively as compassionate, inclusive corporate parents to enable the most positive and personalised experience of the Children's Hearing.

Our Values: Our values are the shared motivations, beliefs and behaviours that underpin all that we do.

S upportive	We work with kindness to support children, young people and families, our Partners and each other.
C hild Centred	Children and young people are at the heart of everything we do.
R espectful	Everyone is respected and treated fairly, inclusively and lawfully.
A ccountable	We are responsible for our decisions, our ethics and our learning.

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LIST OF CONSULTATION QUESTIONS

Q1. Do you think that it would be helpful to shorten and simplify the strategy, to make it more user-friendly?

Yes

No

Please explain your response further:

Whilst it may be helpful for there to be an abridged or more accessible form of the strategy we think that the 2016 document has the right balance; clearly explains the principles of the approach; links the strategy to other areas of government and to other areas or approaches which have a commonality or share thinking with the strategy. We don't think that this strategy should be diluted and are of the view that the 2016 approach remains valid and relevant. Indeed, we think elements of the 2016 approach could be enhanced by more reference to the importance of childhood, and how we support children, for example through the ethos of the hearing system we support children through an integrated approach to what they need rather than what they may have done - this approach could be extended into adulthood.

Q2. Do you think that the strategy should contain more specific and time-limited aims and actions than at present?

Yes

No

Please explain your response further:

We would expect to see this detail in the corporate and strategic planning of Community Justice Scotland, not in the strategic government approach.

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Q3. To what extent do you agree or disagree with the current vision?

Strongly agree	Agree	Neutral	Disagree	Strongly disagree
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please explain your response further:

We agree with the vision statement – although would ask that the concept of re-integration is considered in more depth. Re-integration implies that individuals were fully / normatively integrated in community / society prior to any offending. We are not convinced that this is accurate and instead would suggest that many adults who come into conflict with the law are adults who have experienced serious, significant trauma, often over a number of years and throughout childhood. Instead an approach which seeks to support adults in conflict with the law so that they can fully integrate into community / society as responsible adults would be one which is trauma informed and perhaps more realistic and effective.

Q4. To what extent do you agree or disagree with the current mission statement?

Strongly agree	Agree	Neutral	Disagree	Strongly disagree
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Please explain your response further:

We agree with the current mission statement – although we suggest that the mission could be even more firmly stated - by inserting a new initial bullet point in relation to the decisive shift, to read (for example):
Moving towards a sentencing trajectory where community sentencing increases and custodial sentencing decreases.
Our comments in relation to Q3 and re-integration also apply in relation to the mission statement.

Q5. How useful do you think the current vision and mission statement are at helping partners and communities to work together effectively to drive improvement in community justice?

Very useful	Quite useful	Neutral	Not very useful	Not at all useful
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please explain your response further:

We think the vision and mission statement are centred around sentencing and the repercussions of sentencing. These are areas out with the gift of partners and communities - which sit firmly with those making sentencing decisions. In relation to the implementation of sentencing decisions and working with the repercussions of those decisions they make sense – but there may need to be a distinction between the impact of the strategy on criminal justice decision makers and the impact on public bodies and third sector organisations working with those impacted by sentencing decision on the ground.

Some partnership working with the Scottish Sentencing Council or with the Judicial Institute and the training / learning development programme in place for criminal justice decision makers may be required in order for the desired improvements to be possible.



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Q6. Do you think that a renewed community justice strategy needs a focus on each of the following?

Select all that apply

Improved Community Understanding and Participation

Please add any comments on this priority:

Absolutely. Public understanding of the value of community sentencing and the ways in which it can work effectively needs to continue to be built and should be a focus for communication. Building the trust of the general public and shifting their understanding away from punitive criminal justice responses is crucial for the wider aims of the strategy to be realised.

Strategic Planning and Partnership Working

Please add any comments on this priority:

At national and local level the community justice strategy will only work if there is a collaborative approach, a shared understanding and common aims. This work will not succeed if those who need to be working in partnership are working in isolation.

Equal Access to Services

Please add any comments on this priority:

This needs to be a priority – across the country there should be the same opportunities for services and supports, and this is particularly relevant for remote and island communities and for the more hidden, vulnerable, disadvantaged people that the services need to reach successfully.

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Effective Use of Evidence-Based Interventions

Please add any comments on this priority:

This is linked to the building of trust more widely in relation to the general public understanding of the efficacy of community justice, diversionary approaches and alternatives to custodial sentencing. Scotland should be doing 'what works' for every child and adult in conflict with the law – in ways which support these individuals to maintain strong links with their families and communities which are the real supports for any successful social integration.

Q7. How useful do you think the current priorities and improvement actions are at helping partners and communities to work together effectively to drive improvement in community justice?

Very useful	Quite useful	Neutral	Not very useful	Not at all useful
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please explain your response further:

We think the priorities continue to be relevant as do the improvement actions. We think the specific detail of improvement action should probably sit within the corporate and strategic documentation of Community Justice Scotland and we therefore think that their response to this question should be given weight.

Q8. To what extent do you agree or disagree with the current principles?

Strongly agree	Agree	Neutral	Disagree	Strongly disagree
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Please explain your response further:

Our earlier comments on re-integration / integration remain relevant.

It may be that specific focused action is required in relation to the framework / structures which encourage and support partnership working – particularly across different sectors. It may be that some foundation or remedial work is required in relation to bridging the gap between criminal justice and community justice (for example).

Q9. How useful do you think the current principles are at helping partners and communities to work together effectively to drive improvement in community justice?

Very useful	Quite useful	Neutral	Not very useful	Not at all useful
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please explain your response further:

We continue to think that the current principles are a very good start and we continue to believe in them.

Q10. Thinking about the strategy overall, to what extent has it led to collaboration in the effective and strategic use of resources (including, as referenced in the current strategy, by sharing staff, expertise, information, property, and finance) across the community justice sector?

- To a great extent
- To some extent
- Not at all

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Please explain your response further:

We are not in a position to comment. We have not been actively involved as a strategic stakeholder or partner to this point and are not aware of the improvements which may have been generated as a result of partnership working.

Q11. Thinking about the strategy overall, to what extent has it achieved its aim of providing a shared vision to help partners and communities to work together effectively to drive improvement in community justice?

- To a great extent
- To some extent
- Not at all

Please explain your response further:

We are able to comment on this and think that the vision as presented by the strategy aligns with our own vision within the whole systems approach and the youth justice strategy and the ethos of the Children's Hearing. This is a real strength of the approach.

Q12. Thinking about the strategy overall, would you say that it has influenced the work of your local area/organisation?

- To a great extent
- To some extent
- Not at all

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Please explain your response further:

The extent of the influence on our work is probably limited to the parallels we see in terms of vision and ethos. We are not sure that the practical elements of our work have been impacted or influenced – although this doesn't mean there hasn't been an impact. We think perhaps some targeted / commissioned research may be helpful in this area.

Q13. Thinking about the strategy overall:

a. Which elements of the strategy do you find most useful?

We find the statements of intent within the strategy most useful. If they were focused on and the delivery mechanisms for the statements of intent were elaborated within relevant corporate and strategic documents then we think that the strategy would be extremely useful.

b. Which elements of the strategy do you find least useful?

Q14. In your view what are the three main community justice priorities over the next 3-5 years?

Priority 1
Identifying barriers and bridging gaps between criminal and community justice
Priority 2
Evidence based support and evidence based outcome evaluation
Priority 3
Frameworks for effective partnership working