

**MINUTE of MEETING of the FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY held within the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 29 JUNE 2006 at 10.30 a.m.**

**PRESENT:** Councillors Blyth (Fife), Fearon (Clackmannanshire) (Substituting for Councillor Matchett), Kay (Fife), Keddie (Fife), Kennedy (Fife), McCafferty (Falkirk), McNally (Falkirk) and Miller (Falkirk).

**CONVENER:** Councillor Miller.

**APOLOGIES:** Councillors McChord (Stirling), McKean (Stirling) and Matchett (Clackmannanshire); G Brechin, Chief Executive, Fife Health Board; Irene Cavanagh, Chief Social Work Officer, Stirling Council; Deirdre Cilliers, Chief Social Work Officer, Clackmannanshire Council; Janice Hewitt, Director of Community Services, Stirling Council; Michelle Miller, Chief Social Work Officer, Fife Council; Cathy O'Neil; Chief Constable P Wilson, Fife Constabulary.

**ATTENDING:** Margaret Anderson, Head of Service, Housing and Social Work Services, Falkirk Council; Nick Burgess, Team Manager, Housing and Social Work Services, Falkirk Council; Iain Cowden, Chief Officer (Designate); DCI Tom Crozier, Fife Constabulary; Patrick Delargy, Senior Manager (Operations), SACRO; Pat Hughes, Fife Area Business Manager; Alan McCloskey, Victim Support; Harry Mennie, APEX; Doreen Peat, Service Manager, Criminal Justice Service, Fife Council; Anne Pinkman, Head of Community Justice Service, Stirling Council; Ian Shovlin, Service Manager, (Criminal Justice) Clackmannanshire Council; Rona Sweeney, Scottish Prison Service; Iain Tough, Democratic Services Manager, Falkirk Council, and DC Jim Westwood, Fife Constabulary.

**CJA9. MINUTE**

- (a) There was submitted (circulated) and **APPROVED** Minute of inaugural Meeting of the Fife and Forth Valley Community Justice Authority held on 24 April 2006; and
- (b) There was submitted (circulated) and **APPROVED** Minute of Fife and Forth Valley Community Justice Authority Appointments Panel held on 28 April 2006.

**CJA10. NATIONAL STRATEGY FOR THE MANAGEMENT OF OFFENDERS**

There was submitted Report (circulated) dated 19 June 2006 by Margaret Anderson, Head of Service, Housing and Social Work Services, Falkirk Council providing details of the steps being taken to ensure that the first local area plan for the Fife and Forth Valley Community Justice Authority takes account of the National Strategy for the Management of Offenders and enclosing, as an Appendix, a copy of the National Strategy.

**NOTED:-**

- (1) the contents of the National Strategy for the Management of Offenders and the special responsibilities in relation to Community Justice Authorities; and
- (2) the steps which are being taken to ensure that the first local area plan for the Fife and Forth Valley Community Justice Authority takes into account the contents of the National Strategy for the Management of Offenders.

#### **CJA11. OVERVIEW OF INSPECTIONS OF CRIMINAL JUSTICE SOCIAL WORK SERVICES PROVIDED BY FIFE COUNCIL AND THE FORTH VALLEY CRIMINAL JUSTICE GROUPING**

There was submitted Report (circulated) by Jennifer White, Clackmannanshire Council providing Members with an overview of the findings of the inspections which have been conducted by Social Work Inspection Agency (SWIA) in relation to the Criminal Justice Social Work Services provided by Fife Council and the Forth Valley Criminal Justice Grouping.

**NOTED** the contents of the inspection reports.

#### **AGREED:-**

- (1) that officers from Clackmannanshire, Falkirk and Stirling Councils prepare an action plan outlining how they will respond to identified areas of improvement; and
- (2) that the Chief Officer prepares a report, in consultation with the Scottish Prison Service, on the findings of inspection reports relating to SPS establishments and functions relevant to the Fife and Forth Valley area.

#### **CJA12. PARTNERS CONFERENCE**

There was submitted Report (circulated) dated 20 June 2006 by Anne Pinkman, Head of Criminal Justice Service, Stirling Council providing details of the Scottish Executive Conference to be held on 26-27 October 2006 at Crieff Hydro for CJA Board members and partner organisations.

#### **AGREED:-**

- (1) to note that the Scottish Executive conference for CJA Board Members would be held on 26-27 October 2006 at Crieff Hydro; and
- (2) to remit to the Chief Officer, in consultation with the Convener and Vice-Convener, the arrangements for distribution of invitations to stakeholders.

#### **CJA13. FINANCE REPORT**

There was submitted Report (circulated) dated 20 June 2006 by Anne Pinkman, Head of Criminal Justice Service, Stirling Council providing details of the current financial position of the Community Justice Authority for 2006 -07.

#### **NOTED:-**

- (1) the current financial position of the CJA, as detailed in the report; and
- (2) the budget arrangements for the CJA from April 2007.

**AGREED:-**

- (1) that discussion take place between the Chief Officer and Fife, Falkirk and Stirling Councils in relation to the reimbursement of costs for the provision of HR, legal and financial services and with Clackmannanshire Council in relation to accommodation;
- (2) that the Chief Officer prepare for the CJA assuming responsibility for the entire criminal justice budget from April 2007, in consultation with Fife, Clackmannanshire, Falkirk and Stirling Councils; and
- (3) that an update report on the financial position be submitted to the next meeting of the CJA.

**CJA14. REPORT ON ARRANGEMENTS FOR THE EMPLOYMENT OF THE CHIEF OFFICER**

There was submitted Report (circulated) dated 20 June 2006 by Nick Henderson, Fife Council providing details on outstanding matters relating to the employment of the Chief Officer.

**AGREED:-**

- (1) that the CJA should become the employer of the Chief Officer having received confirmation that the Scottish Executive will guarantee the pension risk, and request that Fife Council prepare application for admission to the Local Government Pension Scheme on behalf of the CJA;
- (2) that Fife Council, on behalf of the CJA, make the necessary arrangements for the CJA to be a listed employer under the Local Government Redundancy (Modification) Order; and
- (3) that the CJA should establish an agency agreement for payroll services with one of the constituent authorities and request that Stirling Council, as the designated authority to provide financial advice, take this forward on behalf of the CJA.

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29<sup>th</sup> JUNE 2006

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NATIONAL STRATEGY FOR THE MANAGEMENT OF OFFENDERS

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**1. RECOMMENDATION(S)**

- 1.1 That the Community Justice Authority notes the content of the National Strategy for the Management of Offenders and the special responsibilities relating to Community Justice Authorities.
- 1.2 Notes the steps which are being taken, as outlined in paragraph 2.10, to ensure that the first local area plan for the Fife and Forth Valley Community Justice Authority takes account of the National Strategy for the Management of Offenders.

**2. CONSIDERATIONS**

Background

- 2.1 At the first meeting of the Fife and Forth Valley Community Justice Authority held on 24<sup>th</sup> April 2006, Members noted the requirement to prepare a first area plan by 30<sup>th</sup> September 2006. The Scottish Executive's requirements in respect of the first area plan were set out in correspondence from the Justice Department dated 3<sup>rd</sup> April 2006. This refers to the need for local area plans to put into practice the National Strategy for the Management of Offenders. The National Strategy was subsequently published on 23<sup>rd</sup> May 2006 and a copy of this is attached at **Appendix 1**.

The National Strategy

- 2.2 The National Strategy on Offender Management is the first of its kind in Scotland and is intended to provide direction for Community Justice Authorities, Local Authorities, Scottish Prison Service and partner bodies. It sets out the shared aim which is to reduce both the amount of re-offending and the amount of serious harm caused by those already known to the Criminal Justice System. It also sets a target of a 2% reduction on re-conviction rates in all types of sentence by March 2008. It envisages that Community Justice Authorities will play a key part in ensuring that Local Authorities, Scottish Prison Service and partner agencies deliver the expected outcomes for communities for offenders and for the Criminal Justice System.

## The Five Themes of the Strategy

2.3 The National Strategy proposed that services should be developed under 5 inter-linking themes. These are:

- Setting priorities
- Working together in new ways
- Developing and supporting the workforce
- Communication
- Measuring, learning and acting

## Setting Priorities

2.4 The National Strategy encourages Community Justice Authorities to re-shape services of the future by adopting a more targeted approach to work with offenders. The Strategy highlights the following offender groups as priorities;

- Less serious/first time offenders
- Offenders with Mental Health problems
- Offenders with substance misuse problems
- Persistent offenders, including young offenders coming through from the Youth Justice System.
- Prisoners needing re-settlement and rehabilitation services
- Violent, serious and sex offenders
- Women offenders

2.5 In addition to these National priorities, Community Justice Authorities are asked to identify local priorities within its boundaries. Community Justice Authorities will then have the responsibility for allocating resources to Local Authority Criminal Justice Social Work Services, against the priorities described in the CJA area plan. The National Strategy makes it clear that it is expected that this process will, in time, lead to a re-distribution of activity and funds across the Local Authority areas within a Community Justice Authority.

## Working Together in New Ways

2.6 The National Strategy envisages that the area plans for reducing re-offending will help set the agenda for a more integrated and more consistent system for managing offenders and that they will do so by:

- Sharing resources, expertise and information.
- Supporting transitions, particularly from prison to the Community
- Ensuring a strong partnership with the voluntary sector
- Developing the contribution of other partners.

### Developing and Supporting the Workforce

- 2.7 Area plans are expected to identify local opportunities to bring professionals together in ways which require them to pool their skills. This process is likely to involve gathering information from Local Authorities, Scottish Prison Service and the voluntary sector on staffing levels and recruitment plans. It is also likely to involve the identification of opportunities for joint training, work shadowing, secondment and mentoring.

### Communication

- 2.8 The National Strategy highlights that an important function for Community Justice Authorities is providing leadership and communicating clear and simple messages about developments in offender management, at a local level and the roles of individual organisations. Community Justice Authorities are therefore required to have a Local Communication Strategy as part of their local area plans and to work with partners to deliver the Local Communication Strategy.

### Measuring Learning and Acting

- 2.9 The National Strategy acknowledges that there are a number of difficulties associated with measuring re-offending. However an initial target of a 2% reduction in re-offending by 2008 has already been set by the Scottish Executive and the National Strategy makes it clear that more detailed targets will be set in the coming year which Community Justice Authorities will be expected to monitor. The Strategy outlines extensive responsibilities on the part of Community Justice Authorities to ensure that robust performance management and quality assurance arrangements are in place through Local Authorities, Scottish Prison Service and partner agencies.

### Implications for Forth Valley and Fife Community Justice Authority

- 2.10 The National Strategy for the management of offenders sets out a particularly challenging agenda for Community Justice Authorities which requires to be reflected in the first local area plan. As indicated to Members at the first meeting of the Forth Valley and Fife Community Justice Authority, the first area plan requires to be prepared and submitted to the Scottish Executive by 30<sup>th</sup> September 2006. Members agreed to the setting up of a partner seminar which would assist in the consultation process in respect of the first local area plan. The first of these seminars for partner organisations has been scheduled for 4<sup>th</sup> July, and the programme of the day will be structured with a view to seeking the views of Local Authorities, Scottish Prison Service and partners agencies, on each of the key themes highlighted in the National Strategy. It is intended that this will provide a range of useful material for the incoming Chief Officer to use in the preparation of the first local area plan.

### 3. CONSULTATION

3.1 Consultation on the contents and recommendations contained in this report has taken place with senior officers from the constituent Local Authorities. However, the arrangements outlined in para 2.10 would enable wider consultation to take place with statutory and non statutory partners on the issue of how the National Strategy for the Management of Offenders can be reflected in the first local area plan for the Fife and Forth Valley Community Justice Authority.

### 4. RESOURCE IMPLICATIONS

4.1 The National Strategy for Offender Management has a number of implications for the resources of the Community Justice Authority, the Local Authorities, Scottish Prison Service and partner agencies. A significant implication will be the requirement from April 2007 onwards for the Community Justice Authority to reach decisions about how resources for Criminal Justice Social Work Services are to be distributed or redistributed across the boundaries of Fife and Forth Valley. At this stage, there is no indication that any additional resources will be available to deliver the very ambitious aims and targets of the National Strategy on the Management of Offenders.

Author

Name	Designation	Tel No
Margaret Anderson	Head of Service	01324 506400

Date: 19<sup>th</sup> June 2006

Reference MA/RG/CJA  
National Standards 29.6.06

29<sup>th</sup> June 2006

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OVERVIEW OF INSPECTIONS OF CRIMINAL JUSTICE SOCIAL WORK  
SERVICES PROVIDED BY FIFE COUNCIL AND THE FORTH VALLEY  
CRIMINAL JUSTICE GROUPING

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**1. RECOMMENDATIONS**

- 1.1 That members of the CJA note the contents of the inspection reports and request officers from Clackmannanshire, Falkirk and Stirling Councils to provide an action plan outlining how they will respond to the areas for improvement identified.
- 1.2 That members of the CJA request the incoming Chief Officer to prepare a report, in consultation with the Scottish Prison Service, on the findings of inspection reports relating to SPS establishments and functions relevant to the Forth Valley and Fife.

**2. CONSIDERATIONS**

- 2.1 One of the functions of the Community Justice Authority is to monitor the performance of organisations which are responsible for the delivery of criminal justice services in prisons and in the community. The findings of external inspections are important sources of information. This report provides members with an overview of the findings of the inspections which have been conducted by the former Social Work services Inspectorate, which is now the Social Work Inspection Agency (SWIA), in relation to the criminal justice social work services provided by Fife Council and the Forth Valley Criminal Justice Grouping, consisting of Clackmannanshire, Falkirk and Stirling Councils

Performance Inspection of Criminal Justice Social Work Services in Fife

- 2.2 This inspection was published by the Social Work Services Inspectorate in June 2004 and fieldwork took place in January 2004. Appendix 1 contains a summary of the findings of this inspection. It should be noted that key recommendations have now been implemented, in full or part and that areas then marked for improvement are no longer areas of concern. In the report of the 2006 Performance Inspection of Social Services carried out in Fife, SWIA noted that “the authority had evidently made significant efforts over a relatively short period to address the issues identified in the inspection report”. SWIA therefore concluded that no follow up inspection was required.



## Forth Valley Criminal Justice Grouping SWIA Inspection Report

- The report of the SWIA inspection of the Criminal Justice Grouping in the Forth Valley was published in June 2006. A summary of this report is contained in Appendix 2 and highlights a range of good practice as well as a number of areas where improvements can be made. SWIA noted that the grouping's own audit procedures had already highlighted some of these areas and that work was already underway to address a number of these areas. Clackmannanshire, Falkirk and Stirling Councils have been asked to prepare an action plan to address the areas for improvement and this will be presented to members of the respective Councils in due course and to the next meeting of the Community Justice Authority. .

- 2.3 The recommendations contained in both reports support and encourage a positive culture of continuous improvement for the four local authorities to carry forward into the new Community Justice Authority. The findings of these reports and the actions taken in response to them will be reflected in the local area plan for the Fife and Forth Valley Community Justice Authority and in the service plans relating to the individual councils. The Scottish Prison Service is also subject to inspection by Her Majesty's Inspectorate of Prisons and members may wish to receive a further report outlining key findings relating to local prisons and prisons that serve the Fife and Forth Valley area.

### **3. CONSULTATIONS**

- 3.1 Consultation has taken place with officers of the 4 local authorities.

### **4. RESOURCE IMPLICATIONS**

- 4.1 None

Author

Name	Designation	Tel No
Jennifer White	Clackmannanshire Council	

## Appendix 1

### PERFORMANCE INSPECTION OF CRIMINAL JUSTICE SOCIAL WORK SERVICES

#### Report on Fife Council Criminal Justice Social Work Services

##### SUMMARY

##### Background to the report

This inspection of services in Fife is the second in a series of inspections of the practice of all the groupings of local authorities and unitary authorities providing criminal justice social work services across Scotland. It was carried out during January and February 2004. It focused on main areas of service provision: social enquiry reports, probation and community service orders, and parole and non-parole licences. Inspectors read a total of 117 social enquiry reports, 17 home background reports and 105 case files and interviewed staff providing services and offenders receiving them. They visited community service sites, observed staff carrying out supervision, and sought the views of Sheriffs and community service beneficiaries.

The performance of the authority was uneven. A particular example of good practice was the initiative to take forward specialist services for sex offenders working in close collaboration with the police and other agencies and basing practice on an accredited group work programme. Work in non-specialist areas was less secure. There was evidence of good practice but also a good deal of inconsistency in the overall quality of service provision. National Standards for court reports, probation and community service orders, and parole and non-parole licences were not being met in a significant number of instances.

##### Key findings

For the file reading exercise the quality of reports and supervision was assessed on a four point scale: 'very good', 'good', 'adequate' and 'poor'. 'Very good' indicates a very high standard which exceeds an acceptable level of competence; 'good' means that work is carried out to an entirely acceptable level of competence; 'adequate' suggests basic competence but with substantial room for improvement; and 'poor' means that work is of an unacceptable standard.

- 65 of the 117 social enquiry reports were rated as 'good' or 'very good.' 43 were 'adequate'; 9 were 'poor'. The principal weaknesses were the analysis of current offending and the assessment of the risk of re-offending. Observations of practice supported this. While in some interviews the risk of re-offending was explored thoroughly, in others this was not considered as well as it should have been;
- 11 out of 17 home background reports were rated 'good' or 'very good'. Of the rest, 4 were 'adequate' and 2 'poor'. There were no provisional release plans in 4 reports and 4 reports did not address the issue of possible risk to the community;

- of the 72 probation and through care case files examined, just under three quarters had a supervision plan. In just under half of cases where there was a plan there was little detail about how the plan would be delivered. Inspectors found that a number of plans were not followed through during the course of an order;
- the frequency of contact with a supervising officer was judged to be 'good' or 'very good' in 39 of the 72 cases, 'adequate' in 23 cases, and 'poor' in 9 cases;<sup>1</sup>
- the content of supervision was judged to be 'good' or 'very good' in 27 of the 72 cases, 'adequate' in 30 cases, and 'poor' in 14 cases. Some interviews were well prepared and succeeded in targeting offending and offending related problems. Others were weaker and did not deal adequately with these issues;
- there was limited use of group work or one-to-one programmes aimed at reducing offending and there was evidence that where work was not planned around a structured programme it tended to be more readily deflected by offenders' other problems;
- final reviews were not arranged and completion reports were not submitted to the court in around half of cases. There was little evidence of evaluation of outcomes;
- offenders on community service were well supervised and service recipients appreciated the tasks undertaken. 22 of the 25 agencies contacted expressed satisfaction with the work carried out for them and the support offered by community service staff;
- case files showed that work instructions for community service were clear. An assessment of the risk an offender might pose in a particular placement had not been undertaken in just under half of cases. There was no specific provision made for women on community service orders;
- ensuring offenders complied with the requirements of an order was a problem in two thirds of all cases. This figure was higher for the subset of community service orders where compliance was a problem in three quarters of cases. For all orders this non-compliance was thought to have been tackled by social workers well or very well in 58 of the cases sampled, 'adequately' in 30 cases, and 'poorly' in 17. In the subset of community service cases compliance was thought to have been handled 'well' or 'very well' in 31 of the 48 cases sampled, 'adequately' in 10 cases and 'poorly' in 7.

### Key areas for improvement

- Managers must focus on delivering the strategic plan, giving the improvement of core services high priority. Practice across the court district teams should be more consistent and should be based on research evidence of what works in reducing re-offending. The quality of supervision could be improved through the increased use of structured programmes which address offending;
- the quality of assessments must improve. When preparing a report social workers should probe the offender's attitude to offending more thoroughly and verify key information wherever possible;
- social workers should make better use of risk assessment tools in informing the content of reports and planning supervision;
- a more robust approach must be adopted to achieving offender compliance with the requirements of probation and community service orders and statutory licences;
- better and more uniform systems must be introduced across the authority for monitoring service performance, including adherence to National Standards, and for evaluating service outcomes.

**APPENDIX 2**  
**PERFORMANCE INSPECTION OF CRIMINAL JUSTICE SOCIAL WORK SERVICES**  
**Report on Forth Valley Grouping Criminal Justice Social Work Services**

Summary

Background to the report

This inspection of the work of the Forth Valley Grouping is the eighth in our national programme of inspections of criminal justice social work services. We examined the quality of assessments prepared for courts and the Parole Board and assessed the standard of supervision of offenders on probation, community service and parole and non-parole licence. We evaluated 123 court reports, 13 home background reports and 70 case files and observed examples of supervision. We interviewed managers, practitioners and offenders from across the different services and contacted Sheriffs and the beneficiaries of the community service scheme to gather their views about the quality of the service. We assessed the quality of the information in the files on a four point scale: 'very good', 'good', 'adequate' and 'poor'.

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The authorities have made a concerted effort to work together as an effective grouping. Practice standards across the three authorities are reasonably good and consistently so. There are many examples of good individual work with offenders and of well delivered group work programmes. Staff are learning from each other and sharing their expertise. The grouping is getting to grips with performance management and quality assurance. Their own audit processes have already identified some areas for improvement.

Key findings

- The overall quality of court reports was almost evenly split between 'good' or 'very good' and 'adequate'. Report writers analysed the risk of re-offending 'well' or 'very well' in just under half of reports. There were very few 'poor' reports;
- Four in ten home background reports to the Parole Board were 'good' or 'very good'. Reports described the likely family and community supports available after release well but were less good at describing the post-release package of supervision and at assessing risk to the community. A third of reports did not contain a provisional release plan;

- In around half of cases, there was a 'good' or 'very good' match between the level and content of supervision and the assessed risk. The authorities managed the compliance and enforcement of orders 'well' or 'very well' in the same proportion of cases;
- The level of supervision offered to the sub-sample of sex offenders and serious violent offenders in the sample reflected the risk they presented in the majority of cases. However, practitioners failed to carry out the required number of home visits in half the sex offender cases and in just four of the thirteen cases involving serious violent offenders;
- The content of supervision reflected the risk offenders presented 'well' or 'very well' in seven of the ten sex offender files. Performance in respect of serious violent offenders was less good, with three of the thirteen files sampled judged as 'poor' and two as 'adequate';
- Community service schemes supervised offenders well and carried out work of value to the community. Two authorities had recognised the particular needs of women offenders and made provision to meet these.

#### Key areas for improvement

- The authorities should take steps to address areas of weakness that this inspection and their own audits highlight, including the need for report writers to continue to improve their analysis of offending and of re-offending;
- Home background reports should be clear about the type of supervision that will be offered to a prisoner on release and should contain a provisional release plan;
- Checks must be carried out on the living arrangements of high-risk offenders;
- Supervision focused on offending behaviour in just under half of cases sampled. The grouping could improve on this by increasing its capacity to deliver structured group work programmes;
- Community service schemes in Stirling and Clackmannanshire need to introduce systematic health and safety procedures and make sure that these become embedded in practice;
- The grouping should build on the work it has already carried out to assure the quality of its services.

**FIFE AND FORTH VALLEY**  
**COMMUNITY JUSTICE AUTHORITY**

**THIS REPORT RELATES  
TO ITEM  
ON THE AGENDA**

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29<sup>th</sup> June 2006

**NOT CONFIDENTIAL**

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**PARTNERS CONFERENCE**

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**1 RECOMMENDATION(S)**

- 1.1 That members note that the Scottish Executive are holding a conference at Crieff Hydro on 26<sup>th</sup> and 27<sup>th</sup> October 2006 for CJA Board members and their partners.
- 1.2 That members remit to the Chief Officer, in consultation with the Convener and Vice Convener, the arrangements for distribution of invitations to stakeholders for the Conference

**2 CONSIDERATIONS**

- 2.1 In an effort to promote Community Justice Authorities the Scottish Executive, in consultation with the Scottish Prison Service (SPS) and Association of Directors of Social Work (ADSW) are holding a conference at Crieff Hydro on 26<sup>th</sup> and 27<sup>th</sup> October 2006.
- 2.2 The purpose of the conference is to bring together CJA members and partners in an attempt to create a full understanding of the work of CJA's and the requirements of partners to work jointly with CJA's. This conference will focus on:
  - The demands for CJA's for years 2007 – 2010
  - Cultural change
  - Effective practice
- 2.3 The Conference is to be addressed by the Minister for Justice, Cathy Jamieson, MSP.
- 2.4 Each CJA is to be provided with approximately 30 invitations. It will be for each CJA to determine which key partners they chose to invite. It is expected the Board will invite representatives from statutory partners. These include Police, Health, Procurator Fiscal Service, Sheriff Clerks, Victim Support and our partners from the Voluntary sector. Consideration may also be given to key local authority representatives such as housing.
- 2.5 Throughout the conference there will be an opportunity for each CJA to meet with their own respective partners.

2.6 Information providing details of the programme are expected before the end of June 2006.

### 3 CONSULTATION

3.1 None

### 4 RESOURCE IMPLICATIONS

4.1 The cost of the conference has yet to be finalised. The CJA will require to meet conference costs of any CJA board member who attends. It is expected that the CJA Chief Officer will attend this conference. The conference costs for this attendance will require to be met too. It is expected that partners will meet the cost for their own attendance.

Author

Name	Designation	
Anne Pinkman	Head of Criminal Justice Service, Stirling Council	

Date 20<sup>th</sup> June 2006

Reference MA/RG/Margaret CJA 29<sup>th</sup>  
June 2006 Partners  
Conference



# FIFE AND FORTH VALLEY

## COMMUNITY JUSTICE AUTHORITY

THIS REPORT RELATES  
TO ITEM  
ON THE AGENDA

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### AGENDA

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29 June 2006

NOT CONFIDENTIAL

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### FINANCE

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## 1 RECOMMENDATION(S)

- 1.1 That members note the current financial position of the CJA.
- 1.2 That members recommend discussion take place between the Chief Officer and Fife, Falkirk and Stirling councils in relation to the reimbursement of costs for the provision of HR, legal and financial services and with Clackmannanshire Council in relation to accommodation.
- 1.3 That members note the different budget arrangements for the CJA from April 2007 and recommend that the Chief Officer begins to prepare for the CJA assuming responsibility for the entire criminal justice budget in consultation with Fife, Clackmannanshire, Falkirk and Stirling councils.
- 1.4 That members note that the Chief Officer will report on the updated financial position at the next meeting of the CJA.

## 2 CONSIDERATIONS

### 2.1 Costs 2006-07

2.1.1 Each CJA has been granted around £190,000 for 2006-07. This grant is expected to meet the operational costs of the CJA. The only financial commitment to date has been the costs associated with the conference scheduled for 6 July 2006 and the projected salary costs of the Interim Support Officer. These are still to be determined. Projections are still required to meet the costs of:-

- Chief Officer and associated administrative support
- Accommodation
- Provision of human resource, legal and financial services to the CJA
- Member expenses

2.1.2 Arrangements continue in the search for suitable accommodation for the Chief Officer.

2.1.3 Discussions require to take place between the local authorities to agree costs for the provision of HR, legal and financial services. The Chief Officer could initiate these discussions once he takes up post.

## 2.2 Costs 2007-2010

2.2.1 From April 2007 the Scottish Executive will provide a grant directly to the CJA for the provision of criminal justice social work services across Fife, Clackmannanshire, Falkirk and Stirling councils areas. It is proposed that the Chief Officer, once he takes up post, begins to make preparations for the CJA assuming budgetary responsibility for the provision of criminal justice social work services with the 4 local authorities.

## 3 CONSULTATION

3.1 Consultation has taken place with officers of the 4 local authorities.

## 4 RESOURCE IMPLICATIONS

4.1 Provision of HR, legal and finance services from the local authorities to the CLA

Author

Name	Designation	
Anne Pinkman	Head of Criminal Justice Service, Stirling Council	

Date 20<sup>th</sup> June 2006

Reference

MA/RG/Margaret/CJA 29<sup>th</sup> June  
Finance Report

**FIFE AND FORTH VALLEY  
COMMUNITY JUSTICE AUTHORITY**

**THIS REPORT RELATES  
TO ITEM  
ON THE AGENDA**

29 June 2006

NOT CONFIDENTIAL

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**REPORT ON ARRANGEMENTS FOR THE  
EMPLOYMENT OF THE CHIEF OFFICER**

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**1. RECOMMENDATIONS**

- 1.1 That members of the Community Justice Authority:
- a. agree that the CJA should become the employer of the Chief Officer **dependent** upon the Scottish Executive guaranteeing the pension risk, and request that Fife Council, as the local authority designated to provide HR advice, should prepare application for admission to the Local Government Pension Scheme on behalf of the CJA
  - b. agree that the CJA instigate steps to be a listed employer under the Local Government Redundancy (Modification) Order and request that Fife Council prepares and application on behalf of the CJA
  - c. agree that the CJA should establish an agency agreement for payroll services with one of the constituent authorities and request Stirling Council, as the designated authority to provide financial advice to the CJA to take this forward on their behalf.

**2. CONSIDERATIONS**

Background

- 2.1 The Executive's guidance on appointing Chief Officers states "The Chief Officer, who will be employed by each new CJA..." This suggests that it was probably the intention that the Chief Officer of the CJA would be an employee of that body. Of the 8 authorities, 6 appear committed to being the employer.

However, one (Northern) is having its Chief Officer employed by one of the constituent authorities and seconded permanently to the CJA.

- 2.2 Either approach has advantages and disadvantages; this report seeks to establish approval to pursue one approach as a matter of preference.

### Employment

- 2.3 In order to be the employer, the CJA would need to:
- ◆ obtain employers' liability insurance,
  - ◆ enter into an agency agreement for payroll services,
  - ◆ make an application (Admission Agreement) to join a Local Government Pension Scheme,
  - ◆ establish statutory employment policies (discipline, grievance etc),
  - ◆ make its own cost of living awards.
- 2.4 There are costs associated with each of these, but the budget provision should be adequate to cover most of them.
- 2.5 Authorities who have attempted to apply to join a Local Government Pension scheme have so far been unsuccessful. Tayside CJA sought assurance from the Executive that they would underwrite the risk, as the Executive did for the establishment of the Care Commission. Tayside CJA has recently received confirmation from the Executive that it would underwrite the pension risks.
- 2.6 An additional consideration is the recognition of existing service for redundancy and other purposes. The CJA would need to apply to become registered under the Local Government Redundancy (Modification) Order, which would allow any transferor from Local Government to have their service recognised for redundancy purposes. If not registered, any new employee would only be due statutory redundancy payments from the date they start with the CJA, which is a much lesser sum.

### Secondment

- 2.7 With a secondment the employee is employed by one of the constituent authorities and seconded to the CJA for day to day activities.
- 2.8 As a result:
- ◆ the authority awards pay increases in line with other Chief Official award

- ◆ the employee can become a member of that authority's pension scheme
- ◆ their service is recognised for redundancy and other purposes.

2.9 However,

- ◆ it is probable that the CJA would still require employer's liability insurance
- ◆ the authority who second out the employee may continue to have liability for the individual's actions even where the CJA "thinks" it is responsible
- ◆ the CJA would have no right to exercise disciplinary action against the Chief Officer
- ◆ the seconding authority would assume liability for future pensions risks and liabilities
- ◆ the seconding authority would have liability for redundancy payments.

2.10 Even where the CJA has its own insurance and accepts responsibility, the seconding employer may still have liability for civil claims that might arise from either misconduct or negligence. For example, if a person pursued a claim of race discrimination, both the CJA and the seconding authority could be sued.

### 3. CONSULTATION

3.1 Consultation has taken place with officers of the 4 local authorities.

### 4. RESOURCE IMPLICATIONS

4.1 Each of the two options outlined above have resource implications which have been identified in the body of the report.

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 Arrangements for Employment of Chief Officer