

**THIS DOCUMENT
RELATES TO
ITEM 5
ON THE AGENDA**

MINUTE of MEETING of the FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY, held in the COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING, on WEDNESDAY, 12 DECEMBER 2007, at 9.30 AM

PRESENT:

Councillor Margaret Kennedy, Fife Council, **Convenor**
Councillor Bill McCulloch, Fife Council
Councillor George Matchett, Clackmannanshire Council
Councillor Joe Rosiejak, Fife Council
Councillor Jim Thomson, Stirling Council (Substitute for Councillor Neil Benny)

ATTENDING:

Cathy Adamson, NHS Fife
Deidre Cilliers, Clackmannanshire Council
Pat Delargy, SACRO
Marjory Frew, APEX Scotland
Des Friel, Stirling Council
Alistair Gaw, Fife Council
Iain Grant, Fife Council
Nick Henderson, Fife Council (For Item CJA41 only)
Colin Hershaw, Fife Constabulary
Heather Keir, CJA Liaison Manager
Bill Kinnear, Fife Council
Alan McCloskey, Victim Support
George Marshall, Clackmannanshire Council
Colin Moodie, Falkirk Council (For Item CJA41 only)
Anne Pinkman, Fife and Forth Valley CJA
Sharon Stirrat, Falkirk Council
Rachael Weir, Scottish Government (For Item CJA30 only)
Katy Stanley, Minute Clerk

APOLOGIES:

Councillor Neil Benny, Stirling Council
Councillor George Kay, Fife Council
Councillor John McNally, Falkirk Council
Councillor Alistair McNeill, Falkirk Council
Councillor Malcolm Nicol, Falkirk Council
Councillor Paul Owens, Stirling Council

Janet Birks, Falkirk Council
Janice Hewitt, Stirling Council
Stewart Walker, Sheriffdom, Tayside, Central and Fife
Geri Watt, Procurator Fiscal's Office (Central)

CJA25

APOLOGIES AND SUBSTITUTIONS

Apologies were received from Councillor Neil Benny, Councillor George Kay, Councillor John McNally, Councillor Alistair McNeill and Councillor Malcolm Nicol.

Councillor Jim Thomson was the Substitute Member for Councillor Neil Benny.

CJA26 QUORUM

The quorum for a meeting of the Fife and Forth Valley Community Justice Authority is seven. Only five Members were present, therefore, the meeting was declared inquorate.

The Convenor suggested to those Members present that, if they were agreeable, the meeting would continue with recognition that no decisions could be made. The Minutes would be submitted to the next meeting of the Authority seeking approval of the recommendations made. The Members present were agreeable to this suggestion and the meeting continued.

The Convenor asked the Minute Clerk to send an e-mail to all Members of the Authority to notify them of this.

CJA27 DECLARATIONS OF INTEREST

There were no declarations of interest.

CJA28 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR

There was no urgent business brought forward by the Chair.

CJA29 MINUTE OF PREVIOUS MEETING

The Minute of the meeting held on Thursday, 13 September 2007 was acknowledged.

Recommendation(s)

It was recommended that the Minute be approved at the next meeting.

CJA30 SUMMARY JUSTICE REFORM

The Convenor introduced Rachael Weir, National Criminal Justice Board (NCJB) and welcomed her to the meeting.

Rachael gave apologies for the absence of her colleague Stan McLeod, Fife Constabulary.

Before giving the presentation on Summary Justice Reform, Rachael gave a summary of her background in criminal justice and explained that she had worked as a Solicitor for nine years before recently joining the NCJB.

At the end of the presentation Rachael confirmed that a copy of the slides were available and drew attention to the final slide giving links to other sites which may be of interest. A question and answer session followed.

On behalf of everyone present, the Convenor thanked Rachael for the presentation.

FIFE AND FORTH VALLEY – CRIMINAL JUSTICE SOCIAL WORK SERVICES BUDGET MONITORING 2007/08

Criminal Justice Social Work Services are funded via a ringfenced grant from the Scottish Government. Chief Officers of CJAs, as budget holders, are responsible for the effective financial management of the funds allocated to their CJA, including internal resources allocation across the constituent Authorities.

All CJAs are required to submit a six month review of expenditure which details spend to-date against the grant allocation headings and projected expenditure to the year end. This return was submitted at the end of October. There is a projected overspend of £6,000.

Councillor Matchett commented that a projected overspend of £6,000 on a £10m budget was good.

Since the last budget report to the CJA Board where Fife Council had projected an overspend on their grant allocation, Fife Council have reviewed the amount of the grant that can be allocated towards administrative costs. Authorities are able to allocate up to 8% of the grant towards administrative costs – ie support costs. Fife Council Criminal Justice Service have been working hard to maximise the grant allocation and to continue to deliver services in the face of a significant cut in the Throughcare budget (£136,000) and to absorb the impact of Single Status (£180,000 - £200,000) in 2007-08. This has meant that the Service has had to vire money from across the grant to cover this shortfall. As a consequence, it is unlikely that the Service will be able to charge the 8% support costs.

In terms of Falkirk Council, there is a further pressure, which was not included in the return but is currently being discussed with the Scottish Government around an intensive support placement. Indications are that this placement could cost in the region of £200,000. Historically, the Scottish Government have looked towards full funding of exceptional packages such as these. A letter from the Scottish Government was issued recently to all CJA Chief Officers and included information in relation to high cost placements. For existing cases, the Scottish Government will continue to provide funding for the full package. However, with responsibility at a regional level for funding having passed to the CJAs, the Scottish Government expect that Authorities firstly check with their Chief Officers as to whether it would be possible to cover the cost of the package from within their existing grant allocation. If not, then application should be made to the Scottish Government. For all new cases with effect from July 2007, any contribution from the Scottish Government is being restricted to no more than 90% of the total cost. The letter from the Scottish Government explains that the creation of the MAPPA arrangements have created an upsurge in the number of applications being received and it is important that Authorities seek the best possible deal from the placement providers and, therefore, at least 10% of costs need to be met from existing budgets. It is anticipated that full funding should be received for this placement for Falkirk as discussions have been ongoing since last year. However, the Board need to be aware of a potential financial pressure for any future placements and consider how best to plan for these costs.

The Acting Chief Officer informed the meeting that a letter had been received from the Scottish Government last week confirming that the grant would be paid in full.

Recommendation(s)

It was recommended that the Authority agree to:

- 4.4.1 Note the projected outturn position for 2007/08 based on information reported to the Scottish Government in the six month review of expenditure.

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- 2 Note discussions regarding additional funding for intensive support placements.

CJA32 FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY AREA PLAN 2008-2011: APPROVAL FROM CABINET SECRETARY

Fife and Forth Valley CJA were required to submit an Area Plan for 2008-2011 to the Scottish Government in September 2007. The Area Plan was then considered by a sub-group of the National Advisory Board in October 2007. Thereafter, the National Advisory Board reported on the Area Plans for the eight CJAs in Scotland to Mr K MacAskill, Cabinet Secretary for Justice.

The National Advisory Board recommended approval of the Fife and Forth Valley CJA Area Plan subject to four issues, as outlined in a letter from the Cabinet Secretary to the Convenor of the Fife and Forth Valley CJA, dated 8 November 2007.

The Convenor of Fife and Forth Valley CJA submitted a response to the Cabinet Secretary by the required deadline of 30 November 2007. The revised Plan requires to be submitted by 25 January 2008.

The Cabinet Secretary requested the CJA to address the following four points.

- 1 *The CJA should develop local performance measures which enable it to demonstrate that its identified priorities are being met.***

Response:

Since the Area Plan for 2008-2011 was approved by the CJA Board, the Acting Chief Officer has been meeting with all key partners to agree local performance measures that will evidence the CJA priorities are being met. These local performance measures will compliment the performance information that our partners will be required to provide to evidence that national performance measures are being met. A report on these local performance measures will be presented to the CJA Board for approval at its next Board meeting.

- 2 *The CJA should develop a mechanism for the allocation of resources which reflect the local priorities.***

Response:

An audit of the allocation of the budget for Criminal Justice Social Work is currently being undertaken. Proposals for the allocation of the budget for 2008-2009 and future years will be presented to the CJA Board at its next meeting. The proposals will take into account the local priorities contained within the Area Plan.

The CJA should be notified of the budget allocation for 2008-2009 during the month of December 2008.

- 3 *The CJA should make more explicit links between the Action Plan and the outcomes detailed in the Area Plan.***

Response:

An additional column will be inserted into the Action Plan that lists the outcomes that will be achieved by each of the actions detailed.

4 The CJA should develop its collection and analysis of statistical data within the area.

The CJA is committed to developing its collection and analysis of statistical data within the area. The establishment of a Research Officer post will enhance the ability of the CJA to collate information and conduct and co-ordinate analysis in partnership with key agencies.

Councillor Matchett asked that a letter be written to Mr K MacAskill, MSP, Cabinet Secretary for Justice, to inform him that, as the meeting was inquorate, the Board were unable to approve the changes to the Area Plan and Action Plan and will not be able to do so until its next meeting scheduled for 12 March 2008.

The Convenor thanked the Acting Chief Officer for all the work carried out on the Area Plan.

Recommendation(s)

It was recommended that the Authority agree to:

- 1 Note the response for Mr K MacAskill, MSP, Cabinet Secretary for Justice, to the Fife and Forth Valley Community Justice Authority Area Plan 2008-2011.
- 2 Approve the letter of response sent to Mr MacAskill by Councillor Margaret Kennedy, Convenor of the Fife and Forth Valley CJA.
- 3 Instruct the Acting Chief Officer to amend the Fife and Forth Valley CJA Action Plan for 2008-09. An additional column is to be inserted into the Action Plan that lists the outcomes that will be achieved by each of the actions detailed.
- 4 A letter being written to Mr K MacAskill, MSP, Cabinet Secretary for Justice, to inform him that the Area Plan and Action Plan would not be approved by the Board until the next scheduled meeting on 12 March 2008.

CJA33

FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY AREA PLAN 2007-2008 ACTION PLAN

The Fife and Forth Valley CJA were required to provide an Action Plan to incorporate into their Area Plan for 2007-08. An additional column has now been inserted into the original Action Plan to illustrate the progress made in meeting the various objectives that were set.

The objectives set were influenced by the content of the Area Plan. The main areas are:

Implementation of the Area Plan;

Priority groups of offenders;

Working together in new ways;

Developing and supporting the workforce;

Communication strategy;

Performance framework;

Finance/Resources.

The various working groups have been replaced by CJA Strategic and Operational Management Groups with representation from all key partners. The audit of Criminal Justice Social Work Services has been completed. Audits of other services remain outstanding but will be included in the local performance framework and measurements that is currently being developed. The performance measures will allow a report to be presented to the CJA Board on a quarterly basis.

Other achievements include the commencement of the Constructs (positive steps to stop offending) group work programme in Forth Valley. The CJA website has been developed and two CJA newsletters produced. Joint working continues across the CJA area and opportunities to develop this continue to be addressed.

Training and Development opportunities have been provided across the CJA. The Training Needs Analysis and a Training Strategy will be progressed when the Training and Development Officer is in post.

The Communication Strategy will be progressed further during 2008-09.

An audit of the Criminal Justice Social Work budget has commenced. The outcome of this audit and proposals for the allocation of the budget to support the Area Plan for 2008-2011 will be presented to the next meeting of the CJA Board.

Councillor Matchett said he was pleased with the Action Plan overall but would like to see an explanation as to why a task is not completed and why progress has been delayed. If, for example the original timescale set was unrealistic then this too should be stated.

The Acting Chief Officer confirmed that future Reports will include this information. It was also confirmed that the present delay in progress was mainly due to staffing issues.

Recommendation(s)

It was recommended that the Authority agree to:

- 1 Note the progress in achieving the objectives outlined in the Action Plan of the Fife and Forth Valley Community Justice Authority Area Plan for 2007-08.

CJA34

GRANT FOR VOLUNTARY ORGANISATIONS

The purpose of the Report was to seek approval from Members of the Fife and Forth Valley Community Justice Authority Board on how Fife Council Social Work Service would allocate funds to Apex to deliver services in relation to Mandatory Supervised Attendance Orders. The funding would be provided by a grant directly to the organisations and through the Fife Council Community Grants Schemes. The Appendix to the Report gave details of the grant for 2007-2008.

Members were asked to note that they can contact the Fife Council Social Work Service if they would like additional information on the proposed award or organisation.

APEX

Apex is an employment counselling agency for ex-offenders and Fife Council Criminal Justice Service has a long-established relationship with this organisation. Apex provide support to ex-offenders to access employment or training opportunities through other grants from Fife Council Criminal Justice Services.

Apex currently provide a contribution to a modular programme for Supervised Attendance Orders to non-mandatory fine defaulters. The Mandatory Supervised Attendance Order arrangements are seen as an extension of this relationship.

On 20 January 2006, the Scottish Executive announced that from 1 September 2007, courts will place people defaulting on fines of less than £500 on a Supervised Attendance Order. The funding for this has been provided by the Scottish Government to the CJA for dispersal to the constituent Social Work Services. The grant allocation for the Fife Council area has been determined by the number of custodial sentences for fine default in Fife over the past 2 years (205).

Apex submitted a proposal to provide a service that could offer programmes for service users on completion of the core modules and/or repeat orders. This would supplement the existing provision within the Social Work Service and would relieve pressure on current resources.

Bill Kinnear confirmed that the numbers were looked at closely and it might be that the cost could exceed the estimate.

Councillor Matchett asked for clarification on how this money was awarded and whether it would have an adverse impact on the other three Local Authorities.

The Acting Chief Officer confirmed that the four Local Authorities were awarded a grant and this report outlined how Fife Council were spending their allocation. It was confirmed that the numbers of SAOs would be monitored over the coming months.

Councillor Thomson asked for a breakdown of the allocation. The Service Manager, Criminal Justice Service, Fife Council, explained that it was mostly to pay salaries and was a small part of the overall grant. The staff would be engaged on improving employment under the modular programme part of the service.

Recommendation(s)

It was recommended that the Authority agree to:

- 1 Approve the level of funding to the voluntary organisations as detailed in the Appendix to the Report - £17,685.

CJA35

EQUALITY OF OPPORTUNITY POLICY

Fife and Forth Valley Community Justice Authority, as an employing Authority, requires to have a variety of policies and procedures in place for the protection and wellbeing of its employees.

One such requirement relates to the Race Relations (Amendment) Act 2000 – General and Specific Duties which places a specific duty on the Fife and Forth Valley Community Justice Authority to publish a Race Equality Scheme by 30 November 2007.

CoSLA also produced a Reference Manual on Governance and Infrastructure for CJAs on 14 June 2007. The Reference Manual includes a list of policies and procedures that each CJA must have in place. The Reference Manual also lists a number of other policies and procedures that it is recommended each CJA has in place. Both lists were attached as Appendix 1 to the Report.

The lists in Appendix 1 illustrate what policies and procedures have been developed and approved by the Fife and Forth Valley CJA Board. Many still require to be prepared.

The Equality of Opportunity Policy, attached at Appendix 2 to the Report, ensures compliance with race and gender equality as well as compliance with other related legislation such as age discrimination.

The Equality of Opportunity Policy does satisfy the specific duty placed on the Fife and Forth Valley CJA to have a Race Equality Scheme published. The Policy has been submitted to the Scottish Government, Equality Unit, in draft form, subject to approval by the Fife and Forth Valley CJA Board.

The Equality of Opportunity Policy is based upon the Equality of Opportunity Policy approved by Fife Council. Fife Council provides Human Resource and Legal support services to the Fife and Forth Valley CJA. Given the provision of that support, it is intended to access from Fife Council, and customise, the other policies and procedures the Fife and Forth Valley CJA require to have in place. In time, these will be presented to the Fife and Forth Valley CJA Board for approval.

The Acting Chief Officer confirmed that the Policy had been submitted to the Scottish Government, subject to approval by the Board.

Recommendation(s)

It was recommended that the Authority agree to:

- 1 Approve the Equality of Opportunity Policy that will apply to all employees of the Fife and Forth Valley Community Justice Authority.

CJA36

FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY BUDGET PROPOSALS 2008-2009: SEMINAR FOR BOARD MEMBERS

Notification of Grant Allocation

The Justice Department, Scottish Government, intend notifying Community Justice Authorities in December 2007 of their budget allocations for 2008-2009 for the delivery of Criminal Justice Social Work Services across their constituent Local Authorities. If the allocation is known prior to 12 December 2007, an outline of the budget will be presented to the CJA Board at its meeting on that date.

Audit of Criminal Justice Social Work Grant

The Fife and Forth Valley CJA Board agreed that an audit should be undertaken of the grant allocated to the CJA. This audit was to consider various methods of allocating the grant across and between the four Criminal Justice Social Work Services of Fife, Clackmannanshire, Falkirk and Stirling Councils.

Progress to Date

Stirling Council Internal Audit, who have undertaken the audit in consultation with Fife, Clackmannanshire, Falkirk and Stirling Councils, have presented an initial report to the four Local Authorities.

The report is now being considered by the four Local Authorities and will then be refined before further discussion takes place with Officers from the four Local Authorities in early January 2008.

Recommendation(s)

It was recommended that the Authority agree to:

- 1 Arrangements being made for a Seminar for Members of the Fife and Forth Valley Community Justice Authority to:
 - 1.1 Consider the budget allocated by the Scottish Government to the Fife and Forth Valley Community Justice Authority for the delivery of Criminal Justice Social Work Services in Fife, Clackmannanshire, Falkirk and Stirling Councils for 2008-2009.
 - 1.2 Agree a process for the budget allocation of the Criminal Justice Social Work budget for 2008-2009 and subsequent years.

The Acting Chief Officer had hoped to have details of the budget allocation for 2008-2009 from the Scottish Government to report to the meeting but, after enquiries, was informed that it would not be received until the end of the month.

CJA37 MEETINGS/VISITS UNDERTAKEN BY CONVENOR, BOARD MEMBERS AND CHIEF OFFICER

The Convenor informed Members that the Activity Report would be presented to each Board Meeting and asked Members to let her have any comments on the content or format.

Councillor Matchett commented that the Activity Report was useful and could present an opportunity for questions.

CJA38 CJA RESPONSIBILITIES

The Convenor referred to the correspondence from the Scottish Government enclosing a list of CJA Responsibilities and asked Members if they had any comments.

Councillor Matchett said it would be useful to ensure that these responsibilities were covered in the Area Plan.

CJA39 RAISING AWARENESS OF THE CJA

The Convenor referred to her letter dated 15 November 2007 and asked Members to think about how they could raise the awareness of the CJA within their Local Authority.

Councillor George Matchett said he welcomed this approach and would be pleased for a presentation on the CJA to be arranged for the Elected Members of Clackmannanshire Council. The Acting Chief Officer confirmed that she would liaise with Councillor Matchett on arrangements.

CJA40 ANY OTHER COMPETENT BUSINESS

(a) Partner Participation

The Convenor thanked partners present for attending.

(b) Chief Officer Arrangements

Councillor Matchett asked for an up-date on the Chief Officer situation and the future of the Acting Chief Officer arrangement.

The Convenor confirmed that this matter would be discussed as an exempt item under Human Resource Issues.

CJA 41 EXCLUSION OF PUBLIC

Resolved, in terms of Standing Order 5(5), exclude from the meeting the Press and Public for the following item of business on the grounds that it would involve the likely disclosure of confidential information.

CJA42 HUMAN RESOURCE ISSUES

The Legal Adviser, Falkirk Council, explained that the delay in setting a date for the Panel to meet was mostly due to the change over in legal support services from Falkirk Council to Fife Council.

It was also confirmed that legal advice on this matter would not transfer to Fife Council until a decision had been reached by the Panel.

The procedures for taking forward this matter were discussed and it was thought that a date in late December 2007 would be set for the Panel to meet.

It was confirmed that Stirling Council had agreed to the Acting Chief Officer continuing secondment to this post on a two days per week basis.

The Convenor asked for the continued support of Members in this ongoing situation.

The meeting closed at 11.30 am.

FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY	THIS REPORT RELATES TO ITEM 7 ON THE AGENDA
12 December 2007	NOT CONFIDENTIAL
FIFE AND FORTH VALLEY – CRIMINAL JUSTICE SOCIAL WORK SERVICES BUDGET MONITORING 2007/08	

1 RECOMMENDATION(S)

- 1.1 To note the projected outturn position for 2007/08 based on information reported to the Scottish Government in the six month review of expenditure.
- 1.2 To note discussions regarding additional funding for intensive support placements.

2 CONSIDERATIONS

- 2.1 Criminal Justice Social Work Services are funded via a ringfenced grant from the Scottish Government. Chief Officers of CJAs, as budget holders, are responsible for the effective financial management of the funds allocated to their CJA, including internal resources allocation across the constituent Authorities.
- 2.2 All CJAs are required to submit a six month review of expenditure which details spend to-date against the grant allocation headings and projected expenditure to the year end. This return was submitted at the end of October and a summary of the return is shown in the Appendix to this report.
- 2.3 The Appendix is showing a minor projected overspend of £6,000.
- 2.4 Since the last budget report to the CJA Board where Fife Council had projected an overspend on their grant allocation, Fife Council have reviewed the amount of their grant that they can allocate towards administrative costs. Authorities are able to allocate up to 8% of the grant towards administrative costs – ie support costs. Fife Council Criminal Justice Service has been working hard to maximise their grant allocation and to continue to deliver services in the face of a significant cut in the Throughcare budget (£136,000) and to absorb the impact of Single Status (£180,000 - £200,000) in 2007 - 08. This has meant that the Service has had to vire money from across the grant to cover this shortfall. As a consequence, it is unlikely that the Service will be able to charge the 8% support costs to the Criminal Justice budget.

- 2.5 In terms of Falkirk Council, there is a further pressure, which has not been included in this return but is currently being discussed with the Scottish Government around an intensive support placement. Indications are that this placement could cost in the region of £200,000 and, historically, the Scottish Government have looked towards full funding of exceptional packages such as these. A letter from the Scottish Government was issued recently to all CJA Chief Officers and included information in relation to high cost placements. In relation to existing cases, the Scottish Government will continue to provide funding for the full package. However, with responsibility at a regional level for funding having passed to the CJAs, the Scottish Government expect that Authorities firstly check with their Chief Officers as to whether it would be possible to cover the cost of the package from within their existing grant allocation.
- 2.6 If not, then application should be made to the Scottish Government. For all new cases with effect from July 2007, any contribution from the Scottish Government is being restricted to no more than 90% of the total cost. The letter from the Scottish Government explains that the creation of the MAPPA arrangements have created an upsurge in the number of applications being received and it is important that Authorities seek the best possible deal from the placement providers and, therefore, at least 10% of costs need to be met from existing budgets. It is anticipated that full funding should be received for this placement for Falkirk as discussions have been ongoing since last year. However, the Board need to be aware of a potential financial pressure for any future placements and consider how best to plan for these costs.

3 CONSULTATION

- 3.1 Consultation has taken place with the Acting Chief Officer and the four constituent Authorities.


4 RESOURCE IMPLICATIONS

- 4.1 The resource implications are shown in the Appendix to this report and covered in the body of the report.

Author(s)

Name	Designation	Tel No:
Gillian Morrison	Stirling Council Community Services Accounting Manager	01786 442806

Approved by

Name	Designation	Signature
Anne Pinkman	Acting Chief Officer	

Date 30 November 2007

Reference 20071212FFVCJACJSBudMon20072008

Fife & Forth Valley CJA Financial Projection 2007/08 - as at September 2007

All figures are thousands

	Fife	Falkirk	Stirling	Clack	Total
Service	2007/08 Allocation	2007/08 Allocation	2007/08 Allocation	2007/08 Allocation	2007/08 Allocation
Core					
Probation	764	405	217	136	1,522
Community Service	793	365	173	168	1,499
Social Enquiry Reports	871	313	252	186	1,622
Throughcare (includes Home Detention Curfews)	420	165	134	81	800
Home Circumstance Reports	17	8	6	4	35
Supervised Attendance Orders	121	61	44	16	242
Mandatory Supervised Attendance Orders	72	31	22	8	133
Diversion	64	62	40	40	206
Bail	67	28	17	12	124
Court Services	218	78	66	49	411
	3,407	1,516	971	700	6,594
Non Core					
ALCOHOL				11	11
BAIL PILOT			28		28
DRUG COURT	689				689
Drugs(FAST TRACK DRUG ASSESSMENT)		46	244	14	304
Drug Treatment & Testing Orders	547	0	324	0	871
EMPLOYMENT PROJECT (APEX)	51	0	0	104	155
INTENSIVE PROBATION PROJECT (SACRO)		126	0	0	126
MAPPA	62		62		124
SUBSTANCE MISUSE PROGRAMME	0	0	0	3	3
SUPPORTED ACCOMMODATION	278	64	47	19	408
PLACEMENTS			38		38
CONSTRUCTS PSSO		230			230
SEX OFFENDERS (COMMUNITY PROTECTION TEA	239				239
THROUGH-CARE ADDICTION SERVICES	34	8	6	4	52
THROUGH-CARE : SUPERVISION OF SEX OFFENDERS	18	6	5	3	32
YOUNG OFFENDERS (BARNARDOS, INTENSIVE PR	189	69	0	0	258
OTHER SUPPORT PROGRAMMES :					0
2nd Year MSc in Advanced Social Work Studies - Alis	3				3
Additional Funding to cover Maternity Leave	28				28
FORENSIC MENTAL HEALTH SERVICE		9	6	4	19
CONSTRUCTS - CAPITAL		22	13		35
Training & Development			60		60
	2,138	580	833	162	3,713
	5,545	2,096	1,804	862	10,307

APPENDIX

Fife	Falkirk	Stirling	Clack	Total	Fife	Falkirk	Stirling	Clack	Total
Projected Expenditure 2007/08	Projected Expenditure 2007/08	Projected Expenditure 2007/08	Projected Expenditure 2007/08	Projected Expenditure 2007/08	Variance Over / (Under)	Variance Over / (Under)	Variance Over / (Under)	Variance Over / (Under)	Variance Over / (Under)
851	398	228	141	1,618	87	(7)	11	5	96
722	415	201	142	1,480	(71)	50	28	(26)	(19)
596	319	217	197	1,328	(275)	6	(35)	11	(294)
637	168	157	73	1,036	217	3	23	(8)	236
0	8	0	3	11	(17)	(0)	(6)	(1)	(24)
132	48	72	24	276	11	(13)	28	8	34
0	9	0	13	22	(72)	(22)	(22)	5	(111)
50	58	39	44	192	(14)	(4)	(1)	4	(14)
40	27	25	26	118	(27)	(1)	8	14	(6)
380	80	52	23	535	162	2	(14)	(26)	124
3,408	1,531	991	686	6,615	1	15	20	(14)	21
			12	12	0	0	0	1	1
		28	0	28	0	0	0	0	0
1,268		0	0	1,268	579	0	0	0	579
	42	241	15	299	0	(4)	(3)	1	(5)
	0	340	0	340	(547)	0	16	0	(531)
52	0	0	112	164	1	0	0	8	9
	126	0	0	126	0	(0)	0	0	(0)
64	0	68	0	132	2	0	6	0	8
0	0	0	3	3	0	0	0	(0)	(0)
306	69	54	21	450	28	5	7	2	42
0	6	41	0	47	0	6	3	0	9
0	235	0	0	235	0	5	0	0	5
218	0	0	0	218	(21)	0	0	0	(21)
35	8	0	4	47	1	0	(6)	(0)	(5)
18	6	0	3	26	0	(0)	(5)	(0)	(6)
144	69	0	0	213	(45)	(0)	0	0	(45)
0	0	0	0	0	0	0	0	0	0
3	0	0	0	3	(0)	0	0	0	(0)
29	0	0	0	29	1	0	0	0	1
	11	3	4	19	0	2	(3)	0	(0)
	0	0	0	0	0	(22)	(13)	0	(35)
		40		40	0	0	(20)	0	(20)
2,137	572	814	174	3,697	(1)	(8)	(19)	12	(16)
5,545	2,102	1,805	860	10,313	(0)	6	1	(2)	6

FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY	THIS REPORT RELATES TO ITEM 8 ON THE AGENDA
12 December 2007	NOT CONFIDENTIAL
FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY AREA PLAN 2008-2011: APPROVAL FROM CABINET SECRETARY	

1 RECOMMENDATION(S)

- 1.1 To note the response for Mr K MacAskill, MSP, Cabinet Secretary for Justice, to the Fife and Forth Valley Community Justice Authority Area Plan 2008-2011.
- 1.2 To approve the letter of response sent to Mr MacAskill by Councillor Margaret Kennedy, Convenor of the Fife and Forth Valley CJA.
- 1.3 To instruct the Acting Chief Officer to amend the Fife and Forth Valley CJA Action Plan for 2008-09. An additional column is to be inserted into the Action Plan that lists the outcomes that will be achieved by each of the actions detailed.

2 CONSIDERATIONS

- 2.1 Fife and Forth Valley CJA were required to submit an Area Plan for 2008-2011 to the Scottish Government in September 2007. The Area Plan was then considered by a sub-group of the National Advisory Board in October 2007. Thereafter, the National Advisory Board reported on the Area Plans for the eight CJAs in Scotland to Mr K MacAskill, Cabinet Secretary for Justice.
- 2.2 The National Advisory Board recommended approval of the Fife and Forth Valley CJA Area Plan subject to four issues. These are outlined in a letter from the Cabinet Secretary to the Convenor of the Fife and Forth Valley CJA, dated 8 November 2007, Appendix 1 to this Report.
- 2.3 The Convenor of Fife and Forth Valley CJA was required to submit a response to the Cabinet Secretary by 30 November 2007. A copy of that response is attached at Appendix 2. The revised Plan requires to be submitted by 25 January 2008.
- 2.4 There are four points the Cabinet Secretary has requested the CJA to address.

2.5 The CJA should develop local performance measures which enable it to demonstrate that its identified priorities are being met.

2.5.1 Since the Area Plan for 2008-2011 was approved by the CJA Board, the Acting Chief Officer has been meeting with all key partners to agree local performance measures that will evidence the CJA priorities are being met. These local performance measures will compliment the performance information that our partners will be required to provide to evidence that national performance measures are being met. A report on these local performance measures will be presented to the CJA Board for approval at its next Board meeting.

2.6 The CJA should develop a mechanism for the allocation of resources which reflect the local priorities.

2.6.1 An audit of the allocation of the budget for Criminal Justice Social Work is currently being undertaken. Proposals for the allocation of the budget for 2008-2009 and future years will be presented to the CJA Board at its next meeting. The proposals will take into account the local priorities contained within the Area Plan.

2.6.2 The CJA should be notified of the budget allocation for 2008-2009 during the month of December 2008.

2.7 The CJA should make more explicit links between the Action Plan and the outcomes detailed in the Area Plan.

2.7.1 An additional column will be inserted into the Action Plan that lists the outcomes that will be achieved by each of the actions detailed.

2.8 The CJA should develop its collection and analysis of statistical data within the area.

2.8.1 The CJA is committed to developing its collection and analysis of statistical data within the area. The establishment of a Research Officer post will enhance the ability of the CJA to collate information and conduct and co-ordinate analysis in partnership with key agencies.

3 CONSULTATION

3.1 CJA Strategic and Operational Management Groups.


4 RESOURCE IMPLICATIONS

4.1 None.

Author(s)

Name	Designation	Tel No:
Anne Pinkman	Acting Chief Officer	01259 727435

Approved by

Name	Designation	Signature
Anne Pinkman	Acting Chief Officer	

Date 22 November 2007

Reference 20071212AreaPlan20082011ResponsefromCabinetSecretary

Cabinet Secretary for Justice
Kenny MacAskill MSP

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Councillor Margaret C Kennedy
Convener
Fife and Forth Valley Community Justice Authority
22 James Inglis Crescent
Cupar
Fife
KY15 4GX

8th November 2007

Dear Margaret

Fife and Forth Valley Community Justice Authority Area Plan 2008-11

Thank you for submitting the above plan for approval. I have now received advice on your area plan from the National Advisory Body (NAB) which met on the 5th November.

I fully recognise the demanding timescales for producing the plan and the challenging context created by local government elections. I am most grateful for all the hard and productive work undertaken, and was pleased to note the evidence of a wide range of partner agency involvement.

The NAB was content to recommend approval of your plan, subject to certain assurances being provided by yourself in relation to particular aspects of the plan as submitted. I would be grateful, therefore, if you would address the recommendations in **Annex A** by submitting a brief report detailing how and by what date your CJA will progress each point. This should be submitted to me by **Friday 30th November 2007**, so that the planning process can be completed and budgets allocated during December.

I would also ask that you submit to me by **Friday 25th January 2008** a revised area plan which incorporates changes which relate to the recommendation highlighted in bold overleaf. I want to ensure that we are quite clear mutually how action flows from priorities, and who is taking responsibility for each action to be delivered in the first year Action Plan.

If you require further clarification, please contact Henry Snedden on 0131 244 3511 or by email at henry.snedden@scotland.gsi.gov.uk

I look forward to meeting with you again in March 2008.

Yours sincerely



KENNY MACASKILL

Fife and Forth Valley CJA Area Plan 2008-2011 – Recommendations

1. The CJA should develop local performance measures which enable it to demonstrate that its identified priorities are being met
2. The CJA should develop a mechanism for the allocation of resources which reflect the local priorities
3. **The CJA should make more explicit links between the Action Plan and the outcomes detailed in the area plan**
4. The CJA should develop its collection and analysis of statistical data within the area

APPENDIX 2

Doc Ref: MK/KS/20071127KennyMacAskillAreaPlan

27 November 2007

Mr Kenny MacAskill
Cabinet Secretary for Justice
The Scottish Government
St Andrew's House
Regent Road
EDINBURGH
EH1 3DG

Dear Kenny

FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY AREA PLAN 2008-2011

Thank you for your letter dated 8 November 2007 approving the Fife and Forth Valley CJA Area Plan 2008-2011. Your approval was subject to four recommendations that the CJA were required to address.

The Fife and Forth Valley CJA Board is meeting on 12 December 2007 to fully endorse the recommendations as outlined below:

The CJA should develop local performance measures which enable it to demonstrate that its identified priorities are being met.

Since the Area Plan for 2008-2011 was approved by the CJA Board in September 2007, the Acting Chief Officer has been meeting with all key partners to agree local performance measures that will evidence the CJA priorities are being met. These local performance measures will compliment the performance information that our partners will be required to provide to evidence that national performance measures are being met.

The CJA should develop a mechanism for the allocation of resources which reflect the local priorities.

An audit of the allocation of the budget for Criminal Justice Social Work is currently being undertaken. Proposals for the allocation of the budget for 2008-2009 and future years will be presented to the CJA Board at its first meeting in 2008. The proposals will take into account the local priorities contained within the Area Plan.

The CJA should make more explicit links between the Action Plan and the outcomes detailed in the Area Plan.

An additional column will be inserted into the Action Plan that lists the outcomes that will be achieved by each of the actions detailed.

The CJA should develop its collection and analysis of statistical data within the area.

The CJA is committed to developing its collection and analysis of statistical data within the area. The establishment of a Research Officer post will enhance the ability of the CJA to collate information and conduct and co-ordinate analysis in partnership with key agencies.

A copy of the Fife and Forth Valley Area Plan, with the revised Action Plan, will be sent to your office before the required date.

I trust that the proposed actions will meet with your approval.

I look forward to hearing from you.

Yours sincerely

Councillor Margaret Kennedy
Convenor, Fife and Forth Valley Community Justice Authority

FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY	THIS REPORT RELATES TO ITEM 9 ON THE AGENDA
12 December 2007	NOT CONFIDENTIAL
<p align="center">FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY AREA PLAN 2007-08</p> <p align="center">ACTION PLAN</p>	

1 RECOMMENDATION(S)

- 1.1 To note the progress in achieving the objectives outlined in the Action Plan of the Fife and Forth Valley Community Justice Authority Area Plan for 2007-08.

2 CONSIDERATIONS

- 2.1 The Fife and Forth Valley CJA were required to provide an Action Plan to incorporate into their Area Plan for 2007-08.
- 2.2 A copy of the Action Plan is attached as an Appendix to this report. An additional column has been inserted into the original Action Plan to illustrate the progress made in meeting the various objectives that were set.
- 2.3 The objectives set were influenced by the content of the Area Plan. The main areas are:
- Implementation of the Area Plan;
 - Priority groups of offenders;
 - Working together in new ways;
 - Developing and supporting the workforce;
 - Communication strategy;
 - Performance framework;
 - Finance/Resources.

- 2.4 The various working groups have been replaced by CJA Strategic and Operational Management Groups with representation from all key partners. The audit of Criminal Justice Social Work Services has been completed. Audits of other services remain outstanding but will be included in the local performance framework and measurements that is currently being developed for use by the Acting Chief Officer in consultation with all key partners. The performance measures will allow a report to be presented to the CJA Board on a quarterly basis.
- 2.5 Other achievements include the commencement of the Constructs (positive steps to stop offending) group work programme in Forth Valley. The CJA website has been developed and two CJA newsletters produced. Joint working continues across the CJA area and opportunities to develop this continue to be addressed.
- 2.6 Training and Development opportunities have been provided across the CJA. The Training Needs Analysis and a Training Strategy will be progressed when the Training and Development Officer is in post.
- 2.7 The Communication Strategy will be progressed further during 2008-09.
- 2.8 An audit of the Criminal Justice Social Work budget has commenced. The outcome of this audit and proposals for the allocation of the budget to support the Area Plan for 2008-2011 will be presented to the next meeting of the CJA Board.

3 CONSULTATION

- 3.1 None.


4 RESOURCE IMPLICATIONS

- 4.1 None.

Author(s)

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Anne Pinkman	Acting Chief Officer	01259 727435

Approved by

Name	Designation	Signature
Anne Pinkman	Acting Chief Officer	

Date 22 November 2007

Reference 20071212AreaPlan20072008ActionPlan

ACTION PLAN FOR 2007 - 2008

	Objective	Task	Who by	Completed by	Progress
1	<p>Implementation of Area Plan</p> <p>To establish a mechanism for implementing the Area Plan that engages with partner organisations and broadens the focus of activity.</p>	<ul style="list-style-type: none"> Establish Implementation Group to oversee implementation plan. Meet bi-monthly to review Action Plan 	<p>Fife Council Falkirk Council Stirling Council Clackmannanshire Council SPS Health Boards SCS COPFS SACRO APEX Victim Support Chief Officer (lead)</p>	<p>End January 2007</p> <p>Ongoing</p>	<p>Completed.</p> <p>CJA Strategic and Operational Groups now established with same remit.</p>

	Objective	Task	Who by	Completed by	Progress
2	Priority Groups of Offenders To audit service delivery and outcomes across the CJA area for the target groups of offenders in order to develop our strategy for achieving effectiveness in reducing reconviction, consistency of practice where appropriate, maximising the use of resources and establishing base line data from which to evaluate outcomes over the next period. This work will include SPS and voluntary sector partners.	<ul style="list-style-type: none"> Establish Service Delivery Task Group with representation from key partners. Agree an audit document. Each partner to undertake an audit of all services delivered including outputs and outcomes where possible. 	Fife Council Falkirk Council Stirling Council Clackmannan Council SPS Police Sacro Apex Victim Support others Chief Officer (lead)	End February 2006 End February 2007 End March 2007	Completed. Audit of CJS completed. Local performance measures being developed for all partners Completion date March 2008.
		<ul style="list-style-type: none"> Task force to draw audit data together and review current service delivery across CJA and make proposals to meet objective 2. Strategy document and implementation plan prepared. Implement and monitor plan. 	(Note: this group may not need all partners in attendance at all times.)	End May 2007 End June 2007 Ongoing from July 2007	
3	To establish the delivery of structured offence focussed interventions to address re-offending across the CJA.	<ul style="list-style-type: none"> Forth Valley to proceed with implementation of Constructs: Constructs implementation group established and appropriate accommodation for group work identified. Advertise and Select Staff 	Falkirk Council (CJ Manager lead) Stirling Council Clackmannanshire Council	By Feb 2007 By April 2007	Completed. Constructs staff appointed.

	Objective	Task	Who by	Completed by	Progress
		<ul style="list-style-type: none"> • Training for staff. • Referral process commenced. • Programme to run. • Undertake appraisal of requirements for programme delivery in Fife 	Fife Council (CJ Manager lead)	<p>June 2007</p> <p>By June 2007</p> <p>By Sept 2007</p> <p>By May 2007</p>	<p>First groups to commence November 2007.</p> <p>Appraisal commenced.</p>
4	Working Together in New Ways To build joint local working arrangements within Fife and Forth Valley, at all levels from strategic direction to frontline service delivery in order to improve effectiveness by streamlining partnership structures. This will include possible co-location of Criminal Justice Workers with Police Officers in order to enhance work with high risk offenders.	<ul style="list-style-type: none"> • Use audit of services (objective 2) to review delivery arrangements and make proposals and develop plan to meet objective 2. • Implement and monitor plan. 	Service Delivery Task Group and Implementation Group with Chief Officer	<p>End June 2007</p> <p>Ongoing from July 2007</p>	
5	To establish effective links with key strategic groups across Fife and Forth Valley, and at a national level, in order to promote more integrated services. We will make best use of resources by minimising duplication of activity across the CJA.	<ul style="list-style-type: none"> • To undertake a mapping exercise of key local and national strategic groups and develop proposals to promote better integration and best use of resources. • Monitor new arrangements. 	<p>Chief officer with Implementation Group</p> <p>Chief Officer with Implementation Group.</p>	<p>June 2007</p> <p>June 2007</p>	<p>Revised completion date February 2008.</p> <p>Ongoing from Feb 2008.</p>

	Objective	Task	Who by	Completed by	Progress
6	<p>Developing and Supporting the Workforce</p> <p>To provide training opportunities for the full range of our staff, jointly with partners where appropriate, to ensure a confident and effective workforce. This will include training in the following areas: Skills for Justice, Child Protection, ICM, MAPPA, ViSOR, Personal Safety and Media training for managers.</p>	<ul style="list-style-type: none"> Establish Training Task Group. <p>Carry out review of training planned across the CJA for 2007-2008.</p> <ul style="list-style-type: none"> Consider plans against training needs analyses for partners. Develop training strategy including plan for implementation. Monitor implementation. 	<p>Chief Officer</p> <p>Training Task Group/Chief Officer.</p> <p>Training Task Group/Chief Officer.</p> <p>Training Task Group/Chief Officer</p> <p>Training Task Group/Chief Officer</p>	<p>End Feb 2007</p> <p>End Mar 2007</p> <p>End April 2007</p> <p>End May 2007</p> <p>Ongoing from June 2007</p>	<p>Training & Development post to be recruited. Post holder will then progress this objective.</p>
7	<p>Communication Strategy</p> <p>To develop an effective strategy for both internal and external communication across the CJA and to contribute to a national communication strategy to inform the public about the work of the CJA's.</p>	<ul style="list-style-type: none"> Establish website in conjunction with other CJAs. Publish FFV Newsletter – 3 x per year. Develop and introduce public information strategy. Develop media strategy. 	<p>Chief Officer with Implementation Group.</p> <p>Chief Officer with inputs from partners.</p> <p>Chief Officer, Implementation Group and CJA Board</p> <p>Chief officer Implementation Group CJA Board and Chief Officers Group</p>	<p>End Feb 2007</p> <p>April, August and Dec 2007</p> <p>April 2007</p> <p>April 2007</p>	<p>Completed, website live Dec 2007.</p> <p>Newsletters published April & Dec 2007, further newsletter March 2008.</p> <p>Outstanding, to be completed March 2008.</p> <p>Outstanding, incorporated into 2008-09 Action Plan for completion June 2008.</p>

	Objective	Task	Who by	Completed by	Progress
8	<p>Performance Framework</p> <p>To build a profile of performance management groups, structures, systems and reporting frameworks in order to establish a common system and culture across the CJA. We will also contribute to the development of national data collection guidelines and tools for evaluation of outcomes in relation to reducing reconviction.</p>	<ul style="list-style-type: none"> Establish performance management task group. Gather information on performance management systems across the CJA. Develop common system for CJA that accords with national guidelines. Produce implementation plan. Implement plan and monitor system. 	<p>Chief Officer</p> <p>Performance Management Task Group/Chief Officer.</p> <p>Performance Management Task Group/Chief Officer</p> <p>Performance Management Task Group/Chief Officer</p> <p>Performance Management Task Group/Chief Officer</p>	<p>Feb 2007</p> <p>Mar 2007</p> <p>June 2007</p> <p>August 2007</p> <p>October 2007</p>	<p>Completed, performance management group now incorporated into CJA Operational Management Group.</p> <p>Chief Officer collating info for development of local performance framework and measures.</p> <p>Completion date March 2008.</p>
9	<p>To publish a Race Equality Scheme by 30 November 2007 and also to ensure that employment monitoring arrangements are in place by 31 May 2007 in accordance with national requirements. The equality scheme will also fully cover the areas of disability and gender equality, in recognition of forthcoming legislation. This will also assist us, as a new Authority, in developing a culture of equality, where unlawful discrimination is not tolerated.</p>	<ul style="list-style-type: none"> Develop and publish Race Equality Scheme to cover issues of disability and gender equality. Ensure employment monitoring is in place to meet national requirements. 	<p>Chief Officer in consultation with partners and Implementation Group.</p> <p>Chief Officer in consultation with relevant partners.</p>	<p>Nov 2007</p> <p>End May 2007</p>	<p>Completed.</p> <p>Completed.</p>

	Objective	Task	Who by	Completed by	Progress
10	Finance/Resources To manage the identified resource pressures across the CJA, by reviewing current services and balancing priority needs with effective outcomes.	<ul style="list-style-type: none"> Establish a <u>Finance Review Group</u>. 	Chief Officer (lead) Fife Council Falkirk Council Stirling Council Clackmannanshire Council	Feb 2007	Completed.
		<ul style="list-style-type: none"> To develop strategy allocation of grant and to manage resource pressures during 2007-2008 and make recommendations to CJA Board. 	Chief Officer and Finance Review Group.	End Feb 2007	Completed.
11	To review the resource demands across the CJA in order to plan for best use of the budget in 2008 - 2011.	<ul style="list-style-type: none"> Agree process for review of expenditure across the CJA. 	Chief Officer and Finance Review Group.	March 2007	Completed.
		<ul style="list-style-type: none"> Review the current expenditure against the audit of services (task 1 above). 	Chief Officer and Finance Review Group.	By end May 2007	
		<ul style="list-style-type: none"> Make budget proposals to support 2008 – 2011 Area Plan. 	Chief Officer and Finance Review Group.	July 2007	Ongoing, proposals to CJA Board Jan 2008.

FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY	THIS REPORT RELATES TO ITEM 10 ON THE AGENDA
12 December 2007	NOT CONFIDENTIAL
GRANT FOR VOLUNTARY ORGANISATIONS	

1 RECOMMENDATION(S)

- 1.1 It is recommended that Fife and Forth Valley Community Justice Authority Board approve the level of funding to the voluntary organisations as detailed in the attached Appendix.

2 CONSIDERATIONS

- 2.1 The purpose of this report is to seek approval from Members of the Fife and Forth Valley Community Justice Authority Board on how Fife Council Social Work Service will allocate funds to Apex to deliver services in relation to Mandatory Supervised Attendance Orders.
- 2.2 The funding will be provided by a grant directly to the organisations and through the Fife Council Community Grants Schemes.
- 2.3 Members are asked to note that they can contact the Fife Council Social Work Service if they would like additional information on the proposed award or organisation in advance of the meeting of the Fife and Forth Valley Community Justice Authority.
- 2.4 The Appendix to this report provides details of the grant for 2007 - 2008.

APEX

- 2.5 Apex is an employment counselling agency for ex-offenders and Fife Council Criminal Justice Service has a long-established relationship with this organisation. Apex provide support to ex-offenders to access employment or training opportunities through other grants from Fife Council Criminal Justice Services.
- 2.6 Apex currently provide a contribution to a modular programme for Supervised Attendance Orders to non-mandatory fine defaulters. The Mandatory Supervised Attendance Order arrangements are seen as an extension of this relationship.

- 2.7 On 20 January 2006, the Scottish Executive announced that from 1 September 2007, courts will place people defaulting on fines of less than £500 on a Supervised Attendance Order. The funding for this has been provided by the Scottish Executive to the CJA for dispersal to the constituent Social Work Services. The grant allocation for the Fife Council area has been determined by the number of custodial sentences for fine default in Fife over the past 2 years (205).
- 2.8 Apex submitted a proposal to provide a service that could offer programmes for service users on completion of the core modules and/or repeat orders. This will supplement the existing provision within the Social Work Service and will relieve pressure on current resources.
- 2.9 Apex Scotland will provide a structured programme that will increase the employability, skills and knowledge of those individuals placed on a Supervised Attendance Order. The programme will include group work with one-to-one work for goal setting, action planning and reviews. The programme will provide sessions to increase life skills, personal development, work skills, basic skills and job-search.

3 CONSULTATION

MONITORING AND EVALUATION

- 3.1 This past year has seen the continued development of the Monitoring and Evaluation Framework within Fife Council and robust procedures are in place where support is provided to voluntary organisations.
- 3.2 The assessment procedures undertaken prior to an award being presented to Committee for a decision includes the following steps:
- ◆ All organisations have submitted an application or forward plan outlining the services they will provide during 2007/08;
 - ◆ All projects funded in the previous year have undergone either an annual monitoring exercise or if appropriate a 3-year evaluation. Where the organisation receives over £10,000, the annual monitoring is carried out by the appointed Link Officer. An independent officer who has not been a Link Officer to the organisation carries out the 3-year evaluation. As part of these monitoring exercises an assessment of the governance of the organisation is made. This includes compliance with relevant legislation such as child protection;
 - ◆ The organisation's constitution and latest set of annual accounts have also been checked. The latter are checked by officers from Finance and Asset Management;
 - ◆ The project is assessed against the priorities of the Service, the Council and the Fife Community Plan.

4 RESOURCE IMPLICATIONS

4.1 None.


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Approved by:

Name	Designation	Tel No:
Stephen Moore	Executive Director (Social Work) Fife Council	08451 55 55 55 Ext 444112

Approved by:

Name	Designation	Signature
Anne Pinkman	Acting Chief Officer FFVCJA	

Date: 9 November 2007

Reference:

APPENDIX

Organisation	Project Description	Award 2007/08	Requested Award	Recommended Award	Additional Comments
Apex	Increases the employability of offenders and aims to reduce the risk of re-offending	-	£17,685	£17,685	6 months funding

FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY	THIS REPORT RELATES TO ITEM 11 ON THE AGENDA
12 December 2007	NOT CONFIDENTIAL
EQUALITY OF OPPORTUNITY POLICY	

1 RECOMMENDATION(S)

- 1.1 To approve the Equality of Opportunity Policy that will apply to all employees of the Fife and Forth Valley Community Justice Authority.

2 CONSIDERATIONS

- 2.1 Fife and Forth Valley Community Justice Authority, as an employing Authority, requires to have a variety of policies and procedures in place for the protection and wellbeing of its employees.
- 2.2 One such requirement relates to the Race Relations (Amendment) Act 2000 – General and Specific Duties which places a specific duty on the Fife and Forth Valley Community Justice Authority to publish a Race Equality Scheme by 30 November 2007.
- 2.3 CoSLA also produced a Reference Manual on Governance and Infrastructure for CJAs on 14 June 2007. That Reference Manual includes a list of policies and procedures that each CJA must have in place. The Reference Manual also lists a number of other policies and procedures that it is recommended each CJA has in place. Both lists are attached as Appendix 1.
- 2.4 The lists in Appendix 1 illustrate what policies and procedures have been developed and approved by the Fife and Forth Valley CJA Board. Many still require to be prepared.
- 2.5 The Equality of Opportunity Policy, attached at Appendix 2, ensures compliance with race and gender equality as well as compliance with other related legislation such as age discrimination.
- 2.6 The Equality of Opportunity Policy does satisfy the specific duty placed on the Fife and Forth Valley CJA to have a Race Equality Scheme published. The Policy has been submitted to the Scottish Government, Equality Unit, in draft form, subject to approval by the Fife and Forth Valley CJA Board.

2.7 The Equality of Opportunity Policy is based upon the Equality of Opportunity Policy approved by Fife Council. Fife Council provides Human Resource and Legal support services to the Fife and Forth Valley CJA. Given the provision of that support, it is intended to access from Fife Council, and customise, the other policies and procedures the Fife and Forth Valley CJA require to have in place. In time, these will be presented to the Fife and Forth Valley CJA Board for approval.

3 CONSULTATION

3.1 Legal and Human Resource Services, Fife Council.

4 RESOURCE IMPLICATIONS

4.1 None.


5 BACKGROUND PAPERS

5.1 Governance and Infrastructure – Reference Manual.

Author(s)

Name	Designation	Tel No:
Anne Pinkman	Acting Chief Officer	01259 727435

Approved by

Name	Designation	Signature
Anne Pinkman	Acting Chief Officer	

Date 28 November 2007

Reference 20071212EqualityofOpportunityPolicy

FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY

POLICIES AND PROCEDURES

Requirements

- Attendance Management Policy and Practical Guidance to Managers on how to Manage Poor Attendance*
- Dignity at Work Policy for Staff*
- **Discipline Code of Conduct, Policy and Procedures**
- **Equality and Diversity Policy (embracing race and gender equality as well as ensuring compliance with other related legislation such as age discrimination)**
- First Aid Policy and Procedure*
- **FOI Scheme**
- Health & Safety Policy Statement*
- Recruitment, Selection and Appointment Policy and Procedure*

Best Practice

- Alcohol, Drugs and other Substance Misuse Policy Guidance*
- Asset Register/Asset Disposal Procedures*
- Business Continuity/ Business Risk Management Policy/Process*
- Commissioning Policy*
- Communications Strategy/Protocol*
- Data Protection Policy*
- Electronic Communication and Internet use Policy (would cover computer misuse)*
- Financial Regulations*
- Grievance Resolution and Mediation Policy and Procedures*
- Induction Policy (for CJA Members and for staff)*
- Information Sharing Protocol*
- Management of Fixed Term Contracts of Employment*
- **Member Code of Conduct**
- Occupational Health Policies including:
 - Stress Policy and Guidance*
 - Display Screen Equipment Policy*
 - Management of Contamination with Human Blood/Body Fluids Procedure*
 - Smoking Policy*
- Working Families: Pay, Benefits, Flexible Working, Time Off and Leave*
- Press/Media Relations Policy*
- Register of Member Interests*
- Reporting Agreement*
- Retirement Policy*
- **Scheme of Delegation**
- SLAs with Service Providers and/or Council*
- **Standing Orders**
- Tendering and Contracting Procedures*
- Training and Development for Staff Policy and Procedure*
- Whistle Blowing Policy and Procedure*

* *To be Developed*

Equality of Opportunity

Policy Statement

1 Policy Statement

Fife and Forth Valley Community Justice Authority is committed to promoting Equality of Opportunity for all its employees.

Equal opportunities are not only about equal access to employment and delivery of services, it is about rights and fairness, participation and involvement.

In addition, providing equality of opportunity makes good business sense in that our employees' potential is fully harnessed. We can also ensure that we access the fullest possible range of talents and abilities within our community when seeking potential employees. Consequently, we are committed to promoting equality of opportunity and to eliminating unfair discrimination within our own employment practices.

This policy applies to all job applicants and employees. It seeks to ensure that everyone receives equality of opportunity, regardless of age, carer responsibility, colour, disability, ethnic origin, gender, marital status, nationality, politics, race, religion, sexuality, social/economic status, trade union membership/activity or any other unjustifiable grounds.

We intend to create a culture within Fife and Forth Valley Community Justice Authority which is free from unfair discrimination and oppressive behaviour and where every employee has the opportunity to develop their potential.

2 Guiding Principles

All Fife and Forth Valley Community Justice Authority's employment policies will be in line with the spirit and principles contained within this policy.

Recruitment and selection can impact on people's lives in a positive way, therefore, it is important that this is carried out in a fair manner in order that we, as employers, appoint the best person for the job. This will help us to provide services which are efficient, reliable and effective. We aim to make sure that all employees and job applicants are treated fairly.

Development and Training enables employees to provide the best possible services. It is also an area where past discrimination such as barriers to education and occupational segregation can be addressed.

Through providing employees with educational and development opportunities, the Fife and Forth Valley Community Justice Authority will seek to improve services, reduce inequality and widen opportunity.

Implementation, application and interpretation of agreed procedures (eg discipline, grievance etc) and terms and conditions of employment must be applied fairly and consistently throughout the Fife and Forth Valley Community Justice Authority.

It is recognised that it is good employment practice to adopt and develop flexible working arrangements such as flexible working hours, job share and special leave. Participation and involvement in such schemes will be of benefit to the Fife and Forth Valley Community Justice Authority and employees. These policies will be developed in accordance with the principles of this policy.

Fife and Forth Valley Community Justice Authority will put procedures in place to review and monitor the operation of this policy to ensure its spirit and principles are met. These will look at who the Fife and Forth Valley Community Justice Authority is employing and its procedures and practices. This will highlight basic imbalances and any adverse impact that may be evident.

3 Our Responsibilities as an Employer

To make sure that the Equality of Opportunity Policy is effective, the Fife and Forth Valley Community Justice Authority will make the following commitments:-

- all policies of Fife and Forth Valley Community Justice Authority will reflect the guiding principles of the equality of opportunities in employment policy;
- to ensure that the policy is known to all employees and job applicants;
- to support our employees in meeting the aims of this policy, however, where employees fail to adhere to the policy appropriate action may be taken in accordance with established procedures; and
- to take all practical steps to implement and support this policy and the principles contained within it including reviewing and monitoring.

4 Responsibility of Employees

Whilst management have a responsibility for establishing procedures and practice to implement this policy, it will only be genuinely effective if the policy is reflected in the behaviour and attitudes of managers and employees throughout the Authority. Fife and Forth Valley Community Justice Authority will, therefore, expect all employees to play their part in promoting equality of opportunity by, for example:-

- co-operating with measures introduced to implement this policy;
- treating fellow employees with fairness and dignity, remember ‘what you permit, you promote’; and
- highlighting discriminatory practices.

By working together and embracing these principles, we can reduce inequality and widen opportunity to make Fife and Forth Valley Community Justice Authority’s strategic policy aims and values a reality.

This policy is written in English but can be translated into Community Languages and also large print and audio for people with sight impairments and hearing difficulties.



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I Introduction

Fife and Forth Valley Community Justice Authority's Equality of Opportunity Policy applies to all employees and job applicants. It is not only about equal access to employment and delivery of services, it is also about rights and fairness, participation and involvement. It seeks to ensure that everyone receives equality of opportunity regardless of age, carer responsibilities, colour, disability, ethnic origin, gender, marital status, nationality, politics, race, religion, sexuality, social or economic status, trade union membership or activity, or any other unjustifiable grounds. The policy and these guidelines mainly cover employment practice and procedures.

There are many reasons why Fife and Forth Valley Community Justice Authority has an Equality of Opportunity Policy. The main ones are:-

- promoting fairness in access to jobs and promotion;
- attracting new employees and retaining existing employees;
- allowing employees to increase their own potential;
- improving the working and learning environment;
- gaining a diversity of talent and experience for Fife and Forth Valley Community Justice Authority as an organisation, and through open sharing of new ideas and different viewpoints enhancing effective working and service delivery.

Our goal is to remove unfair discrimination, value diversity and promote equality of opportunity. The Policy will only succeed when everyone accepts it and the principles are part of day-to-day activities. The Equality of Opportunity Policy clearly sets out our responsibilities as employers and employees.

Responsibility for implementing the Equality of Opportunity Policy lies with everyone in Fife and Forth Valley Community Justice Authority. A key starting point is ensuring awareness of the issues and of equal opportunity actions.

All current and future policies of Fife and Forth Valley Community Justice Authority will be underpinned by and must be implemented with due regard being given to the provisions of the Equality of Opportunity Policy.

2 Working Definitions

Equal Opportunities

An ethos that challenges discriminatory attitudes, practices and outcomes, and responds effectively to cultural and social diversity.

Discrimination

Treatment of one group, or individuals belonging to that group, less favourably than others; may be direct, indirect or institutional.

Direct Discrimination

Treatment of a person or group less favourably than others.

Indirect Discrimination

Application of a condition, which is not objectively justified, that puts a person or group at a disadvantage by comparison with others, because fewer people in that group than in other groups can comply with it.

Institutional Discrimination

Application of policies and procedures which discriminate against certain people whether or not it was intended to do so.

Positive Action

Providing access or support to enable under-represented groups to develop to their full potential, redress the effects of past discrimination, and thereby to compete fairly and take full advantage of opportunities in employment.

Stereotype

The belief that all members of a group share the same characteristics.

Plain Language

To write and communicate in a way that is easily understood, is clear, concise and avoids jargon.

Inclusive Language

Language or graphics which do not consciously cause offence. Language and graphics which include all groups and do not show bias towards those who are already well represented.

3 Responsibility of Employer and Employees

The Equality of Opportunity Policy and Guidelines are part of the process of helping Fife and Forth Valley Community Justice Authority achieve its legal obligations (see Appendix 1).

In cases of illegal discrimination there is no limit on the amount of compensation payable. Awards are generally thousands of pounds and have been as high as £350,000.

Responsibility of Employer

Employers have a crucial responsibility in providing equality of opportunity for potential and actual job applicants and employees. As an employer, we must take all practical steps to implement and monitor our Equality of Opportunity Policy to ensure there is no discrimination and that equality of opportunity is genuinely available. As an employer we must also ensure that complaints or grievances, particularly around equality issues, are dealt with fairly. To this end the Fife and Forth Valley Community Justice Authority has established a Grievance Procedure, and will establish a Complaints Procedure and a Dignity at Work Policy.

Achieving Equality of Opportunity will require significant changes. Action plans will need to be prepared and implemented.

Our responsibilities shall be clearly communicated to all employees using a range of methods including written statements of employment. Any communications should use “plain language”.

Responsibility of Employees

We should:-

- Ensure we are aware of how to identify when discrimination is taking place.
- Take appropriate steps to stop discrimination and seek support if needed.
- Treat other employees with dignity and respect.
- Co-operate with measures introduced by Fife and Forth Valley Community Justice Authority designed to ensure equality of opportunity.

4 Implementation

Equality of opportunity underpins all policies in Fife and Community Justice Authority. There may be different approaches to Equality of Opportunity. It is, therefore, important that when implementing the Equality of Opportunity Policy that:-

- consultation and participation are welcomed at all levels.
- special needs are taken into account.
- change and different points of view are welcomed and used as constructive mechanisms to support the realisation of desired goals.
- positive images and inclusive language are used within Fife and Forth Valley Community Justice Authority, eg publicity leaflets, service literature.

5 Monitoring and Review

Fife and Forth Valley Community Justice Authority is committed to taking all practical steps to implement and support the Equality of Opportunity Policy and to review and monitor it to ensure its spirit and principles are met. Monitoring and review will involve looking at who Fife and Forth Valley Community Justice Authority is employing, as well as its procedures and practices. This will include access to development opportunities, complaints and Human Resources Policies and Guidance.

Fife and Forth Valley Community Justice Authority must be especially vigilant when reviewing current arrangements practices and procedures, eg Recruitment and Selection, Health and Safety and Grievance, to name just a few.

A user friendly monitoring procedure will be developed and guidance will be produced as the procedure is developed. Statistical information will be analysed regularly to identify patterns and trends. We will also identify areas for closer examination and action, including positive action to reduce barriers and eliminate discriminatory practices or procedures.

6 Recruitment and Selection

This is a key area where anti-discriminatory practice can make a difference. It is important that Fife and Forth Valley Community Justice Authority gets the best people for the job, drawing from a diversity of talent and monitoring the outcome.

Fair recruitment and selection will only happen if:-

- We know what the job requires;
- We are objective about the way we select people;
- We do not exclude people by having fixed stereotypes about who fits or make unfair assumptions about others, eg that all women will need time off for childcare, or that all people with a disability require physical adaptations.

Particular areas to be aware of are:-

- Advertisements;
- Job Profiles and Person Specifications;
- Records will be kept - short listing interview and selection process. (Complaints or requests for feedback from unsuccessful applicants will be responded to).

7 Dignity at Work

Employees have a responsibility to help ensure a working environment in which the dignity of employees is respected and managers (including supervisors) have a particular duty to ensure that harassment, victimisation or bullying does not occur. Employees who encounter inappropriate behaviour by colleagues or managers can choose to deal with this either personally, informally or formally.

8 Learning and Development

Learning and development is an important goal within Fife and Forth Valley Community Justice Authority. In order that the Equality of Opportunity Policy is adhered to, appropriate training will be supplied to enable employees to perform their jobs effectively. Training can be an important means of raising awareness of policies, ensuring the issues behind them are adhered to, particularly in the areas of equality of opportunity.

Some particular areas for training are as follows:-

- Appropriate training for employees who are involved in the process of Recruitment and Selection and giving feedback;
- Induction training which includes Equality of Opportunity Policy;
- Ways of providing experiences that people otherwise may not have the chance to gain, eg secondments, mentoring, work-shadowing, conference attendance, delivering presentations;
- Training which aims to develop a working environment that is inclusive of all job applicants and employees.

9 Appendices

The appendices provide detailed information on a number of aspects. As these are subject to change, you may need to check the current position.

Equality of Opportunity Legislation

Discrimination is a complex area in employment law and one which we must be aware of when dealing with workplace issues. The whole employment relationship from placing the advertisement for the job, through to recruitment, terms and conditions of employment, training and promotion and disciplining or dismissing employees is affected by discrimination legislation.

This appendix outlines the key legislation in relation to equality of opportunity in employment, examining the various grounds on which discrimination may be claimed. This may be through rights created under specific acts such as the Sex Discrimination Act or through more general employment protection legislation such as the Employment Rights Act.

I Sex and Race Discrimination

The central UK legislative provision in the field of sex discrimination is the Sex Discrimination Act 1975. In the field of race discrimination it is the Race Relations Act 1976. These acts are parallel in many respects, and much of the case law decided under the 1975 Act is also useful in interpreting the 1976 Act and vice versa. The Sex Discrimination Act 1986 amended the SDA 1975 to ensure that discrimination in relation to retirement was covered by domestic legislation.

Three distinct categories of discrimination have been established:

direct discrimination

indirect discrimination

victimisation

Direct discrimination involves putting someone at a disadvantage by treating them less favourably than another on racial grounds/the grounds of sex or marriage.

Stereotypical assumptions can amount to direct discrimination eg where an employer prefers a male applicant to a female one for a labourer's post because of his or her belief that women are physically weaker

Employers are discriminating directly against women if they treat them less favourably on account of their pregnancy or that they are on maternity leave.

Sexual and racial harassment are forms of direct discrimination.

When the legislation refers to racial grounds this covers colour, race, nationality, ethnic or national origins. Racial group means a group of persons defined by reference to these characteristics.

Employers may lawfully discriminate where there is specific exemption in the Acts or in certain jobs where being of a particular sex or race is a genuine occupational qualification (GOQ). These are laid down in the Sex Discrimination Act and the Race Relations Act. One category is where the job needs to be held by someone of a particular sex to preserve decency or privacy, for example a Leisure (Changing Room) Attendant.

Indirect discrimination was included within the legislation in an attempt to deal with "institutional discrimination" which can be more difficult to identify and stamp out than direct discrimination. It occurs where an employer imposes a policy across the board (i.e. what looks like a neutral criterion) but the effect of the policy in practice is that a considerably smaller proportion of one group can meet the requirements of the policy. It will only be unlawful discrimination, however, if the requirement or condition is unjustified.

Height restrictions, specifying a height of over 5'8" could be argued to be indirect sex or racial discrimination as women and certain racial groups (e.g. Chinese) may be less able to comply with that criterion.

Age limits are also potentially indirectly discriminatory on the grounds of sex (see Section below on Age Discrimination).

Reliance on word of mouth recruitment and/or unsolicited applications is potentially discriminatory. If one sex or racial group is under-represented in the workforce they are less likely to find out about potential vacancies.

It has been clearly established that where part-timers are of a different gender profile to the profile of the entire workforce, unlawful indirect discrimination can occur if they are treated less favourably than other employees without good reason. (approximately 79% of the part-time workforce in the UK are women).

Victimisation - the legal definition of victimisation is quite distinct from the everyday use of the word "victimise". This type of discrimination occurs where an employee is treated less favourably than another because he or she has done, intends to do or is suspected of doing one or more of a number of acts specified in discrimination legislation.

These acts include bringing proceedings under one of the Acts governing discrimination, giving evidence or information in relation to such proceedings, alleging that an individual has discriminated against another or anything else done under or by reference to discrimination legislation.

Positive Action - legislation in relation to race and sex discrimination allows certain forms of positive action which encourage equality of opportunity.

For example in providing training for members of one sex/racial group to encourage them to take advantage of opportunities for that work, where it "reasonably appears" that members of that sex/racial group have been unrepresented or under-represented in the previous 12 months.

Positive action, however, cannot be carried on to the selection process as this would constitute positive discrimination and be unlawful. For example, it is not lawful to give a preference to female candidates when making an appointment even where women are under-represented in that workforce.

2 European Law

UK law has had to be amended and updated to reflect the influence of European law on discrimination legislation.

European Treaty Articles are legislative provisions which acquire legal force in the national legal system immediately and as they stand, i.e. it does not require any further implementation.

European Directives are legislative provisions which are directed at national governments, who are instructed to import their terms into national law. These Directives will often give the national government (e.g. Britain) time scales within which to introduce legislation, although there is a provision which means employees in local government (emanations of the state) are covered as soon as the Directive is agreed in Europe. If the UK government fails to fully implement a Directive an individual may ask the courts to do everything possible to interpret the national law consistently with the EC Directive. Reference can be made to the European Court of Justice (ECJ) and the European Court of Human Rights.

The impact of European community law, especially in the field of sex discrimination, has been far-reaching. For example European decisions have led to the introduction of equal retirement ages for men and women, a change to maternity rights, the right to the same statutory protection for part-time employees as for full-time employees, and the right for part-time employees to benefit under pension schemes and share schemes.

In addition it was because of a European decision that the limit on the compensation payable in cases of race and sex discrimination was removed, and that there is no limit on the compensation payable in cases of disability discrimination. In cases of moderate severity awards have ranged from £500 - £7500. In more severe cases they can be around £25000 - £30000, and in some cases have been as high as £350 000 (D.Souza v London Borough of Lambeth - £358 288).

Article 119 of the Treaty of Rome provides that "each member state shall ensure and subsequently maintain the application of the principle that men and women should receive equal pay for equal work". Directive 75/117 (the Equal Pay Directive) is designed to fulfil the practical application of the principle of equal pay outlined in Article 119. Directive 76/207 (the Equal Treatment Directive) puts into effect the principle of equal treatment for men and women as regards access to employment, training, working conditions.

3 Equal Pay

The Sex Discrimination Act 1975 brought into force the Equal Pay Act 1970, which was later amended by the Equal Pay (Amendment) Regulations 1983. More recently, as a result of a number of ECJ cases on occupational pension schemes, further amendments have been made to the Equal Pay Act and the Sex Discrimination Act by the Occupational Pension Schemes (Equal Access to Membership) Regulations 1995.

Equal pay claims, depending on the circumstances, may be brought under the Equal Pay Act, the Sex Discrimination Act or under EC law (Article 119 of the Treaty of Rome, the Equal Pay Directive or the Equal Treatment Directive).

Basically there are 3 types of equal pay claim: equal pay for like work; equal pay for work rated as equivalent; and equal pay for work of equal value.

4 Pregnancy Discrimination

The Sex Discrimination Act gives women considerable protection from dismissal and other forms of disadvantageous treatment which result from pregnancy or maternity. In addition its provisions must be interpreted by the UK courts in such a way that they accord with EC legislation (Equal Treatment Directive, Pregnant Workers Directive) and decisions of the European Court of Justice.

In recent years there have been a number of important ECJ judgements which have very significantly altered the rights of women who are or have been pregnant - these cases have established that refusal to employ a woman, or a decision to dismiss a woman, for a reason connected to her pregnancy can amount to direct sex discrimination.

The Employment Rights Act 1996 provides that a woman can claim automatically unfair dismissal if the reason for her dismissal is that she is pregnant or is a reason connected to her pregnancy. It also consolidates previous legislation in relation to maternity rights such as time off for ante natal care, the right to maternity leave, and the right to return to work.

5 Disability Discrimination

The Disability Discrimination Act 1995 made employers liable for discrimination against "disabled persons" in recruitment, promotion, training, working conditions and dismissal, or any arrangements relating to these.

Employers can justify less favourable treatment by showing that the reason for such treatment is material to the circumstances of the particular case and substantial. This defence is subject to a duty to make reasonable adjustments to working conditions or to the physical working environment, where that would help overcome the practical effects of a disability.

A **disabled person** is defined in law as a person who has, or who has had in the past, a physical or mental impairment which has had or will have a substantial and long term adverse effect on his or her ability to carry out normal day to day activities.

6 Union Membership Discrimination

UK employment protection legislation (Trade Union and Labour Relations (Consolidation) Act 1992 and the Trade Union Reform and Employment Rights Act 1993) provides a number of safeguards which are intended to protect individuals from suffering victimisation on the grounds of their union membership, non-membership or for participating in the activities of a trade union.

7 Protection in Connection with Health and Safety at Work

Employment protection legislation (Employment Rights Act 1996) provides specific safeguards against victimisation of employees who make complaints about health and safety in the workplace.

8 Offenders/Ex-Offenders

Under the Rehabilitation of Offenders Act 1974 an individual who has been convicted may, with certain exceptions, be rehabilitated and allowed to treat the conviction as if it had never occurred. A conviction will become "spent" where the individual has not, after a period of time, committed another serious offence.

A conviction cannot be spent under the Act if it incurred a sentence of more than 2.5 years in prison or was a life sentence, preventative detention or their equivalent for young offenders.

The Act provides that "spent" convictions are not a "proper ground" for dismissal or exclusion of a job candidate.

The exceptions where spent convictions must be declared include chartered accountants, advocates, registered teachers, and those involved with providing young people with accommodation, care, leisure and recreational facilities, schooling, social services, supervision or training (and those working on premises where such provision is made).

9 Age Discrimination

Despite a number of unsuccessful private members' Bills there is no legislation outlawing age discrimination in the UK. However, there is at least one case where it has been shown that an Equal Opportunities policy which includes age and was part of the contract of employment provided protection from discrimination on age grounds.

Employers, however, need to be wary of claims for indirect sex discrimination. For example many women, particularly in their 20's and 30's remain out of the labour market in order to bring up families. An age limit which aims to recruit from this age band will mean that the proportion of women suitably qualified for the position will be smaller than the proportion of suitably qualified men. These age limits are, therefore potentially indirectly discriminatory on the grounds of sex.

10 Sexual Orientation

The issue of sexual orientation and discrimination is increasing in profile - in Parliament and the courts, within the media and among the general public. As yet, however, there is no specific UK legislation.

11 AIDS/HIV at Work

While there is no law that specifically protects individuals who have HIV or AIDS against discrimination sex, race or disability discrimination arguments could be used by someone who is discriminated against.

The requirement to have a negative HIV status, for example, could discriminate against people from African countries where the incidence of HIV and AIDS is particularly high.

It could also be argued that this discriminated against men by showing that a considerably smaller proportion of men than women could comply with the condition although the incidence of HIV/AIDS among men and women varies quite dramatically depending on local factors. In some areas the incidence of HIV is more dependent on drug abuse than sexual behaviour patterns.

Similarly if symptoms are exhibited which affect day-to-day activities an argument of disability discrimination could be made.

12 Harassment

As was stated in Section 1 sexual and racial harassment are forms of direct discrimination.

Also of relevance is the EC's Recommendation on the Protection of the Dignity of Women and Men at Work (No. 92/131/EEC). It does not have the force of law, and does not, therefore, impose any legal obligations on employer or give employees any legal rights. However, it is a very important document and tribunals are obliged to take its terms into account. It is being used by them as a tool for identifying what constitutes harassment and is regarded as setting a benchmark for correct procedures for preventing and dealing with sexual harassment.

It provides that conduct of a sexual nature or other conduct based on sex affecting the dignity of women and men at work is unacceptable if it is:

unwanted, unreasonable and offensive to recipients

used as a basis for employment decisions such as promotion

such as to create an intimidating, hostile or humiliating work environment for the recipient.

The European Convention on Human Rights and Fundamental Freedoms provides that everyone has the right to respect for his or her private and family life.

It further provides that the enjoyment of the rights and freedoms set forth in the convention shall be secured without discrimination on any grounds such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

More recently the Protection from Harassment Act 1997 created two new criminal offences to deal with harassment. It specifies that a person must not pursue a course of conduct which:

- amounts to harassment and which he/she knows, or ought to know amounts to harassment;
- causes someone else to fear that violence will be used against them.

Conduct can include speech, and it must occur on at least 2 occasions for there to be an offence. Civil proceedings can be brought against the harasser and damages can be sought.

13 Religious Discrimination

There is no legislation in Great Britain (ie Scotland, England and Wales) specifically outlawing discrimination against a person on the grounds of his or her religious beliefs or lack thereof.

Religious groups may be able to argue they have been discriminated against on racial grounds. For example the religious group may come within the definition of a racial, ethnic or national group protected by the Race Relations Act (e.g. Jews or Sikhs).

Case Studies

The following cases reflect been made by Industrial Tribunals (IT) and Employment Appeals Tribunal (EAT) in discrimination cases under the Sex Discrimination Act (SDA), Race Relation Act (RRA) and Disability Discrimination Act (DDA).

Victimisation

Jones v's A T Arnold (Steel Stockholders) Ltd, COIT 1367/201. J brought an equal pay claim which her employers resisted successfully. She was told subsequently that her days were numbered, accused of gross negligence and demoted on lower pay. The tribunal found that she had been subjected to victimisation and recommended reinstatement.

Indirect Discrimination (RRA)

J H Walker Ltd v's Hussain and Others, EAT 406/94 employed a large number of Asian employees, nearly all of whom were Muslim. In September 1991 a new policy came in, no-one would be permitted holidays during the months of May, June or July, a period of peak activity. In 1992 the Muslim festival of Eid, which varies from year to year, fell on 11 June and, the week before, J H W Ltd were informed of this by their Muslim employees. They were not allowed the holiday and a large number of Asian employees stayed away from work over Eid and were all given Final Warnings for doing so. They claimed both direct and indirect discrimination. The tribunal found they could not claim direct discrimination because Muslims did not constitute a racial group for the purposes of RRA. The tribunal did hold, however, that the requirement for all employees to work over Eid was one which a significantly lower proportion of the company's Asian workers could comply compared to non-Asian workers. It was, therefore, indirectly discriminatory.

Indirect Discrimination (SDA)

Budge v's Tayside Regional Council SC OIT S/1789/83. B had taught music for seven years when the post of Head of Department fell vacant B filled it satisfactorily on a temporary basis and applied for the permanent position. She was turned down in favour of a less experienced man. In explaining the selection to a tribunal the Chair of the Selection Board said that, in recommending appointments, she was looking for people who wanted to move still higher up the educational ladder. This constituted indirect discrimination, because the Selection Board was applying a requirement or condition which:-

- fewer women than men met because fewer women wanted to progress to the higher grades;

- was not justifiable on non-sex grounds as the tribunal did not think that ambition to move up to a totally different job from the one applied for could be a justifiable pre-requisite for appointment;
- was to B's detriment because it influenced the committee against her.

Direct Discrimination (SDA)

Strathclyde Regional Council v Porcelli 1986 IRLR 134. P had been the survivor of a 'policy of vindictive unpleasantness, eg suggestive remarks and obliging her to brush against her male colleagues in order to pass by. They wished, by their action, to force her to transfer to another school Lord Emslie, a Court of Session Judge, said "It was a particular kind of weapon, based upon the sex of the victim, which ... would not have been used against an equally disliked man", - thus underlining the fact that sex discrimination law addresses gender based treatment and not the motives or objectives of the tormentors.

Direct Discrimination (RRA)

Weathersfield Ltd t/a Van & Truck Rentals Vs Sargent. Ms Sargent decided she did not want to continue with her new employment as a Receptionist with a car hire firm when she discovered that she was expected to tell potential customers who were black or Asian that there were no cars available for them to hire. (This amounts to an instruction to commit what is potentially an illegal act). The EAT thought that Ms Sargent had been unfairly treated by comparison with another person because she, unlike such a person, did not regard herself as being able to continue to work with an employer who operated such a policy and she did consider herself to be put in an intolerable position as an employee. She regarded herself as a victim of the treatment meted out to her by the employers. There was no difficulty in concluding that she had been discriminated against within the meaning of the RRA although she did not actually carry out the policy.

Genuine Occupational Qualification

Lasertop Ltd v's Webster EAT 1997 IRLR 498. Being a woman is a genuine occupational qualification for a job in a women-only health club in order to preserve decency and privacy. The sales part of the work involved taking prospective members of the club round the changing room, sauna, sunbed room and toilet, and women members might reasonably object to this being carried out by a man. The tribunal accepted it would not be proper for a man to enter this area. However, the 'prohibited' duties would occupy a comparatively small amount of the post holder's time. Therefore, appointment of a man would not cause undue inconvenience to the employer. The tribunal held that Mr Webster had been discriminated against on account of his sex.

However, the employers appealed to the EAT and the appeal was upheld on the grounds that 'the selling point of the job required the salesperson to take prospective members on a tour of the club and it would have been unsatisfactory for a male employee to have to hand over to a female every time that occurred.

Disability

Mr Samuels v Welseyian Assurance Society. Mr Samuels was dismissed for unacceptable levels of absence which resulted from his development of multiple sclerosis. Mr Samuels' employers received a letter from his Neurologist on 30 September from whom they had sought a medical report, suggesting for the first time that he might be suffering from MS. On 25 November the Neurologist wrote again saying he saw no objection to Mr Samuels returning to work and that it might be a question of 'trying and seeing'. On 17 December Samuels was summoned to a meeting where he produced a further medical certificate up until 13 January 1997 and he said it was his intention to return to work on that day. However, the employers decided to dismiss Mr Samuels. They believed there was no realistic prospect of his attendance improving and that they would incur substantial costs in bringing him back 'up to speed' on developments. The tribunal held that this amounted to unfair dismissal. There was no reason why the employers could not follow the medical advice, namely 'try and see'. As far as disability discrimination was concerned, the employers conceded that Mr Samuels had been treated less favourably for reasons connected with his disability.

FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY	THIS REPORT RELATES TO ITEM 12 ON THE AGENDA
12 December 2007	NOT CONFIDENTIAL
FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY BUDGET PROPOSALS 2008-2009: SEMINAR FOR BOARD MEMBERS	

1 RECOMMENDATION(S)

- 1.1 To agree that a Seminar be arranged for Members of the Fife and Forth Valley Community Justice Authority to:
- 1.1.1 consider the budget allocated by the Scottish Government to the Fife and Forth Valley Community Justice Authority for the delivery of Criminal Justice Social Work Services in Fife, Clackmannanshire, Falkirk and Stirling Councils for 2008-2009.
 - 1.1.2 agree a process for the budget allocation of the Criminal Justice Social Work budget for 2008-2009 and subsequent years.

2 CONSIDERATIONS

Notification of Grant Allocation

- 2.1 The Justice Department, Scottish Government, intend notifying Community Justice Authorities in December 2007 of their budget allocations for 2008-2009 for the delivery of Criminal Justice Social Work Services across their constituent Local Authorities. If the allocation is known prior to 12 December 2007, an outline of the budget will be presented to the CJA Board at its meeting on that date.

Audit of Criminal Justice Social Work Grant

- 2.2 The Fife and Forth Valley CJA Board agreed that an audit should be undertaken of the grant allocated to the CJA. This audit was to consider various methods of allocating the grant across and between the four Criminal Justice Social Work Services of Fife, Clackmannanshire, Falkirk and Stirling Councils.

Progress to Date

- 2.3 Stirling Council Internal Audit, who have undertaken the audit in consultation with Fife, Clackmannanshire, Falkirk and Stirling Councils, have presented an initial report to the four Local Authorities. The report is now being considered by the four Local Authorities and will then be refined before further discussion takes place with Officers from the four Local Authorities in early January 2008.

Proposal

- 2.4 A presentation to CJA Board Members is required on:
- the budget allocation for Criminal Justice Social Work Services for 2008-2009;
 - the outcome of the audit of Criminal Justice Social Work Services grant and the various methods of further allocation.
- 2.5 It is proposed that a Seminar is arranged for all CJA Board Members to consider the budget allocation and agree principles for the allocation of the Criminal Justice Social Work Grant for 2008-2009 and future years. It is intended that Officers from Criminal Justice Social Work Service and Finance from the four Local Authorities participate in this Seminar.

3 CONSULTATION

- 3.1 Consultation has taken place with Officers from Criminal Justice Social Work Services and Finance in Fife, Clackmannanshire, Falkirk and Stirling Councils.


4 RESOURCE IMPLICATIONS

- 4.1 Every attempt will be made to arrange the Seminar in Local Authority premises. In the event that none are available, costs may be incurred for the hire of a venue. Any costs will be met by the CJA budget.

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Date 27 November 2007

Reference 20071212CJABudgetProposals20082009

FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY

MEETINGS/VISITS UNDERTAKEN BY CONVENOR, BOARD MEMBERS AND CHIEF OFFICER

ACTIVITY REPORT: SEPTEMBER 2007 – NOVEMBER 2007

CONVENOR

DATE	ACTIVITY
25-26 October	ADSW Criminal Justice Conference - attended.
7 November	Visit to SACRO, Kirkcaldy. Met with SACRO Service Manager and Supported Accommodation Manager. Criminal Justice Service Managers, Fife and Falkirk, in attendance.
19 November	Meeting with Deputy Director of Justice Department, Scottish Government for joint visit to Kirkcaldy Drug Court and Fife CJS Drug Team.
23 November	CJA Convenors' meeting, including meeting with Wilma Dickson, Deputy Director, Criminal Justice Services Division, and Henry Snedden, Criminal Justice Services Division.
11 December	Visit to APEX, Stirling Office.

CHIEF OFFICER

DATE	ACTIVITY
3 September	Presentation to Fife SASO (Scottish Association for Study of Offending) – presentation on CJA and CJA Area Plan 2008-2011.
11 September	APEX Lecture – attended.
18 September	Construct (psso) briefing seminar – attended.
11 October	SACRO Annual Lecture – attended.
16 October	Presentation to HMP Glenochil Visiting Committee – presentation on CJA and CJA Area Plan 2008 -2011.
19 October	CJA National Support Team Seminar for CJA Chief Officers and NHS.
23 October	Presentation to Fife Criminal Justice Board – presentation on CJA, CJA Area Plan 2008 – 2011.
25-26 October	ADSW Criminal Justice Conference – attended.

Continued/ ...

DATE	ACTIVITY
1 November	Visit to HMP YOI Polmont and HMP and YOI Cornton Vale.
7 November	Visit to SACRO, Kirkcaldy with Convenor.
8 November	APEX 20 th Anniversary Dinner – attended.
9 November	Visit to HMP Glenochil with CJA Board Members.
17-18 November	SASO (Scottish Association for Study of Offending) Conference – attended.
19 November	Meeting with Deputy Director of Justice, Scottish Government and with Convenor, including visit to Kirkcaldy Drug Court and Fife Drug Team.
19 November	Prisoners Week, Launch Event, Erskine Parish Church – attended.
11 December	Visit to APEX, Stirling Office, with Convenor

BOARD MEMBERS

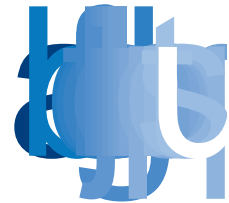
DATE	ACTIVITY
1 November	Visit to HMP YOI Polmont and HMP YOI Cornton Vale
9 November	Visit to HMP Glenochil

**THIS DOCUMENT
RELATES TO
ITEM 14
ON THE AGENDA**

Criminal Justice Directorate

Community Justice Services Division

T: 0131-244 3511 F: 0131-244 3548
E: henry.snedden@scotland.gsi.gov.uk



CJA Conveners

Your ref:
Our ref:

30th October 2007

Dear CJA Convener

CJA Responsibilities

Following discussions at the Convener Induction event in August, it was agreed that a paper would be produced outlining in brief the responsibilities of CJAs. This paper was approved at the meeting of the Implementation Board on the 24th October, and is now ready for circulation.

I trust that you and your CJA members will find that this paper clarifies your understanding of the role of the CJA. If you require further clarification on anything contained in the paper do not hesitate to contact the Division.

Yours sincerely

Henry Snedden

Cc: CJA Chief Officers

COMMUNITY JUSTICE AUTHORITIES

LIST OF RESPONSIBILITIES

Community Justice Authority

- To co-operate, including the sharing of information, with local authorities and the SPS in the management of offenders
- To prepare in consultation with partner bodies, the SPS and the appropriate local authorities and such other bodies as Scottish Ministers may specify, a plan for reducing re-offending
- To submit that plan to Scottish Ministers as required
- To monitor the performance of local authorities and the SPS in complying with, and co-operating with each other, the CJA and others to facilitate compliance with the plan
- To issue directions where it considers that the performance of a local authority is unsatisfactory
- To make recommendations to the SPS where it considers the performance of the SPS to be unsatisfactory
- To promote good practice in the management of the behaviour of offenders with a view to reducing their re-offending
- To allocate to the appropriate local authority any amount paid to it under section 27 of the 1968 Act and to determine the conditions of the grant
- To report at the end of each financial year on its activities and performance in discharging its functions
- To report on the activities and performance during the year of appropriate local authorities, partner bodies and the SPS in complying with the area plan

Operational

- To ensure proper financial and accounting arrangements are in place for the allocation of monies to the local authorities and the expenditure of the CJA itself.
- To agree the standing orders for the operation of CJA meetings
- To agree a framework of accountability between the CJA and the Convener

Staffing

- To appoint a Chief Officer and other staff as it considers requisite for enabling it to discharge its functions on a day to day basis
- To determine the remuneration and conditions of service of the chief officer and other staff.
- To set out the administrative and management arrangements of the CJA in a scheme of delegation to the Chief Officer
- To put in place processes to monitor the performance of the Chief Officer
- To ensure that there are disciplinary processes and procedures in place for the staff of the CJA.

MAPPA

- To ensure that a copy of the annual report prepared under section 11(2) of the Management of Offenders etc (Scotland) Act 2005 and submitted to the CJA under that subsection is submitted to Scottish Ministers as required by section 3 (10).

Community Justice Authority Chief Officers

- To support the Community Justice Authority in the discharge of its functions, as set out in the scheme of delegation.
- To report to Scottish Ministers where they consider that the CJA is failing to exercise its functions under the 2005 Act and to report to Scottish Ministers where an appropriate local authority or the SPS is failing to comply with the CJA's area plan.

Scottish Government
October 2007

**THIS DOCUMENT
RELATES TO
ITEM 15
ON THE AGENDA**

Doc Ref: MK/KS/20071115LetternonFifeBoard

15 November 2007



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To: Board Members (and Substitute Board Members):-
Clackmannanshire Council
Falkirk Council
Stirling Council

Dear Board Member

RAISING AWARENESS OF THE CJA

You will remember points being made previously with regard to seeking opportunities to raise awareness around the workings of the CJA amongst our wider Council colleagues.

I have made enquiries within Fife as to how we could take this forward and would very much appreciate if you could give some thought as to how this might be achieved within your Local Authority. I would be interested to hear any thoughts you have on this, either by way of e-mail or, indeed, under our discussion area on the Agenda at our next Board Meeting.

Many thanks for your support with this.

Kind regards.

Yours sincerely



Councillor Margaret C Kennedy