



You are invited to attend a **MEETING** of the **FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY** to be held within **COMMITTEE SUITE, MUNICIPAL BUILDINGS, FALKIRK** on **FRIDAY 29 JUNE 2007** at **10.30 AM**.

Membership

Clackmannanshire Council

Councillor G Matchett

Falkirk Council

Councillor J McNally

Councillor A McNeill

Councillor M Nicol

Fife Council

Councillor G Kay

Councillor M Kennedy

Councillor B McCulloch

Councillor J Rosiejak

Stirling Council

Councillor N Benny

Councillor P Owens

22 June 2007

BUSINESS

Intimate Apologies.

Declarations of Interests.

PART I

1. APPOINTMENT OF MEMBERS

Submit Report by Democratic Services Manager, Falkirk Council.

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2. ELECTION OF CONVENER AND DEPUTE CONVENER

Submit Report by Democratic Services Manager, Falkirk Council.

(Pages 4 and 5)

3. MINUTE

Submit Minute of Meeting of the Community Justice Authority held on 27 March 2007. **(Pages 6 to 9)**

4. PREPARATION AND SUBMISSION OF COMMUNITY JUSTICE AUTHORITY AREA PLAN 2008 - 2011

Submit Report by Acting Chief Officer. **(Pages 10 to 24)**

5. BRIEFING SEMINAR FOR CJA MEMBERS

Submit Report by Acting Chief Officer. **(Pages 25 and 26)**

6. 2006/07 OUTTURN AND 2007/08 BUDGET ISSUES

Submit Report by Accounting Manager, Stirling Council.
(Pages 27 to 30)

7. PROVISION OF SUPPORT SERVICES

Submit Report by Acting Chief Officer. **(Pages 31 to 33)**

8. ADOPTION OF A PUBLICATION SCHEME

Submit Report by Legal Services Manager, Falkirk Council.
(Pages 34 to 40)

PART II

9. EXCLUSION OF PUBLIC

If so 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.

10. HUMAN RESOURCE ISSUES

Submit Report by Human Resource Adviser, Fife Council. **(To follow)**

(Contact for further information – Iain Tough, 01324 506110)

**FIFE AND FORTH VALLEY
COMMUNITY JUSTICE AUTHORITY**

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

AGENDA	
29 JUNE 2007	NOT CONFIDENTIAL

APPOINTMENT OF MEMBERS

1. RECOMMENDATION

- 1.1 The CJA is asked to note the appointment of members from the constituent local authorities.

2. APPOINTMENTS

- 2.1 The following Members have been appointed by the constituent local authorities to serve on the Fife and Forth Valley Community Justice Authority. Also listed are the names of those Members appointed as substitutes.

Council	Member(s)	Substitute Member(s)
Clackmannanshire	Councillor George Matchett	Councillor Gary Wormersley
Falkirk	Councillor John McNally Councillor Alistair McNeill Councillor Malcolm Nicol	Councillor Jim Blackwood Councillor John Patrick Vacancy
Fife	Councillor George Kay Councillor Margaret Kennedy Councillor Bill McCulloch Councillor Joe Rosiejak	Councillor Jim Burke Councillor Lizz Mogg Councillor Bill Sangster Vacancy
Stirling	Councillor Neil Benny Councillor Paul Owens	Councillor Colin O'Brien Councillor Jim Thomson

Name	Designation	Tel
Iain Tough	Democratic Services Manager, Falkirk Council	01324 506110

**FIFE AND FORTH VALLEY
COMMUNITY JUSTICE AUTHORITY**

**THIS REPORT RELATES
TO ITEM 2
ON THE AGENDA**

29 JUNE 2007

NOT CONFIDENTIAL

APPOINTMENT OF CONVENER AND DEPUTY CONVENER

1. RECOMMENDATION

- 1.1 It is recommended that the CJA appoint members to the positions of Convener and Deputy Convener and note the position regarding remuneration.

2. APPOINTMENTS

- 2.1 In accordance with Standing Order 5(1) and article 4(1) of the Community Justice Authorities (Establishment, Constitution and Proceedings) (Scotland) Order 2006, the CJA is required to appoint members to the positions of Convener and Deputy Convener. Standing Order 5(1) also states that the first meeting of the CJA should be chaired by the oldest member present who will call for nominations to the position of Convener. Once elected, the Convener will call for nominations for the position of Deputy Convener.
- 2.2 Should there be two or more nominations, the Order includes a provision that at least two thirds majority of votes cast by those attending is required for the appointments to both positions.
- 2.3 The period of office of the Convener and Deputy Convener will be until the date of the next local government elections.
- 2.4 The Convener and Deputy Convener may not hold more than two consecutive periods of office.

3. REMUNERATION

- 3.1 As the CJA is neither a local authority nor a joint board, specific provision was made in the order establishing the CJAs for members' expenses and allowances.

The was done by applying the provisions of the Local Authorities Etc. (Allowances) Scotland Regulations 1995 to the CJAs as if they were local authorities. As Members will be aware, the framework for Members' remuneration was changed with effect from 3rd May by the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 and the Local Governance (Scotland) Act (Allowances and Expenses) Regulations 2007. The first of these revokes all the relevant parts of the 1995 Regulations while making no provision for CJAs. It appears that those responsible for the 2007 Regulations either overlooked the position of CJAs or, alternatively, believed that they would be covered by the provisions in the 2007 Regulations pertaining to joint boards. The CJAs are not, however, covered by these provisions.

- 3.2 The effect of this is that the CJA has no statutory framework for paying allowances and expenses to its members. It is anticipated that new regulations will be made to resolve this situation. It should be noted that attendance at the CJA meeting or other activity associated therewith is likely to be an approved duty for the purposes the payment of expenses by members' respective local authorities.

Name	Designation	Tel
Iain Tough	Democratic Services Manager, Falkirk Council	01324 506110

MINUTE of MEETING of the FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY held within MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 27 MARCH 2007.

PRESENT: Councillors Blyth (Fife), Kay (Fife), Keddie (Fife), Kennedy (Fife), Matchett (Clacks); McCafferty (Falkirk), McKean (Stirling), Miller (Falkirk) and Paterson (Stirling).

CONVENER: Councillor Miller.

APOLOGY Councillor McNally.

ATTENDING: C Adamson, NHS Fife, J Birks, Director of Housing and Social Work Services, Falkirk Council; P Delargy, SACRO; N Henderson, Human Resources, Fife Council; C Hershaw, Fife Constabulary; J Knox, Acting Chief Officer; K Leinster, Social Work, Fife Council; H Mennie, APEX; S McCloskey, Victim Support Scotland; C Moodie; Legal Services Manager, Falkirk Council; S Moore, Social Work, Fife Council; A Pinkman, Head of Community Justice Service; Stirling Council; A Smillie, Clackmannanshire Council; S Stirrat, Service Manager, Falkirk Council; I Tough, Democratic Services Manager, Falkirk Council.

CJA27. URGENT BUSINESS

The Convener advised that he had accepted a request to consider an urgent item regarding the Chief Officer and that this would be taken as part of Item 7 "Human Resources" but that this would be considered in private.

CJA28. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Fife and Forth Valley Community Justice Authority held on 26 January 2007, subject to the following corrections:-

1. to note in the sederunt that Councillor Douglas attended as substitute for Councillor Kennedy and not Councillor Keddie, and
2. to note that Members had recently attended the drugs court in the Fife Council area and had commented on the positive outcomes arising from the initiative with a further visit to be included in the induction programme for the new Community Justice Authority following the elections in May 2007.

CJA29. ALLOCATION OF CRIMINAL JUSTICE SOCIAL SERVICES WORK GRANT FOR 2007/08

There was submitted report (circulated) by the Chief Officer detailing the ring fenced funding allocations for the Fife and Forth Valley Community Justice Authority for the delivery of approved core and non-core components of Criminal Justice Social Work Services grant for the financial year 2007/08 received from the Scottish Executive. The report also advised that the Chief Officer is responsible for the effective financial management of the funds allocated to the Community Justice Authority, including internal resource allocations across the constituent authorities and noted that there has been no inflation uplift for 2007/08.

AGREED to:-

- (1) authorise the Chief Officer to take forward discussions with officers of the relevant authorities, through the Finance Review Group established under the Community Justice Authorities' Action Plan 2007/08, regarding the allocation of the grant funding from 2008/09; and
- (2) request that a further report be submitted to a future meeting of the Community Justice Authority on the allocation of the grant funding.

CJA30. UPDATE ON THE FIFE AND FORTH VALLEY ACTION PLAN FOR 2007 – 2008

There was submitted report (circulated) by the Chief Officer providing an update on progress with implementing Fife and Forth Valley Action Plan for 2007/08.

AGREED to note the progress with implementing the Action Plan for 2007/08.

CJA31. PREPARATION AND SUBMISSION OF COMMUNITY JUSTICE AUTHORITY AREA PLANS 2008 – 2011

There was submitted report (circulated) by the Chief Officer (a) summarising arrangements for the preparation and submission of the Community Justice Authority's Area Plan for 2008 - 2011 in accordance with the Management of Offenders etc. (Scotland) Act 2005 and associated guidance issued by the Scottish Executive in February 2007, and (b) enclosing the national planning timetable.

AGREED to instruct the Chief Officer to take forward arrangements for preparation and submission of the Community Justice Authority's three year plan with partners in accordance with Scottish Executive guidance issued on 19 February 2007 and the national planning timetable.

CJA32. BUDGET MONITORING REPORT 2006/07

There was submitted Report (circulated) by Community Services Accounting Manager, Stirling Council setting out the financial position of the Community Justice Authority and advising of the projected year end budget position for 2006/07.

NOTED the projected year end budget position for 2006/07.

CJA33. DISABILITY EQUALITY SCHEME

There was submitted Report (circulated) by Democratic Services Manager, Falkirk Council advising that the Community Justice Authority is subject to the duty to publish a Disability Equality Scheme under the Disability Discrimination Act 2005.

AGREED:-

- (1) to note that the Community Justice Authority and the Chief Officer are subject to the duty to publish a Disability Equality Scheme;
- (2) that given the partnership nature of the Community Justice Authority, best practice should be drawn from Schemes introduced by partner organisations thereby ensuring that any Community Justice Authority requirements do not duplicate arrangements already in place, and
- (3) to note that there is also a requirement to prepare a Race Equality Scheme and likely to be a requirement to prepare a Gender Equality Scheme with support to develop these Schemes expected from CoSLA.

CJA34. EXCLUSION OF PUBLIC

RESOLVED, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to 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 exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A of the said Act.

CJA35. HUMAN RESOURCES ISSUES

There was submitted Report (circulated) by Human Resources Adviser on a number of human resource issues that require consideration by the Community Justice Authority. The Legal Services Manager, Falkirk Council and the Human Resources Adviser, Fife Council advised of recent developments regarding the employment of the Chief Officer.

Following discussion and having taken appropriate advice, **AGREED:-**

- (1) to note the position regarding the Chief Officer;

- (2) to delegate authority to the Convener and Depute Convener in consultation with advisers to take appropriate action, and
- (3) that advisers report back to the new Community Justice Authority on this matter.

**FIFE AND FORTH VALLEY
COMMUNITY JUSTICE AUTHORITY**

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29 JUNE 2007	NOT CONFIDENTIAL

**FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY AREA PLAN
2008 -11**

1. RECOMMENDATION

- 1.1 That the Criminal Justice Authority note the requirement to prepare an Area Plan for the period 2008-2011 by 14th September 2007.
- 1.2 That the Community Justice Authority approves the arrangement for the preparation of the Area Plan.
- 1.3 That the Community Justice Authority agrees to the submission of the Area Plan for approval at its next meeting to be held in September 2007.

2. CONSIDERATIONS

- 2.1 When Community Justice Authorities were established in April 2006 they were required to prepare an Area Plan for reducing re-offending for 2007-08. That plan was approved by the CJA on 29th September 2006 and submitted to the Scottish Executive

2.2 Process

CJA's are now required to submit to the Scottish Executive Area Plans for the period 2008-2011 by 14th September 2007.

The CJA will require to approve the Area Plan prior to its submission. All statutory partners will also be required to approve the Area Plan by the same date. Thereafter the Area Plan will be presented by the Acting Chief Officer to a Scrutiny Panel of the National Advisory Board in October 2007. Pending ministerial approval the CJA should receive notification of this and the budget for the provision of Criminal Justice Social Work Services for the period 2008-2011 by December 2007. A timetable for the planning process is included in Appendix 1.

The National Strategy for the Management of Offenders shapes the format and content of the Area Plan. The Scottish Executive Justice Department has issued detailed guidance for the Area Plan. This is attached to the report as Appendix 1.

In preparing the Area Plan CJAs are expected to take cognisance of the specific obligations placed on local authorities and the Scottish Prison Service in their duty to cooperate in undertaking their respective functions in relation to managing offenders. In particular the expectation is that the Area Plan should promote and commit to increasing levels of integrated working between local authorities and the Scottish Prison Service. Other statutory bodies are also required to cooperate. These are:

- Police
- Scottish Courts Service
- Health
- Procurator Fiscal Service
- Relevant voluntary sector organisations
- Local Victim Support Service.

2.3 Content of Area Plan

The Area Plan requires to be a clear and succinct document that should be structured around the national strategy, five interlinking themes. These are:

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

A template including detail of the required content of the Plan has also been provided by the Scottish Executive and this is also contained in Appendix 1.

The Area Plan should have a clear focus on implementation and include a one year action plan for 2007-2008. Further action plans will then be required to be submitted in the 2 following years.

2.4. Progress of plan

The Chief Officer and partners established an Implementation Group involving all statutory parties to begin the process of preparing the Area Plan. Four sub groups were also established. These are:

- Service Delivery
- Performance Management
- Training and Development
- Finance

Again all statutory partners were encouraged to participate in these sub groups.

The Implementation group and the sub groups are to meet on the 26th June 2007 for a planning day where the intention is that agreement will be reached on the

priorities for the CJA for year 1 of the plan and identify an area of expertise and an area for improvement.

The outcome of the planning day, combined with an audit of criminal justice social work services, an audit of police prevention activity and an audit of performance management measures used by all partners should then allow the Acting Chief Officer to produce a draft Area Plan for consultation by mid to late July 2007.

3.0 CONSULTATION

3.1 Consultation has taken place with all statutory partners and relevant voluntary agencies.

4.0 RESOURCE IMPLICATIONS

4.1 The costs associated with the hosting of the planning day will be met from the CJA budget

Name	Designation	Tel No
Anne Pinkman	Acting Chief Officer	01259 727434

22 June 2006

**FIFE AND FORTH VALLEY
COMMUNITY JUSTICE AUTHORITY**

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AGENDA	
29 JUNE 2007	NOT CONFIDENTIAL

BRIEFING SEMINAR FOR CJA BOARD MEMBERS

1. RECOMMENDATION

- 1.1 That the Chief Officer arrange a briefing seminar on the main issues facing Community Justice Authorities for all members of the Fife and Forth Valley Community Justice Authority.

2. CONSIDERATIONS

- 2.1 The agenda for Community Justice Authorities is large and challenging. The work of the Community Justice Authorities is informed by the National Strategy for Offenders. In addition there are significant requirements being placed upon CJAs and their statutory partners with the introduction of new legislation. This includes the Management of Offenders etc (Scotland) Act 2005 and the Custodial Sentences and Weapons (Scotland) Act 2007.
- 2.2 The Management of Offenders (Scotland) Act not only enshrined in legislation the creation of Community Justice Authorities, Scottish Prison Service and Health to have in place Multi Agency Public Protection Arrangements (MAPPAs) by April 2007. These Mappa arrangements are intended to strengthen the risk management and supervision of serious violent , sexual and other potentially dangerous offenders in the community. The Mappa guidance issued by the Scottish Executive includes within it a National Strategy for the Accomodation of Sex Offenders. This strategy places significant demands on a number of agencies including housing services.
- 2.3 ViSOR a national information system for violent and sex offenders, is shared by all police forces across the UK. It has recently been introduced to all Scottish local authority criminal justice social work services. This adds to the ability for local authorities and police to share information in the monitoring and supervision of these categories of offenders.
- 2.4 The Custodial Sentences and Weapons (Scotand) Act will alter the automatic early release of short term prisoners. It is also intended that all prisoners will be subject to some form of community based supervision on release from prison. There are huge resource implications when this new legislation is introduced not

only for local authorities but also the Scottish Prison Service as it is expected that prison numbers will increase as a result.

- 2.5 There are 3 prisons located within the CJA area, HMP GlenOchil which is currently a long term national maximum security prison for adults, HMP YOI Polmont, the national facility for young offenders and HMP & YOI Cornton Vale, the national facility for women offenders. It is the intention that HMP GlenOchil will also house most short term prisoners from Fife and Forth Valley.
- 2.6 This reports provides a very brief outline of the major issues for the CJA at thios time. It is suggested that the Acting Chief Officer arrange a briefing seminar for CJA members to address the issuses outlined above. The seminar could also be used to provide an oppportunity for information and discussion on the CJA Area Plan and the CJA budget.

3.0 CONSULTATION

- 3.1 Consultation has taken place with officers of the 4 local authorities. If approved the acting Chief Officer will request the involvement of key partners in the delivering seminar.

4.0 RESOURCE IMPLICATIONS

- 4.1 The cost of the seminar will be met form within the CJA budget for conferences.

29th June 2006

NOT CONFIDENTIAL

FINANCIAL MANAGEMENT OF THE CJA FROM 2007 ONWARDS

1 RECOMMENDATION(S)

- 1.1 That a project manager be employed by the CJA for a temporary period to co-ordinate the financial management issues to ensure the CJA is able to function as a separate legal entity from April 2007.
- 1.2 That a project management team is set up to deliver all aspects of financial management.
- 1.3 That a financial administrator be employed to control the financial management of the CJA on an ongoing basis.
- 1.4 That the CJA investigates how the financial management set up of the CJA could link in with other CJAs elsewhere in Scotland.

2 CONSIDERATIONS

- 2.1 One of the key responsibilities of the Community Justice Authorities (CJAs) is to receive funding from the Scottish Executive and distribute this to their constituent local authority social work departments. To allow this to happen, a number of financial controls and procedures have to be established to enable the CJA to discharge its statutory functions. It is the intention here to outline the main financial areas for consideration, which will allow the CJA to function as a separate organisation.
 - 2.1.1 **Financial Controls.** The CJA will be required to have documented financial rules and procedures for all aspects of its financial management. These are contained in the Financial Regulations, Standing Orders and Schemes of Devolved Budget Management, all of which have to be written, approved and adhered to.
 - 2.1.2 **Bank Account.** In order for the CJA to be able to receive or pay any money in or out, it is critical that a bank account is set up in the name of the CJA.
 - 2.1.3 **Accounting Software.** The purchase of accounting software will be necessary to allow the organisation to control the substantial receipts from the Executive and payments to constituent local authorities and

general suppliers. It will also provide controls for the financial management of the organisation and allow management reports to be obtained in a straightforward manner.

- 2.1.4 **Payroll Software.** It will be necessary to establish a payroll system. This could be in the form of purchasing an add-on to the accounting software mentioned in 2.1.3 above or it may involve purchasing the services of a specialist payroll processing company's services to operate the payroll. Another option to explore could be to purchase an add-on to existing accounting and payroll software with an existing local authority.
- 2.1.5 **Procurement.** As a part of the proper financial administration of the organisation, accounts with a number of suppliers will require to be set up to allow the CJA to purchase goods and services directly and independently of local authorities.
- 2.1.6 **Financial Administration.** In order to ensure the controls and software run effectively, a financial administrator should be employed to run the accounting and payroll systems. However because the CJA is a small organisation in terms of staff numbers it is also important to be aware of the need for the separation of duties, so that one person is not in a position to process transactions from start to finish.
- 2.1.7 **Returns Co-ordination.** The CJA is likely to have to complete a number of financial and non-financial returns to the Executive and other organisations. Systems for controlling the information that is likely to be requested have to be put in place so that the CJA is in a position to report the information in an efficient and effective manner.
- 2.1.8 **Financial Reporting and Auditing.** Relationships with external audit organisations will require to be established to enable the organisation to be audited. It will also be necessary to set up systems and resources to enable annual financial statements to be produced after the end of each financial year.
- 2.2 Another key consideration for the CJA is that the rules surrounding Value Added Tax (VAT) mean that the CJA is not going to be in a position to reclaim VAT on goods and services it purchases. This means that the cost of goods and services will be relatively more expensive (by 17½%) than they would be in other organisations. This has important implications when factoring the costs of purchases into the overall budget of the CJA.
- 2.3 As the Scottish Executive is keen to promote shared services as part of its Efficient Government agenda, it is worth considering how many of the systems and services listed above could be set up on a national basis. Many of these services will have to be set up across Scotland therefore there is an opportunity to streamline their implementation across a number of other CJAs.
- 2.4 Based on the complexity of the above issues it is believed that the resourcing of the project management is significantly in excess of Stirling's role as financial lead for the CJA. Therefore a person dedicated to its set up is considered to be a vital part to ensuring the CJA has its financial systems set up in a proper and effective manner.

- 2.5 It is also considered necessary that all constituent local authorities participate in providing professional advice for the CJA's financial management. This will be in the form of legal advice for the financial regulations, and HR advice for the potential employment of staff. This will not only spread the functions across a number of people but will ensure that the set up of the financial systems is done in an open, transparent and accountable manner.

3 CONSULTATION

- 3.1 Various officers in Stirling Council and Fife Council.

4 RESOURCE IMPLICATIONS

- 4.1 There will significant staff time involved in the project management of the financial considerations detailed above to ensure the financial set-up of the organisation is carried out in a timely and accurate manner.
- 4.2 The extra resources recommended above will place additional, as yet unquantifiable, pressures on the budget for 2006/07. However, as referred to in the paper entitled "Budget Monitoring Report 2006/07", there is uncommitted budget of £53,782.

Author

Name	Designation	Signature
Brian McCormick	Accountant, Stirling Council	

Date 12th June 2006

Reference _____

**FIFE AND FORTH VALLEY
COMMUNITY JUSTICE AUTHORITY**

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

AGENDA	
29 JUNE 2007	NOT CONFIDENTIAL

**PROVISION OF SUPPORT SERVICES TO THE FIFE AND FORTH VALLEY
COMMUNITY JUSTICE AUTHORITY**

1. RECOMMENDATION

- 1.1 That the Fife and Forth Valley Community Justice Authority (CJA) remit the Chief Officer to present proposals on the provision of support services and associated costs to the next Board meeting.

2. CONSIDERATIONS

- 2.1 The Fife and Forth Valley Community Justice Authority requires support services for:
- Legal Issues
 - Finance
 - Human Resources
 - Committee Support
- 2.2 At its first meeting of the Fife and Forth Valley CJA Board on 24th April 2006 the Board members agreed that the provision of these services would be shared by the constituent local authorities.
- Legal Support – Falkirk Council
 - Finance – Stirling Council
 - Human Resources - Fife Council
 - Committee Support – Falkirk Council
- 2.3 The Fife and Forth Valley Community Justice Authority Board also agreed that Legal and Committee support should be provided by the local authority which

the Convenor of the Fife and Forth Valley CJA represents. This function would then transfer to the local authority of any future convenor.

- 2.4 No separate provision was made for committee support. These have been provided by Falkirk Council as an incidental aspect of legal advice. A Personal Assistant has recently been appointed to the Chief Officer. This position will be able to provide assistance in supporting the administrative demands of the CJA Board.

3. Issues

- 3.1 Each of the 4 local authorities has to date provided sound support and advice to the CJA. On occasions the demands placed on the local authorities have been considerable and time consuming. Complex issues have required officers from more than 1 local authority meeting with the Convenor and (Acting) Chief Officer. Whilst recognising the demands placed on the local authorities there may be merit in a single local authority providing legal, human resources and committee support to the CJA. Ideally this could be from the same local authority that the Convenor of the CJA represents.

4. Finance

- 4.1 Stirling Council currently manages the budget provided by the Scottish Executive for both the CJA and the provision of Local authority criminal justice social work services.

CJA Budget - £190,000

Local Authority Criminal Justice Social work budget – £10,098,000

For audit purposes, particularly in relation to VAT the CJA budget requires to be accounted for separately within a financial ledger system. The accounting system in Stirling Council does not easily allow for this. There are capacity issues in Stirling Council too. Stirling Council would prefer therefore to relinquish their provision of financial support to the CJA.

- 4.2 It may be that the other 3 Councils are in similar position to that of Stirling Council. If this is the case there will be a requirement to seek financial support from a private company.
- 4.3 The cost of financial support should be properly determined. Whether provided by a local authority or a private company.

5. Consultation

- 5.1 Consultation has taken place within all 4 local authorities to determine their experience to date. They are considering their respective ability and capacity to provide services for legal, finance, human resources and committee support.

6. Resource Implications

- 6.1 A payment totalling £13,800 of was made to the local authorities for their provision of support services in 2006-07. A similar amount at least will be made

available from the Fife and Forth Valley Community Justice Authority for any future support provided by the local authorities.

- 6.2 If support services are purchased externally eg financial services, it is likely that the cost for this will be greater than that provided to a local authority. Details of any such costs will be presented to the CJA Board at its next meeting.

Author(s)

Name	Designation	Tel No
Anne Pinkman	Acting Chief Officer	01259 727434

29 JUNE 2007

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ADOPTION OF A PUBLICATION SCHEME

1. RECOMMENDATION

- 1.1 That Members agree to adopt the draft Publication Scheme appended to this report.

2. BACKGROUND

- 2.1 Section 23 of the Freedom of Information (Scotland) Act 2002 requires a public authority to maintain a publication scheme detailing the classes of information that it publishes, how the information can be accessed and at what cost, if any.

3. MODEL PUBLICATION SCHEME

- 3.1 The Scottish Information Commissioner encourages the use of model publication schemes by public authorities. A model publication scheme has been prepared by the North Strathclyde Community Justice Authority and the recommended scheme is based on this model.

4. CLASSES OF INFORMATION

- 4.1 The classes of information which are included in the publication scheme are:-

- Organisational details
- Minutes of authority meetings
- Reports to the authority.

- 4.2 Access to reports and minutes is qualified only to the extent that reports for items which are not discussed in public are not included. The publicly available minute for such an item may be in an abbreviated version.

- 4.3 The scheme also departs from the model provided by North Strathclyde in making no reference to members' expenses. It is suggested that this class of information should be dealt with when the scheme is next reviewed. As there is no statutory framework for allowances and expenses payable to members of a CJA, it would be better for this class to be added to the scheme when new regulations are made.

4.4 There are no charges for any of the current classes of information save for photocopying costs where more than ten or more pages of copying is required.

Name	Designation	Tel
Colin Moodie	Legal Services Manager, Falkirk Council	01324 506097

**FIFE AND FORTH VALLEY COMMUNITY
JUSTICE AUTHORITY**

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

PUBLICATION SCHEME

PUBLICATION SCHEME for FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY

Contact: Chief Officer
Fife and Forth Valley Community Justice Authority
Kilncraigs Business Park
Room 7
Greenside Street
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Tel.: 01259 727434
e-mail: ffvcommunity.justice@kilncraigs.plus.com

1. INTRODUCTION

The Freedom of Information (Scotland) Act 2002 (the Act) received Royal Assent on 28 May, 2002. The Act gives a general right of access to all types of recorded information held by Scottish public authorities, sets out exemptions from that right and places a number of obligations on public authorities which include the development of an approved Publication Scheme.

Section 23(1) of the Act states that:

“A Publication Scheme must specify:

- (a) classes of information that the authority publishes or intends to publish;
- (b) the manner in which information of each class is, or is intended to be, published; and
- (c) whether the published information is, or is intended to be, available to the public free of charge or on payment.”

Section 23 states that in adopting or reviewing its Publication Scheme, the authority must have regard to the public interest in:

- (a) allowing public access to information held by it and in particular, to information which:
 - (i) relates to the provision of services by it, the cost to it of providing them or the standards attained by services so provided; or
 - (ii) consists of facts, or analyses on the basis of which decisions of importance to the public have been made by it; and
- (b) the publication of the reasons for decisions made by it.

These principles and purposes have been adopted in the compilation of this Publication Scheme. The Fife and Forth Valley Community Justice Authority (hereinafter referred to as “the Authority”) has regard to the public interest in the information that the Authority holds. In the creation of this Publication Scheme, the Authority has been mindful of the value of openness and transparency. The Authority commends the publication of information via this Publication Scheme as a positive

opportunity for the public to gain greater understanding about what the Authority does, how it operates and how it contributes to public life.

2. THE FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY

The Authority is a Scottish public authority as defined in Part 7 of Schedule 1 to the Freedom of Information (Scotland) Act 2002. It is one of eight new statutory bodies created by the Management of Offenders etc. (Scotland) Act 2005 to be strategic planning and monitoring authorities for the provision of community justice services in Scotland. The Authority will plan, co-ordinate, monitor and report on the delivery of offender services across Clackmannanshire, Falkirk, Fife and Stirling. The Authority works in partnership with elected representatives from the four local authorities and, as set down in The Management of Offenders etc. (Scotland) Act 2005 (Designation of Partner Bodies) Order 2006, representatives from Central Scotland Police, NHS, Scottish Prison Service, Procurator Fiscal, Victim Support Scotland, APEX Scotland, NCH and Turning Point Scotland. Dates for meetings are available by contacting the Authority at its office.

3. FORMULATION OF THE SCHEME

The Publication Scheme takes into account the requirements imposed on the Authority in terms of the Freedom of Information (Scotland) Act 2002.

In considering what information should be included in the Scheme, the Authority took into account:-

- The terms of the Act
- The terms of the Management of offenders Etc. (Scotland) Act 2005

4. RESPONSIBILITY FOR THE PUBLICATION SCHEME

The person responsible for the overall operation of the scheme is the Chief Officer (01259 727434).

5. EXEMPTIONS

- (a) All information included in this Scheme must be provided promptly on request (subject to the exemptions discussed in this section).
- (b) The general entitlement to information under section 1 of the Freedom of Information (Scotland) Act 2002 enables any member of the public to make a request for information that is not in this Scheme.

The Authority's aim is to be as open as possible. However, information may be withheld from any of the classes of information listed below where we consider that the disclosure may fall within one of the exemptions contained in the Act. For example, we may withhold information if its disclosure would breach the law of confidentiality or prejudice substantially the authority's ability to perform a statutory function. We will also withhold information which is personal data under the Data Protection Act 1998.

In these cases, we will withhold the information and indicate why the information is being withheld. Even where an exemption exists, it may nevertheless be possible to provide copies with the exempted information edited out.

It should be noted that the operational management of criminal justice social work will remain the responsibility of each constituent local authority.

6. ARCHIVING POLICY

The Authority's Archiving Policy is as follows:

TYPE OF DOCUMENT	RETENTION PERIOD
Fife and Forth Valley Community Justice Authority Kilncraigs Business Park Room 7 Greenside Street ALLOA FK10 1EB Minutes	Permanent
Fife and Forth Valley Community Justice Authority Kilncraigs Business Park Room 7 Greenside Street ALLOA FK10 1EB Agendas	Permanent

7. COPYRIGHT

Unless otherwise stated the Authority reserves copyright in all information available under this Publication Scheme, whether that information is in electronic or hard copy format, text or graphics, and regardless of whether the copyright (©) symbol appears. The right to information under this scheme does not include permission to reproduce that information.

8. ACCESSING INFORMATION UNDER THE PUBLICATION SCHEME

All information is available in hard copy form via the contract address at the top of the Scheme.

9. CHARGING POLICY

The Authority will not apply a cost for inspecting. There will be no charge for photocopying where the volume of copying is less than 10 A4 sides; thereafter copies will be charged at 10p per A4 side. These charges apply to all Classes of Information listed at paragraph 12 below.

11. COMPLAINTS AND FEEDBACK

Feedback, including complaints about this Scheme should be directed to the Chief Officer.

If we are unable to resolve any complaint you may also contact the Scottish information Commissioner who oversees the Act and whose contact details are below. The general right of access came into effect from 1 January 2005 and introduced a formal appeal mechanism when information is withheld. Further details on this available on the Commissioner's website at <http://www.itspublicknowledge.info/>

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St. Andrews
Fife
KY16 9DS

Tel.: 01334 464610
Fax.: 01334 464611
E-mail: enquiries@itspublicknowledge.info

12. CLASSES OF INFORMATION

Information	Format and Manner in which is available
Who we are - details of the organisational structure, key personnel and Authority membership.	<ul style="list-style-type: none">• Available for public inspection and on request in hard copy form at address detailed in paragraph 11.
Minutes of Authority meetings	<ul style="list-style-type: none">• Available for public inspection and on request in hard copy form at address detailed at the beginning of this scheme.• Minutes may be abbreviated in respect of an item form which the public has been excluded.
Reports to the Authority	<ul style="list-style-type: none">• Available for public inspection and on request in hard copy form at address detailed at beginning of this scheme.• Includes details of annual area plan, annual reports, policies, standing orders and schemes of delegation. Reports may not be available for items where the public has been excluded.