

Executive Note

The Community Justice Authorities (Establishment, Constitution and Proceedings) (Scotland) Order 2006 SSI/2006/182

The above instrument is to be made in exercise of the powers conferred by Section 3(1) of the Management of Offenders etc (Scotland) Act 2005 (“the Act”). The instrument is subject to affirmative resolution procedure and is due to come into force on 3 April 2006.

Policy Objectives

The purpose of the instrument is to provide for the establishment and constitutional arrangements for the eight Community Justice Authorities (CJAs) and to prescribe the geographical boundaries of each.

The role of CJAs is to plan, co-ordinate, monitor and report on the delivery of offender services. Their statutory functions in terms of the Act include:

- to prepare, in consultation with other bodies responsible for the delivery of services, a plan for reducing reoffending;
- to monitor the performance of bodies responsible for the delivery of these services;
- to report annually to Ministers on delivery of services in compliance with the plan
- to promote good practice;
- to allocate resources provided by Scottish Ministers to local authority criminal justice social work services; and
- to arrange with partner bodies for the sharing of information relating to relevant persons.

CJAs will come into operation as from 3 April 2006 and in the first year their primary responsibility will be to produce a strategic plan for their area in consultation with statutory and non-statutory partner bodies. From April 2007, they will assume their full responsibilities which will additionally include disbursement of funds provided by Scottish Ministers for community based Criminal Justice Social Work services and monitoring the operational delivery of the services provided.

This Order specifies:

- the number of CJAs and the number of members to be appointed by each local authority;
- the process for the appointment of CJA members;
- the arrangements for the appointment of the convener and deputy convener;
- the arrangements for holding meetings of the CJA;
- the representation of partner bodies and others at meetings;
- the voting arrangements for CJA members;
- the quorum for meetings;
- the provision for making standing orders; and
- that the CJA may establish committees to assist the CJA with the exercise of its functions

- that the provisions of the Local Authorities Etc (Allowances) (Scotland) Regulations 1995 as amended shall apply in relation to payment of allowances to CJA members
- that the CJA has power to pay expenses to persons who are not members of the authority
- the provision of the supply of administrative functions by local authorities to CJAs if requested
- the transitional arrangements during the establishment of CJAs

Voting and Membership Arrangements

Local authorities were consulted on the related issues of membership and voting and the schedule to the Order reflects the consensus within each CJA area. Authorities within six of the proposed CJA areas have agreed on equal membership and voting from each of the local authorities in the CJA area. Local authorities in the proposed Fife and Forth Valley CJA have reached agreement that they should appoint members as follows: Fife – 4 members; Falkirk – 3 members; Stirling – 2 members; and Clackmannanshire – 1 member. City of Glasgow, as the only unitary authority, has opted for a seven member CJA.

Transitional Arrangements

In preparation for the establishment of CJAs the Order makes provision for Scottish Ministers to designate a lead authority for each CJA area. The designated lead authority will be responsible for arranging the first meeting of the CJA. A member from the designated lead authority will act as convener at the first meeting which will appoint a convener in accordance with Article 4(1) of the Order. The Schedule to the Order specifies the number of members each authority may appoint, should the designated lead authority appoint more than one member the older or oldest of the members appointed by that authority shall act as convener for the first meeting. The Order also gives Ministers powers to specify dates by which members should be appointed and the first meeting held.

Consultation

A consultation took place from 1 April to 23 June 2005 in relation to CJAs. The consultation proposed that there be 4 or 6 CJAs. 6,000 copies of the consultation were issued. 75 responses were received to the consultation from organisations and individuals with a direct involvement in Criminal Justice work. An independent analysis of the consultation responses was produced and is available on the SE website along with the Minister's response:

(<http://www.scotland.gov.uk/Publications/2005/10/26103819/38197>
<http://www.scotland.gsi.gov/Publications/2005/11/JMResponse>)

As a result of the consultation, and further discussions with key stakeholders including CoSLA, the Minister for Justice decided that there would be 8 CJAs. The results of the consultation were made available to the Justice 2 Committee prior to the third stage of the passage of the Management of Offenders etc. (Scotland) Bill through the Scottish Parliament.

There was ongoing consultation, by means of formal meetings, with key stakeholders. CJAs were also discussed during workshops which were set up to assist with the drafting of the

National Strategy for the Management of Offenders, the workshops were attended by a wide cross-section of people currently involved with the delivery of criminal justice services including the voluntary sector. The following bodies have also been further consulted during the preparation of the instrument:

Association of Directors of Social Work
Convention of Scottish Local Authorities
Local Authorities
Scottish Prison Service
Voluntary Sector Forum

Financial Effects

The financial effects of the creation of CJAs were set out in the Financial Memorandum accompanying the Management of Offenders etc. (Scotland) Bill. In presenting the Bill to Parliament, Scottish Ministers recognised there would be additional costs associated with the establishment and maintenance of CJAs and provision has been made for this.

The instrument therefore has no additional financial effects on the Scottish Executive, local government or on business.

Scottish Executive Justice Department
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