

Executive Note

The Management of Offenders etc. (Scotland) Act 2005 (Designation of Partner Bodies) (Scotland) Order 2006 (SSI 2006/63)

The above instrument is made in exercise of the powers conferred by section 3(23) of the Management of Offenders etc (Scotland) Act 2005 (“the Act”). The instrument is subject to negative resolution procedure and is due to come into force on 3 April 2006.

Policy Objectives

The purpose of the instrument is to designate the following bodies/individuals as statutory partners to their respective Community Justice Authorities (CJAs)

- Police Force(s)
- Health Board(s)
- Individual/Organisations who are in receipt of funding above a level to be specified by Scottish Ministers to deliver offender services.
- Scottish Ministers, exercising functions currently undertaken through the Scottish Court Service
- Local Procurator(s) Fiscal

Representatives from the area of Housing were originally considered for designation as statutory partners. Further discussion has indicated that it would be very difficult to designate specific statutory partners for a CJA area. However, since the local authorities are already involved in the arrangements under section 3 of the Act and Registered Social Landlords have a duty to co-operate with their local authority the view has been taken that appropriate arrangements to work in partnership with housing bodies can be covered through guidance at this stage.

This order deals only with statutory partners as defined in section 3(23) of the Act. There will be further non-statutory partners, similar to Housing interests above, who will be covered in guidance. This will enable working partnerships where there are areas of common interests.

There are sensitivities around the designation of Health Boards as statutory partners surrounding issues of patient confidentiality. However, the importance of their involvement has led to the view that they should be designated as statutory partners and discussions will continue to ensure that there are sufficient safeguards governing the exchange of information around the sensitive area of individual patient records.

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.

Consultation

A consultation took place from 1 April to June 2005 in relation to CJAs. The consultation sought views in relation to those who should be statutory partners. As a result of the consultation it was agreed that youth justice interests did not require to be represented as statutory partners. There was general acceptance of the consultation proposals on partner bodies. 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 was produced and is available on the SE website along with the Minister's response to the consultation:

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

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 has been ongoing consultation, by means of formal meetings, with key stakeholders. 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
Scottish Prison Service
Representatives from the Voluntary Sector

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
February 2006