



# Community Justice (Scotland) Act 2016

## 2016 asp 10

### *Community justice outcomes improvement planning and reporting*

#### **19 Community justice outcomes improvement plan**

- (1) The community justice partners for the area of a local authority must, in accordance with such provision as to timing as the Scottish Ministers make by regulations, publish a plan in relation to community justice for the area.
- (2) The plan is to set out, in relation to each of the nationally determined outcomes—
  - (a) the assessment of the community justice partners as to—
    - (i) whether the outcome is being achieved in the area, and
    - (ii) if not, how near the outcome is to being achieved,
  - (b) in light of that assessment, whether the outcome requires to be a priority for action,
  - (c) the action they intend to take (individually or jointly) to achieve or, as the case may be, maintain achievement of, the outcome.
- (3) In making an assessment for the purpose of subsection (2)(a), the community justice partners must use the national indicators.
- (4) The plan may contain such other material in relation to community justice as the community justice partners consider appropriate.
- (5) In particular, the plan may set out other outcomes in relation to community justice (being outcomes that are consistent with the nationally determined outcomes) that the community justice partners consider should be achieved in the area (called “locally determined outcomes”).
- (6) In relation to any such outcome, the plan must set out—
  - (a) the indicators the community justice partners intend to use to measure performance in achieving the outcome, and
  - (b) the action the community justice partners intend to take (individually or jointly) to achieve the outcome or, as the case may be, maintain the achievement of the outcome.
- (7) The community justice partners must, as soon as reasonably practicable after the plan has been published under subsection (1), send a copy to Community Justice Scotland.

*Changes to legislation: There are currently no known outstanding effects for the Community Justice (Scotland) Act 2016, Cross Heading: Community justice outcomes improvement planning and reporting. (See end of Document for details)*

(8) Regulations under subsection (1) are subject to the negative procedure.

#### Commencement Information

**II** [S. 19](#) in force at 1.10.2016 by [S.S.I. 2016/262](#), [reg. 2](#), [sch.](#)

## 20 Preparation of community justice outcomes improvement plan

- (1) This section applies in relation to preparing the plan for the area of a local authority under section 19.
- (2) The community justice partners for the area must have regard to—
  - (a) the national strategy,
  - (b) the national performance framework, and
  - (c) the local outcomes improvement plan in relation to the area.
- (3) The reference in subsection (2)(c) to the local outcomes improvement plan in relation to the area is to—
  - (a) the plan prepared and published in relation to the area under section 6(1) of the Community Empowerment (Scotland) Act 2015, or
  - (b) if that plan has been revised under section 7(2)(b) of that Act, the revised plan (or most recent revised plan, as the case may be).
- (4) The community justice partners for the area must—
  - (a) consider which bodies falling within subsection (5) are likely to be able to contribute to the preparation of the plan for the area under section 19,
  - (b) make all reasonable efforts to secure the participation of such bodies in the preparation of the plan, and
  - (c) where such a body wishes to participate in the preparation of the plan to any extent, take such steps as are reasonable to enable it to do so to that extent.
- (5) A body falls within this subsection if it is—
  - (a) a third sector body involved in community justice in relation to the area, or
  - (b) a community body in relation to the area.
- (6) The community justice partners for the area must consult—
  - (a) Community Justice Scotland,
  - (b) each body falling within subsection (5) which is not participating in the preparation of the plan by virtue of subsection (4), and
  - (c) such other persons as they consider appropriate.

#### Commencement Information

**I2** [S. 20](#) in force at 1.10.2016 by [S.S.I. 2016/262](#), [reg. 2](#), [sch.](#)

## 21 Community justice outcomes improvement plan: participation statement

- (1) The community justice partners for the area of a local authority must prepare a statement setting out, in relation to their plan under section 19—

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- (a) the action which they took in pursuance of section 20(4), and
  - (b) which bodies falling within section 20(5) participated in the preparation of the plan by virtue of section 20(4).
- (2) A statement under subsection (1) may be incorporated in the plan under section 19 to which it relates.
- (3) If the statement is not so incorporated, the community justice partners for the area must, as soon as reasonably practicable after the plan under section 19 to which it relates is published, publish the statement and then send a copy to Community Justice Scotland.

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**Commencement Information**

**I3** [S. 21](#) in force at 1.10.2016 by [S.S.I. 2016/262](#), [reg. 2](#), [sch.](#)

## **22 Review of community justice outcomes improvement plan**

- (1) The community justice partners for the area of a local authority must review the plan for that area published under section 19(1)—
  - (a) as soon as reasonably practicable after the occurrence of an event mentioned in subsection (2), and
  - (b) otherwise, from time to time.
- (2) The events referred to in subsection (1)(a) are—
  - (a) the publication of a revised strategy under section 16(2),
  - (b) the publication of a revised framework under section 18(4)(a),
  - (c) the publication of a revised local outcomes improvement plan in relation to the area under section 7(5) of the Community Empowerment (Scotland) Act 2015.
- (3) Following such a review, the community justice partners for the area of a local authority must either—
  - (a) publish a revised plan, or
  - (b) publish a statement indicating that they consider that the plan should not be revised.
- (4) Subsections (2) to (7) of section 19 apply to a revised plan as they apply to a plan published under subsection (1) of that section.
- (5) Section 20 applies to reviewing, and revising, a plan under this section as it applies to preparing a plan.
- (6) Section 21 applies in relation to a revised plan as it applies to a plan under section 19.
- (7) Where a revised plan is published under subsection (3)(a), this section—
  - (a) ceases to apply in relation to the previous plan, and
  - (b) applies instead in relation to the revised plan (as it applied in relation to the plan published under section 19(1)).

**Changes to legislation:** There are currently no known outstanding effects for the Community Justice (Scotland) Act 2016,  
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#### Commencement Information

**I4** [S. 22](#) in force at 1.10.2016 by [S.S.I. 2016/262](#), reg. 2, [sch.](#)

### 23 Reports on performance in relation to community justice outcomes

- (1) The community justice partners for the area of a local authority must, as soon as reasonably practicable after—
  - (a) a first period specified by the Scottish Ministers by regulations, and
  - (b) each subsequent period of one year,
 publish a report setting out, in relation to each nationally determined outcome and each locally determined outcome (if any), the matters mentioned in subsection (2).
- (2) Those matters are—
  - (a) the action taken by the community justice partners (individually or jointly) in the period concerned to achieve the outcome or, as the case may be, maintain the achievement of the outcome, and
  - (b) the community justice partners' assessment of—
    - (i) whether, at the end of the period concerned, the outcome was being achieved in the area, and
    - (ii) in so far as it was not being achieved, progress in the period concerned towards its achievement.
- (3) In making an assessment as mentioned in subsection (2)(b), the community justice partners must use the relevant indicators.
- (4) In preparing a report under subsection (1), the community justice partners for the area of a local authority must consult—
  - (a) each third sector body involved in community justice in relation to the area,
  - (b) such community bodies in relation to the area as they consider appropriate, and
  - (c) such other persons as they consider appropriate.
- (5) The community justice partners must, as soon as reasonably practicable after publishing a report under subsection (1), send a copy to Community Justice Scotland.
- (6) In this section, “relevant indicators” means—
  - (a) in relation to a nationally determined outcome, the national indicators,
  - (b) in relation to a locally determined outcome, the indicators set out in the community justice outcomes improvement plan for the area in relation to the outcome by virtue of section 19(6)(a).
- (7) Regulations under subsection (1)(a) are subject to the negative procedure.

#### Commencement Information

**I5** [S. 23](#) in force at 1.10.2016 by [S.S.I. 2016/262](#), reg. 2, [sch.](#)

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## **24 Guidance in relation to exercise of functions in sections 19 to 23**

- (1) The community justice partners for the area of a local authority must have regard to any guidance issued by the Scottish Ministers about the exercise of the functions conferred on them by sections 19 to 23.
- (2) Such guidance may be—
  - (a) general or for particular purposes,
  - (b) different in relation to different persons, or otherwise for different purposes.
- (3) Before issuing such guidance (or revised guidance), the Scottish Ministers must consult—
  - (a) each person to whom it would relate, and
  - (b) such other persons as they consider appropriate.
- (4) Subsection (3) is complied with even if the consultation has been undertaken, or initiated, before this section comes into force.
- (5) The Scottish Ministers must publish any such guidance (or revised guidance).

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### **Commencement Information**

**I6** [S. 24](#) in force at 1.10.2016 by [S.S.I. 2016/262](#), [reg. 2](#), [sch.](#)

## **25 Duty to have regard to community justice outcomes improvement plan**

A community justice partner must, in exercising the partner's functions in relation to community justice in relation to the area of a particular local authority, have regard to the community justice outcomes improvement plan for the area.

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### **Commencement Information**

**I7** [S. 25](#) in force at 1.4.2017 by [S.S.I. 2017/33](#), [reg. 2\(3\)](#)

**Changes to legislation:**

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