



REPORT TO AUDIT COMMITTEE – 20 MARCH 2019

AUDIT SCOTLAND – THE 2017/18 AUDIT OF COMMUNITY JUSTICE SCOTLAND

1 Recommendations

The Committee is recommended to:

- 1.1 Consider Audit Scotland's report; and
- 1.2 Discuss any implications for partnership working.

2 Discussion

- 2.1 Audit Scotland carries out a programme of national performance audits on behalf of the Accounts Commission and Auditor General for Scotland. In November 2018 Audit Scotland published a report (Appendix 1) on the [2017/18 audit of Community Justice Scotland](#), drawing the Scottish Parliament's attention to governance issues that the new body has experienced during its first year.
- 2.2 The Scottish Government's justice strategy sets out its ambition to shift the balance from short custodial sentences to community-based sentences which it considers are more effective in reducing reoffending and reintegrating people into the community. The Scottish Parliament passed the Community Justice (Scotland) Bill on 11 February 2016 (which received Royal Assent and became an Act in March 2016), establishing a new non-departmental public body called Community Justice Scotland to:
 - promote community justice
 - improve the quality and range of community justice services
 - advise Scottish Ministers on the performance of the community justice system.

3 Audit Scotland's findings

- 3.1 Audit Scotland's report found that the Scottish Government followed good practice by appointing the chair and chief executive of Community Justice Scotland in September 2016 in advance of Community Justice Scotland beginning work on 1 April 2017. In March 2017, it also appointed four non-executive board members. However, throughout 2017/18 Community Justice Scotland operated with only a chair and four members, which was not consistent with the Act's statement requiring "at least 5 but no more than 8 other members".
- 3.2 Between October 2017 and October 2018, the chair of Community Justice Scotland was absent. During this period, the board met monthly, and the remaining four non-executive members agreed that three of them would take turns to chair the meetings. In April 2018, the board appointed an interim chair, which was agreed by the Scottish Government. In November 2018 the chair resigned. The Scottish Government is planning to recruit a new chair, and appointed four additional non-executive board members in October 2018. In

relation to the new appointments, the auditor reported that: "[...] *Board members are relatively inexperienced non-executives in respect of services on Central Government organisations*" and this was an opportunity to "[...] *ensure sufficient experience in relation to finance, governance and risk management*".

- 3.3 Following the appointment of new non-executive board members, the board plans to review the membership and scheduling of its two committees: the Audit and Risk Committee (met twice in 2017/18) and the Human Resources and Remuneration Committee (did not meet in 2017/18 but met twice in 2018/19).
- 3.4 Community Justice Scotland is a small organisation with 26 staff members and expenditure of £1.2 million in 2017/18. The auditor has recommended that the organisation increases its internal financial capacity, since it had to be supported by the Scottish Government to prepare its 2017/18 accounts through a shared service agreement.
- 3.5 The report concluded that, while Community Justice Scotland had a challenging first year, it has a critical role in delivering the ambitions of the Scottish Government's justice strategy. In 2018/19, its budget has increased to £2.2 million. This will likely increase during 2019/20 as it starts to commission community justice services itself.

4 Local implications in Aberdeenshire

- 4.1 The views of Aberdeenshire Council's Social Work Manager (Criminal Justice and Community Substance Misuse Service) and Project Manager (Community Justice) were sourced to reflect the local perspective about the implications of this audit report. They considered that, at this point in time, the impact of the challenges that Community Justice Scotland experienced in its first year in relation to recruitment and retention of board members, as set out in the report from Audit Scotland, has been minimal at a local level.
- 4.2 The Community Justice (Scotland) Act (available at <http://www.legislation.gov.uk/asp/2016/10/contents/enacted>) places planning at a local level, bringing a local perspective to community justice and enabling decisions to be made by the people who know their area best. This involves statutory community justice partners working together to develop a Community Justice Outcomes Improvement Plan that will set out the priorities for improvement action for Aberdeenshire. Since the introduction of the new model for community justice, and previously under the Northern Community Justice Authority, there has been good engagement and support from all of the statutory community justice partners in Aberdeenshire. Aberdeenshire's first Community Justice Plan was published on 31st March 2017 and all partners continue to work together to progress the priorities set out in the plan and the Action Plan's associated actions.
- 4.3 In terms of governance and accountability, the Aberdeenshire Community Justice Partnership reports to the Aberdeenshire Community Planning Partnership (CPP). The first annual report (on financial year 2017/18) was approved by the CPP Board on 26th September 2018 and is attached as Appendix 2. The Aberdeenshire Community Justice Partnership must also report annually to Community Justice Scotland, which is currently in the process of compiling its first annual report to Parliament with the assistance of local annual reports. While there have not been any implications for Aberdeenshire so far as

a result of the noted issues with the CJS Board, this is something that will continue to be monitored over the coming months, as there may be implications in the longer term should the recruitment issues continue.

- 4.4 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

5 Scheme of Governance

- 5.1 The Committee is able to consider this item in terms of Section G.1.3 of the List of Committee Powers in Part 2A of the Scheme of Governance as it relates to external audits.

6 Implications and Risk

- 6.1 An equality impact assessment is not required because the report is to advise Committee of performance and does not have a differential impact on any of the protected characteristics.
- 6.2 There are no staffing or financial implications arising from this report.
- 6.3 There are no Town Centre First Principle implications arising from this report.
- 6.4 The following risks have been identified as relevant to this matter on a [Corporate Level](#):
- ACORP005 Working with other organisations (e.g. supply chains, outsourcing and partnership working)

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