

COMMUNITY JUSTICE (SCOTLAND) ACT 2016

EXPLANATORY NOTES

THE ACT

3. At present, certain services relating to what is known as “community justice” are delivered through eight regional Community Justice Authorities (CJAs) established under the Management of Offenders etc. (Scotland) Act 2005. The role of CJAs is to plan, co-ordinate, monitor and report on the delivery of offender services and to produce a strategic plan for their area in consultation with statutory and non-statutory partner bodies. The membership of CJAs is restricted to elected members from each constituent local authority. However, reports published in 2012 by the Commission on Women Offenders and by Audit Scotland highlighted concerns with the current model for community justice. Two consultations undertaken by Scottish Government in 2012 and 2014 identified support for a new model.
4. The Act establishes a new model for community justice services which has local delivery, partnerships and collaboration at its heart, with national arrangements to provide profile, leadership and strategic direction. Robust accountability and driving improvement will also be important aspects of the new model. Enhanced opportunities for innovation, learning and development will also be provided.
5. The Act consists of 42 sections and 2 schedules. In summary, they make provision as follows:
 - Section 1 defines community justice for the purposes of the Act.
 - Section 2 gives meanings for certain terms used in section 1.
 - Sections 3 to 12 and schedule 1 establish Community Justice Scotland as an Executive Non-Departmental Public Body and set out its key functions.
 - Section 13 identifies community justice partners.
 - Section 14 defines third sector bodies involved in community justice for the purposes of this Act.
 - Sections 15 to 18 provide for the development and review of a national strategy for community justice; and for the development and review of a national performance framework.
 - Sections 19 to 23 set out how the community justice partners in relation to each local authority area are to prepare and report on an outcomes improvement plan for community justice.
 - Section 24 requires community justice partners, when fulfilling their functions under sections 19 to 23, to have regard to any guidance issued by the Scottish Ministers.
 - Section 25 confers a duty on a community justice partner to have regard to the community justice outcomes improvement plan for the area of a local authority when exercising their existing functions.

*These notes relate to the Community Justice (Scotland) Act
2016 (asp 10) which received Royal Assent on 21 March 2016*

- Sections 26 to 30 require Community Justice Scotland to monitor performance in the area of each local authority against the national performance framework and to provide periodic reports on performance to local community justice partners. Community Justice Scotland is empowered to make recommendations to local community justice partners and the Scottish Ministers on any action it considers necessary in relation to the achievement of outcomes or improvement of performance. Community Justice Scotland must also produce an annual report in relation to performance across Scotland in achieving the outcomes.
- Section 31 makes provision for Community Justice Scotland's involvement in the development and arranging of community justice services.
- Sections 32 to 34 make provision for Community Justice Scotland's functions with regard to innovation, learning and development.
- Section 35 requires Community Justice Scotland and community justice partners to co-operate with each other.
- Section 36 abolishes community justice authorities.
- Section 37 is an interpretation provision.
- Sections 38 to 41 are supplementary, dealing with matters such as commencement and the making of ancillary provision.
- Schedule 2 amends various pieces of existing legislation in consequence of the Act's provisions.