

Briefing for Stage 2 of the Community Justice (Scotland) Bill – 19 January 2016

Shelter Scotland supports the broad aim of the Community Justice (Scotland) Bill to create a new model of community justice that will deliver better outcomes for offenders and reduce re-offending. We have highlighted in our [Stage 1 written evidence](#) and [Stage 1 debate briefing](#) that we believe the Bill could be significantly strengthened by including essential services such as housing. This would ensure that housing is an integrated and integral part of the National Strategy and the National Performance Framework.

Evidence from our [Supporting Prisoners; Advice Network](#) prison services and from the Scottish Government's recent report '[Housing and Re-offending: Supporting People who serve Short – Term Sentences to Secure and Sustain Stable Accommodation on Liberation](#)' show that support to sustain tenancies while in prison, and if this is not possible providing suitable housing on leaving prison, is absolutely crucial to reduce re-offending.

Section 1

We strongly support Alison McInnes MSP's amendments 67, 68, 69 in Section 1

Alison McInnes

67 In section 1, page 1, line 17, at end insert—

<() emotional and practical support designed to eliminate or reduce future offending,>

Alison McInnes

68 In section 1, page 2, line 3, at end insert <including services and support in relation to—

- (a) housing,
- (b) employment,
- (c) education,
- (d) looked-after children,
- (e) alcohol and drug dependency,
- (f) physical and emotional childhood and adolescent trauma.>

Alison McInnes

69 In section 1, page 2, line 3, at end insert <including services and support in relation to—

- (a) housing,>

We believe these amendments will ensure that the provision of stable, safe and appropriate housing is an integrated and integral part of the new community justice system. Having a stable home underpins all the other interventions and support an ex-prisoner will require. Without stable housing an ex-prisoner's access to health services, employment and welfare benefits can all be negatively impacted.

The strong, complicated and reciprocal links between offending and homelessness are well known and evidenced. 49% of prisoners surveyed by SPS said that they had lost their tenancy/accommodation when they went into prison. Scottish Prison Service (2013) Prisoner Survey 2013, Edinburgh: SPS.

At the most extreme end, some people leave prison and have no choice but to sleep rough. In Glasgow in 1999, 44% of people living or sleeping rough had been in prison at least once. Homelessness Task force (2002) Homelessness: An Action Plan for the Prevention and Effective Response. Report from the Homelessness Task Force to Scottish Ministers, Edinburgh: Scottish Executive

Section 13 Amendment 73

We strongly support Alison McInnes MSP's amendment 73 in Section 13

Alison McInnes

73 In section 13, page 6, line 30, at end insert—

<() action that others should take to facilitate access to housing services by persons who have been an convicted of offence following the release of such persons from imprisonment or detention in a penal institution.>

By ensuring that housing is legislatively required to be included in the National Strategy this foundational and essential element of community justice will be maintained. Positive outcomes for reducing re-offending will be achieved as per the policy intention of the bill.

Evidence shows that without a legislative grounding services such as housing can slip down the agenda. Evidence from Audit Scotland found that housing was not always an explicit feature of future priorities for the Community Planning Partnerships that they audited as recently as 2013. The 2012 report from the Commission on Women Offenders also reported that the key issues for women leaving prison are housing and benefits, and noted that under the current community justice system these needs were not been fully addressed. The Commission goes on to recommend:

- increased supported accommodation for offenders,
- early housing and support assessments,
- interagency protocols on homelessness.

Section 15 - Amendment 73

We strongly support Alison McInnes MSP's amendment 73 in Section 13

Alison McInnes

75 In section 15, page 7, line 32, at end insert <including indicators in relation to access to and use of housing services,>

The introduction to the Bill includes the purpose “introducing requirements in relation to the achievement of particular nationally and locally determined outcomes”. As it is proposed, Shelter Scotland is concerned that the Bill does not currently fulfil this role and therefore jeopardises the intended outcomes. As drafted, crucial areas, such as housing, are only implicitly represented in the new model through the assumed interests and capabilities of the community justice partners.

We appreciate this is as an enabling Bill, and that the detail of community justice delivery will be defined in the national strategy. However, we believe that the Bill should require the Strategy and National Performance Framework to address issues that have been proven to reduce re-offending, such as housing.

This would leave the Strategy to fill in details but ensure a legislative grounding for issues that evidence has shown must be addressed for people to move away from crime, such as having a stable home. If they are not included in the Bill there is a risk that they will be lost in future iterations of the National Strategy and National Performance Framework.

Scottish Government Third Sector amendments

We welcome the Scottish Government's amendments at Stage 2 which will ensure that third sector organisations are given a stronger participative role at a strategic level, through contributing to the development of the National Strategy and National Performance Framework for Community Justice. As well as contributing to the local community justice planning process.

We have noted the request from the Criminal Justice Voluntary Sector Forum for additional clarification on the routes by which third sector organisations will be engaged in the process. We would also welcome the development of clear guidance to help both statutory and voluntary sector partners develop clear pathways for engagement at both a local and national level.

After Section 18 - Amendment 98

We support Margaret McDougall MSP's amendment no 98

After section 18

Margaret McDougall

98 After section 18, insert—

Report on engagement with third sector bodies in preparation of plan

- (1) The community justice partners for the area of a local authority must, as soon as reasonably practicable after the publication of the plan for the area under section 17(1), provide a report to Community Justice Scotland on the matters mentioned in subsection (2).
- (2) Those matters are—
 - (a) how the community justice partners for the area of the local authority identified the third sector bodies likely to be able to contribute to the preparation of the plan,
 - (b) the reasonable efforts made to secure the participation of those third sector bodies in the preparation of the plan,
 - (c) the steps that were reasonably taken to enable those third sector bodies wishing to participate in the preparation of the plan to do so,
 - (d) the third sector bodies which contributed to the preparation of the plan,
 - (e) how and to what extent the participation of those third sector bodies influenced the process of preparation and the content of the final plan,

- (f) where no third sector bodies were able to participate in the preparation of the plan, the reasons why,
- (g) the third sector bodies that did not participate in the preparation of the plan which were consulted under section 18(5)(b).
- (3) The community justice partners for the area of the local authority must publish the report provided to Community Justice Scotland under subsection (1).
- (4) The Scottish Ministers may by regulations make further provision about reports provided under subsection (1), including the information (in addition to that required under that subsection) that reports must contain.
- (5) Regulations under subsection (4) are subject to the negative procedure.>

Without a reporting mechanism in place, there will be no way to monitor the extent to which local partnerships have engaged with this policy intention of the Act. We therefore welcome this amendment which sets out a robust reporting process to ensure evidence of engagement is provided.

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