

MANAGEMENT OF OFFENDERS ETC. (SCOTLAND) ACT 2005

EXPLANATORY NOTES

INTRODUCTION

Integrated Management Of Offenders

Section 4 – Further provisions as respects community justice authorities

42. This section provides community justice authorities with the necessary means required to carry out the functions described in Section 3.
43. Subsection (1) provides a general power for the community justice authority to take action for the purpose of meeting its functions. Specifically this subsection also provides the power for community justice authorities to enter contracts. This power is necessary, for example, to allow the community justice authority to deliver services on behalf of its member authorities should they so wish. It also allows the authority to employ staff. Subsection (1) is subject to Ministerial directions issued under subsection 3(14).
44. Subsection (2) places a duty on a community justice authority to employ a chief officer. It may employ such other staff as it deems necessary to enable the authority to carry out its functions. The staff will be employed by the community justice authority and not by any of the constituent local authorities to provide a degree of independence to facilitate objectivity in the monitoring and reporting functions of the chief officer.
45. Subsection (3) enables the community justice authority to set conditions of employment for its staff. As the functions of the office are related to the management and co-ordination of services, no statutory requirement to hold a social work qualification is placed on the post of chief officer.
46. Subsection (4) provides further powers to the community justice authorities to make or arrange payments in respect of its employees or former employees for the purpose of payments to pension funds, payment of allowances and gratuities as it deems appropriate. Subsection (5) allows these payments to include compensation for loss of employment or reduction in remuneration. These are standard provisions relating to the terms and conditions of employment.
47. Subsection (6) provides that the Scottish Ministers may meet the expenditure of the community justice authority. Additional resources have been made available for community justice authorities by the Executive, as stated in the Financial Memorandum for this Act. Subsection (6) recognizes that community justice authority expenditure may also be met from other sources, for example, European Union funding or local authority funding transferred with functions to the community justice authority under section 8 of the Act.