

Finance Committee

Community Justice (Scotland) Bill

Submission from Dumfries & Galloway Criminal Justice Social Work

Response

Consultation

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

Yes. Reflected on potential financial implications for local authority.

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

N/A

3. Did you have sufficient time to contribute to the consultation exercise?

The consultation did not address the detail of the proposed new model of Community Justice as now presented in the Bill, so the detail of financial implications was not clear at that time.

Costs

4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

We believe that there is likely to be costs to the Local Authority in administration of the new arrangements with these additional costs being long term, beyond the initial transition period, which to some extent is funded.

We also have concern in relation to the reference in the supporting information to an "innovation" fund as part of the sect 27 Grant. It is not clear if this is new money being made available via this route or if it is the existing pot of money reconfigured to create this fund. If the latter, then it clearly will reduce the available resources to local authorities to carry out their statutory duties in relation to Sect 27. of the Social Work Scotland Act.

5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

Costs in relation to local authority participation in preparation and review of the national strategy for community justice, the performance framework and in awareness raising and training of staff are not defined and therefore potentially under estimated. The FM states that any additional activity should be accommodated within the local authorities existing responsibilities for improving community justice outcomes. This fails to take account of the reality that the process of structural change has its own cost. Previous volume training and participation in national reviews have cost more than anticipated and impacted on local authority finances.

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

The ongoing costs of administering the new arrangements are most likely to fall to the local authority given that the only other designated justice spending is the sect 27 grant to the local authority. The additional administrative expenditure cannot be sustained by the local authority alone and the Bill does not identify a mechanism (other than a stated expectation) by which partners can be mandated to provide finance for administrative or any other costs. The resources identified by Scottish Government to cover cost of transition should be continued beyond the transition period. Greater clarity/direction should be provided setting out expectation on partners to share resources/ responsibility.

7. Does the FM accurately reflect the margins of uncertainty associated with the Bill's estimated costs and with the timescales over which they would be expected to arise?

Whilst there is joint work underway involving Scottish Government, COSLA, CJAs, Social Work Scotland and third sector into the funding model for Community Justice services – in particular the sect 27 block grant currently to Local Authorities which funds the delivery of statutory criminal justice social work services – at the same time there is reference in the explanatory notes to Bill to the creation an “innovation fund” against which community justice partners would “bid for monies to deliver improvement”. This has not been discussed with COSLA and could have implications for the current levels of funding to Local Authorities for the provision of statutory services particularly if this “innovation fund” is a redistribution of the existing resource. We also have concerns that the smaller local authorities will have limited access to the additional funding, due to the smaller number of service users we can on some occasions work with.

Wider Issues

8. Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?

The longer term development costs of community justice are not projected in the terms of the Bill and the reference to an innovation fund is not sufficiently detailed or developed to provide guidance on how innovation will be received, nurtured and developed.

9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

There is likely to be associated cost with the implementation of other legislation for example there could be some transfer of burden as a consequence of the new elements of the Children's bill. Criminal Justice in real terms has had no increase in the award of section 27 and as the burden transfers to the Local Authority it inevitable will have a negative effect on the service delivery.

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