

Finance Committee
Community Justice (Scotland) Bill
Submission from Perth & Kinross Council

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?

Although I am part of the National Transitions Group (Chaired by COSLA), I am not aware that we have had the opportunity to comment specifically upon the likely costs for Community Justice partners – or more specifically Councils – arising from this pending legislation.

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

This is the first opportunity which this Council has had to comment on the Financial Assumptions contained within the Financial Memorandum. Indeed, I am not aware that, prior to this point, there have been consultations with COSLA either.

3. Did you have sufficient time to contribute to the Consultation Exercise?

See above

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.

The Financial Memorandum devotes much of its attention to the anticipated running costs of the new Community Justice Scotland entity. Very little attention is paid to the expectations of Local Authorities in relation to the development of Community Justice strategy; connecting this to existing Community Safety Strategy; developing an appropriate local Performance Framework – and ensuring effective oversight and co-ordination of the whole.

There are significant opportunities for synergy between existing Community Safety Strategies and the successors to Community Justice Area Plans, but the time involved in realising these opportunities and meeting these challenges should not be underestimated. This local authority has already amalgamated existing Policy Officer functions in response to reduced levels of funding. It would be extremely difficult to discharge these new strategic and performance reporting requirements of the new Community Justice partnerships within our remaining staff complement.

The current level of provision, £50k for the next three years, is sufficient to get the Partnership up and running, but thereafter we would anticipate recurring costs of around 45k per annum supporting the running of the Community Justice Partnership, the production of an annual Community Justice Plan (to include the Reducing Reoffending agenda), and the development, maintenance and oversight of a comprehensive Performance Framework covering both national outcomes and outcomes agreed through the local Single Outcome Agreement.

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

It is difficult to comment on the revenue costs associated with the proposed national body, Community Justice Scotland, but some of the costs do seem a little excessive. £100k for marketing web site/branding presents as high as does the accommodation estimate of £188k per annum – albeit that this may reflect property costs in Edinburgh.

Once again, the proposal to engage dedicated HR staff for an organisation with 23 staff presents as excessive. At a time when Local Authorities are increasingly required to extend the functions of existing staff and the capacity of their built estate – it would seem reasonable that this approach is also adopted by central Government. The Financial Memorandum does not set out the precise functions of all the staff within Community Justice Scotland. Consequently, it is difficult to comment upon whether, for instance, the proposed costs of £27k per annum for 9 staff reporting to the Management Team is a reasonable projection.

In relation to projected costs for local authorities, in order to discharge both their statutory and performance oversight functions, I believe that the assumptions at paragraphs 60, 66 and 72 are very optimistic. Local authorities have already achieved significant savings over the last 4 years and are on track to make even greater savings in the next 4 years. These will make it extremely difficult for them to provide that level of oversight, co-ordination and strategic leadership which will be necessary if the new Community Justice Partnerships are to be effective – from within their remaining staff group.

There appears to be a considerable mismatch between the planned investments in that central authority charged with oversight of Community Justice Planning & Performance Monitoring and those Community Justice Partnerships charged with local strategic planning and service delivery. The assumption that local authorities are sufficiently resourced to discharge these additional responsibilities is, I would submit, at some odds with the available evidence. It is, further, regrettable that the amount of space devoted within the Memorandum to the function of CJ Scotland appears to convey the impression that this will be the paramount body entrusted with the planning and delivery of services/support required to continue to reduce the level of reoffending. In practice, the key functions in relation to Community Justice will be discharged at the level of localities by Community Justice Partners.

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?

I am clear that our Community Planning arrangements within Perth & Kinross currently embrace 'Community Safety' as a specific activity area covered by a multi-agency partnership which reports regularly to the Community Planning Partnership. The Community Safety Partnership monitors progress towards the agreed Community Safety Plan, ensures that key Single Outcome Agreement targets are reflected within it, considers new Community Safety proposals and endeavours to bring coherence to a range of Community Safety activities across Perth & Kinross. It enjoys membership drawn from a range of local, voluntary and statutory organisations, but does not currently have representation from the Scottish Prison Service, Victim Support, Skills Development Scotland or the Scottish Courts Administration. Having recently held an initial seminar with the statutory bodies likely to be involved in an expanded Community Safety/Justice Partnership, however, we are confident that any costs associated with participation in this new body can be contained.

It is the development, maintenance and delivery of an expanded Community Safety/Justice Plan incorporating key elements of the current CJA Area Plan which provides a more enduring challenge. The time-limited funding offered by Government to support the development of detailed Community Justice Plans with Local Performance Frameworks (reporting key national and local outcomes) is welcomed. The job, however, will not simply be completed in 3 years. If the local economies of scale available through the creation of strong locality-based Community Justice Partnerships are to be realised, it will be an essential continuing requirement to deliver strategic coherence, effective monitoring of service delivery and reporting on outcomes. This, it is submitted, was previously a function of CJAs which now falls to Community Justice Partners. Accordingly, funding to support an Administration, Strategic – oversight and Performance Reporting should be allocated to each Community Justice Partnership.

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

No – for the reasons stated above.

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?

In addition to those noted above, I would offer the following observations:

- Paragraph 56 for Dilapidation Costs seems slight, given the anticipated accommodation costs noted at paragraph 14 table B. It may be, however, that accommodation has already been identified?

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?

The issue of subsequent subordinate legislation costs is perhaps a matter best left to those more directly involved in legislating and funding the costs of such legislation. I am clear, however, that there will be continuing future costs for, not simply Community Justice Scotland, but also for those Community Justice Partners charged with the articulation of local strategy and delivery of an integrated local response. If these costs are not met then, in the current and anticipated public sector financial climate, many of the aspirations of the Bill will be put at risk. The current allocation of approximately £50k per Partnership is a reasonable figure and one which should ensure that Community Justice Partners enjoy the strategic support, co-ordination and performance monitoring necessary to ensure the delivery of effective, local services – provided this allocation is mainstreamed after 3 years.

There is a strong appetite to use the opportunity afforded by the Community Justice Bill to build on our history of strong partnership working which has supported a steady decline in our Offending and Reoffending rates over the last 10 years. It would be most regrettable were this opportunity to be lost through failure to target the available resources effectively.