

Finance Committee
Community Justice (Scotland) Bill
Submission from Renfrewshire Council

Response

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

Renfrewshire Council has made written submissions to both formal consultations on the Community Justice Bill due on 30 April 2013 and 2 July 2014. We have also been represented at the formal consultation event which took place here in Renfrewshire.

Within our response comment was made in relation to the financial burden that would fall on the community justice partners and community planning partnerships. While the bill noted an allocation for transition arrangements for 2015/16; 2016/17 and 2017/18 it was unclear how this would be disbursed amongst community planning partners.

It was noted that the bill also covers the creation of Community Justice Scotland and the costs associated with its establishment. It is unclear at this stage as to how CJS will be take forward its role in national procurement and how this will align with the role of Scotland Excel.

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

The modest financial resource for community planning partners is welcomed.

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

There was time for Renfrewshire Council to comment on the consultation documents that were published.

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 provision of financial resource through community planning to support the planning for the new strategic arrangements is welcomed however there is no clear long term financial commitment. It is understood that funding has gone to the Community Justice Voluntary Sector Forum to assist them in engaging with the new strategic arrangements.

It is noted that the Scottish Government recognises that the transitional period may identify potential costs around supporting partners and are committed to working together on this matter.

In the absence of the new national strategy and the community justice performance framework it is difficult to identify the implications of any requirements that will result from these.

Understandably the Bill does not address the funding for criminal justice social work. It is noted that there is currently work being undertaken on the funding formula and the outcome of this is unknown as yet. It is unclear however if there is an intention to take a preventative and early intervention approach in the new national strategy and reduce the use of short sentences how the implications of this will be funded and if resource transfer from the Scottish Prison Service will be considered.

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

It is noted that the financial memorandum included costs for pension and severance liability. It is our understanding that an actual cost for the disestablishment of the CJAs is still being identified.

It is noted that the bill creates a contingency for Inspection Services from 2018/19 onwards. The basis of this estimate are unclear.

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?

Comments noted at 4 also relate to this question.

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?

Yes, the FM is clear regarding estimations and its limitations based on these.

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 new funding formula to allocate section 27 funds remains unfinalised and therefore detailed information about allocation to local authorities is not yet available. Thus it is unclear whether many of the disadvantages of the existing system as highlighted by Audit Scotland, the Commission on Women Offenders, and the Christie Commission will be resolved. This includes the inability to identify accurate unit costs, perverse incentives to include individuals within the system, annual funding preventing innovation and a lack of strategic commissioning discouraging longer term planning.

A significant challenge remains the move away from the use of the custodial environment, with associated funding, to ensure that appropriate resources are available within the community to address the significant issues facing the range of community justice partners. Maintaining the same inequitable resource framework will not allow for significant resourcing of prevention by the range of partners.

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?

Clearly some of the costs are estimates. There are no contingency costs included to meet any unforeseen circumstances. The bill recognises that there may be ongoing costs to partners beyond the 3 year period but assumes that these can be met within existing resources, the reference as within the response to question 4 above to an ongoing commitment to recognising potential costs is thus welcomed.