

Finance Committee
Community Justice (Scotland) Bill
Submission from West Dunbartonshire Council

Response

The following points cover the 8 questions raised in the questionnaire regarding the Financial Memorandum

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

The Local Authority was involved in the various consultations preceding the Bill. The Authority and its partners expressed concern at the assumptions re the strategic planning and delivery of community justice within current resources. In particular, these concerns centred upon additional costs in terms of planning and related strategic functions and the potential impact upon the Section 27 grant allocation in respect of the local authority's criminal justice social work functions.

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

These concerns are partially addressed within the financial memorandum. I refer in particular to the provision of transitional funding for community planning over the three years to 2017-18. There are however remaining issues and assumptions which require to be addressed.

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

Time has not been a significant concern in relation to consultation, rather that there is some frustration that the consultation focused primarily upon the roles and functions of Community Justice Scotland and related accountabilities. There were few opportunities to question in detail the assumptions regarding the financial implications for local authorities other than to support the case for a review of the sect 27 funding arrangements and for account to be taken of transition 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 refers to costs in four areas of activity. The first and greatest is in relation to the establishment and running of Community Justice Scotland (CJS). It is noted that few if any financial implications on local authorities. We can therefore assume that there is no question of top slicing from other parts of the community justice budget in order to fund the running costs of this new organisation.

- (a) There are potentially more modest costs associated with the preparation, publication etc. of the national strategy for community justice falling primarily upon the Scottish Government. There is an acknowledgement that there may be some resource implications for local authorities which will require to be accommodated within existing responsibilities for improving community outcomes. That the new arrangements for the planning and delivery of community justice add considerably to these responsibilities is not acknowledged.
- (b) The comments above, with regard to the costs in relation to their role in the preparation and review of the national strategy, also apply to the local authority role in supporting the preparation and subsequent review of the national performance framework for community justice.
- (c) The Scottish Government's transitional support for community planning is welcome and recognises the need for additional capacity within local authorities to prepare for the new strategic planning and service delivery landscape and engage with a range of partners some of whom will have their own capacity issues. It is noted that the transitional funding is expected to be available for three years, subject to review following the outcome of the UK Comprehensive Spending Review. There is an assumption that over the course of the transition period the capacity established by this funding will be absorbed by Community Justice partners. There appears to be little practical logic in this position, the burden of which would fall principally upon local authorities.
- (d) The remaining costs addressed in the memorandum refer to those associated with inspections led by the Care Inspectorate. Pending further work it is anticipated that these will be met within existing resources. There are additional one off costs associated with the dis-establishment of Community Justice Authorities which relate mainly to pension and severance costs which would not fall to local authorities. It is assumed that the existing resources referred to doesn't mean funds currently allocated to Local Authorities to fund Criminal Justice activity.

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

The estimates set out in the memorandum appear to be reasonable but only in terms of certain assumptions regarding the capacity of local authorities, and partner organisations, to accommodate the costs from within current resources, which themselves are subject to change over the period of transition. The development, maintenance and strengthening of partnerships within and in the case of this

authority across local authority boundaries, with statutory and third sector partners is immensely rewarding in terms of positive outcomes but is critically predicated upon having the capacity to analyse, identify and plan with partners in relation to local need. The opportunity presented by the Bill to take this forward could be lost if the resources required to undertake this work are not available.

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 transitional funding allocated to support community planning is welcome and will assist in terms of engagement with partners and development of local outcome improvement plans. However, on considering the terms of the Financial Memorandum in conjunction with the Policy Memorandum, in relation to the Bill there are certain assumptions which require clarification. First, the Financial Memorandum assumes that the involvement of community planning partners in the provision of current community justice services can be transferred or translated into the new landscape through a re-allocation of existing resources. This assumes that these resources will exist for the duration of the transition period and beyond. This assumption takes no account of the challenge facing local authorities in terms of existing/developing operational and strategic demands. Second, the policy memorandum refers to the role of the CPP (and by definition, local authority) in terms which place the principal responsibility for planning and reporting on the local authority, notwithstanding a duty to co-operate on partners. This takes the responsibilities for community planning into significant new areas which if not adequately resourced, could result in a loss of the potential benefits of local planning and delivery. There could also be a risk that in such a scenario the burden of planning and reporting would fall by default upon local authority Criminal Justice Social Work.

It is this authority's view that there should, over the period of transition funding, be an evaluation of the nature and extent of costs for local authorities in relation to the resourcing of their new responsibilities.

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?

I refer to the comments above (5). The memorandum is limited in scope and does not take account of the long term cost to local authorities beyond the period of transition up to 2017-18.

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 terms of costs not fully captured, this response has been predicated upon a concern that the duties placed on local authorities and partners in terms of planning and reporting and providing advice and assistance to CJS have not been accounted for in terms of any requirement for additional resource. Therefore in addition to comments above regarding the potential challenge this presents in terms of realising the intentions behind the Bill in relation to local planning and delivery there is also a risk to the development of a constructive relationship between the local authority and CJS.