

Finance Committee
Community Justice (Scotland) Bill
Submission from North Strathclyde CJA

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?

- None available during consultation. There was no financial information.
- Through joint meetings, membership of various working groups, attendance at workshops and on-going operational contact, CJAs have taken part in various consultation opportunities which preceded the Bill.

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

- Not applicable.
- The Financial Memorandum reflects a variety of CJA comments in relation to transition costs associated with the introduction of the new arrangements.

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

- Yes, but the Bill changed.
- Yes there was sufficient 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.

- No financial implications.
- CJAs will be abolished under the Bill. The Government's commitment to meeting the costs of the abolition are noted and appreciated.

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

- Yes, both reasonable and accurate.

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?

- Scottish Government have given a commitment to underwrite CJA dissolution costs.

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 - we also note that the cost will be reassessed as the Bill passes through the legislative process.

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?

- CPP ongoing costs – only 3 year costs!
- No. The most significant resource challenge for community justice (whatever the structures) remains that the vast majority of resources for offender management are still held on the custodial side of the system – or in the Christie Commission's term, to resource 'failure demand'. In 2015-16, £113.2 million was allocated by the Scottish Government for community justice¹ compared to £396.2 million allocated to the Scottish Prison Service. The custodial budget is therefore three and a half times higher than the community justice budget, despite over 4,000 more people (29% more) being given a community sentence than a custodial sentence each year.² Re-engineering existing resources within the same inequitable framework will not deliver a decisive shift to prevention.
- The detailed financial arrangements within the proposals are (as with the National Strategy, Performance Framework etc) still in development and therefore unpublished. It is therefore unclear whether many of the disadvantages of the existing system as highlighted by the Commission on Women Offenders, Audit Scotland and the Christie Commission will be resolved, such as an inability to identify unit costs; perverse incentives to maintain and indeed escalate people into the system; a lack of strategic commissioning approaches discouraging long term planning and so on. Indeed none of these difficulties required structural change to be resolved.

¹ This includes over £95 million for Criminal Justice Social Work services (distributed via CJAs) and a number of other Scottish Government investments in community justice.

² In 2013-14, 14,101 people were sentenced to custody, compared to 18,231 given a community sentence. This is in addition to 73,217 people given a financial penalty or other sentence. Source: Scottish Government (December 2014) Criminal Proceedings in Scotland 2013-14, <http://www.gov.scot/Publications/2014/12/1343/downloads>

- The costs *already expended* on community justice reform are not detailed in the Financial Memorandum and are of considerable concern given that we are still almost two years away from the new arrangements. These costs include significant officer time (e.g. CJA Convenors, staff, partners; Scottish Government and other national bodies; more recently CPP partners) as well as numerous external consultancy contracts.
- The Financial Memorandum reasonably captures costs associated with the Bill in terms of transitional arrangements

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?

- No Section 27 figures which will be critical.
- VAT Exempt – 20% additional burden.
- The future costs associated with the Bill in terms of operating the new arrangements in a way that reduces both reoffending and the prison population is more complex than the transitional arrangements that the Financial Memorandum covers.
- In particular we would highlight the following:
- Firstly, there are no new resources and over 90% of community justice resources are currently and will continue to be spent on statutory services required by legislation. This situation is untouched by the Bill.
- Secondly, we do not at this stage know what will be commissioned nationally by Community Justice Scotland and what will be commissioned by CPPs/Community Justice Partners. These commissioning arrangements will be key if services are to be effective and complementary to existing justice and universal services in the community.
- Thirdly the Bill does not address how resources will be used to reward and encourage success such as the completion of Community Payback Orders and reducing the numbers in prison. It will therefore be important that the current review of the “funding formula” does not continue to reward failure by simply paying for the generation of more business (Process as opposed to outcomes).
- Until these issues are dealt with, it is impossible to state with any confidence that the system will be transformed in any meaningful way. In summary it is not enough to state an intention to move resources towards prevention and early intervention - a mechanism to achieve this is needed.