

Justice Committee

Scottish Government's Draft Budget 2013-14

Response from the Scottish Government to the Committee's report to the Finance Committee

I write to you in relation to the Justice Committee's report on the Scottish Government's Draft Budget 2013-14. I am grateful to the Justice Committee for its carefully considered analysis and scrutiny of the Scottish Government's spending plans on the budgets for police, the courts and treatment of women offenders.

I enclose at Annex A the Scottish Government's written response to the report from the Justice Committee to the Finance Committee.

A copy of this letter goes to the Cabinet Secretary for Finance and Sustainable Growth for his Ministerial interests and Kenneth Gibson MSP, Convener of the Finance Committee.

Kenny MacAskill
Cabinet Secretary for Justice
22 January 2013

ANNEX A

TREATMENT OF WOMEN OFFENDERS

The Committee welcomes the work of the Commission on Women Offenders in developing a momentum to properly address the needs of women prisoners. We also welcome the Scottish Government's response to the Commission's recommendations, including putting in place the necessary resources for their implementation. The Committee will continue to monitor progress in relation to implementing the Commission's findings to ensure that the strong momentum for change does not weaken.

SG response: The Cabinet Secretary for Justice was pleased to address the Committee on these topics. The evidence session on 6 November 2012 followed on from the Cabinet Secretary's earlier letter to the Justice Committee of 29 October 2012, and fulfilled the recommendation made to him by the Commission on Women Offenders that he should report to Parliament six months following their report, and annually thereafter, to review progress towards actioning their recommendations. We welcome the Committee's ongoing engagement with these issues. The recommendations made by the CWO are substantial, and there is a part to play for all aspects of the criminal justice sector in Scotland – and in the wider public sector - in making the improvements the CWO have proposed.

The Committee welcomes the proposal by the Scottish Prison Service Chief Executive and accepted by the Cabinet Secretary for Justice to develop the planned prison at HMP Inverclyde for women prisoners, allowing it to be in

place within four years. We urge the Scottish Government to find the necessary funds in subsequent budget rounds to provide facilities necessary to address the needs of women prisoners.

SG response: The Scottish Government remains strongly committed to providing not only suitable facilities for women but to ensuring that the services and opportunities they provide are of genuine quality and meet the varying and complex needs and risks of women who offend. It was on that basis that the Cabinet Secretary has agreed the recommendations made by SPS. The Justice Committee's own report points out Mr McConnell's remarks to them noting his confidence that "the Cabinet Secretary and the Scottish Government have made sure that the Scottish Prison Service is appropriately resourced to do the business that it has to do".

The Committee is interested in the potential for public-social partnerships which are being trialled in years 2 and 3 of the Reducing Reoffending Change Fund, to secure sustainability of projects. We would welcome further details of this approach from the Scottish Government.

SG response: The Scottish Government will be happy to provide further briefing to the Justice Committee on this subject. A Public Social Partnership (PSP) involves public and third sector bodies co-designing services or interventions to deliver agreed social outcomes.

- Third sector and public organisations work together to design how interventions can be delivered and how social benefit can be maximised.
- The interventions are delivered for a limited time. During this period partners can adjust how the interventions are delivered, in order to achieve maximum social benefit.
- In the longer term, PSP-led interventions which successfully meet their agreed outcomes would have demonstrated the value and effectiveness of their activities, and would be well placed to secure mainstream funding from their members, and public sector partners.

The Reducing Reoffending Change Fund (RRCF) is scheduled to operate for three years (2012-15) and was never intended to provide funding to these interventions in the long term. Where PSPs can demonstrate the successful achievement of their aims, the partners and related public sector bodies should be ready to commit funding for the longer term in order to mainstream the provision of these services.

By allocating RRCF grant funding to PSPs, SG aims to create strong, equal working relationships which are more likely to be successful in delivering effective interventions and, in the longer term, in encouraging joined up, collaborative working in the sector.

There are no upper or lower limits on the number of organisations involved in a PSP, but each must include at least one third sector organisation and at least one public sector organisation. Between its members a partnership might cover a local or regional area, or might have national coverage.

In Year 1 of the RRCF 13 development grants were issued to assist interested parties to investigate possible PSP relationships, in preparation for the allocation of delivery funding Years 2 and 3. Funding for services in Years 2 & 3 will only be made available to PSP groups.

The Committee notes the pilot projects that the Scottish Government and other agencies are undertaking in relation to providing suitable accommodation and access to benefits for women prisoners on release from custody and would welcome updates on these projects in due course.

SG response: The Scottish Government will be happy to provide updates to the Committee as these projects develop.

Access to benefits

The Commission on Women Offenders recommended that the Scottish Government engage with UK Govt in discussions on how to enable women offenders to get immediate access to their benefit entitlement on leaving prison – to ease immediate financial problems, and encourage them to avoid the circumstances or behaviour that may have led to their previous offending.

The Cabinet Secretary met UK Minister for Welfare Reform Lord Freud on 11 July 2012, and subsequent discussions between SG, DWP and other stakeholders have been investigating the possibilities to respond to the Commission's proposal.

Plans are being developed for a trial of a limited form of expedited access to benefit entitlement for women offenders. SG has offered HMP Cornton Vale to be the location for a pilot project, and it is intended that an operational pilot can be established next year.

Accommodation

Since the Government made its response to the Commission on Women Offenders in June, officials have been working to explore different models of housing support for women leaving prison, including providing support in a tenancy. For example Turning Point Scotland's project 'Housing First' in Glasgow uses a model where someone with complex needs is supported in a tenancy. Government officials have a close involvement in this project and are actively exploring how it could be expanded to benefit women offenders in Glasgow.

Government officials have also been in contact with Glasgow City Council and Glasgow Housing Association to explore options around how best to prevent homelessness amongst women leaving prison.

The cross housing sector Supported Accommodation Implementation Group has considered the Commission's recommendations and produced its final report on 29 November. This has provided an opportunity for the Commission's recommendations to be integrated into the strategic planning and implementation of all housing providers.

The local authority led housing options hubs, which were formed to share good practice around preventing homelessness, have also discussed the Commission's

work, in particular in relation to introducing inter-agency protocols on prison discharge and homelessness. Good practice in this area is being shared in order that local authorities can learn from the best practice available across Scotland.

POLICE REFORM

The Committee welcomes the assurances from the new Chief Constable of the Police Service of Scotland and the Chair of the Scottish Police Authority that the police budget for 2013-14 will be achieved. However, following concerns we raised in our Stage 1 report on the Police and Fire Reform (Scotland) Act 2012 regarding the lack of detail in the Outline Business Case, we remain concerned that there still appears to be a lack of detailed financial information available for scrutiny on exactly how the savings will be achieved next year and in subsequent years. We would therefore require detailed financial plans for policing to be drawn up as a priority and then made available to the Committee. Given the imminent launch of the Police Service of Scotland, the Committee would welcome early sight of these plans.

SG response: While this is a matter for the SPA, we share the Committee's view that the savings the single service will deliver are subject to the appropriate level of public scrutiny.

The Committee noted its concerns during scrutiny of the 2012 Act as to the impact of civilian redundancies on the front-line. The Committee also noted the assurances from the Chief Constable regarding redundancies and backfilling, but our concerns remain. The Committee will continue to seek assurances that any cuts in support staff will not be on such a scale that it risks de-civilianisation of the police service and widespread 'backfilling' of support jobs by police officers.

SG response: Current reductions in administrative support functions reflect efficiency savings made by forces, including voluntary redundancy and early retirement ahead of police reform. The Scottish Government understands all staff who have left up to now have left via natural attrition and voluntary exit schemes. There will, however, be fewer staff at the end of the reform journey than there are now.

We believe backfilling is only happening in isolated instances, and only on a temporary basis – a view acknowledged in the "Best Value in Police Authorities and Police Forces" report by HMICS and Audit Scotland which was published in November. It stated: "There were some indications that police staff posts are being covered by police officers in the short term."

We understand that instances of backfilling continue to be only on an operational need to cover busy areas (like custody), staff shortages or where officers are pregnant or temporarily incapacitated and unable to undertake frontline duties.

Chief Constable Stephen House has made clear the Police Service of Scotland needs a balanced workforce. On 23 October 2012, he told the Committee: "We need professional police officers doing their job and we need support staff doing their job,

which they do to a high standard throughout Scotland. There is no strategy that I am in charge of in terms of reform which is predicated upon backfilling”.

The Committee notes that the Cabinet Secretary for Justice indicated that the estimated £14 million additional underspend will not be made available to the new service for 2013-14. ACPOS gave evidence of the value they attached to the use of this fund in the first year planning for the new service. We welcome the Cabinet Secretary’s commitment to discuss funding priorities with the Committee.

SG response: The Scottish Government notes the Committee’s comments. The Scottish Government has agreed with COSLA that £3.4m of the £6.6m planned police savings in 2012/13 can be committed to fund Voluntary Redundancy and Voluntary Early Retirement Schemes across Scotland in 2012/13 and any spend up to that limit will be removed from the Scottish Government’s 51% share of the final reserves position. Any uncommitted reserves – including emerging underspends in 2012/13 – as at 31 March 2013 will be returned to Local Government (49 per cent) and Scottish Government (51 per cent) in line with the original funding. Significant funding for police reform is available within the Police Central Government budget.

The Committee is concerned regarding evidence received from Her Majesty’s Inspectorate of Constabulary that ICT systems are not as advanced as expected at this stage of reform. We would therefore welcome further details from those in charge of the ICT projects identified as requirements for a single police force and an indication of when they will be completed and the implications if they are not ready for 1 April 2013.

SG response: While this is a matter for the SPA, the Scottish Government is supportive of the decision by the police service to conduct a full review of its police ICT projects ahead of police reform. Through the Police Reform budget (within the Police Central Government budget), we are funding a number of ICT specialists within the Scottish Police Services Authority.

The Committee looks forward to an effective conclusion to the discussions in relation to operational independence and its application as it pertains to budgetary priorities.

SG response: The Scottish Government notes the Committee’s view.

Following discussions with the Chief Constable, Chair and Members, a request from the Cabinet Secretary for Justice to ensure the Chief Constable has the support of police staff in HR and Finance was accepted by the SPA.

Agreement was reached at the SPA Board meeting on January 18, and joint work will now commence on the detailed implementation of the proposals.

The legislation, overwhelmingly approved by the Parliament, created two separate legal bodies with different responsibilities to improve policing in Scotland. The arrangements are very different to the current set-up – and very different to arrangements for the new Scottish Fire and Rescue Service – and that is why the

SPA and the service are working closely together to organise themselves in a way which ensures they get the best police service possible for the money available.

COURTS

The Committee notes the concerns of some witnesses that court closures may compromise access to justice, particularly for victims and witnesses who may face longer travel distances and, additionally, the prospect of intimidation during travel to court. We therefore recommend more opportunities for victims and witnesses to give evidence by video-conferencing where intimidation is likely or to avoid unnecessary travel.

SG response: The Scottish Government takes the view of victims of crime very seriously and is bringing forward a Victims and Witnesses Bill in this Parliamentary session which will include various measures to improve the support available to such individuals. For example, the Bill will improve access to information about cases, create a duty on public agencies to set clear standards of service for victims and witnesses, and widen access to special measures to assist vulnerable witnesses giving evidence.

The Scottish Government recognise that some victims and witnesses may have longer to travel upon the closure of a court, but it is envisaged that for most, the provision of services and the environment they experience will be better, safer and more secure at the alternative location. That said, the Scottish Court Service is working with justice partners to see where they can build on live video conferencing links for court proceedings.

The Committee reiterates the recommendation it made in its report on the Spending Review 2011 and Draft Budget 2012-13, calling on the SCS to ensure that both access to justice and local needs are taken into consideration when deciding how best to rationalise the court estate.

SG response: A final decision on the distribution of business is a matter for the Lord President and Sheriffs Principal, but any proposal to close courts will have to come before Parliament. The Scottish Court Service's consultation paper on future court structures set out a number of principles for provision of access to justice to which it would have regard when considering the provision of courts and court services. The Committee will wish to be aware that the SCS has confirmed that remote island courts will not be considered for potential closure. In more general terms, making more efficient use of court resources will improve the public's access to effective justice by ensuring the system delivers fairly, economically and promptly.

The Committee welcomes the detailed analysis of the postcodes of civilian witnesses compared with the location of the courts that the Crown Office and Procurator Fiscal Service is currently undertaking to identify any local issues. We would welcome early sight of this analysis when it becomes available to assist us in our scrutiny of any proposals arising from the consultation on court structures.

SG response: The Scottish Government note the Committee's view and will raise the matter with the Lord Advocate.

The Committee urges the Scottish Court Service to consider other options for saving costs, including using other buildings in communities for civil proceedings, using technology to simplify civil procedure, (e.g. by booking employment tribunals online) and centralising routine processes.

SG response: The Scottish Government understand all these options will be fully considered by the Scottish Court Service, although in some situations a balance may need to be struck - for example using other buildings for civil proceedings may in some cases deliver benefits for court users, but add to cost and inflexibility in the deployment of scarce resources, including judicial time.

The Committee is concerned that the backlog of maintenance on court buildings, currently estimated at £57.1 million, is a 'ticking time bomb' for the Scottish Court Service. We therefore seek the Cabinet Secretary's views on whether the SCS can be assisted to address some of these maintenance costs before they become entirely unmanageable.

SG response: Despite the unprecedented cuts to the Scottish budget, the Finance Minister has announced a further £10 million is to be invested in the justice system including the court estate. This is a welcome addition in such difficult financial times.

The Committee is sceptical that court closures will be cost neutral for court users and we therefore intend to monitor closely the effects of any closures on others if and when they are implemented.

SG response: The Scottish Government note the Committee's intention to monitor the effects of any court closures. The Committee may wish to be aware that as part of the Scottish Government's *Making Justice Work* programme, we will assess what the impacts of any changes might be for court users and the public.

The Committee notes the divergence of views on whether court closures should be delayed until implementation of justice reforms recommended in recent reviews by Lord Gill, Lord Carloway and Sheriff Principal Bowen. The Committee therefore urges that all reforms arising from these reviews and any other forthcoming reviews are considered carefully before any decisions on court structures are made.

SG response: The Scottish Government is working collectively with justice agencies on a range of change programmes, sharing time and resources to deliver maximum benefits across the system and to ensure that risks and conflicts are minimised. Consideration of future court structures is included in our *Making Justice Work* programme, under which we are working with our justice delivery partners to make sure implications for each of these areas of reform (and vice versa) can be fully considered and understood prior to final decisions being made. Any delay in rationalising the courts estate is likely simply to reduce the resources available to ensure that the various reforms are properly implemented and realise their potential as quickly as possible.