SPICe Briefing
Draft Budget 2013-14: Justice

27 September 2012
12/63

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This briefing has been prepared to assist the Justice Committee in its scrutiny of the Scottish Government’s draft budget for 2013-14. The Committee has indicated that it intends to include consideration of both police and court budgets as part of this year’s scrutiny. It has also noted an interest in looking at monies available to implement the recommendations of the Commission on Women Offenders. Taking forward the Commission’s recommendations may be expected to have financial implications in a number of areas (eg for the work of the Scottish Prison Service and criminal justice social work).

In light of the above, the following areas are considered:

- spending on Justice and Crown Office & Procurator Fiscal Service portfolios plus ring-fenced central government grants to local authorities to help pay for justice related activities
- spending on police and courts at a more detailed level, as well as policy and other developments which may impact on the level of spending required for police and courts
- the work of the Commission on Women Offenders and any significant costs involved in implementing its recommendations

The SPICe briefing Draft Budget 2013-14 (Financial Scrutiny Unit 2012) provides information on spending plans for all subject portfolios.
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EXECUTIVE SUMMARY

Justice and COPFS Spending

The most striking features of Justice and COPFS spending plans, as set out in the Scottish Government’s draft budget for 2013-14, are:

- the very large increase in funding within the Justice portfolio (rising from £1,341m in 2012-13 to £2,547m in 2013-14)
- the disappearance of two central government ring-fenced grants to local authorities from 2013-14 (Police and Fire Capital grants)

These changes flow from reforms provided for in the Police and Fire Reform (Scotland) Act 2012, which will replace the current eight police forces and eight fire brigades with a single Police Service of Scotland and a single Scottish Fire & Rescue Service. Funding arrangements for both services will change significantly under the new arrangements, with all core funding coming directly from central government (rather than a mix of local and central government funding). The Scottish Government’s intention is that the new arrangements will come into effect on 1 April 2013.

Scottish Government figures indicate that more than £1,253m of police and fire service funding for 2013-14 is being moved from the Local Government settlement to the Justice portfolio. If one removes this sum from the Justice portfolio, the portfolio budget falls (in cash terms) by £48m between 2012-13 and 2013-14. Last year’s Scottish Government spending review provided for a similar fall within the Justice portfolio budget over the same period.

Apart from the structural changes to police and fire service funding, the cash terms figures for Justice and COPFS spending set out in this year’s draft budget are broadly similar to those which were set out in the 2011 spending review (for the same years). One of the more significant changes is an additional £20m of Scottish Prison Service capital funding for 2014-15.

Police

As noted above, the Police and Fire Reform (Scotland) Act 2012 includes provisions which will significantly reform the police. They will:

- abolish the existing eight territorial police forces, the Scottish Police Services Authority and the Scottish Crime and Drug Enforcement Agency
- establish one national police force (the Police Service of Scotland) along with a single Scottish Police Authority
- create new police governance and funding arrangements

One of the main drivers for police reform was a desire to achieve efficiency savings, thereby protecting frontline police services during a period of general financial cuts. However, the Scottish Government has indicated that transitional costs involved in the changes are predicted to increase the overall costs of policing during 2013-14.
One of the issues raised during scrutiny of the Police and Fire Reform (Scotland) Bill was whether the police will be able to maintain an efficient, balanced workforce if they have to operate within constraints imposed by:

- the Scottish Government commitment to maintaining an additional 1,000 police officers
- the Scottish Government commitment to no compulsory redundancies
- the need to make savings in budgets

Stephen House (the current Chief Constable of Strathclyde Police and recently appointed first Chief Constable of the new Police Service of Scotland) has been reported as stating that the process of police reform may involve the loss of large numbers of police support staff.

Comparing the cash terms figures for police spending in 2013-14 as set out in this year’s draft budget, with those set out in the 2011 spending review (for the same years):

- Scottish Police Authority plus Police Central Government – the combined total is very similar to the sum allocated for Police Central Government in the spending review plus elements of the Local Government settlement which have been moved to police spending within the Justice portfolio
- Police Pensions – the figures are identical

Courts

The Scottish Court Service (SCS) has, in response to proposed justice reforms and restrictions on its budget, started to formulate options for changes in court locations and structures – including possible court closures. It has recently published a consultation paper on the topic (with responses sought by 21 December 2012).

Various reviews into the delivery of justice have reported over recent years (including one into the civil courts and another looking at sheriff and jury procedure). The SCS anticipates that proposed justice reforms flowing from these reviews will have a significant impact on court business.

The work being taken forward by the SCS in relation to court structures, as well as planned reforms arising from the above mentioned reviews, form part of the Scottish Government’s Making Justice Work programme. It was set up in 2010 and comprises five projects:

- delivering efficient and effective court structures
- improving procedures and case management
- widening access to justice
- co-ordinating IT and management information
- establishing a Scottish Tribunals Service

There are only small changes to the cash terms figures for courts spending set out in this year’s draft budget, as compared with those set out in the 2011 spending review (for the same years).

Commission on Women Offenders

In 2011, the Scottish Government established a Commission on Women Offenders chaired by Dame Elish Angiolini (the former Lord Advocate) with a remit to: “consider the evidence on how to improve outcomes for women in the criminal justice system; to make recommendations for practical measures in this Parliament to reduce their reoffending and reverse the recent increase in the female prisoner population”.

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The recommendations set out in its report (published in April of this year) included a number which may involve additional costs (at least initially) for a range of organisations, including the Scottish Prison Service and those involved in criminal justice social work services.

In its formal written response (published in June) the Scottish Government accepted the majority of the Commission’s recommendations. In August 2012, the Scottish Prison Service published a consultation paper as part of a process aimed at informing the Government’s approach to implementing various recommendations made by the Commission on Women Offenders. Both documents highlighted resource issues.
JUSTICE AND COPFS SPENDING

Table 1 sets out information, derived from the Scottish Budget: Draft Budget 2013-14 (Scottish Government 2012a) (hereafter referred to as the Draft Budget 2013-14), on the following areas of spending:

- the Justice portfolio
- the Crown Office & Procurator Fiscal Service (COPFS) portfolio
- ring-fenced central government grants to local authorities (forming part of the Local Government budget) to help pay for certain justice related activities – Police, Criminal Justice Social Work and Fire Capital

Unless stated otherwise, all real terms figures in this briefing (ie figures adjusted for the effect of inflation) are expressed in 2012-13 prices.

Table 1: Spending on Justice, COPFS and Grants to Local Authorities, 2012-13 to 2014-15

<table>
<thead>
<tr>
<th></th>
<th>2012-13 budget</th>
<th>2013-14 draft budget</th>
<th>2014-15 plans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash terms</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Justice</td>
<td>1,341.0</td>
<td>2,546.6</td>
<td>2,527.4</td>
</tr>
<tr>
<td>COPFS</td>
<td>108.1</td>
<td>108.1</td>
<td>108.7</td>
</tr>
<tr>
<td>Grants</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police</td>
<td>480.3</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>CJ Social Work</td>
<td>86.5</td>
<td>86.5</td>
<td>86.5</td>
</tr>
<tr>
<td>Fire Capital</td>
<td>16.4</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total Grants</td>
<td>583.2</td>
<td>86.5</td>
<td>86.5</td>
</tr>
<tr>
<td>Real terms</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Justice</td>
<td>1,341.0</td>
<td>2,484.5</td>
<td>2,405.6</td>
</tr>
<tr>
<td>COPFS</td>
<td>108.1</td>
<td>105.5</td>
<td>103.5</td>
</tr>
<tr>
<td>Grants</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police</td>
<td>480.3</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>CJ Social Work</td>
<td>86.5</td>
<td>84.4</td>
<td>82.3</td>
</tr>
<tr>
<td>Fire Capital</td>
<td>16.4</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total Grants</td>
<td>583.2</td>
<td>84.4</td>
<td>82.3</td>
</tr>
</tbody>
</table>

Source: Draft Budget 2013-14 (tables 6.01, 6.02, 6.16, 11.01 and 11.02)

The most striking aspects of the above table are:

- the very large increase in spending within the Justice portfolio (a cash terms increase of £1,205.6m between 2012-13 and 2013-14)
- the disappearance of two central government ring-fenced grants to local authorities (leaving only the Criminal Justice Social Work grant from 2013-14 onwards)

Both flow from the reforms provided for in the Police and Fire Reform (Scotland) Act 2012. The 2012 Act will (once relevant provisions are commenced) replace the current eight police forces and eight fire brigades with a single police force (the Police Service of Scotland) and a single fire service (the Scottish Fire & Rescue Service). Funding arrangements for both services will change significantly under the new arrangements, with all core funding coming directly from central government (rather than a mix of local and central government funding). The Scottish Government’s intention is that the new arrangements will come into effect on 1 April 2013 (thus applying to 2013-14 budgets).

The increase in spending within the Justice portfolio is only partly accounted for by the movement of funds from the Local Government portfolio to the Justice portfolio following the...
ending of the Police and Fire Capital grants. This reflects the fact that the two grants are not the only elements of police and fire service funding which are being transferred from Local Government to Justice. For example, current police funding includes significant sums which local authorities spend on policing over and above the monies provided by the ring-fenced Police Grant. This additional spending is drawn from general local authority funds (which include monies provided by central government – eg by way of revenue support grant). In fact, Scottish Government figures indicate that £1,259.4m of police and fire service funding for 2013-14 is being moved from the Local Government settlement to the Justice portfolio (although £5.8m of this transfer does not appear in budget lines for police spending within the Justice portfolio due to the accounting treatment of loan charges). 1 If one removes £1,253.6m (ie £1,259.4m minus £5.8m) from the Justice portfolio, the portfolio budget falls (in cash terms) by £48.0m between 2012-13 and 2013-14. Last year’s Scottish Spending Review 2011 and Draft Budget 2012-13 (Scottish Government 2011a) (hereafter referred to as the Spending Review 2011) provided for a slightly larger fall of £49.3m within the Justice portfolio budget over the same period.

More detailed (level 2) figures for spending within the Justice portfolio are set out in Tables 2 and 3 below. Apart from the significant changes to police and fire service funding, the cash terms figures set out in Table 2 are broadly similar to those which were set out in the Spending Review 2011. Further information on police reform and police funding is set out later in this briefing. In relation to other areas of justice spending, changes include:

- Scottish Resilience – the figures for 2013-14 and 2014-15 are lower than those set out in the Spending Review 2011. The reductions reflect the fact that certain elements of funding are being moved from this budget line to the new Scottish Fire & Rescue Service budget

- Scottish Prison Service – planned spending for 2014-15 is £20m more than set out in the Spending Review 2011. The Draft Budget 2013-14 notes that, during the stage 3 debate on the 2012-13 Budget Bill, this additional sum was allocated for capital funding, with the intention that it should be targeted towards the needs of the female prison population

- Office of the Scottish Charity Regulator (OSCR) – responsibility for OSCR was transferred from the Justice portfolio to the Finance, Employment and Sustainable Growth portfolio in June 2012. As a result, the relevant budget line no longer appears within the Justice portfolio

Table 2: Justice Spending in Cash Terms, 2012-13 to 2014-15

<table>
<thead>
<tr>
<th></th>
<th>2012-13 budget £m</th>
<th>2013-14 draft budget £m</th>
<th>2014-15 plans £m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Justice Services</td>
<td>31.3</td>
<td>31.8</td>
<td>32.3</td>
</tr>
<tr>
<td>Courts, Judiciary &amp; Scottish Tribunals Service</td>
<td>52.4</td>
<td>52.1</td>
<td>51.6</td>
</tr>
<tr>
<td>Criminal Injuries Compensation</td>
<td>25.5</td>
<td>20.5</td>
<td>17.5</td>
</tr>
<tr>
<td>Scottish Resilience</td>
<td>17.9</td>
<td>14.0</td>
<td>14.0</td>
</tr>
<tr>
<td>Legal Aid</td>
<td>155.8</td>
<td>149.3</td>
<td>142.8</td>
</tr>
<tr>
<td>Scottish Police Authority</td>
<td>-</td>
<td>1,085.5</td>
<td>1,040.6</td>
</tr>
<tr>
<td>Scottish Fire &amp; Rescue Service</td>
<td>-</td>
<td>293.1</td>
<td>288.1</td>
</tr>
<tr>
<td>Police Central Government</td>
<td>242.4</td>
<td>115.8</td>
<td>106.1</td>
</tr>
<tr>
<td>Drugs &amp; Community Safety</td>
<td>38.3</td>
<td>38.7</td>
<td>39.7</td>
</tr>
<tr>
<td>Police &amp; Fire Pensions</td>
<td>281.9</td>
<td>291.8</td>
<td>309.8</td>
</tr>
<tr>
<td>Scottish Prison Service</td>
<td>400.6</td>
<td>364.5</td>
<td>398.7</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>17.9</td>
<td>16.2</td>
<td>16.8</td>
</tr>
<tr>
<td>Scottish Court Service</td>
<td>77.0</td>
<td>73.3</td>
<td>69.4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,341.0</strong></td>
<td><strong>2,546.6</strong></td>
<td><strong>2,527.4</strong></td>
</tr>
</tbody>
</table>

1 See Draft Budget 2013-14 (p 74-75) and Financial Scrutiny Unit 2012 (p 9-12).
Table 3: Justice Spending in Real Terms, 2010-11 to 2014-15

<table>
<thead>
<tr>
<th></th>
<th>2012-13 budget £m</th>
<th>2013-14 draft budget £m</th>
<th>2014-15 plans £m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Justice Services</td>
<td>31.3</td>
<td>31.0</td>
<td>30.7</td>
</tr>
<tr>
<td>Courts, Judiciary &amp; Scottish Tribunals Service</td>
<td>52.4</td>
<td>50.8</td>
<td>49.1</td>
</tr>
<tr>
<td>Criminal Injuries Compensation</td>
<td>25.5</td>
<td>20.0</td>
<td>16.7</td>
</tr>
<tr>
<td>Scottish Resilience</td>
<td>17.9</td>
<td>13.7</td>
<td>13.3</td>
</tr>
<tr>
<td>Legal Aid</td>
<td>155.8</td>
<td>145.7</td>
<td>135.9</td>
</tr>
<tr>
<td>Scottish Police Authority</td>
<td>-</td>
<td>1,059.0</td>
<td>990.5</td>
</tr>
<tr>
<td>Scottish Fire &amp; Rescue Service</td>
<td>-</td>
<td>286.0</td>
<td>274.2</td>
</tr>
<tr>
<td>Police Central Government</td>
<td>242.4</td>
<td>113.0</td>
<td>101.0</td>
</tr>
<tr>
<td>Drugs &amp; Community Safety</td>
<td>38.3</td>
<td>37.8</td>
<td>37.8</td>
</tr>
<tr>
<td>Police &amp; Fire Pensions</td>
<td>281.9</td>
<td>284.7</td>
<td>294.9</td>
</tr>
<tr>
<td>Scottish Prison Service</td>
<td>400.6</td>
<td>355.6</td>
<td>379.5</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>17.9</td>
<td>15.8</td>
<td>16.0</td>
</tr>
<tr>
<td>Scottish Court Service</td>
<td>77.0</td>
<td>71.5</td>
<td>66.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,341.0</strong></td>
<td><strong>2,484.5</strong></td>
<td><strong>2,405.6</strong></td>
</tr>
</tbody>
</table>

Source: Draft Budget 2013-14 (tables 6.02)

POLICE

DEVELOPMENTS

Legislative Reform

The Police and Fire Reform (Scotland) Act 2012 includes provisions which will (once they are fully commenced):

- abolish the existing eight territorial police forces, the Scottish Police Services Authority (SPSA) and the Scottish Crime and Drug Enforcement Agency (SCDEA)
- establish one national police force (the Police Service of Scotland) along with a single Scottish Police Authority
- create new police governance and funding arrangements

One of the main policy objectives behind the reforms in this area is to:

"protect and improve local services despite financial cuts, by stopping duplication of support services eight times over and not cutting front line services" (Police and Fire Reform (Scotland) Bill: Policy Memorandum, para 3)

The Police Service of Scotland will replace the eight territorial forces and take over most of the work of the SPSA and SCDEA. It will be headed by a single Chief Constable whose responsibilities will include:

- direction and control of police officers and civilian police staff

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2 Stephen House (current Chief Constable of Strathclyde Police) has been appointed as the first Chief Constable of the new Police Service of Scotland. It is expected that he will work with the chair of the new Scottish Police Authority, in advance of next year’s formal establishment of the single police force, to prepare for the transfer of functions.
• administration and planning within the Police Service of Scotland
• ensuring that all local authority areas have adequate arrangements for policing
• designation of a local commander for each local authority area, with responsibilities relating to policing in that area
• securing best value in the use of resources

The Scottish Police Authority will be a new public body comprising members appointed by the Scottish Ministers. It will have the ability to appoint its own staff and may also engage police officers on secondment. It will also be able to borrow money with the prior consent of Scottish Ministers. Its responsibilities will include:

• promotion of the policing principles and continuous improvement in the policing of Scotland
• preparation of a strategic policing plan (in conjunction with the Chief Constable)
• provision of appropriate resources for the Police Service of Scotland (eg providing the Chief Constable with a budget to spend, buildings and equipment, as well as being directly responsible for the provision of forensic services to the police)
• holding the Chief Constable to account for carrying out the responsibilities of the post (including the proper use of resources)

The role of the Scottish Ministers will include:

• providing the Scottish Police Authority with the funds to resource the Police Service of Scotland and cover its own costs
• setting strategic priorities for the Scottish Police Authority and approval of its strategic police plan
• holding the Scottish Police Authority to account for the delivery of effective policing

Many of the tasks currently carried out at local authority level by police authorities and joint police boards, including the setting of police budgets, will form part of the work of the Scottish Police Authority. Although the current statutory police authorities and joint police boards will cease to exist under the new arrangements, local authorities will still have a role in local policing (eg monitoring local performance and working with local police commanders in setting local priorities). Local authorities will also retain the ability to provide additional funds for policing in their areas.

The Scottish Government is working towards the new arrangements coming into effect on 1 April 2013.

As indicated above, one of the main drivers for police reform was a desire to achieve efficiency savings, thereby protecting frontline police services during a period of general financial cuts. The financial memorandum published along with the Police and Fire Reform (Scotland) Bill provided estimated set-up costs and efficiency savings for a fifteen year period (2011-12 to 2025-2026). In addition to what it described as ‘best estimates’, it provided adjusted figures in relation to which:

• costs were adjusted upwards to take account of ‘optimism bias’ (a method of mitigating the risk that the costs of major projects are underestimated)

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3 Vic Emery (current convener of the SPSA board) has been appointed as the first chair of the Scottish Police Authority.
4 It is intended that the transfer of forensic services from the SPSA to the Scottish Police Authority, rather than the Police Service of Scotland, will help protect the impartial nature of such services.
• savings were adjusted downwards to account for potential margins of uncertainty

The predicted impact during years 2012-13 to 2014-15 is summarised in Table 4. It indicates whether overall costs (after comparing set-up costs with efficiency savings) are predicted to rise or fall. All of the figures are at 2011-12 prices.

Table 4: Predicted Impact of Reforms on Policing Costs, 2012-13 to 2014-15

<table>
<thead>
<tr>
<th></th>
<th>2012-13 £m</th>
<th>2013-14 £m</th>
<th>2014-15 £m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Best estimate figures</td>
<td>-9.1</td>
<td>+9.1</td>
<td>-28.4</td>
</tr>
<tr>
<td>Adjusted figures</td>
<td>+3.2</td>
<td>+38.2</td>
<td>+13.2</td>
</tr>
</tbody>
</table>

Source: Police and Fire Reform (Scotland) Bill: Explanatory Notes (and other accompanying documents) (table 1A)

As can be seen from the above table, the police reforms are predicted to increase the overall costs of policing during 2013-14 – the first year during which the new Police Service of Scotland will be operational. (It should be noted that both best estimate and adjusted figures in the financial memorandum predict significant overall savings from 2015-16 onwards.)

Current Funding Arrangements

Under current arrangements (ie those applying in 2012-13) policing is paid for through a mix of:

• central government expenditure on policing within the Justice portfolio (Police Central Government and Police Pensions)

• central government expenditure on policing within the Local Government portfolio (mainly the ring-fenced Police Grant paid to local authorities)

• monies which local authorities choose to spend on policing (around one-third of total police funding)\(^5\)

The level of spending on policing by local authorities used to be directly linked to the level of Police Grant. However, this was ended following the 2007 Concordat between the Scottish Government and Local Government, under which local authorities were given more flexibility in managing their budgets and agreed to play a part in delivering certain Scottish Government commitments (including one relating to police officer numbers).

New Funding Arrangements

The Police and Fire Reform (Scotland) Act 2012 provides for the consolidation of the various elements of police funding discussed above into a single funding stream. This will be provided directly by the Scottish Government to the Scottish Police Authority. This funding is subject to the approval of the Scottish Parliament through the normal budget process. As noted above, local authorities will retain the ability to provide additional funds to supplement policing in their areas. The new funding arrangements will apply to the 2013-14 budget.

Under current funding arrangements, provisions in the Value Added Tax Act 1994 allow Scottish police forces to recover VAT costs. This is on the basis that they form part of the services provided by local authorities. One of the issues covered during scrutiny of the Scottish Government’s proposals for police reform was whether a move to a single national police force would result in the loss of this ability to reclaim VAT. It is understood that the Scottish Government and HM Treasury explored options under which VAT could still be recovered but that HM Treasury has now confirmed that a national police force will not be able to recover VAT.

\(^5\) The funds from which any local authority draws upon for policing and other services include monies provided by central government (eg through revenue support grant).
The financial memorandum (para 178) published along with the Police and Fire Reform (Scotland) Bill estimated that this would cost the Police Service of Scotland in excess of £21m per annum.\(^6\)

**Police Officer and Staff Numbers**

The most recent police officer quarterly strength statistics published by the Scottish Government (2012b) indicate that Scottish police forces had a total of 17,373 police officers (full-time equivalent posts) on 30 June 2010.\(^7\)

In 2007, the Scottish Government outlined a commitment to make “an additional 1,000 police officers available in our communities through increased recruitment, improved retention and redeployment” (Scottish Government 2007b, p 61). Table 5 sets out quarterly figures for the total number of police officers since 31 March 2007 (the baseline used for the commitment). As at 30 June 2012, Scottish police forces had 1,139 more police officers than they had on 31 March 2007.

**Table 5: Number of Police Officers, March 2007 to June 2012**

<table>
<thead>
<tr>
<th>Date</th>
<th>Number</th>
<th>Date</th>
<th>Number</th>
<th>Date</th>
<th>Number</th>
</tr>
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<td>31 Mar</td>
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<td>16,222</td>
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<td>30 Jun</td>
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<td>31 Dec</td>
<td>16,675</td>
<td>31 Dec</td>
<td>17,273</td>
</tr>
</tbody>
</table>

Source: Scottish Government 2012b, table 2

The above figures do not include police support staff. Scottish police forces employed a total of 6,890 support staff (full-time equivalent posts) on 30 June 2012. This is 462 less than they had on 31 March 2007 (and 972 less than the recent peak of 7,862 support staff on 31 March 2010). Table 6 sets out quarterly figures for the total number of support staff since March 2007.

**Table 6: Number of Police Support Staff, March 2007 to June 2012**

<table>
<thead>
<tr>
<th>Date</th>
<th>Number</th>
<th>Date</th>
<th>Number</th>
<th>Date</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
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<td>7,352</td>
<td>31 Mar</td>
<td>7,528</td>
<td>31 Mar</td>
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<td>31 Dec</td>
<td>7,621</td>
<td>31 Dec</td>
<td>7,579</td>
<td>31 Dec</td>
<td>7,841</td>
</tr>
</tbody>
</table>

Source: Scottish Government 2012b, table 2

\(^6\) The estimated financial implications of police reform, as set out in the financial memorandum and reproduced in Table 4 above, assumed that VAT costs would not be recoverable.

\(^7\) The figures for both police officers and police support staff include those working within the SPSA and SCDEA.
One of the issues raised during scrutiny of the Police and Fire Reform (Scotland) Bill was whether the police will be able to maintain an efficient, balanced workforce if they have to operate within constraints imposed by:

- the Scottish Government commitment to maintaining police officer numbers at no fewer than 17,234
- the Scottish Government commitment to no compulsory redundancies
- the need to make savings in budgets

The Justice Committee’s [Stage 1 Report](#) (2012) on the Bill noted “concerns regarding the ability to achieve the projected savings” and sought “clarification as to the impact of the projected redundancies of civilian posts on the front line” (para 265). In its [Response to the Justice Committee’s Stage 1 Report](#) (2012c), the Scottish Government stated that:

“We are entirely confident that these projected savings – the calculation of which has erred on the side of caution – are deliverable and we will look to the new Chief Constable and Scottish Police Authority to identify the right balance between protecting police officer numbers and the level of support staff required for an effective, efficient service. (…) A projected level of voluntary redundancy which would deliver the appropriate efficiencies and removal of unnecessary duplication was factored into both business cases. We expect this reduction to be managed through not replacing people leaving the service and voluntary redundancies, rather than through compulsory redundancies.” (p 10-11)

Stephen House (the current Chief Constable of Strathclyde Police and recently appointed first Chief Constable of the new Police Service of Scotland) has been reported as stating that the process of police reform may involve the loss of large numbers of police support staff (eg see ‘Stephen House Warns of Police Service of Scotland Job Losses’, BBC 26 September 2012).

**SPENDING**

Table 7 (below) draws together the following elements of police spending (all within the Justice portfolio):

- Scottish Police Authority – funding for the new Scottish Police Authority and, through it, the Police Service of Scotland
- Police Central Government – funding for police support services and national police funding and reform
- Police Pensions – provides funding to meet the pension costs of retired police officers

From 2013-14, general police spending is met through funding for the Scottish Police Authority. However, the Police Central Government budget line does not disappear. The [Draft Budget 2013-14 notes that much of the funding previously included in that budget line is moved to the Scottish Police Authority](#):

“£236.9 million of funding was set out within the [Police Central Government] PCG budget for 2013-14 in the Scottish Spending Review 2011. A significant part of this is now part of the wider Scottish Police Authority (SPA) funding, including funding for 1,000 additional officers, forensics services, police training, criminal records, ICT,
serious crime and drug enforcement and counter terrorism. The funding transferring from PCG to SPA also reflects the savings expected from police reform.” (p 76)

It indicates that:

“Funding remaining in the Police Central Government (PCG) budget in 2013-14 includes spending on building the new Scottish Crime Campus at Gartcosh, funding the Police Investigation Review Commissioner (PIRC), the Scottish Safety Camera Programme and Airwave” (p 76)

Table 7: Police Spending, 2010-11 to 2014-15

<table>
<thead>
<tr>
<th></th>
<th>2012-13 budget £m</th>
<th>2013-14 draft budget £m</th>
<th>2014-15 plans £m</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cash Terms</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scottish Police Authority</td>
<td>-</td>
<td>1,085.5</td>
<td>1,040.6</td>
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<tr>
<td>Police Central Government</td>
<td>242.4</td>
<td>115.8</td>
<td>106.1</td>
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<tr>
<td>Police Pensions</td>
<td>222.6</td>
<td>231.0</td>
<td>249.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>465.0</td>
<td>1,432.3</td>
<td>1,396.3</td>
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<td><strong>Real Terms</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scottish Police Authority</td>
<td>-</td>
<td>1,059.0</td>
<td>990.5</td>
</tr>
<tr>
<td>Police Central Government</td>
<td>242.4</td>
<td>113.0</td>
<td>101.0</td>
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<tr>
<td>Police Pensions</td>
<td>222.6</td>
<td>225.4</td>
<td>237.6</td>
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<tr>
<td><strong>Total</strong></td>
<td>465.0</td>
<td>1,397.4</td>
<td>1,329.1</td>
</tr>
</tbody>
</table>

Source: Draft Budget 2013-14 (tables 6.08, 6.10 and 6.12)

Comparing the cash terms figures for police spending in 2013-14 as set out in the Draft Budget 2013-14, with those set out in the Spending Review 2011:

- Scottish Police Authority plus Police Central Government – the combined total of £1,201.3m set out in the Draft Budget 2013-14 is very similar to the sum allocated for Police Central Government in the Spending Review 2011 plus elements of the Local Government settlement which have been moved to police spending within the Justice portfolio
- Police Pensions – the figures are identical

COURTS

DEVELOPMENTS

Future Court Structure

The SCS has, in response to proposed justice reforms and restrictions on its budget, started to formulate options for changes in court locations and structures. During May and June 2012, it held a number of events with users of court services (including local authorities, legal professionals, and consumer and victim organisations) to discuss its ongoing work in this area. An associated news release (SCS 2012a) noted that:

“The Scottish Court Service is faced with some quite significant changes to the way in which court services are provided. Challenge is also found in the increasing expectations of court users, particularly victims and witnesses. Recommendations within Sheriff Principal Bowen’s review of Sheriff and Jury business and Lord Gill’s
review of the civil courts anticipate significant changes to how and where court business will be conducted in the future, with an emphasis on specialisation and a move away from the model where all types of business are conducted at all court locations. We have been looking at whether the current structure of the courts could sustain all these changes. A guiding principle of this work has been to look at how the court estate can be structured to deliver the best possible services at less cost, whilst anticipating and benefiting from potential future changes.

From our work, the SCS Board have asked four underpinning questions:
(i) Could the High Court circuit be reduced and, if so, where should it sit?
(ii) Could Sheriff and Jury cases be consolidated into fewer centres and, if so, where should they be?
(iii) Could we manage with fewer buildings where we have more than one in a town or city?
(iv) Could we manage with fewer courts where we have more than one within a reasonable travelling distance?

Those attending the above meetings were provided with a paper entitled Shaping Scotland’s Court Services: a dialogue on a court structure for the future (SCS 2012c). It highlighted planned reductions in the operating budget of the SCS. It also outlined a number of planned justice reforms which might be expected to have an impact on court business:

“Assuming the recommendations of the Gill and Bowen reviews are implemented, the main changes to which the SCS will have to respond are:
• a new salaried judicial office of summary sheriff, below the level of sheriff, dealing with summary criminal cases, summary cause and small claims cases and some family cases
• a new sheriff appeal court dealing with both civil and criminal appeals from the sheriff courts and justice of the peace courts
• a sheriff personal injury specialist court, probably in Edinburgh, with other judicial specialisation managed within sheriffdoms
• the redistribution of civil cases from the Court of Session to sheriff courts, and at the lower level from sheriffs to summary sheriffs
• more active management of sheriff and jury cases, in particular a sheriffdom-wide approach to matching cases to court capacity
• increased use of videoconferencing and other arrangements to support vulnerable witnesses and victims of crime”. (p 5)

The paper also provided an illustration of how the courts might be restructured, including possible court closures. In relation to potential savings from such restructuring, it indicted that:

“The actual savings achieved will depend on the final proposals that are approved. However, the current estimate of the potential on-going revenue savings from the court structure proposals illustration in this paper, if taken to their fullest extent, are in the region of £2 million a year, through the closure of split site courts, rationalisation of the High Court and possible court closures. There would also be a saving of an estimated £6-9 million on outstanding building maintenance.

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8 A recent example of a court building being closed, with business moved to another building in the vicinity, is the move of Glasgow’s Justice of the Peace and Stipendiary Magistrate court to share the same building as Glasgow Sheriff Court (SCS 2012b).
9 See pages 14 to 17 and appendix 2.
Opting to rationalise the court estate would seem to us to preserve the essential judicial and staff resources to operate the system and allow future investment, particularly in facilities for jurors, victims and witnesses and in communication technology, to be targeted across a smaller group of buildings, maximising the benefit of that investment in the services delivered to court users.” (p 9)

Following the above discussions with court users, in July 2012 the SCS published a summary of what was covered, including an outline of concerns raised (eg the possibility that greater centralisation of court services would lead to increased travel and costs for court users). In relation to next steps, it stated that:

“The points raised at the events are being taken into account during the further work the SCS is now doing to refine the initial thinking and develop proposals for consideration by the SCS Board later in the summer. We would anticipate a three month public consultation on final proposals being launched in the autumn of 2012. Only after the outcome of that consultation would final decisions be made, and, as necessary, statutory orders laid before the Scottish Parliament for approval.” (SCS 2012d, p 5)

The above mentioned consultation paper was published on 21 September 2012 and runs for three months – Shaping Scotland’s Court Services: a public consultation on proposals for a court structure for the future (SCS 2012e).

Reviews into the Delivery of Justice

As noted above, the SCS anticipates that proposed justice reforms will have a significant impact on court business – in particular, reforms arising from the reviews headed by Lord Gill and Sheriff Principal Bowen.

The first of these reviews – the Scottish Civil Courts Review or ‘Gill Review’ – began its work in 2007. Its 2009 report made a raft of recommendations relating to the principles, structures and procedures which, it argued, should underpin the delivery of civil justice. It also made significant recommendations affecting criminal justice. The Scottish Courts website provides a useful synopsis of the review and report. In 2010, the Scottish Government published a response to the report which, broadly speaking, accepted the review’s recommendations. It expressly acknowledged the impact of budget constraints on implementation:

“the reforms recommended by Lord Gill must be viewed in the context of the current pressures on public spending which will constrain the scope for additional investment, and at the very least will require that reforms are managed carefully and phased in over a period of years”. (Scottish Government 2010, para 31)

The Scottish Civil Justice Council and Criminal Legal Assistance Bill (currently before the Scottish Parliament) includes provisions seeking to create a Scottish Civil Justice Council. This body will be responsible for (amongst other things) implementing some of the reforms to court procedures flowing from the Gill Review. The financial memorandum published along with the Bill notes that:

“The Scottish Government’s planned programme of reform of the civil courts is expected to give rise to additional costs for the Scottish Court Service including in relation to the operational costs of the [Scottish Civil Justice] Council. The potential costs of the Council in relation to implementation of civil courts reform are provided, for illustrative purposes only, at paragraphs 125 to 144 below.” (para 104)
The timetable for introducing other reforms recommended in the Gill Review, including those requiring further legislation, is still unclear. However, the Scottish Government’s **Programme for Scotland 2012-13** (2012d, p 67) stated that a Courts Reform Bill taking forward Lord Gill’s recommendations will go out for consultation by the end of 2012.

The **Independent Review of Sheriff and Jury Procedure** undertaken by Sheriff Principal Bowen reported in 2010. It followed on from earlier reviews of the High Court (led by Lord Bonomy) and summary criminal justice (led by Sheriff Principal McInnes). Recommendations flowing from the review of sheriff and jury procedure included ones relating to compulsory business meetings between defence and prosecution lawyers, and better use of pre-trial hearings (first diets).

The Scottish Government’s **response** (2011b) to the review of sheriff and jury procedure stated that it “is of the view that the overall shape of the recommendations made by Sheriff Principal Bowen are to be welcomed” (p 5). The relevance of budgets when considering implementation was again highlighted:

> “Ultimately, any proposals which the Scottish Government may wish to take forward must be viewed in the context of the current pressures on public spending which will constrain the scope for additional investment, and will require that all reforms are managed carefully. It is likely that the recommendations would lead to cost savings in significant areas of the current system, such as the citation of witnesses, but we must be careful to account for any investment required to change processes and procedures.” (p 7)

Only some of the recommendations relating to sheriff and jury procedure would require legislation. In relation to those which would, the Scottish Government’s Programme for Scotland 2012-13 (2012d, p 67) states that it will legislate in a Criminal Justice Bill to take forward recommendations of the review of sheriff and jury procedure.10 It is currently anticipated that the relevant legislation will be introduced around spring 2013. The Scottish Government intends to consult on Sheriff Principal Bowen’s recommendations before introducing relevant legislation.

**Making Justice Work**

The work being taken forward by the SCS in relation to court structures, as well as planned reforms arising from the above mentioned reviews, form part of the Scottish Government’s **Making Justice Work** programme. It was set up in 2010 and comprises five projects:

1. Delivering efficient and effective court structures
2. Improving procedures and case management
3. Widening access to justice
4. Co-ordinating IT and management information
5. Establishing a Scottish Tribunals Service

The Scottish Government wrote to the Justice Committee in August 2012 providing an update on the programme. It noted that:

10 It is intended that the same piece of legislation will also deal with reforms resulting from the Carloway Review. Recommendations made in that review may also have significant implications for court business (eg the possibility of Saturday courts if needed to ensure that suspects are not kept in police custody for unduly lengthy periods of time prior to a first appearance in court).
“The programme contains a number of projects and work streams which are being taken forward by different partners in the justice system. The programme overall is managed from within the Scottish Government’s Justice Directorate. The Scottish Court Service is managing the work on court structures (project 1) and the Scottish Legal Aid Board is managing the work on access to justice (project 3). The Crown Office and Procurator Fiscal Service and Association of Chief Police Officers in Scotland are also leading important projects within the wider project on improving procedures and case management (project 2). The Scottish Tribunals Service is leading project 5.” (Scottish Government 2012e, p 1)

Further information on each project (background and progress) is set out in the Scottish Government’s letter. The work involved in these projects is of relevance to various priorities outlined in the recently published *Strategy for Justice in Scotland* (Scottish Government 2012f). For example, see ‘Priority 9: Transforming civil and administrative justice’ (p 55).

**SPENDING**

**Scottish Court Service**

The responsibilities of the Scottish Court Service (SCS) include providing the staff, buildings and technology to support Scotland’s courts and the work of the independent judiciary. It has, since April 2010, been run as an independent statutory body governed by a board chaired by the Lord President (the most senior judge in Scotland). The SCS budget covers the main operating costs of the courts (including the employment of around 1,500 staff but excluding judicial salaries) and the maintenance and development of court buildings.

Table 8 reproduces level 3 cash terms figures from the Draft Budget 2013-14, as well as providing figures in real terms.

**Table 8: Scottish Court Service Spending, 2010-11 to 2014-15**

<table>
<thead>
<tr>
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<th>2012-13 budget £m</th>
<th>2013-14 draft budget £m</th>
<th>2014-15 plans £m</th>
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</thead>
<tbody>
<tr>
<td><strong>Cash Terms</strong></td>
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<tr>
<td>Operating Expenditure</td>
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<td>65.4</td>
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<tr>
<td>Capital</td>
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<td><strong>Total</strong></td>
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<td><strong>73.3</strong></td>
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</tr>
<tr>
<td><strong>Real Terms</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Operating Expenditure</td>
<td>68.5</td>
<td>65.7</td>
<td>62.2</td>
</tr>
<tr>
<td>Capital</td>
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<td>5.9</td>
<td>3.8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>77.0</strong></td>
<td><strong>71.5</strong></td>
<td><strong>66.1</strong></td>
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</table>

Source: Draft Budget 2013-14 (table 6.15)

Comparing the cash terms figures for SCS spending as set out in the Draft Budget 2013-14, with those set out in the Spending Review 2011, the only differences are small reductions in the 2013-14 and 2014-15 budgets for operating expenditure (minus £0.1m in each year). The Draft Budget 2013-14 indicates that:

“Figures for 2013-14 and 2014-15 have been adjusted to include a transfer to the Scottish Tribunals Service to support the funding for shrieval conveners.” (p 81)
Courts, Judiciary and Scottish Tribunals Service

This budget line covers the costs of judicial salaries and pensions, the running costs of a number of justice agencies (e.g., the Judicial Appointments Board for Scotland) and the Scottish Tribunals Service (which provides support to a number of tribunals operating in Scotland).

Table 9 reproduces level 3 cash terms figures from the Draft Budget 2013-14, as well as providing figures in real terms.

Table 9: Courts, Judiciary and Scottish Tribunals Service, 2010-11 to 2014-15

<table>
<thead>
<tr>
<th></th>
<th>2012-13 budget £m</th>
<th>2013-14 draft budget £m</th>
<th>2014-15 plans £m</th>
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</thead>
<tbody>
<tr>
<td><strong>Cash Terms</strong></td>
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<td></td>
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<tr>
<td>Courts, Judiciary Services</td>
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<td>10.3</td>
<td>10.0</td>
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<tr>
<td>Scottish Tribunals Service</td>
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<td>11.5</td>
<td>11.0</td>
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<tr>
<td>Judicial Salaries</td>
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<td><strong>Total</strong></td>
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<td><strong>51.6</strong></td>
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<td><strong>Real Terms</strong></td>
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<td></td>
</tr>
<tr>
<td>Judicial Costs</td>
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<td>10.0</td>
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<tr>
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<td>10.5</td>
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<tr>
<td>Judicial Salaries</td>
<td>29.8</td>
<td>29.6</td>
<td>29.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>52.4</strong></td>
<td><strong>50.8</strong></td>
<td><strong>49.1</strong></td>
</tr>
</tbody>
</table>

Source: Draft Budget 2013-14 (table 6.04)

Comparing the cash terms figures as set out in the Draft Budget 2013-14, with those set out in the Spending Review 2011, the only differences are increases in the 2013-14 and 2014-15 budgets for the Scottish Tribunals Service (plus £0.7m in each year). The Draft Budget 2013-14 indicates that:

“Additional funding was allocated in 2012-13 to support the potential transfer of administrative functions for reserved tribunals operating in Scotland to the Scottish Government. The delay of this transfer will require the resources to be made available in 2013-14. Figures for 2013-14 and for 2014-15 have been adjusted to include funding to be transferred to the STS from relevant Level 3 budgets outwith Justice for the costs of tribunal administrations incorporated into the Service.” (p 70)

COMMISSION ON WOMEN OFFENDERS

Commission Recommendations

In 2011, the Scottish Government established a Commission on Women Offenders chaired by Dame Elish Angiolini (the former Lord Advocate). It was given the following remit:

“To consider the evidence on how to improve outcomes for women in the criminal justice system; to make recommendations for practical measures in this Parliament to reduce their reoffending and reverse the recent increase in the female prisoner population.”

The recommendations set out in its report (published in April of this year) included a number which may involve additional costs (at least initially) for a range of organisations, including the
Scottish Prison Service and those involved in criminal justice social work services. For example:

- community justice centres – one stop shops based on the 218 Service, Willow Project and Women’s Centres in England should be established for women offenders to enable them to access a consistent range of services to reduce reoffending
- Cornton Vale prison – should be replaced with a smaller specialist prison for women offenders serving long-term sentences and those who present a significant risk to the public
- community reintegration support – should be available for all women offenders during and after a custodial sentence
- Community Justice Service – a new national service should be established to commission, provide and manage adult offender services in the community

In relation to possible costs, the Commission’s report noted:

“While we recognise that practitioners in the criminal justice field are operating in an environment of significant financial constraints and increasing demands upon them, we consider that many of our recommendations could be achieved through reconfiguration of existing funding, rather than significant new investment. To enable some of our recommendations to succeed, we consider it imperative that mainstream service providers, such as health, education and housing work, recognise their responsibilities and work collaboratively with each other and with criminal justice partners to facilitate the provision of all necessary services to women offenders.” (para 9)

“The establishment of a Community Justice Service will have resource implications. In a time of significant financial constraints in the public sector, the creation of a new service could be achieved largely through reconfiguration of existing resources (money, staff and buildings). In line with the findings from the Commission on the Future Delivery of Public Services, the Scottish Government should carry out a cost-benefit analysis, as well as considering whether there are functions in other existing agencies that might be incorporated into the new Community Justice Service.” (para 331)

Scottish Government Response

The Scottish Government’s Response to the Commission on Women Offenders was published in June 2012. It accepted the majority of the Commission’s recommendations, including the first three referred to above. In relation to the fourth (setting up a national Community Justice Service), the Government accepted that the current arrangements should be reformed and indicated that it would consult later in the year on the structures that support community justice.

The Government’s response also noted:

“It is important to recognise that far-reaching and radical changes cannot be delivered overnight. Changes to our prison estate cannot be delivered quickly or cheaply, and a system that is run by a diverse range of stakeholders cannot simply be directed to change by central command. (…)

11 The successful implementation of recommendations in the Commission’s report may also be expected to lead to the future reduction of some costs (eg by reducing the use of imprisonment).
As the Commission recommends, the Cabinet Secretary for Justice will report to the Scottish Parliament in October 2012 on progress against implementing the report’s recommendations, and then annually thereafter.” (paras 10-11)

In relation to costs, it stated that:

“We are living in exceptionally challenging financial times with great uncertainty in the European and world economies, and huge cuts imposed on Scotland by the UK Government at Westminster. Despite this, the Scottish Government retains the highest ambitions for Scotland and for our public services, and we share the Commission’s view that much of what it recommends can be achieved through the reconfiguration of the significant resources that we already invest in this area. We have committed significant funding to community justice activities year on year, allocating just under £100 million in this financial year through the eight Community Justice Authorities. We have also allocated £20 million additional capital funding to the Scottish Prison Service for 2014-2015 that will be targeted towards the needs of the female prison population.

To underline our commitment to the implementation of the changes the Commission recommends, we will invest £1 million in this financial year to support projects that will demonstrate how the envisaged changes to service delivery can be put into practice.” (paras 13-14)

Scottish Prison Service Consultation

In August 2012, the Scottish Prison Service (SPS) published a consultation paper, entitled Women in Custody, as part of a consultation process aimed at informing the Government’s approach to implementing various recommendations made by the Commission on Women Offenders. In relation to the future of Cornton Vale prison, it included the following comments:

“The SPS is committed to establishing a regime for women based on the recommendations in the Commission’s Report. However, at this point, the SPS does not have the resource to build a new national prison for women either stand alone or as part of a larger complex. Even if resources were available immediately, it takes around 6 years to design and build a new facility wherever it is located.

The SPS supports the view that it is not acceptable to maintain a regime that centres on HMP Cornton Vale in its current form for this length of time.

The challenge facing the SPS is therefore to devise proposals that deliver the essence of the Commission’s recommendations within a reasonable timeframe and, as far as possible, within existing resources. SPS considers however, that in a shorter timeframe and for the most part within its current budget, it has the opportunity to create the desired improved regime for women on a national scale by:

• Building a new specialist unit at HMP Edinburgh; and

• Fully utilising the accommodation and the opportunities presented by the planned HMP Inverclyde.

(…) The 2 units combined would in effect provide a national prison which could be functioning by around 2015-16”. (p 6)

The consultation paper went on to consider longer term options for a national prison for women offenders, as well as other issues raised in the Commission’s report.
SOURCES


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