INTRODUCTION

1. As required under Rule 9.7.8B of the Parliament’s Standing Orders, this Supplementary Financial Memorandum is published to accompany the Management of Offenders etc. (Scotland) Bill as amended at Stage 2. The Bill was introduced on 4 March 2005. It has been prepared by the Scottish Executive to assist the reader of the Bill and help inform debate on it. It does not form part of the Bill and has not been endorsed by the Parliament.

2. The resource impact of the proposal to end unconditional release for short term sex offenders falls mainly on the Local Authorities and the SPS. Based on 2003 figures, taken from the Scottish Executive Court Proceedings database, it is estimated that around 80 additional offenders each year will be subject to the new licensing arrangements. In terms of supervision, it is estimated that 50-75 of these offenders will be on licence at any one time.

3. A proportion of these will breach their licence and could be subject to recall to custody. It is impossible to predict with any accuracy how many breaches/recalls will result over any given period. However, for indicative purposes, a figure of 25% has been assumed – although this is likely to be much higher than will actually be the case. On this basis and taking the highest number of offenders likely to be on licence at any one time (75), it is estimated that around 18 offenders may be recalled to custody and not immediately re-released. Based on recall taking place on average at the half-way point of a licence period, around 8-10 additional recalled offenders could be in custody in any one year.

Costs on the Scottish Administration

4. Scottish Prison Service: Pre-release work will fall to the Scottish Prison Service (SPS). This will be facilitated through case conferences and risk and needs assessments with the offender and relevant social work staff, both within and outwith the prison. It will also require SPS staff to prepare and submit a dossier to the Justice Department in order that they may consider release licence conditions. SPS estimates that this additional work will cost approximately £100,000 each year, with an additional £50,000 to accommodate up to 10 recalled prisoners in any one year.
Costs on the Parole Board

5. Dealing with breaches of the licence conditions imposed on these offenders will, for most cases, involve the Parole Board for Scotland. Under the proposed arrangements, Scottish Ministers may refer the case of any short term sex offender who has breached their licence conditions to the Parole Board for its consideration. The Board, operating within its existing powers, will then consider whether the offender should have their licence revoked and be returned to custody. The Board will also be responsible for directing their re-release on licence if appropriate. Around 80% of those recalled are likely to be offered an oral hearing before the Board reaches a conclusion about suitability for re-release. This estimate is based on the frequency of oral hearings for long term recalled determinate sentence offenders. The cost of conducting 15 (25% x 75 x 80%) additional oral hearings would be around £15,000.

Costs on Local Authorities

6. On the assumption of 75 additional licences to be supervised at any one time, the cost to criminal justice social work will depend on the level of supervision provided. Standard supervision costs on average £1,000 per person per year but a higher level of supervision would be required for sex offenders. In addition, prisoners may not have undertaken offence-focused programmes in prison because of the shortness of their sentences. The cost of programmes in the community must therefore be added. This, plus the higher level of supervision, is estimated to cost £5,000 per person per year or a total extra cost to local authorities of £375,000. In addition, a proportion of the group may also be tagged at a cost of an extra £1,000 per month or £12,000 per year. We have assumed an additional £180,000 per year to meet this cost of electronic monitoring. Based on 75 licensees at any one time, the overall cost of additional supervision package would therefore be £550,000. The costs of these additional services will be allocated to local authorities on a pro rata basis by the Executive as part of the existing 100% criminal justice funding arrangements.

Costs on police

7. ACPO(S) considers that there are no significant additional resource implications for the police.
MANAGEMENT OF OFFENDERS ETC. (SCOTLAND) BILL
[AS AMENDED AT STAGE 2]

SUPPLEMENTARY FINANCIAL MEMORANDUM