Consultation

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

1. Yes. The City of Edinburgh broadly welcomed the amendments. We considered that the additional proposed duties and responsibilities placed on Mental Health Officers (MHO) reflected good practice, addressed some of the shortfalls in current legislation and strengthened safeguarding functions.

While we highlighted that there would be financial implications we did not detail actual costs.

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

2. The FM infers that the Scottish Government considers that the proposed legislative changes will result only in minimal costs for local authorities. The FM prepared for the Bill appears to be inaccurate when detailing the costs to local authorities.

The paper does not appear to take into account costs associated with amendments in Part 1 of the Bill. The FM appears to duplicate the cost implications only for the additional responsibility of providing MHO reports in respect of COs; and within that costing does not take into account all circumstances which would necessitate the preparation of a report (see paras 32 and 47 of the FM).

The city of Edinburgh Council considers that there will be substantial financial implications for the MHO workforce. Edinburgh would not be in a position to meet the statutory requirements of MHOs as set out in the Bill without an increase in the current capacity of the MHO Service.

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

3. Yes - satisfactory.

Costs

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.

4. As for 2 above the estimated costs do not appear to take into account the full cost to local authorities.

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

5. FM appears to predict that there will be no significant costs to other services as many of the changes associated with the Bill will be offset by other small scale efficiencies and different practices being adopted. However, it's not evident that changes will offset other costs.
The amendment relating to a transfer for treatment direction whereby a direction may be made only if a MHO has agreed to the making of it will increase pressure on MHO services. If the position is taken that the MHO service in the area where the prison is situated respond to assessment requests then areas affected will see increased demands on local authority MHO services. Edinburgh would be one area affected. It is considered that it would be impractical for local authorities to respond to requests for home authorities to carry out the assessments within reasonable timescales.

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?

6. There would be significant financial implications for the MHO service in Edinburgh if the additional statutory duties were to be met and best practice upheld. It is anticipated that the additional duties could not be met by the current MHO workforce. Additional funding would be necessary to implement the amendments. It is not foreseen that efficiencies in other areas of the service would offset additional costs associated with increase in workloads.

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?

7. The reference to suggested costs to local authorities do not appear to accurately reflect the additional work the amendments will necessitate, particularly in respect of section 87 reports by MHOs.

Wider Issues
Do you believe that the FM reasonably captures any costs associated with the Bill? If no, which other costs might be incurred and by whom?

8. No. Not only are the costs to the MHO service not accurately reflected, there will be administrative costs associated with the additional responsibilities that are not accounted for.

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?

9. Under section 22 of the Bill there is likely to be increased pressure on translation and interpreting services; extending duties around the provision of accommodation and services for mothers would also have to be reviewed and may necessitate an increase in resource.