Prisoners (Control of Release) (Scotland) Bill: Scrutiny of Financial Memorandum

The Scottish Parliament’s Finance Committee invites organisations and individuals to submit written evidence setting out their views on the financial implications of the Prisoners (Control of Release) (Scotland) Bill.

The Bill

The Prisoners (Control of Release) (Scotland) Bill (“the Bill”) was introduced in the Scottish Parliament by the Cabinet Secretary for Justice on 14 August 2014.

The estimated financial implications of the Bill are set out in its accompanying Financial Memorandum (FM). A copy of the FM can be found at page 7 of the Explanatory Notes.

The Financial Memorandum

The FM states that the Bill “will end the automatic early release of prisoners who receive terms of imprisonment of four years or more for sexual offences and will end the automatic early release of prisoners who receive terms of imprisonment of 10 years or more for all other offences.”

The FM goes on to explain that at present, “such prisoners can be considered for parole at the halfway point of their sentence and, if still in custody at the two-thirds point of sentence, prisoners have to be released automatically at that point.” The Bill’s intention is that such prisoners will still be eligible to be considered by the Parole Board for early release from the halfway point of their sentence, but the receipt of automatic early release from the two-thirds point will no longer apply.

The FM explains that “the Bill’s provisions will not affect prisoners falling into the two categories who are already in custody when the provisions come into force.” As a result, the impact on prisoner numbers is expected to build over time before plateauing from 2030/31.

The FM also states that the Bill “will introduce new limited flexibility for the Scottish Ministers to adjust a prisoner’s release date by up to two days where it is considered better for the prisoner’s reintegration into the community for the prisoner to be released on an earlier day.”

Ending Automatic Early Release for Certain Categories of Prisoner

The FM estimates that the “eventual, long-term impact” of the Bill will be to “increase the average daily prison population by about 140” by 2030/31. The methodology underlying this estimate is set out in paragraphs 4 to 12 of the FM.
On the basis of the average annual cost of a prison place being £42,619 in 2012/13, the FM suggests that the Scottish Prison Service (SPS) will incur additional annual recurring costs of £0.9 million from 2019/20 rising to £6 million by 2030/31.

The FM notes that whilst the SPS has some limited flexibility in terms of the use of the prison estate, the Government will be required “to ensure that the overall pressures on the prison estate arising from these reforms, and other legislative reforms, are met through future justice spending review settlements.”

The FM also states that other costs associated with the Bill are expected to fall on the SPS. These include costs relating to IT upgrades, staff training, increased demand for rehabilitation programmes and prison-based social work services.

A table summarising these additional costs (both recurring and non-recurring) is provided after paragraph 22 of the FM. This indicates that non-recurring costs of £117,000 are expected in 2015/16, whilst recurring costs of £33,000 in 2018/19 rising to £388,000 by 2030/31 are also expected.

The Bill is also expected to result in increased caseload for the Parole Board of Scotland (again, rising over time from 2019/20 before plateauing from 2030/31 at an estimated additional 230 cases per annum).

The FM states that “the costs for the Parole Board are comparatively minimal” (with the exception of “some additional casework” plus “a small number of oral hearings.”) Total additional recurring costs of £30,000 per annum are expected to arise by 2030/31.

The FM does not expect any additional costs to fall on local authorities or other bodies, individuals or businesses as a result of this part of the Bill.

*Release Timed to Benefit Re-Integration*

The FM states that the Bill will give the SPS discretion to release a prisoner up to two days earlier than their planned release date (for example if that date falls on a Friday or on a Thursday before a holiday weekend). It explains that this change is intended to better-link released prisoners with services intended to stabilise their lives outside prison and suggests that it “is likely to reduce the need for crisis-driven service delivery” including out-of-hours support services.

It is expected that this change will have minimal resource implications for the SPS. The FM states that costs and efficiencies relating to it are “difficult to quantify” but suggests that it could bring long-term efficiency savings by reducing reliance on reactive services and helping to reduce reoffending.

The FM does not expect any additional costs to fall on local authorities or other bodies, individuals or businesses as a result of this part of the Bill.

**How to submit evidence**

The Justice Committee is expected to be designated as lead committee and it is understood that it hopes to take oral evidence later this year.
The Finance Committee invites you to respond to the attached questions by **Friday 31 October 2014**. All responses should be sent electronically (in MS Word - no confirmatory hard copy required) to finance.committee@scottish.parliament.uk. Written responses will be handled in accordance with the Parliament’s policy for handling written evidence received in response to calls for evidence.

Should you have any queries in relation to this, please do not hesitate to contact the Committee clerking team on Tel: 0131 348 5451
Finance committee questionnaire

This questionnaire is being sent to those organisations that have an interest in, or that may be affected by, the financial implications of the Prisoners (Control of Release) (Scotland) Bill. Estimates of the Bill’s financial implications are set out in its accompanying Financial Memorandum (FM), which can be found at page 7 of the Explanatory Notes.

In addition to the questions below, please add any other comments you may have which would assist the Finance Committee’s scrutiny of the FM.

Consultation

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

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

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

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.

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

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?

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?

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?