Finance Committee  
Inquiries into Deaths (Scotland) Bill  
Submission from South Lanarkshire Council

Response

Consultation

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

Yes, South Lanarkshire Council responded to the Scottish Government on the consultation exercise preceding the Bill in September 2014 with comment on the financial implications made.

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

Yes. With regards to secure care, the Council would advocate that where a child/young person has died as a result of suicide or injury this should be subject to a mandatory FAI and given the small numbers, there should be no significant additional costs as a result of this. With regards to sheriffs’ recommendations, these proposals would have no impact on the Council as we already carefully consider any outcomes with a view to prevention and also to improve existing practices.

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

Yes.

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.

Yes. With regards to sheriffs’ recommendations, it is recognised that no standard costs can be provided as they will depend on the nature and extent of the recommendations. Furthermore, the Council already has a review process in place to deal with recommendations with a view to prevention and improving existing practices in the future.
5. **Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?**

There are no specific costs and savings set out in the FM with regards to local authorities.

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?**

No. The Bill now gives a sheriff wider powers to make recommendations to persons who are not participants in an FAI, with the power to require compliance with the recommendations, and possible sanction of criminal prosecution and imprisonment/fine in the event of non-compliance. We would expect that any extra burden as a result of a sheriff’s recommendation would be a cost to the Council. As such, the Council would anticipate funding to be allocated in order to meet any additional costs.

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?**

Yes. With regards to sheriffs’ recommendations, it is recognised that no standard costs can be provided as they will depend on the nature and extent of the recommendations.

**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?**

Yes. There doesn’t appear to be any other costs associated with the Bill.

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?**

It is not possible to quantify any further costs on local authorities at this stage.