1. As your Committee is aware the Commissioner for Children and Young People in Scotland (CCYPS) is an SPCB supported body. Under the Commissioner for Children and Young People (Scotland) Act 2003 (2003 Act), as amended by the Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (2010 Act) the SPCB has a number of powers relating to the governance of the CCYPS. This includes the power to provide and approve the Commissioner’s budget for each financial year. The SPCB therefore has a direct interest in any financial implications for the Commissioner as it is the SPCB that will have to fund any additional costs.

2. In respect of the Children and Young People (Scotland) Bill, we note that additional costs are expected to arise as a result of the extension of the powers of the Commissioner to investigate the extent to which service providers have had regard to the rights, views and interests of individual children and young people. We note that the Scottish Government has stated that the costs included in the Financial Memorandum are speculative at this stage, but are estimated to increase the Commissioner’s annual budget by about £162K per annum, with an additional £62K start-up costs in 2015-16. This would have a considerable impact on the SPCB’s budget.

3. In the call for evidence, the Committee has asked a number of questions. In respect of the role of the SPCB we are limiting our answers to the questions on costs (questions 4-7).

If the bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the FM? If not, please provide details?

4. The SPCB funds the CCYPS and therefore any additional costs would have to be met out of the SPCB’s budget. We note that additional costs will arise in extending the Commissioner’s powers to investigate issues relating to individual children and young people.

5. It is difficult to say if the estimated additional costs are accurate. We note that the Scottish Government has said that the costs are speculative as it is difficult, at this stage, to say with any assurance how many investigations will be undertaken in each financial year. We also note that the Commissioner considers the costs to have been underestimated. We therefore consider that the Government has had to balance a number of issues without any certainty of the future position. The SPCB sees the estimated figures as the maximum which would be appropriate in the current financial climate.
Do you consider that the estimated costs and savings set out in the FM and projected over 15 years for each service are reasonable and accurate?

6. The SPCB is limiting its comments to the extension of the Commissioner’s powers to investigate.

7. The SPCB is sceptical that undertaking an estimated 4 investigations over the year will require 3 additional staff and cost an extra £162,109. We note from the accompanying documents that the government has consulted other key complaints handling bodies which have indicated the existence of robust processes for handling complaints in a wide range of circumstances. The Commissioner’s powers to investigate may therefore only be required in a few instances.

8. We therefore see the additional costs as the maximum for the number of investigations that are estimated and we would expect to see from the Commissioner a sound business case when putting forward the budget submission for 2016-17 to support the additional funding. We consider that there might be merit in starting off with fewer staff and making a case for contingency funding if circumstances dictate that there are insufficient funds for the Commissioner for the first year.

9. We are concerned that if the estimated number of investigations does not materialise there will be no role for the additional staff. We would not expect to see the Commissioner’s staffing compliment increase from its present rate if no investigations were undertaken.

10. In other areas, it is likely that we will be able to reduce the accommodation costs. The SPCB is aware that there is a break clause in the lease arrangements of the Commissioner’s existing accommodation. The SPCB is actively looking to co-locate as many of its supported bodies as it can in the future to make savings on the current accommodation expenditure. As part of this, the Commissioner may be moving office in 2014, possibly to accommodation which should be cheaper than the current costs. We would ensure that any additional staff would be included in any negotiations on future accommodation costs.

If relevant, are you content that your organisation can meet the financial costs associated with the Bill which your organisation will incur? If not, how do you think these costs should be met?

11. The costs will be met out of the SPCB’s budget which is scrutinised on an annual basis by the Finance Committee and is included in the Budget Bill each year.

Does the FM accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise?

12. We accept that in preparing the FM, the Scottish Government has had to strike a balance between differing views on what the costs of any investigations could be.

13. Finally, the SPCB also considers that it has a duty to ensure that, in the present economic climate, the budgets of all the SPCB supported bodies are in line
with public sector spending in Scotland, and we consider that there would need to be a robust case made for any additional funding.