Justice Committee

Scottish Government Draft Budget 2012-13 and Spending Review 2011

Written submission from the Association of Chief Police Officers in Scotland
Criminal Justice Business Area

The Association of Chief Police Officers in Scotland (ACPOS) welcomes the opportunity to comment on the Scottish Government draft budget and spending review and recognises the importance of this in the current and anticipated economic climate.

Prisons

In relation to prisons, ACPOS is not in a position to comment on the funding provisions as they relate to the current and projected prison population, maintenance of the fabric of the prison estate and staffing requirements. However, commitment to funding activities for prisoners aimed at rehabilitation and reducing re-offending can only be considered a positive use of resources and an investment with long-term benefits to the Prison Service, the Scottish Police Service, the Criminal Justice System and Scottish communities.

The Courts and Legal Aid

What impact will the proposed funding reductions have on the efficient and prompt handling of both civil and criminal cases?

There is always the potential that any funding reduction will have a negative effect on organisational or partnership efficiency; however the Making Justice Work Programme is striving to deliver an efficient and effective national Criminal Justice System which will be capable of improving performance despite the constraints of austerity.

It would be useful to continuously monitor and evaluate the impact of funding reductions on the Criminal Justice System as a whole in order that resource can be diverted if the impact was assessed to be critical.

In what ways could legal aid rules be changed to fairly reflect more limited resources (e.g. through more contributions or restricting the types of case covered) and promote efficiency within the justice system?

ACPOS is not in a position to comment as to ways the rules could be changed. It is suggested that a review of access to justice would ensure that appropriate representation is received when it is necessary. That may mean in future it should be means tested.

How will the additional costs arising from the Cadder ruling impact on the legal aid budget?
Since the Cadder ruling the take up rate by suspects to consult with a solicitor prior to questioning by the police has remained consistent at 24%. The Scottish Legal Aid Board (SLAB) publishes data in the form of a weekly news release on this issue.

This data demonstrates that about 444 persons per week seek advice from solicitors prior to questioning by the police. SLAB-employed staff provide approximately 35% of all telephone advice requested by suspects. Personal consultations at police stations occur on average about 33 times per week.

Since 4 July 2011 SLAB have operated a Solicitor Contact Line and a new Police Station Duty Scheme which has made the process of facilitating contact between suspects in police custody and a solicitor for a private consultation more effective and efficient. In summary, suspects who are detained and request a consultation with a solicitor are now detained in custody for 70 minutes less than they were before the Solicitor Contact Line was introduced.

On the basis of the foregoing, and all things remaining equal, it is anticipated that policing costs as a result of Cadder will remain constant and be managed within existing budgets. ACPOS are not in a position to comment on the impact on Legal Aid but trust this description of the demand placed on Legal Aid is helpful.

It is fundamentally important that we ensure that the right people have access to justice when they require it.

**How will funding cuts impact on access to justice and will any groups be particularly affected?**

The purpose of Making Justice Work is to create efficiency across the criminal justice arena by means of a series of separate, but interdependent work streams led & supported by different partners. These complex pieces of work are at varying stages of development and implementation, and continue to evolve. That in itself provides challenges particularly in assessing where within the change continuum the Criminal Justice System sits. As an example there could be a lack of synergy between the Getting People to Court project and the Court Structure project and the interdependencies are clear. It would be helpful to continually monitor the impact of funding cuts on the programme in its entirety to ensure that the impact of the interdependencies is fully realised.

**What is the future for in-court advice services?**

ACPOS is not in a position to comment on this aspect.

**Will cuts to the SCS budget lead to staff redundancies and/or the closure of courts?**

The Court Structure project under the Making Justice Work Programme has already identified efficiency savings from the closure of courts and rationalisation of the High and Sheriff and Jury court location sittings. Although there is the potential for this to increase costs, with the other benefits of the programme including a reduction in
court churn this would mean that there is less need for court sittings and therefore naturally the court estate would reduce in line with demand.

**Other issues**

As a general point, the Scottish Government has recently carried out a study which highlights the correlation between societal confidence in the Criminal Justice System and offending behaviour. It would seem prudent to assess any potential impact of funding reductions in this area to ensure that any reductions were not counterproductive.

I trust that the foregoing is of assistance to you.

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