Dear Margaret

Children (Scotland) Bill Financial Memorandum

The Finance and Constitution Committee issued a call for views on the Financial Memorandum (FM) for the Children (Scotland) Bill and received 10 submissions. The responses have been posted on our website and a summary of the issues raised is set out below.

Relationships Scotland say that some of the costs for Child Contact Centres (CCCs) and set up costs for a regulatory body for CCCs seem disproportionate compared to the operating costs. They suggest that a balance needs to made between the funding costs associated with regulation of CCCs and the funding for their operation.

Shared Parenting Scotland also suggest that the FM should include proper funding to enable CCCs across Scotland to carry out their role quickly and effectively and should be given a higher priority than the introduction of regulation and standards.

The Glasgow Bar Association also said that CCCs should not be affected by over regulation and that costs associated with regulation seem disproportionate.

The Scottish Courts and Tribunal Service (SCTS) comment on providing the views of a child and say that the use of technology is not mentioned in the Bill which they feel needs to be researched and costed. They say that the provisions of the Bill are likely to increase the number of occasions in which the views of the child are provided to the court and that costs incurred by the SCTS may be higher than those which are stated in the FM. They also say that the FM does not take account of the additional costs that will be incurred by the judiciary in considering the views of the child that have been obtained by methods other than the child speaking directly to them.

The Scottish Commission for Learning Disability (SCLD) said the costings made in relation to courts obtaining the view of the child should be reviewed as, in a number of cases, the estimated figure of £875 per case will not cover the costs needed to include a child with a learning disability. In addition, it raised concerns regarding the
£800 cost for explaining a decision to a child via CWRs. They also highlighted that no financial provisions have been made for family support in cases in which a contact or residence order had not been complied with.

Roy Mackay points out that the FM does not set out any potential savings associated with the Bill. Parenting Scotland said that opportunity to identify potential savings through changes in current family court processes has been missed.

Dr Nick Child said that the Bill does not fully address the adequate training of Child Welfare Reporters (CWRs) including non-lawyers, therefore the FM does not reflect the true costs associated with the training of CWRs.

Share Parenting Scotland said that the extent of the currently proposed appointment and oversight structure for CWRs appears over-engineered and therefore associated costs are higher than a simpler approach, involving sampling of reports, development of guidance and training and a simple but transparent appointment procedure. They also question whether legally-trained CWRs are the most effective way of undertaking this task.

The Scottish Legal Aid Board highlighted an error in relation to the cost of a child welfare report which should be £2,800 and not £28,000 as stated in the FM.

Children 1st and Scottish Women’s Aid responded jointly and said that the FM includes resource relating to CWRs and some associated costs relating to children speaking directly to the Court, however they were concerned that further resource had not been attached outwith these areas. They said that the FM recognises “different ways of communicating with children would cost different amounts” but it then does not further discuss these different ways and potential cost implications.

The Glasgow Bar Association state that there is no detail in the FM on how a parent who would ordinarily pay privately for their share of a Report will be treated and they say that those who are able to afford to pay should do so, rather than those costs being met by the taxpayer.

Cosla stated that whilst there are no costs identified for Local Authorities in the FM, ‘any unintended costs must be set against the significant ongoing financial constraints which Councils are currently working within, especially in relation to reductions in core funding and increased protections within budgets as a whole’.

Yours sincerely,

Bruce Crawford MSP
Convener