JUSTICE COMMITTEE

PRE-BUDGET SCRUTINY OF THE SCOTTISH GOVERNMENT’S DRAFT BUDGET 2019-20

SUBMISSION FROM THE CRIMINAL JUSTICE VOLUNTARY SECTOR FORUM

1. What is your view on the current trends in funding in the justice portfolio and the Scottish Government’s rationale for these?

CJVSF welcomes the general trend established by the Scottish Government of increasing the role played by community justice. A shift away from traditional, carceral models of justice towards ones that keep people out of prison and in their communities whenever possible is one that we welcome and that the evidence supports.

The Scottish Government has made a number of positive steps towards achieving this in the past decade and CJVSF welcomes that the Scottish Government has also made some funding available to do this. In recent years, this has taken the form of the money made available to support the transition to the new model of community justice and the funding provided to develop, support and run key national supports and services in the community.

More needs to be done, however, to complete the shift in resources from imprisonment to community. The total government spend on community justice remains but a small fraction of the total justice budget and the amount currently spent on community justice remains only about a tenth of the total amount spent on prisons and the prison service annually. If we are to increase the use of community sentences and to reduce the size of our unacceptably large prison population then we need to invest more money into our community justice system and reduce our reliance on imprisonment as a default response to crime.

The need for further investment in community justice services is all the more pressing given the government’s proposed legislation on the presumption against short term sentences and electronic monitoring. If these developments result in an increase in the number of people subject to sentences or supervision in the community then there will necessarily be a need for more resources. We would therefore ask the Scottish Government consider making resources available to both statutory and third sector partners to ensure that sufficient support is available to achieve the goals of forthcoming legislation.

CJVSF also welcome the recent response of the Cabinet Secretary for Justice to the Justice Committee’s inquiry into remand and the allocation of additional resources to support alternatives to remand is welcomed. Given the excellent work done by third sector in relation to alternatives to remand, as demonstrated to this Committee in the course of their inquiry, CJVSF would welcome consideration of how best the third sector can continue to contribute to this agenda in future.

2. What is your view, in particular, on the Scottish Government’s proposals for spending on the Crown Office and Procurator Fiscal Service? This includes recent announcement of an additional in-year budget of £3.6million to fund the recruitment up to 140 permanent staff.
CJVSF members did not express a view on this question.

3. What is your view on the level of current funding and planned spend on the rollout of electronic monitoring to ensure that the courts, prisons and Police Scotland have sufficient resources to provide for an enhanced service in all parts of Scotland? Additionally, is sufficient funding provided to third-sector and voluntary groups who provide services in relation to people who have such a device fitted as well as helping people with prior convictions or who have been accused of a crime?

If the changes to the availability of electronic monitoring (EM) proposed by the Management of Offenders Bill result in an increase in the number of people receiving community sentences then additional resources, beyond those already proposed, will need to be made available to meet that increased demand. If there are no additional resources then the system is in danger of becoming severely overburdened and this will put its effectiveness and the reductions in reoffending over recent years at risk.

One key stakeholder that the Committee’s question does not mention in relation to funding are local Criminal Justice Social Work (CJSW) departments, which will need to be awarded additional resources if the introduction of EM is to be a success. While other statutory bodies have a role to play, it is CJSW who will be responsible for advising the court on the suitability of an individual for EM, as well as carrying out any supervisory elements of a community sentence, bail supervision or release on licence subject to EM. This is particularly important given the findings of the Scottish Government Working Group on Electronic Monitoring, which found, following a review of available evidence both nationally and internationally, that the provision of adequate support services was key to ensuring the effectiveness of EM. CJVSF would argue that the third sector is also ideally placed to help provide that support in partnership with support and supervision from CJSW. CJVSF would also welcome support being available for the families of those subject to EM given its considerable impact on domestic situations.

Funding for support will also need to be provided in a way that ensures EM is available and effective across the whole of Scotland. At present, the availability and use of EM, as well the supports available to those subject to it, varies considerably across the country and any funding will need to be administered in a way that ensures a universally accessible service.

In light of the variation identified above, any specific consideration of funding for third sector services for people subject to electronic monitoring is difficult and to our knowledge there is currently no funding or service whose main criteria is whether the individual supported will be subject to EM. The voluntary sector will, however, support people who are subject to EM in a wide range of circumstances at both the pre-trial and post-conviction stage. As such, we would refer the Committee to our response to Question 4 below.

4. What funding issues arise more generally from the work of third-sector and voluntary groups who operate in the civil and criminal justice systems, especially in terms of preventative spend?

There are a number of issues related to funding which affect the work of third sector organisations in the justice system.
Many voluntary sector organisations are subject to uncertain or short term funding arrangements. Awards of funding are frequently made only on a one year, sometimes even less. Voluntary sector providers are also subject to decisions on renewals of funding or decommissioning of services that do not leave sufficient time for them to plan appropriately, leading to considerable difficulties. These realities also mean that it is difficult to develop staff and organisations, as short time periods do not allow for proper planning, sustained training or building organisational capacity.

Staff are also faced with short term, insecure contracts, which have negative effects on staff moral and lead to a high turnover in staff amongst voluntary sector organisations. Uncertainly in funding also directly affects services users, as organisations are forced to turn away people from their services because they cannot guarantee that they will still be there to provide the service in future.

Related to the issues outlined above, CJVSF members have considerable concerns about the overreliance of both local and national funders on “pilot projects” that are then not mainstreamed into general justice budgets. This lack of sustainability applies even to services or programmes that have demonstrated their viability and have shown considerable results towards achieving improved outcomes for the people using them.

How local community justice services are funded also raises considerable issues for third sector organisations. CJVSF members report that changes to the funding formula for local community justice money and the pressures placed on local CJSW departments have meant that, increasingly, community justice budgets are only being used to provide statutory, local authority services. This, they argue, has led to the decommissioning of previously funded voluntary sector in favour of “in house” provision. While this is understandable in the context of strained CJSW budgets, it goes against the “mixed market” ideal for services and the focus on partnership identified by the Christie Commission as necessary to the successful future development of public services in Scotland.

CJVSF members fully support a focus on preventative spend but suggested that current funding priorities and awards tend to focus on outputs and numbers rather than on outcomes and the preventative potential of services. To achieve a truly preventative approach the public sector and Scottish Government departments also need to pool resources and engage in planning across departments to approach the problem of offending behaviour in a holistic manner. CJVSF members also observed, however, that there will remain a significant need for reactive spend but that this is not at odds with increasing our focus on prevention.