JUSTICE COMMITTEE

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

SUBMISSION FROM PCS SCOTLAND

As part of the pre-budget scrutiny by the Justice Committee in the Scottish Parliament the Public and Commercial Services Union (PCS) who have members in the Crown Office and Procurator’s Office (COPFS), the Scottish Courts and Tribunal Service (SCTS) and the Scottish Prison Service (SPS) with a combined membership of 1986 staff welcome the opportunity to submit views on the following questions.

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

The increase in funding is very welcome and we are happy to see the Justice system targeted as a priority for the government. This union has canvassed for more investment from Holyrood for many years and we are pleased that our concerns have now been heard. The austerity programme inflicted on the department, for so many years, saw areas in COPFS being stretched to the full and had a demoralising effect on the workforce.

PCS SCTS Branch noted that the 2018-19 budget allocation for SCTS had been set at £117.7m in the Budget (Scotland) Bill published on 26 January 2018.

Whilst we recognise the settlement was an increase over the previous year’s budget of £108.6m, this still presents challenges over the coming year to SCTS to run within budget. Efficiencies are to be identified, to ensure business can be managed within the budget for 2018-19. Having said that, PCS SCTS Branch are aware this does not mean closing courts or running a VR scheme, which we very much welcome on both counts. We are also aware that a Financial Strategy is to be developed and agreed to consider longer-term options to best manage court and tribunal business in the face of ongoing financial pressures and PCS SCTS Branch would expect to be consulted on that.

The total budget for 2017-18 for SCTS stood at £108.6m. In addition to this, we understand that Scottish Government had made clear that a further £1m expenditure could be incurred, to ensure that the effects of reductions in retained fines income were mitigated.

Projected expenditure for the year end was that the full budget for the year, would be met, including the additional £1m.

Continuing backlog maintenance, although being tackled, is still a concern but PCS SCTS Branch also welcome additional financial resource for the Inverness Justice Centre, currently being built and improving the accommodation at Kirkcaldy which will take that location forward to being a Justice Sector model and will improve accommodation not only for staff but will also improve accommodation and services for the public in these areas.

Finally the budget settlement for all organisations must include sufficient funding specifically earmarked to meet staff pay increases. Although all justice sector organisations were able to deliver better pay increases than in previous years they did not all make the maximum
awards available under pay policy. All three faced problems with financing awards to the same level as elsewhere such as Scottish Government Main due to budget constraints. The First minister and the Cabinet Secretary for Finance have made commitments to staff about restoring the value of public sector workers pay. These commitments must be met or staff morale and service delivery will suffer as a result. Further it cannot be traded off for cuts elsewhere in these services and so pay settlements must be fully provided for in budget settlements.

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 £3.6 million to fund the recruitment up to 140 permanent staff.**

PCS local branch within COPFS very much welcomes the increase in funding which will lead to recruitment for increased staffing. These extra resources will now give COPFS the tools to improve its service to the public in a changing environment. In these changing times, crimes have become more complicated with an increase in computer based crime and also increases in sexual offences and indecent images found on computers. These are areas which can invariably take longer to investigate and prosecute. The extra finance will also allow COPFS to invest in better IT systems to assist not only the staff but will assist the public in general to have a better experience of the justice system.

Although PCS SCTS Branch are aware of this welcome funding for COPFS, there has also been an increase in the expected expenditure for SCTS to £125.9m – following confirmation of an additional £2m funding from the Scottish Government to support investment in technology and in recognition of continuing high levels of serious sexual offence indictments registered in the High Court. This money, as PCS understands the position to be, is to reduce waiting times in cases coming to court and also to improve communication as to progress of cases with victims. Although all very welcome and necessary, these issues for PCS will not go away and require to be addressed year on year. Retained Fines Income has not met expected levels, so there is currently an unexpected shortfall of up to £1m. This reliance on fines (and fees) income is a risk for SCTS and PCS contend that Justice should be funded from source, not taking this into account and any income then received from these sources, can be or could be passed on to Scottish Government, to offset any expenditure incurred. There is also a conflict of interest in any organisation for Government relying on income they collect, to fund the services they provide. If the focus of direct measures being used to deal with cases is continued, like, for example, Police Warnings, then it is likely to be the case income from this area will always be reduced.

With the pressures that are currently on SCTS and Justice Partners, PCS feel that the need to increase funding is likely rather than any savings being made, as PCS SCTS Branch believe that SCTS is currently running on the very least they can, having already undertaken very extensive measures, in the not so recent past, to ensure the services they provide are run as efficiently and as effectively as possible. Any further reductions in budget, would have a significant detrimental impact on services being provided by SCTS to the people of Scotland.

We would also just add that PCS SCTS Branch are of the view that the increase in funding for COPFS is bound to have an effect on the throughput of business and the type of
business that SCTS will then require to administer, whether that be through courts and trying to deal with a possible increase in business being brought to court or indeed in dealing with an increase in Fines Enforcement work, if cases marked to be dealt with by Direct Measures like Fiscal Fines, for example so additional pressures could be put on both or one or other of these pressure points as a result.

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?

PCS SCTS view would be that if electronic monitoring is to be used more extensively, then this will impact on SCTS, in that these cases, when imposed and if breached, require extensive administrative support to put the orders into effect or bring offenders back to court, to answer the breach and more often than not, then require the offender to be further monitored, requiring another order to be put in place for that to happen. It will take pressure off prisons, but that pressure then has to be subsumed elsewhere.

The administering of all this by the courts, is time consuming and also takes up court time, so PCS SCTS Branch would anticipate an increase in administrative duties and court rooms required to be able to deal with this work. This may then require an increase in people to be able to process this work or it will require, if digitalisation has the anticipated impact on efficiencies in other areas that people will require to be re-allocated to undertake this work. However, this requires planning and time to be put in place.

Further PCS SPS branch are of the view that extending electronic tagging will lead to the need for increased administration and so workloads in Scotland’s prisons. The Scottish Prison Service is already experiencing the impacts of under-funding and this added requirement needs to be properly resourced.