

JUSTICE 1 COMMITTEE AND JUSTICE 2 COMMITTEE (JOINT MEETING)

Wednesday 17 April 2002
(Morning)

Session 1

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CONVENER

Christine Grahame (South of Scotland) (SNP)

DEPUTY CONVENER

Maureen Macmillan (Highlands and Islands) (Lab))

COMMITTEE MEMBERS

*Lord James Douglas-Hamilton (Lothians) (Con)

*Donald Gorrie (Central Scotland) (LD)

Angus MacKay (Edinburgh South) (Lab)

Paul Martin (Glasgow Springburn) (Lab)

*Michael Matheson (Central Scotland) (SNP)

*attended

JUSTICE 2 COMMITTEE **12th Meeting 2002, Session 1**

CONVENER

*Pauline McNeill (Glasgow Kelvin) (Lab)

DEPUTY CONVENER

*Bill Aitken (Glasgow (Con)

COMMITTEE MEMBERS

*Scott Barrie (Dunfermline West) (Lab)

Mr Duncan Hamilton (Highlands and Islands) (SNP)

*George Lyon (Argyll and Bute) (LD)

Mr Alasdair Morrison (Western Isles) (Lab)

*Stewart Stevenson (Banff and Buchan) (SNP)

* attended

THE FOLLOWING ALSO ATTENDED :

Professor Brian Main (Adviser)

CLERK TO THE COMMITTEE

Alison Taylor

SENIOR ASSISTANT CLERK

Claire Menzies

ASSISTANT CLERK

Jenny Goldsmith

LOCATION

The Chamber

CLERK TO THE COMMITTEE

Gillian Baxendine

SENIOR ASSISTANT CLERK

Fiona Groves

ASSISTANT CLERK

Richard Hough

Scottish Parliament

Justice 1 Committee and Justice 2 Committee (Joint Meeting)

Wednesday 17 April 2002

(Morning)

[THE CONVENER *opened the meeting at 10:34*]

The Convener (Pauline McNeill): Colleagues, we are quorate, which is a good start. Welcome to our first official meeting on the budget process. Will members do the usual thing and check that their mobile phones or anything that makes a noise is switched off?

I have received apologies from Christine Grahame, Maureen Macmillan, Alasdair Morgan—who is the reporter from the Finance Committee—Duncan Hamilton, Paul Martin, Angus MacKay and Alasdair Morrison. We are, however, still quorate. I welcome Professor Brian Main, who is our adviser. I think that you will be needed, Brian, so thanks for being here.

Budget Process 2003-04

The Convener: There is only one item to discuss this morning. Members should have a copy of the annual expenditure report together with other notes, including a helpful document headed J1/02/12/1 and J2/02/12/1—the numbers refer to the same paper produced for the two committees. I refer members to the recommendations at paragraph 50 and I invite comments on them. It would be helpful if members could indicate what parts of the budget they wish to focus on. Members will recall our equivalent discussions last year. We have a lot to get through and it would be good to go for quality rather than quantity. What we do is, of course, up to us. Now that we have an adviser, members will be able to have any queries about the budget cleared up.

Scott Barrie (Dunfermline West) (Lab): It will be important to concentrate on the budget for the Crown Office and Procurator Fiscal Service, which was an area of great concern during the budget process last year. Concentrating on that would tie in neatly with the inquiry that the Justice 2 Committee is undertaking. We will want to examine in detail the adviser's comments in the paper about the real-terms contraction in that budget.

Stewart Stevenson (Banff and Buchan) (SNP): Like Scott Barrie, I wish to examine carefully the funding that is provided to the Crown Office and Procurator Fiscal Service, especially as it appears to be heading south—that is, downwards—rather than in the direction that we would want it to. Secondly, it will surprise no one that I am especially interested in the Scottish Prison Service budget.

My third area of concern is more general but is relevant because of what paragraph 18 of the paper refers to as “impairment costs” in relation to the Scottish Prison Service. I am interested in whether we could examine the assets and liabilities that relate to the criminal justice system so that we have some idea of how the resources provided to the service are exploited. In many ways, it is impossible to understand items such as the impairment costs unless one can understand how the Executive deals with the related assets and liabilities.

Lord James Douglas-Hamilton (Lothians) (Con): Both the First Minister and the minister concerned have agreed that increased resources are required for the Crown Office and Procurator Fiscal Service. That is tremendously important because, although in 2001-02 £55.61 million was allocated to the Crown Office and that figure increased in 2002-03 to £59 million, it is now set to decline to £58.5 million. That is completely

contrary to the First Minister's assurances.

Secondly, the Scottish Police College's budget is set to fall from £13 million to £12 million in 2003-04. That is worthy of examination. Thirdly, legal aid is not set to be increased in the budget. Legal aid is demand led. We recently had a report on the issue and I feel that further consideration is required.

Fourthly, miscellaneous spending was originally allocated £34.3 million, but that figure has fallen to £22 million. The committees inquired about what would come under that heading and some detail was given. However, other miscellaneous spending still amounts to £17 million, which is relatively high. It would be useful to have more information about that. I agree with what was said about spending on prisons, which will be a sensitive subject in the months ahead.

Bill Aitken (Glasgow) (Con): Clearly, we will wish to focus the bulk of our inquiry into the funding provision for the Crown Office and Procurator Fiscal Service. Bearing in mind some of the recent statements, I find the figures surprising.

As recommended in paragraph 50, we should tighten up the detail of the figures that have been provided. Rounding them off to the nearest £1 million is a little bit wide. Although £1 million may be a lot of money to us as individuals, I know that it is a mere bagatelle in the Scottish budget. Nevertheless, rounding off the figures to that extent might create some distortion in the expenditure figures. We must tighten that up.

As I see it, the Crown Office and Procurator Fiscal Service and prisons must be the lines of inquiry that we proceed down. However, I am also concerned about legal aid funding, which has resulted in many complaints from lawyers because the scale fees have not increased for some years. I hope that the lack of increase in provision is not indicative of a lack of increase in the number of prosecutions.

Donald Gorrie (Central Scotland) (LD): I agree that we should concentrate on the Crown Office and Procurator Fiscal Service. The long delays in the court system are still unacceptable, although the situation has improved. Moreover, the police would save money if the courts system worked better.

I also agree with what has been said about legal aid. Although the minister made no promise, he indicated that there was a possibility of improving the rates for legal aid. As I understand it, the budget contains no money for that.

I am keen on the suggestion that is made in the adviser's paper—I am afraid that I have lost the paragraph—that the committees should make at

least one positive suggestion for a change in the budget. I want to put in a bid for one of two things. First, we should seek a greatly increased sum for alternatives to custody. There may already be some increase, as I assume that the issue is covered to some extent by "Offender Services", which comes under the criminal justice social work heading. Alternatives to custody is an important area.

Alternatively, we might suggest that money be taken from other budgets to help with youth work, sport and community services. That would be harder to propose but it would reduce crime. In a year or two, we would save money in the police, courts and prisons. Our system may not be sophisticated enough for that, but we should at least pursue the matter.

No matter whether people like my suggestions, it is important that we make at least one suggestion that says, for example, that we should move £5 million from X to Y. It will be like throwing a stone into a pool and seeing what happens.

The Convener: I agree with all that has been said and I am not surprised at the issues that members have identified. It makes sense for us to pursue through the budget those matters that have been our policy questions over the past year.

Rather than take up Donald Gorrie's suggestion as a matter of principle, we should take it up for a particular reason. I am interested in the committees suggesting an increase in the Crown Office and Procurator Fiscal Service budget. I do not understand why that budget has not been increased, as all the indications were that the Executive recognised that the service was underfunded. I would like some answers on that.

On prisons, I agree with Stewart Stevenson that we need as much detail as possible. We have an opportunity to relate the prisons budget to the prison estates review. On legal aid, I am not clear about Jim Wallace's recent announcements. Perhaps Brian Main can advise us from when those announcements were effective.

Professor Brian Main (Adviser): I understood that the eligibility requirements were to be eased in the near future. I understand that they should impact in this financial year.

The Convener: We should certainly be able to connect those two issues. It has been suggested that we focus on the Scottish Police College and Donald Gorrie has suggested that we concentrate on alternatives to custody and alternative ways of reducing crime.

We need more detail on the criminal justice budget. I presume that the discussions on the time-out centres that would act as disposals for women—a policy initiative in which we have been

interested—are included somewhere. I would like to know where that is hidden in the budget.

Once we agree the broad areas that we want to pursue, we can perhaps ask for the detailed information that we require. Having heard from members, does Brian Main want to give us some guidance at this point?

Professor Main: The only guidance that I would give is that you should not feel constrained to just moving things around. There is a possibility of asking for additional resources. In the process, the key point is that the issue is about money. Questioning witnesses and making suggestions should be done in the context of the budget and a certain sum or spending that has to be justified. It is a question of playing the game. The process is about the budget and one has to bear that in mind.

10:45

Scott Barrie: With that in mind and following what Donald Gorrie said, we might find it useful to explore further the increase of approximately 5 per cent in the criminal justice social work budget, which Professor Main mentions in his paper. We should find out what that increase is about. There are various parts of the criminal justice social work service. The issue is not just one of providing resources; it is also about providing a service to the courts. When we are thinking about witnesses to invite, we should consider inviting a representative from the Association of Directors of Social Work or someone from the Scottish Executive social work services group to say where that money is being increased and whether it is meeting the priorities. Although the increase is welcome, it might not be in the area that we suspect that it is in.

The Convener: There is no dissent from that.

Last year, I questioned the minister on his plans for an increase in the number of secure unit places. We had some positive news on that. However, I am not clear where to find the information on a budget increase for secure unit places.

Professor Main: I would have to seek more information on that.

The Convener: Is it possible for us to argue that the headings are wrong?

Professor Main: You could suggest that they are not sufficiently detailed.

The Convener: I would be concerned if everything to do with time-out centres and secure unit places is lumped under the criminal justice budget. They are policy initiatives in their own right and should be identified. That would also make it easier for us to understand where the money is coming from.

Stewart Stevenson: This is a technical question. Do we know what list of nominals the Executive uses in its internal accounting system? If we do not, should we ask, so that we can see what headings it uses? I am sure that what we have represents a different level of aggregation from the one in the Executive's accounting system. The nominal headings might reveal the way in which the Executive thinks about things.

Professor Main: Knowing that would allow you to ask the Executive to present a different arrangement of the headings, which would make it difficult for it to deny what is possible.

Lord James Douglas-Hamilton: My question is an extension of the point that Scott Barrie raised. Is there sufficient provision in the budget for improved services for vulnerable witnesses, including video evidence?

Professor Main: I did not quite catch the question.

Lord James Douglas-Hamilton: I am asking about the provision for improved services for vulnerable witnesses, including children, who have to give evidence in court, possibly by video.

Professor Main: It is difficult to see that exactly. One can tell only that the money for victim and witness support is going up. However, it is difficult to discern how the money is being allocated.

Lord James Douglas-Hamilton: That is my point. We should check on that point.

Professor Main: I will do that.

The Convener: Lord James, you mentioned the Scottish Police College. Could you elaborate on where you want to go with that?

Lord James Douglas-Hamilton: The provision is set to fall from £13 million to £12 million. I am not at all clear why that is, as the college is a centre of educational excellence and gives an excellent programme of courses. I was wondering why the funding is going down.

Stewart Stevenson: Indeed, and how does that relate to police recruitment plans, as we must assume that the two go hand in hand? I naively assumed that we were looking to step up police recruitment. Therefore, we would expect college expenditure to rise, unless the college has found miraculous ways, of which we are currently unaware, of achieving efficiencies.

Donald Gorrie: We all at times fulminate against the huge quantities of bumf that come our way, so perhaps the Executive does not want to produce huge reams of bumf about the budget, but the detailed figures must exist. Can we suggest that each committee should get a dozen or so copies of much more detailed figures, which would be justice figures in our case, or health

figures in the case of the Health and Community Care Committee?

Several members have raised points about the detail. It is hard to know what the figures mean. Professor Main's work is helpful and he is quite right to ask for figures in thousands of pounds rather than in millions of pounds. The point about examining different headings is also useful. As a starting point, we should ask for more detailed information, but without it being published in thousands of copies.

The Convener: Let me summarise. I will give members the list of areas that could be scrutinised and they can tell me if they think that it is too long. We have the Crown Office and Procurator Fiscal Service, for which we could suggest a budget increase, depending on what we hear. However, we should be clear about where we want to go with that. The Justice 2 Committee has been pursuing the issue of an increase in front-line legal staff. That could be a focus. We would also like more detail on the assets and liabilities of prisons. What else did you want out of that, Stewart?

Stewart Stevenson: Given that there are impairment costs, we have to know exactly what the depreciation policy is, because we can understand the matter only if we know that. At the moment, the policy looks rather ad hoc.

The Convener: While we are on the subject of prisons, are there particular issues that have not been mentioned but that members would like to focus on?

Stewart Stevenson: The subject of assets and liabilities opens up the issue of the need to understand our future liabilities in relation to private prisons—I realise that that is relevant in other domains also. In other words, if the Scottish Executive signs a contract that commits it to funding a particular provision for 25 years, there is a proportion of the budget—I think that it is about £12 million a year—over which we cease to have any flexible control. If we go down the road of further private provision, that proportion will increase. Even if we do not wish to take a particular viewpoint on private provision, it is important that we understand the numbers involved, so that we can bring some objectivity to our assessment of what is going on.

The Convener: Yes, that is fair enough. Is the figure for the Kilmarnock contract in the budget? Does that figure exist?

Professor Main: No, because it is still not in the 2003-04—oh, I guess that it is. It must be.

The Convener: It would be an annual figure.

Professor Main: Yes, but it is not detailed.

The Convener: We may want to see the figure.

I presume that there is an annual amount, but there may not be. Perhaps someone could clarify that.

Stewart Stevenson: The report on Kilmarnock by the chief inspector of prisons, which was published this week, contains a helpful table that shows, for example, the cost per prisoner in each prison and the number of prisoners, so it is possible to work out the total cost. For example, the cost per prisoner at Kilmarnock is £26,000, which is in the mid-range of costs across the prison estate—it is by no means the cheapest. The accounts of Kilmarnock Prison Services Ltd show that the Scottish Executive is paying about £12.4 million a year. The figure of £26,000 is not the lowest. We can begin to see the overall cost, but we cannot see enough.

The Convener: I suggest that that figure should be identified in the budget. We could verify it by examining the accounts of Kilmarnock Prison Services Ltd. If we are allowed to scrutinise the budget, we should see that figure and how the process works. Would that be helpful? Although there is an underspend on prisons, that money has been allocated mainly for capital build. We should obtain clarification on how that money will be spent.

I imagine that legal aid is primarily the interest of the Justice 1 Committee, which produced a successful report on the subject. The Justice 1 Committee has received indications from the Minister for Justice about improvements to the legal aid scheme.

We would like to know why there is such a huge miscellaneous section and what those miscellaneous sums are spent on. On the Scottish Police College, we want to clarify why funding has been reduced. Stewart Stevenson suggested that it might be helpful to focus on recruitment plans. On the criminal justice budget, we need to understand what is contained under that heading. I want to pursue secure unit facilities and time-out centres. Does Bill Aitken want to raise court administration issues?

Bill Aitken: Not really, because I am pretty certain that I know where the relevant figures are. I can probably obtain that information by questioning the minister.

The Convener: We want more detail on the mechanics of the budget. We might want to question the headings and we want the sums to be in thousands, not in millions. That will provide more detail on where the money is being spent. Those are the suggestions that I have so far—there are quite a lot of them. Are there any pressing additions? Are members content to seek more information on that basis?

Members indicated agreement.

The Convener: The list of witnesses to invite will be based on the subjects that have been outlined. The clerk is rightly indicating that we should perhaps seek the information first, because once we have received the information it might become clear whom we would like to speak to and whom we do not need to speak to. Members will have another chance to indicate who should be called before the committee.

There is a final issue. As a result of the Lawrence inquiry and the Parliament's commitment to equal opportunities issues, I remind members that they could pursue an equal opportunities issue under the justice heading, if they wished. Members might not have given thought to that. I leave open that possibility and am quite happy to return to the issue at a future date if members have no suggestions at present.

To speed up the process, I would be grateful if members could tell me now if they have in mind a witness whom they would like to feature on the provisional list. I presume that the Lord Advocate is an obvious choice for the Crown Office material. Do members have other suggestions? That would allow us to give the proposed witnesses some warning.

Bill Aitken: I suggest the Minister for Justice.

The Convener: We will approach the Minister for Justice.

Bill Aitken: Scott Barrie's suggestion about someone from the social work services group might be appropriate.

Lord James Douglas-Hamilton: We could have a witness—briefly—from the Scottish Courts Administration.

The Convener: Are there any suggestions that relate to outside bodies, to which we would have to give notice?

Stewart Stevenson: The Scottish Prison Service is an obvious choice. Although the minister could speak on that area, we might want to hear from someone from the SPS, as it is separately managed and administered. That depends on whether we consider that we need someone in addition to the minister. I am not pushing that suggestion too hard, because I do not want to overload the witness schedule.

The Convener: We would warn the major agencies that they might be called. I would like to give notice to any bodies that fall outside the normal list that we might want to call.

Lord James Douglas-Hamilton: I mentioned the Scottish Courts Administration because it is undesirable if the accused and the victim sit within a few inches of each other. I have noticed that sort of thing in the past.

The Convener: That is a fair point to raise. The list of possible witnesses that is contained in the budget scrutiny paper includes representatives of the Glasgow Bar Association, the Law Society of Scotland, the Scottish Legal Aid Board and the Scottish sheriff court users group. I suggest that we issue members with a provisional list after we have approached people. If members are unhappy with the list or want to make additions, they can inform the clerks. We aim to meet on 24 April. I thank members for attending.

Meeting closed at 11:01.

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