

JUSTICE 1 COMMITTEE AND JUSTICE 2 COMMITTEE (JOINT MEETING)

Wednesday 1 May 2002
(*Morning*)

Session 1

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JUSTICE 1 COMMITTEE 15th Meeting 2002, Session 1

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 16th 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

WITNESSES

Margaret Anderson (Association of Directors of Social Work)

Mairi Brackenridge (Association of Directors of Social Work)

David Crawford (Association of Directors of Social Work)

Colin MacKenzie (Association of Directors of Social Work)

THE FOLLOWING ALSO ATTENDED:

Professor Brian Main (Adviser)

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP)

CLERK TO THE COMMITTEE

Alison Taylor

SENIOR ASSISTANT CLERK

Claire Menzies

ASSISTANT CLERK

Jenny Goldsmith

LOCATION

Committee Room 3

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 1 May 2002

(Morning)

[THE CONVENER opened the meeting at 11:31]

The Convener (Pauline McNeill): We are quorate, so we will begin. This meeting is our first formal evidence-taking session on the budget. The Justice 1 Committee and the Justice 2 Committee have been given permission by the Parliamentary Bureau to have a joint meeting as we did last year, which seemed to work quite well.

I have received several apologies. Maureen Macmillan, George Lyon, Stewart Stevenson and Scott Barrie are unable to attend the meeting. I welcome Brian Main, who is our adviser. I am sure that members will have many questions for him.

Items in Private

The Convener: Does the committee agree to take item 2 in private?

Members indicated agreement.

The Convener: Does the committee agree to decide lines of questioning in private at our next meeting? We will not discuss any other business in private.

Members indicated agreement.

11:33

Meeting continued in private.

12:04

Meeting continued in public.

Budget Process 2003-04

The Convener: I open the public part of the Justice 1 Committee and Justice 2 Committee meeting, in which we will scrutinise the budget process for 2003-04. I welcome Alasdair Morgan MSP to the meeting and apologise for keeping him waiting.

I refer members to three letters from the Scottish Executive justice department, to the paper from the Crown Office, and to the written evidence from the Law Society of Scotland. Members also have copies of the adviser's paper, which summarises the proposed changes for 2003-04 compared with the 2002-03 baseline. We have also received a late paper from the Scottish Legal Aid Board. I invite Professor Brian Main to comment on the information that we have received so far.

Professor Brian Main (Adviser): We requested more detailed information than was available in the annual expenditure report, showing spending figures down to thousands of pounds rather than millions. The Crown Office and justice department have both supplied that information. We also asked for reporting categories below level 3 and to level 4. There was a difficulty there, because in the current system items are recorded in much more detail and it was impossible in the time allowed to get anything that resembled level 4 figures. A new system is being put in place and things should be better next year. As a compromise, the justice department put together figures at level 4 for a few key areas that we are interested in. Those figures are presented in the second of the justice department documents.

The justice department, in its third response, replied to a list of detailed questions that we asked as a result of discussions at our previous meeting. There is a considerable amount of material that members might want to take up when they meet the Minister for Justice.

The Convener: We should say for the record, and while the reporter from the Finance Committee is here, that it has been useful to have Brian Main as our adviser. He has helped us to work our way through the many figures in the budget and we thank him.

We will now take evidence from members of the criminal justice service standing committee of the Association of Directors of Social Work. I welcome Colin MacKenzie, the committee's convener, David Crawford, the vice-convener, and Mairi Brackenridge and Margaret Anderson, who are

members of the committee. I thank them all for coming this morning.

Only a short period is available to us and there are four big issues that we would like to raise with you. As questions unfold, I am sure that there will be other areas that members would like to cover. We shall go straight to questions. If there is time at the end, you can comment on anything else that you feel the committee should be aware of.

Donald Gorrie (Central Scotland) (LD): A lot of members share a concern about what is known as the revolving door. People go in and out of jail—some of them should perhaps not be in jail—and we do not sort them out.

I would like to focus on drugs. Some of us visited Barlinnie yesterday, so that visit is fresh in our memory. The prisoners there were saying that they have no real chance once they get out into the community, because there is inadequate support to keep them off drugs. Drugs are the main reason for most of them being in prison to start with. We all know about the importance of throughcare, and I am sure that you do your best, but I would like to hear your views on support for prisoners, both inside the prison to get them off drugs and back in their communities.

Colin MacKenzie (Association of Directors of Social Work): We welcome the opportunity to assist the committee with the task in hand. The question of throughcare arrangements cuts right to the chase of the issues that are in front of us for 2003-04. We have been working with the justice department on a throughcare report, which contains several recommendations on how throughcare services can be developed. It is essential that we consider not just the throughcare moneys that are currently available, but the moneys that are available through other sources, such as the drug action teams, which deal with the development of treatment and rehabilitation services in the community. We are taking a broad view.

There are specific issues associated with throughcare and we ask the committee to consider the fact that throughcare arrangements are fragmented. The Scottish Prison Service has responsibility for commissioning throughcare services and that has led to difficulty in ensuring that people going into and leaving prison—and their families—have a comprehensive throughcare service. The committee might consider whether instead of the current paper chase for throughcare, and prison social work in particular, responsibility should be passed to the local authorities, which would then ensure that a comprehensive service was in place. That would not only save money, but enable money to be better focused on providing front-line services.

Drugs is a major issue, but we would not want to lose sight of alcohol. Often, drugs and alcohol go hand in hand—people who are addicted to one substance are often addicted to the other, too. The money that is available for drug services is considerable; the money that is available for alcohol services is not. We would like funding to be linked to the national plan for alcohol in order to provide the appropriate services.

David Crawford (Association of Directors of Social Work): Having worked in Barlinnie for five years, I recognise the issue that Donald Gorrie identified. There is a major expansion in drug services off the back of the new money that was dedicated a couple of years ago, but we do not yet have uniform service provision throughout the country.

There is an enhanced level of service provided by local authorities, but also by other organisations—particularly in the west of Scotland—such as Turning Point and Phoenix. People need services other than those of the local authority. In relation to drug services, although people may need access to traditional counselling and group work support services, they also need access to accommodation and health services. We could demonstrate with a range of examples where things are getting better and where we have targeted initiatives that try to deal with the interface between addiction problems and offending. Many of those initiatives are in their early days. Things are getting better and, given time, we can demonstrate that we can do the job.

The biggest issue in a place such as Barlinnie is the number of people involved and the speed of turnover. The capacity to engage with people to plan their discharge properly and to have a good service waiting for them when they come out is very difficult in the context of a turnover of the order of 10,000 prisoners a year.

Donald Gorrie: The figures that we have for throughcare and voluntary throughcare show no increase from 2001-02 or 2002-03, but there is an increase for 2003-04. That does not suggest that much funding is going into throughcare.

Margaret Anderson (Association of Directors of Social Work): Throughcare, particularly voluntary throughcare is currently underfunded. That is why the ADSW, the justice department and the Scottish Prison Service came together to consider collectively the strengths and weaknesses of the current arrangements. We tried to agree priorities for future developments.

Donald Gorrie raised the issue of the continuity of drug services and how the work that people start to do in prison can be continued in the community. That, in fact, was a priority area for enhancing the arrangements for voluntary

throughcare. The committee might be aware that there were other priorities, such as strengthening the arrangements for the highest risk offenders in the Scottish prison system, including those who are serving lengthy prison sentences.

Throughcare, in general, has been the cinderella service in criminal justice social work. We regard the proposals for next year as a way of addressing the issue that would ultimately enhance public safety.

12:15

Michael Matheson (Central Scotland) (SNP): I understand that you have been given information about the increase for 2003-04 for throughcare and voluntary throughcare, which has traditionally been underfunded and treated as a cinderella service. Will the extra money be adequate to raise the service to meet the level of demand that you anticipate?

Colin MacKenzie: The proposed increase meets the expectations of the throughcare report and is a start. That report prioritises specific groups of prisoners for throughcare. All prisoners can access throughcare, but prisoners in those groups can do so voluntarily. The issue is about increasing the services and ensuring that there is a range of services to make throughcare more available.

In the medium to longer term, we would like throughcare to be developed and expanded, because if we want to deal with the revolving door, we must get to all prisoners in a similar way. The throughcare services must be similar throughout the country so that services will be available to someone whatever prison they leave and whatever community they return to.

The Convener: I ask you to clarify what is meant by throughcare. Does it include the post-prison release programmes for drug addiction that Jim Wallace announced—I think—late last year?

Colin MacKenzie: Throughcare is defined as the services that we must offer to prisoners when they come into prison and when they are in prison and that link with the outside world. It does not involve work or programmes in prisons, but certainly can involve work with programmes in the community.

The Convener: Do you know the announcement that I am talking about? Last year, Jim Wallace announced a 12-week post-prison release programme that would help prisoners who had drug addiction. Is that programme included in throughcare?

Colin MacKenzie: We think that Cranstoun Drug Services Scotland runs the Scottish Prison Service programme of care arrangements for

people with addiction problems. The prisoners' needs are assessed when they are in prison and they are linked to services when they are released. CDSS retains contact with those who cannot access services to ensure that they are not lost in the system.

The Convener: I was trying to find out whether the money allocation for that is included in the throughcare allocation.

Colin MacKenzie: No. We think that that allocation would be within the SPS's budget.

The Convener: I see.

Can you clarify something that you said at the beginning? You said that money could be saved if responsibility passed from the SPS to local authorities. Can you say precisely where you think that that money could be saved?

Colin MacKenzie: The SPS commissions and purchases a service for prisoners from the social work service. Last year, the SPS piloted another commissioning process in some prisons. However, that process was expensive and resulted in local authorities continuing to provide the throughcare service within prisons. Unfortunately, the pilot process had caused such massive disruption that the ability to recruit and retain staff in prisons became a major issue for local authorities. The benchmark exercise in the pilot prisons, however, showed that the commissioning process is an area in which money can be saved. Local authorities can be involved in the commissioning and bidding process.

We think that a much more comprehensive service is one that ensures that the prisoner is the focus. Such services should link prisoners when they leave prison not only with social work services, but with housing, employment and a range of other social inclusion services. Local authorities are best placed to take that approach and our new groupings for criminal justice services enable us to do so comprehensively throughout Scotland. That frees up money from the bidding process and achieves greater stability for our work force, making further savings of time, energy and administration costs that can be redeployed.

The Convener: I would like to re-examine that concept in future, if we have time to do so. I hear what you say about saving money, but I do not want the prison service to be solely about locking up prisoners. I would like the prison service to take responsibility for prisoners who are released into the community.

We will move to a new subject.

Christine Grahame (South of Scotland) (SNP): I would like to clarify a comment in paragraph 3.2.3 of your submission, which says:

"The decision by the Justice Department to 100% fund diversion from prosecution schemes has seen an increase in the appropriate diversion from prosecution of a number of people".

I want to focus on diversion programmes for young offenders. Did the local authority social work department fund those programmes before the justice department's decision was made?

Mairi Brackenridge (Association of Directors of Social Work): Yes. There was a lack of consistency, because a number of authorities were not able to afford a focused diversion service.

South Lanarkshire was one of the pilot areas for diversion programmes. As a consequence, we were able to develop a service that focused specifically on 16 to 18-year-olds with substance misuse problems. The evaluation that was conducted by the University of Stirling suggested that the pilot was successful because it offered alternatives to young people who were beginning to get involved in offending behaviour and diverted them away from the criminal justice system. However, that focused package was made possible only through the use of ring-fenced funding.

Christine Grahame: When did the method of funding change?

Mairi Brackenridge: The roll-out took place partly under last year's budget and partly under this year's budget.

Christine Grahame: The figures are in J1/02/15/03, which is the second response from the justice department. Under "offender services", halfway down the first page that has figures on it, the figure for "Diversion" is £1.465 million for each of the three years from 2001-02 to 2003-04. That figure stays the same throughout those three years—that is, it looks as if it has stayed the same but, of course, its value has gone down because of inflation. Is that good enough? It does not seem to be a good way forward as far as our attempts to keep people out of prison are concerned.

Mairi Brackenridge: I am sorry, but I do not have that paper to hand.

Christine Grahame: You may look at my copy.

Mairi Brackenridge: Thank you.

That amount of money will not allow the development of a comprehensive diversion service. The money that has been rolled out will not allow the grouping arrangement in North Lanarkshire and South Lanarkshire to extend the substance misuse service from South Lanarkshire into North Lanarkshire without money having to be found from another budget. It is unlikely that sufficient funding will be made available to fund such diversion developments, and that situation

will be replicated across Scotland.

Christine Grahame: South Lanarkshire piloted the programme, but can you give me an idea of how much money the council required for the programme in the first year? The amount that is given in the justice department's response is for all of Scotland.

Mairi Brackenridge: In order to be comprehensive, the budget for South Lanarkshire's diversion service, which focuses only on 16 to 18-year-olds, is £105,000. We also have a reparation and mediation scheme—

Christine Grahame: Let us imagine that I am Santa. I am asking how much you require to make diversion programmes work. There is a good programme in the Borders, which takes young offenders out of the system—they do not even appear before the children's panel—and which seems to work. What is the top-line funding requirement for such a service?

Mairi Brackenridge: I would want to come back to that question in more detail, but to provide a comprehensive service for young people who are involved in difficulties with substance misuse in the two Lanarkshire areas, we are talking about something in the region of £250,000.

Christine Grahame: That is fine; it puts what is required into perspective.

The justice department's response contains figures on residential accommodation for children. Am I right in thinking that we are talking about secure accommodation?

Mairi Brackenridge: Yes.

Christine Grahame: You have £3 million for 2001-02 and you are getting £3.4 million for 2002-03 and £3.5 million for 2003-04. That represents only a 0.43 per cent increase.

There is no secure accommodation in the Borders and very little in the Lothians. The police told me that recently, but you seem to be disagreeing.

David Crawford: No, I agree absolutely.

Christine Grahame: Apart from the fact that it is wrong for youngsters to be sleeping on floors somewhere, the huge problem is that they reoffend after coming out of the accommodation. I would like to hear your comments on what would be required to provide secure accommodation throughout Scotland. Although secure accommodation is sometimes needed for only five or six children in an area, it is required.

Colin MacKenzie: The part of the justice department's budget that we are talking about relates to particular court disposals for young people and it is only part of what is spent on

secure accommodation. The sum of money that the member mentioned is small because it relates to only two or three young people. The background papers explained that technicality.

The member is right that there is a shortage of secure accommodation places throughout Scotland.

Christine Grahame: Can you give me a figure for that?

Colin MacKenzie: I cannot tell you how many places short we are at the moment, but we will come back to that if that would help.

The other issue is that young people aged 16 to 18 are in prison because there are no secure accommodation places. We do not support that; we believe that children should be in prison with adults only in the most extreme circumstances. We have to find ways of moving children out of prison and creating enough space in secure accommodation. We do not just need the kind of secure accommodation that we have already; we need secure accommodation that incorporates health and social care as well as containing the youngsters. We need a different kind of secure accommodation.

The Convener: You said that there is a shortage of secure accommodation and that you could get us information on that. We have been pursuing the issue for some time and we would be interested to hear your view on it. Are you saying that we should go further and extend secure accommodation to 18-year-olds?

Colin MacKenzie: That is our position.

Mairi Brackenridge: The issue of how accommodation fits into the range of services that is required for young offenders is under consideration and discussion. It is generally accepted that young offenders require to be in some form of residential accommodation for either their or the community's safety, in order that their difficulties can be tackled more intensely. That requires a programme that focuses on individuals' needs, which relate not only to their offending behaviour, but to their often chaotic lifestyles.

One of our difficulties is that although Polmont young offenders institution has worked hard to try to address the issue of young people in prison, the prison environment, in essence, contains people rather than considering their welfare.

The Convener: We understand that. I am asking whether a change in the current situation is required to allow secure accommodation to be used for young people up to the age of 18.

Colin MacKenzie: Yes. The Criminal Justice (Scotland) Bill includes a section on the imprisonment of children, but it still contains the

possibility of children being imprisoned in adult prisons. We will consider that when we deal with the bill.

The Convener: I just want to be clear about this. You want more secure accommodation, but you are saying that, in addition, there should be a change that would require even more secure accommodation.

Mairi Brackenridge: There would have to be a range of residential provision, some of which might need to be quite secure. We need to review the use of residential schools and secure provision. We must also examine gender needs. The needs of young women in secure accommodation are not well met at the moment and we often have vulnerable young women in with young men who have very aggressive and sometimes abusive behaviour. The accommodation that we have at the moment does not allow the necessary degree of flexibility.

12:30

Colin MacKenzie: The information that we could supply to you would be about the number of children at a certain date awaiting a secure accommodation place in Scotland. However, the situation is more complex than that, because there is also the question of how children's and young people's services develop. Secure accommodation is at the end of a range of services. It is not simply a case of examining the number of children who are waiting and demanding the same number of new places. It is about developing a range of provision.

The Convener: We appreciate what you are saying. It would be useful to have the figures, but we note what you say about expanding children's services.

David Crawford: We must not forget another important point about cost. The costs that appear in the criminal justice budget are for the relatively small number of children for whom the Scottish Executive picks up the bill directly. Those are children who have been convicted of very serious offences in an adult court and who then go to secure accommodation. There will be a very small number of children who are convicted of murder, for example. The vast majority of children who go to secure accommodation will be paid for by the local authority.

Christine Grahame: So those figures are not included in the documents that we have here?

David Crawford: No, they are not. I understand that the documents detail the cost to the Scottish Executive of accommodating people, most of whom have been sentenced in the High Court, for whom the Executive has a continuing responsibility to fund a place in secure

accommodation. If a child is placed in secure accommodation through the children's panel system, the burden of the cost of that placement falls on the local authority. In 1996, a secure placement in the west of Scotland cost about £1,400. That cost has now doubled. The costs that local authorities have to pay for secure accommodation are a huge issue. Secure accommodation has only a small impact on the justice department's budget, but it has a huge impact on related budgets for residential care for children.

Christine Grahame: Should the budget for secure accommodation come in the same way as you say the budget for diversion programmes now comes, so that the burden does not fall on the local authority but is met by the criminal justice system?

Colin MacKenzie: When we talk about youngsters between the ages of 16 and 18, we are in many senses talking about services for children. I am not sure that those should be part of the criminal justice budget, but they should certainly come into the budget that deals with young offending. That funding tends to come through children's services to local authorities, but that must be recognised. When David Crawford said that the cost of a secure accommodation place was £1,400, he was referring to the cost per week, which amounts to roughly £170,000 per year.

Christine Grahame: Some local authorities will be carrying huge bills.

Colin MacKenzie: That is right.

David Crawford: Local authorities are carrying massive bills. The crucial thing to remember is that, overwhelmingly, local authorities have no choice but to make the placements. If two children in my council area, Renfrewshire, are involved in a serious offence today and there are places available, I get a bill starting tomorrow morning, irrespective of the budget that is available.

Lord James Douglas-Hamilton (Lothians) (Con): I would like to wrap up several questions into one, as time is limited. You said that there is not sufficient funding for secure accommodation. Is there sufficient funding for supervised attendance orders and community service orders? Allegations have been made, both in relation to community service orders and in relation to secure accommodation, that effect is not being given to the disposals of the children's panels because, if there are insufficient places or funding, it is the social worker who says that the order cannot be carried out and who applies a different disposal. Is it true that children's panel disposals are not being given effect and that the matter is being delegated to social workers because of inadequate funding?

Colin MacKenzie: I think that we are talking

about different issues. The children's panel cannot deal with supervised attendance orders or community service orders. Those are purely the remit of the adult courts, although sometimes children appear in front of an adult court. If a children's panel makes a disposal saying that a child requires secure accommodation, we have 21 days in which to effect the order. If we cannot do so, we must go back to the panel and explain why we cannot effect the order. In many situations, that has to do with the availability of places, and we look for places not just in Scotland but across Britain. As we said, there is an overall shortage of secure accommodation places.

Lord James Douglas-Hamilton: Will you send us a detailed paper on this enormously important subject, outlining your priorities?

Colin MacKenzie: We can certainly do so if that would be helpful.

Lord James Douglas-Hamilton: Thank you.

Is sufficient provision made to give effect to supervised attendance orders and community service orders from other courts?

Colin MacKenzie: The investment in community disposals in the current financial year has helped to address problems with those services.

Mairi Brackenridge: The courts could make greater use of supervised attendance orders. We have difficulties at the moment because the funding is based on the number of orders that we get, and is spent on doing the groundwork that is required to expand the schemes.

Lord James Douglas-Hamilton: Could you let us have a paper on that, with your best assessment as to the most appropriate provision?

The Convener: We shall come back to alternative disposals, as I know that Michael Matheson has a few questions about that.

I would like to move on briefly to the question of time-out centres for women. We have been very interested in that whole area. Last year, the Minister for Justice told us that he was optimistic that a centre would be set up in Glasgow within six months. That has not happened, and we have now been advised that the centre is not to be expected until 2003-04. The time-out centre is subject to competitive tendering. Do you think that the budget figure of £600,000 that we have been given for the centre will meet the need?

Colin MacKenzie: We have seen that budget figure. Mairi Brackenridge has been involved in some of the discussions about the time-out centre, which we understand is included in the 2003-04 developments.

Mairi Brackenridge: The time-out centre will work only if it can provide a flexible service that

also brings in health, welfare and drugs services. The £600,000 that is proposed will not be adequate and the centre will depend on additional funding from those other services to provide the degree of flexibility that is required. Some women will need residential accommodation, some might need emergency accommodation and others might need community-based facilities. We must have a centre that is flexible enough to move people into the right type of service at the right time. The £600 million would provide—I mean £600,000, of course, although £600 million would be fine. The £600,000 might provide the residential element, but the residential element would work only if supported by good community-based services with the necessary flexibility.

Although there is a major problem with providing support to women in Glasgow, all local authorities struggle to provide such services, although for fewer people. We must find ways to provide that type of flexible support ourselves. Although it is important that the Glasgow problem is addressed, the problems of women in other areas must also be addressed.

The Convener: What would be an appropriate figure for funding the centre?

Mairi Brackenridge: Could we come back to you with an answer on that?

The Convener: Yes, please.

You talked about the need to address the Glasgow problem. We understood that there was to be a national centre and national provision. I am concerned because it looks as though the centre will be a Glasgow centre. I say that as a Glasgow politician. However, I feel that there is a requirement to have a national service. Will the service be sufficiently national in its orientation? My impression is that you regard it as being a Glasgow service.

Mairi Brackenridge: Some women from other parts of Scotland might access the service, but the reality is that most women who have dependent children will be reluctant to leave their local communities to access that type of support. We must develop much more locally responsive services to meet the needs of women.

Local services are not necessarily the answer. For example, in the area of drugs rehabilitation, people often must move out of their areas and so cannot sustain attendance at a local centre.

The Convener: But the time-out centre, in some cases, will be an alternative to going to court.

Mairi Brackenridge: Yes. That might be positive, but not if one is considering the whole throughcare agenda. The ability to develop flexible local services is needed whether one is preventing people from going to prison or supporting people

when they come out.

The Convener: You are saying that the service will be for Glasgow women.

Mairi Brackenridge: Yes. The greatest number come from Glasgow and there is a huge problem in Glasgow that must be addressed.

Lord James Douglas-Hamilton: The fact that there are no open prisons for women has been criticised. Do you have strong views on that issue? If you cannot let us know this morning, will you inform us later?

Mairi Brackenridge: I think that I have covered that subject in some of what I have said. We need a flexible response, because women need to be contained not always for public safety reasons but because of their own issues. Cornton Vale has too many women who are in prison for non-payment of fines instead of for the nature of their offending behaviour.

Lord James Douglas-Hamilton: Parliament has strong views on equality of opportunity. If women have less opportunity, we want to know why. There would have to be an extremely good reason for it.

Michael Matheson: I want to turn to paragraph 3.3 of your written evidence in which you refer to on-going work with the justice department on short-sentence prisoners. The paragraph's four bullet points highlight the fact that you want to encourage the use of a broader range of community disposals and the funding of deferred sentences. You also touch on supervised attendance orders and an increased use of the reparation and restorative justice approach. I cannot identify extra funding for community justice services for the areas that you feel must be addressed.

Colin MacKenzie: Those areas are essential. You will be aware of the rising number of people in prison and the projection is that the prison population will continue to increase in future years. The most expensive and the least effective sentences are the short prison sentences that involve people repeatedly going in and coming out. We must tackle that problem if we are to reduce the overall prison population.

We know that the services mentioned in paragraph 3.3 can change and reduce people's offending behaviour and thereby help community safety. That is why we think that those services are important. I am not sure whether the services are contained in the figures that we have to date. If they are not, there is a need for them to be included. The money available in the 2003-04 budget for supervised attendance orders has been increased, but other recommendations need further attention.

Michael Matheson: So you are not clear whether there is additional funding for those alternatives to custody.

Colin MacKenzie: We are not clear about that at this stage.

Michael Matheson: The Executive's written submission refers to piloting work on deferred sentences and states that in 2003-04 an additional £0.3 million will be required to continue with the pilot. However, the Executive's breakdowns do not make it clear whether that will be extra money.

Colin MacKenzie: I am sorry. I, too, am not clear about that. Areas such as the pilot project must be carried forward in the budget for 2003-04 and 2004-05.

Michael Matheson: Are you aware that any extra money is being provided for those services?

Colin MacKenzie: No, apart from the £0.3 million for structured deferred sentences—I think that that is what you are referring to—and the £0.6 million for supervised attendance orders.

Donald Gorrie: There is a lot of anecdotal evidence to say that alternatives to custody are not used as much as they should be. In your view, is the bottleneck in the courts, which do not make such judgments for whatever reason? Alternatively, is it the case that you are unable to supply the resources, so that, when a sheriff or a justice tries to use an alternative to custody, it is simply unavailable?

12:45

David Crawford: Given the 100 per cent funding arrangement, our clear view is that each year we are financed to provide for an assumed number of probation orders, community service orders, reports and so on. We can demonstrate that, in the 10 years in which that arrangement has been in existence, we have responded and have tried to develop every alternative that we have been asked to develop. It is not our view that people are going to prison because of the absence of a community service placement or because their probation could not be supervised. Our work in that area is subject to inspection, and the inspections show that we work within national standards and that some people are supervised well beyond the national standards, given the amount that we are paid for each order.

There is an ever-expanding array of potential sentences, such as supervised attendance orders and drug testing and treatment orders. We are able to supervise people who are doing community service, probation and other sentences because we are resourced to provide services for the number of people who are given those sentences. There is an on-going issue about the

Scottish courts and why Scotland continues to have the number of people in prisons that it does. However, we are able to supervise the people who are sent to us. We are not saying that there is a part of the country in which we cannot provide a community service placement or supervise someone who is on probation.

The Convener: I am afraid that I must close the meeting, as a number of members have to leave.

Christine Grahame: If I may, convener, I would like to raise an issue that we should really pick up on. David Crawford said—

The Convener: Please be brief. Members need to leave, and our witnesses also need to go.

Christine Grahame: David Crawford said that an assumed number of orders are funded 100 per cent. What happens if the number of orders goes over that assumed level?

David Crawford: Until now, the arrangement has been that we make an annual submission, although there can be fluctuations year to year. Generally, we consider the number of orders that we service and the trends. Let me take community service as an example. We consider how many orders we have had, on average, in previous years and whether the trend is going up or down. We are funded on that basis. If there was a sustained dip, we would lose money; if there was a sustained increase, we would get more money. As time has passed, the formula under which the money is allocated has become more sophisticated. We continue to have discussions with the Scottish Executive about the formula, which will never be perfect, but there is a fairly clear relationship between the amount of work that we anticipate we will have to do in a particular year and the amount of resources that is available to us. From our point of view, the arrangement is not terrible.

Mairi Brackenridge: The funding is based on historical, not current, figures. The other issue is that the formula does not recognise the complexity of the work in which we are involved, particularly as far as probation is concerned, nor does it allow for the intensity of support that is required, unless we get money from other parts of the social work budget.

Christine Grahame: I would like some written information about that. I know that time is short, but it seems that there is something wrong with the system and that social work departments do not receive enough money.

The Convener: With that third request for more information, I bring the meeting to a close. The meeting has been extremely helpful, as it has allowed us to understand a bit more about criminal justice social work and what the service expects from the Executive. We would appreciate it greatly

if the witnesses would provide us with any further information in a form that is as easy to deal with as possible, because we have a lot of information to get through. Any such information should be provided through the clerks.

I offered the witnesses the last word, so you may have 30 seconds to raise issues that were not covered during the meeting.

Colin MacKenzie: The committee has covered everything. Thank you for giving us this opportunity.

The Convener: Thank you for coming.

I remind members that our next meeting will take place on 7 May at 1.30 pm, when we will take evidence from the Minister for Justice, the Lord Advocate and the Solicitor General for Scotland.

Meeting closed at 12:49.

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