

JUSTICE 1 COMMITTEE AND JUSTICE 2 COMMITTEE (JOINT MEETING)

Tuesday 7 May 2002
(*Afternoon*)

Session 1

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JUSTICE 1 COMMITTEE 16th 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 17th 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 :

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP)

WITNESSES

Jim Gallagher (Scottish Executive Justice Department)

Ruth Ritchie (Scottish Executive Finance and Central Services Department)

Mr Jim Wallace (Deputy First Minister and Minister for Justice)

CLERK TO THE COMMITTEE

Alison Taylor

SENIOR ASSISTANT CLERK

Claire Menzies

ASSISTANT CLERK

Jenny Goldsmith

CLERK TO THE COMMITTEE

Gillian Baxendine

SENIOR ASSISTANT CLERK

Fiona Groves

ASSISTANT CLERK

Richard Hough

LOCATION

Committee Room 1

Scottish Parliament

Justice 1 Committee and Justice 2 Committee (Joint Meeting)

Tuesday 7 May 2002

(Afternoon)

[THE CONVENER opened the meeting in private at 13:33]

13:38

Meeting continued in public.

The Convener (Christine Grahame): I ask members to turn off their mobile phones and pagers. Apologies have been received from Lord James Douglas-Hamilton and Angus MacKay from the Justice 1 Committee and George Lyon and Alasdair Morrison from the Justice 2 Committee.

I welcome Alasdair Morgan, who is the reporter to the Finance Committee, and Professor Main, who is an adviser to both justice committees.

The meeting opened in private to enable the committee to consider its detailed approach to questioning for agenda item 3, when the Minister for Justice will answer questions on the budget process.

Item in Private

The Convener: Item 2 is to ask the committee whether it wishes to consider item 4, on its approach to its report on stage 1 of the budget process, in private, and whether it wishes to consider the draft stage 1 report in private on 14 May. Having an open discussion on the report would pre-empt its publication. The committee might therefore agree that it is not appropriate to hold a discussion of our approach to the report in public. For the same reason I ask members to agree to consider the draft report in private on 14 May. Is that agreed?

Members indicated agreement.

Budget Process 2003-04

The Convener: Everyone has their papers out, so we will now take evidence from Jim Wallace, the Minister for Justice, whom I welcome. Is the Deputy Minister for Justice joining us?

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): No, I do not expect him to join us. He does not expect to join us either.

The Convener: Fine. We will have a solo performance. We will kick off members' questions with Bill Aitken.

Bill Aitken (Glasgow) (Con): Good afternoon, minister. We have spent some time going through budget documents, which are fairly voluminous tomes. It is quite clear from the annual expenditure report that total managed expenditure is increasing by about 3.1 per cent over this financial year and the next financial year. However, spending in the justice department is set to fall in real terms by 1.7 per cent over the same period. How is that fall consistent with the statement that reducing crime is one of the Executive's many priorities?

Mr Wallace: Members should bear in mind an important point: just because a budget is not increased in real terms does not mean that one is not delivering on one's objectives. If that were the case, there would never be any drive for efficiency savings. If one is able to deliver the same for less—or deliver more for the same—one has budget that is being well managed. You read too much into the figures if you look at them narrowly, as you have done.

It is also fair to say—I make no bones about it—that we are funding other Executive priorities, not least McCrone and Sutherland. Both the Executive and the Parliament agreed that expenditure on those priorities was worth while, and most departments had to give something up for them. However, I am confident that that was appropriate. Everyone present knows that you do not get something for nothing. Equally, I was careful to ensure that the key priorities were properly protected, not least the priority of tackling crime.

Bill Aitken: Let us examine one of those key priorities. Offender services and criminal justice social work is part of your budget that seems to anticipate a reasonable increase. How can you justify that expenditure when other expenditure within the department is falling?

Mr Wallace: In many of our recent debates on prisons, members referred to the number of people in custody and made repeated calls to promote alternatives to custody. I strongly believe that we are promoting those alternatives, but we

cannot do so unless we are prepared to put resources into that area.

We believe that pursuing alternatives to custody plays a part in reducing crime and reflects the important priority of trying to improve and develop community sentences. For example, many people will agree that drug treatment and testing orders are intensive and that we must try to provide an environment and a structure in which the offending person is able to get to grips with their chaotic lifestyle and address their drug abuse. It is inevitable that those orders have resource implications, but we believe that it is important to resource such developments properly.

Bill Aitken: You will be aware of a problem in respect of alternatives to custody with which the Executive is confronted: the bench does not have the degree of confidence in them that you would wish for. Have you budgeted for an increase under that heading?

13:45

Mr Wallace: We hope that there will be an increase, for example, for the restriction of liberty orders, which, until last Tuesday, were available in only three sheriff courts, but which have been available in every sheriff court since last Wednesday. Last Tuesday, when I opened the central network facility in East Kilbride, I was told that there had already been inquiries about those sentences from sheriff courts that did not take part in the pilots. Because restriction of liberty orders are available throughout Scotland, we expect that sentence to be more prevalent than it was when it was available in only three sheriff courts.

I acknowledge that an important part of proceeding with alternatives to custody is that they must acquire shrieval and public confidence. That is why, in the past two years, we have taken some far-reaching steps to try to ensure greater uniformity and improved performance of criminal justice social work in Scotland. Members will be aware that the criminal justice parts of social work departments have been brigaded into 11 units, plus the three island areas. The reason for that is that within large social work departments, criminal justice social work was often not seen as the most important function of social work services. Bringing those parts together raises the importance of criminal justice social work. We worked closely with the Convention of Scottish Local Authorities to devise the measures. It is our intention to ensure uniformly good performance throughout Scotland and give sheriffs and the public the all-important confidence in following up alternatives to custody.

Bill Aitken: There is some way to go to gain that confidence. Bearing in mind that we are talking about the budget, it seems to me—

although I am open to correction—from the figures for the forthcoming financial year that you have anticipated that confidence will be instilled in the judiciary.

Mr Wallace: It is not unreasonable to assume that if restriction of liberty orders and the electronic monitoring that goes with them are available to 49 sheriff courts rather than to three, there might well be an increase in costs. I am not saying that there will be a sixteenfold increase, but there is every chance of an increase. There is greater development of drug treatment and testing orders and another drug court is to be established in Fife, which could lead to an increase in costs. We are acutely aware that such measures require resources. I believe that they make a contribution to reducing crime.

There were pilots for restriction of liberty orders and diversions from prosecution. The roll-out of those measures has been based on the evidence on and research into the effectiveness of the pilot schemes. The measures are not an idle pursuit of a good idea; they are based on hard evidence. With that foundation, I believe that we can increase the use of alternatives to custody as sentences.

Bill Aitken: Time will tell about that. I think that the budget projection is a bit overconfident.

The Convener: I have a supplementary question on diversion programmes and Pauline McNeill and Stewart Stevenson also have supplementaries.

In the second response to the committees from the justice department, in the figures for offender services, the figure for diversions stays the same from 2001 through to 2004. When I asked Mairi Brackenridge of the Association of Directors of Social Work about that at the previous joint meeting of the committees, she said:

“That amount of money will not allow the development of a comprehensive diversion service.”—[*Official Report, Justice 1 Committee and Justice 2 Committee (Joint Meeting)*, 1 May 2002; c 169.]

That was her view of it. When I asked how much South Lanarkshire required to pilot the scheme, she told us that it would be £250,000. At the moment, South Lanarkshire has nothing like that. If you are putting in that amount to the whole of Scotland, is that a serious attempt to divert young offenders from the criminal justice system?

Mr Wallace: The funding is made available to all local authorities. The projected spend for 2002-03 is £1.465 million, which compares with £1.069 million for 2001-02 and £665,000 for the year before that. There is an increase.

The Convener: Sorry, minister. I need to check that we are looking at the second response to the

committee from the justice department. I am looking at the heading "Diversion". The figure is £1.465 million, which is the same figure from 2001-02 to 2003-04. That is a fall when you take inflation into account.

Mr Wallace: The figure I have in front of me is lower than it was in 2001-02.

The Convener: The paper is the second response from the justice department, which is dated 29 April.

Jim Gallagher (Scottish Executive Justice Department): If I may say so, convener, it is clear that we have our numbers mixed up. The material that we have brought with us has the numbers that the minister quoted. The numbers you have mentioned are in one of our papers and I am sorry to tell you that they do not look right. I do not think that we had a flat figure from 2001-02 to 2003-04.

Ruth Ritchie (Scottish Executive Finance and Central Services Department): The £1.465 million is the baseline. That was the figure at the beginning of the financial year.

Mr Wallace: The figures do not correspond. We will follow that up.

The Convener: As the issue was raised in evidence last week, I am surprised that no one in the justice department looked at the evidence we took last week and checked it out for us.

Mr Wallace: We were aware that that point had been raised. I received the figures I have in front of me today.

There is one qualification to those figures. Part of the feature of the national roll-out of diversions has been a need for targeting. As a result of that, it might be that some local authorities have seen a small reduction in the amount of funding that they received after the pilot phase. However, that is because that alternative is more focused than was the case during the pilot period.

The Convener: I only put the amount to you because the ADSW's evidence was that South Lanarkshire had a budget of only £105,000 for its diversion service, which focuses on 16 to 18-year-olds. They told us that they require £250,000, which is more than double.

We all want to stop young people getting into the criminal justice system, but the amount that one area requires set against £1.4 million is not going to be anything like enough.

Mr Wallace: I can only apologise that there appears to be an error in the figures. We will make sure that the committee gets the accurate figures.

The pilot schemes were established in 18 local authorities. There has now been an extension to that but there was a narrowing in the focus on

what diversion from prosecution ought to concentrate on. As I indicated to Mr Aitken, the studies we looked at tried to get some quality of evidence about what was going on. Sometimes diversion from prosecution was being used as an alternative to other forms of diversion such as fiscal fines, which could have been more costly.

It might therefore be that because of the targeting of accused people with mental health difficulties, learning disabilities and drug and alcohol abuse problems and of young people, some of the authorities that were part of the pilot were not getting quite as much as they are getting now that it is a national scheme.

The Convener: I think I followed that. Does that mean that South Lanarkshire is getting more money from you? I did not put special pleading for South Lanarkshire; I just used it as an example.

Mr Wallace: We will note the point about South Lanarkshire.

Pauline McNeill (Glasgow Kelvin) (Lab): I want to ask some questions on the general theme of criminal justice social work and I have a supplementary to Bill Aitken's questions. I begin by saying that the committees are quite interested in identifying more clearly in future budgets specific Executive initiatives, so that we can trace Executive announcements in the budget.

My first question is about restriction of liberty orders, which Bill Aitken has already asked about. We have had some anecdotal evidence about those orders from social workers on the ground, although perhaps we did not go through the right communication lines. We have heard that some courts have asked to use restriction of liberty orders but that social work departments have not been aware of their availability. Are you confident that the message that alternatives to custody are now available is seeping down through the system?

Mr Wallace: I certainly hope that that message is getting through the system. The pilots of the restriction of liberty order were in Aberdeen, Peterhead and Hamilton sheriff courts. Of the three, it is probably fair to say that the orders were taken up most in Hamilton sheriff court. When I was through in East Kilbride last week, I was given a good presentation, which I politely suggest that both justice committees might like to see for themselves. I was impressed by what I saw and I certainly learned from it.

As part of the national roll-out, there is a programme to try to get the message across that that sentence is now available throughout Scotland. There has been involvement with the Judicial Studies Board and with social work departments, and some good literature has been produced that is specifically directed to social work

departments. A lot of work has been done and I hope that, now that the sentence is available, it will be considered in appropriate cases. At the end of the day, it is a matter for the sheriff, with the consent of the person who is being restricted, to impose such a sentence if appropriate.

In discussions with those who have been involved in restriction of liberty orders, it has been brought home to me that such a sentence can have advantages that are not immediately obvious. There is a penalty, of course—being restricted in where you can go is a pretty tough penalty—but there are examples of people being restricted from going out between 6 pm and 6 am and thereby not being able to drink as heavily as they used to. That has made a difference to household incomes. Suddenly much more money is available. Many young people who have been in trouble and had a breakdown in communications with their families have had to establish good communications again because they were there night in, night out—or perhaps I should say night in, night in. The sentence is not only there as a penalty; it also provides an opportunity for people to put some order into what might hitherto have been chaotic lifestyles.

Pauline McNeill: I would certainly like to take a closer look at that scheme, as it appears to have wide possibilities. On the theme of alternatives to custody, I specifically wanted to ask about the proposed time-out centre, an initiative that is very much welcomed. I understand that £600,000 is to be allocated under the competitive tendering programme and that Glasgow City Council has opted to run the first pilot. However, I understand that the time scale for that initiative is now much longer than ministers originally envisaged. In fairness to you, minister, I should say that it was Iain Gray who spoke to us last time we discussed the subject, but he said that the centre would be up and running within six months. As far as I can see, we are well out of that time scale.

Mr Wallace: As the committee knows, the ministerial group on women offenders proposed the time-out centre in its report "A Better Way". Exact costs are not yet known; as you have indicated, Glasgow City Council is putting the running of the centre out to tender in the voluntary sector. However, a line in the budget—the split between social work and health inputs—covers the centre. As the budget shows, the annual running costs for social work support are expected to come to £0.6 million. We expect the unit to be up and running by 2003-04. Of course, it will be subject to a competitive tender but, as far as the social work component is concerned, £0.6 million is available to fund that part of it.

14:00

Pauline McNeill: I want to make strong representations on the issue. We expected the centre to be up and running well before 2003-04, which is much later than we were advised. I appreciate that what has happened might not be the Executive's fault, but I am unclear about why the delay has occurred. I seek information about that. The promise was made within the past year. I am concerned that the time scale has slipped considerably and I do not want what is a good Executive initiative to be disadvantaged.

At last week's meeting, the ADSW gave us the impression that the time-out centre is a Glasgow facility. I am quite clear that it should be a national facility, even though the vast majority of women who will use it might well come from Glasgow. I am greatly concerned that we are losing our focus with the centre.

Mr Wallace: I share your disappointment at the delay, as the centre is a worthwhile development that I would like to see up and running as soon as possible. I can fill in the committee on some aspects. We have set up a project group, comprising the Scottish Executive justice department, Glasgow City Council social work and housing departments and the Greater Glasgow NHS Board. The group has prepared initial service specifications for the centre and has identified premises for it in Glasgow. However, there is capital work involved in renovating the building, which is one of the reasons for the delay, and I am not sure that full planning permission has yet been granted. As a result, some building issues have still to be resolved. The tendering exercise will commence next month and it is hoped that the project team will meet the month after. I assure the committee that, since we identified the initiative as the way in which we want to go, we have been putting the pieces of the jigsaw in place—I certainly hope that the centre will be established as early as possible next year.

As for whether the centre is a Glasgow or a national facility, I have already indicated that the project group is a partnership between the justice department and various statutory bodies in Glasgow. As a result, the centre is not uniquely Glasgow's; it involves the Executive at a national level. However, everyone will recognise that the preponderance of people who are likely to benefit from the centre reside in the greater Glasgow area. Given that we were not going to establish many such time-out centres and that we wanted one that was both a residential unit and a day centre, Glasgow seemed the obvious place to locate it, as I am sure the committee will agree.

Pauline McNeill: I absolutely agree with the decision that the centre should be located in Glasgow and acknowledge that the facility will

largely benefit women in the city. However, we know from experience what happens when facilities are not available in other areas where they are needed. I believe that the centre should be a national resource that women from other areas can use. Otherwise, it looks like a local initiative, whereas it is meant to be part of the general strategy on alternatives to custody.

Mr Wallace: I do not want to rule out your suggestion. However, I simply feel that Glasgow is the obvious place to start with. If the centre proves successful—we all hope that it will—we might wish the facility to be replicated in other parts of the country.

Maureen Macmillan (Highlands and Islands) (Lab): Will there be space in the facility for women from other parts of the country? I will draw an analogy. When we visited Saughton yesterday, we were told that the secure units for young offenders were viewed as being for the city of Edinburgh, rather than as being a national facility, which they were supposed to be. If that applied to the centre, a situation could arise in which, because women from Glasgow were expected in a couple of days, someone from another part of the country could not come in. At the Saughton young offenders secure units, someone from another part of the country cannot be admitted when it is expected that someone from Edinburgh will be admitted.

Mr Wallace: The facility will primarily be a Glasgow facility in the first instance. Up to 14 residential beds will be provided. I am aware of your concerns—we should consider closely how we balance needs in other parts of the country. The work that the ministerial working group did and the evidence that we received indicated that Glasgow had the greatest need. That was what prompted the siting of the facility.

Maureen Macmillan: The facility is either a national facility or a Glasgow facility. You must decide which it is.

Mr Wallace: At the moment, it is first and foremost a Glasgow facility. However, I would not want that initial statement to be used at a later stage to deny a room to someone from outside Glasgow, if there was room for them and no one from Glasgow was available to take the place. Although the facility is primarily a Glasgow facility at this stage, we will consider how best to proceed with its wider use, if it proves to be a success.

The Convener: I would like to clarify that the facility is not a pilot. It is an actual national centre.

Mr Wallace: The facility is an actuality; it is not an experiment. As I said, if it proves a success—as I expect it will—it might well commend itself to being replicated.

The Convener: So satellite facilities—or rather,

similar smaller versions—might be located in other parts of Scotland.

Mr Wallace: Similar facilities would be a better description than satellites.

Stewart Stevenson (Banff and Buchan) (SNP): Good afternoon, minister. The Justice 1 Committee kindly allowed me to join it on a visit to Saughton yesterday. We saw what, in my opinion—and, I suspect, in the opinion of others—is an impressive throughcare centre. I understand that the people in charge of the centre have received awards for it. The centre brings together many of the agencies that are involved with prisoners in their latter stages in prison and thereafter. It evidently fulfils an important element of the criminal justice agenda.

The budget shows an increase from £1.5 million to £3.5 million in throughcare expenditure and an increase from £0.4 million to £3.5 million in voluntary throughcare expenditure. Will that increase be sufficient, given that there has been a comparatively lean period of investment in throughcare? You mentioned drug treatment and testing orders. Will areas such as drug treatment for prisoners also be covered?

Mr Wallace: It is fair to say that the increases in voluntary and statutory throughcare expenditure, if they are taken together, represent a sizeable commitment—I think they amount to a threefold increase in the budget. I hope that that increase will meet needs. Although I cannot be categorical about that, any reasonable analysis would conclude that a commitment to improve throughcare lies behind that increase.

I candidly accept that throughcare—particularly in relation to shorter-term prisoners—is a part of the criminal justice process that has not been given as much attention as it deserves. Local authorities have a statutory throughcare responsibility towards prisoners who have been imprisoned for four years or more and towards those who have served extended sentences. I have always believed that more could be done for those for whom voluntary aftercare is available if it is requested.

I hope that the committee recognises that by putting more resources into this area we want to develop that service. A report from the tripartite group has been before ministers. We have yet to make an announcement on it, but I hope that the committee will gather from my comments that we are very much committed to developing this area.

On post-prison treatment for drug offenders, there may well be an overlap with throughcare, because some people who are entitled to it would have a drug treatment problem anyway. The committee will be aware that there is additional funding to combat drugs, as part of the Cranstoun

initiative, and that that money will be used in part to fund drug throughcare workers in the community, who will provide support for prisoners released from Scottish prisons.

Stewart Stevenson: I am certainly prepared to support an increase in expenditure in that area. Yesterday at Saughton, we heard about the Cranstoun initiative and about the change in the way in which people who are on detoxification programmes in prison have been dealt with in recent months. The initiative appears to be delivering real value, although we were told that additional resources to support such changes were not yet available. Do you foresee those resources becoming available?

Mr Wallace: I would want to examine the issue of detox within prison in more detail before I answer that point, but I acknowledge that the health care policy is that detoxification programmes should be tailored to the needs of individuals. Protocols have been drawn up to try to deliver that. In the light of Mr Stevenson's remarks, I would like to examine in more detail whether across the Scottish Prison Service there have been difficulties with funding in relation to detox, which is an important part of the valuable work that goes on in our prisons.

Stewart Stevenson: I make it clear that I was speaking personally about a visit to Saughton; I am not speaking from knowledge of elsewhere.

Let me come back to drug treatment and testing orders. On Friday, I visited my local drug treatment clinic in Fraserburgh, where I discovered that there is a six-month waiting list to get on programmes. In the light of the expected increase in the use of drug treatment and testing orders, will it be possible, across any part of the Executive's budgets, to ensure that such treatment is available?

Mr Wallace: As Stewart Stevenson will know, DTTOs currently operate in his constituency, in Glasgow and in Fife. The projected spend for the current financial year is £1.88 million. We intend to extend those orders to a further seven local authorities, at a cost of £1.3 million. More money is going into drug treatment and testing orders.

On evaluation of the orders, I am interested to learn whether, for example, the judiciary is finding that a lack of availability of the necessary treatment is frustrating wishes to impose a DTTO. I am aware, from radio reports that I heard this morning, that there are waiting lists in the north-east. However, it is important to point out that the north-east is one of the areas that, because of the introduction of DTTOs, has been getting resources to address drug treatment and testing. If that is not progressing as well as we would hope, I would want to get chapter and verse on the problems.

The Convener: Do any members want to ask any further questions on the matter? I think that Stewart Stevenson wanted to raise with the minister the issue of funding following the prisoner.

Stewart Stevenson: I wanted to ask whether the minister considers that there would be value in ensuring that funding follows the prisoner. A strong message that we received in Saughton prison yesterday was that whether funding is available when the prisoner arrives at the next stage in his rehabilitation as a normal member of society can depend on where he is in the system and where he goes after release. Has any consideration been given to funding following the prisoner? Indeed, has consideration been given to measuring the costs that are associated with prisoners right through the criminal justice system to the point of release, when support is no longer provided?

14:15

Mr Wallace: I do not recall seeing any discussion or proposal along those lines. Given the fact that the voluntary throughcare has been patchy, perhaps that answer will not surprise you. I note what you have said with interest.

Bill Aitken: I want to go back to the point that was made about the DTTOs. Clearly, there would be considerable concern around the table if insufficient funding were made available. Given that the average accused person in Glasgow who has been made the subject of a DTTO has 17 previous convictions and 10 custodial sentences, it is important that the DTTO is made to work. Sheriffs may feel that, in an initial testing period, the accused person should be tested twice a week. If that facility is not available to sheriffs, there could be insufficient confidence in the system.

Mr Wallace: I agree that we should not deter sheriffs from using a sentence disposal that helps people to get their life back into some order no longer abusing drugs. That not only means that there is less likelihood of the person committing crime but it helps the individual. I have not been made aware—I do not think that Mr Gallagher has either—of any shrieval concerns about the ability to impose drug treatment and testing orders.

It is fair to say that the first drug court, which we established in Glasgow, has proceeded with a considerable amount of shrieval co-operation. Indeed, the sheriffs have more than co-operated because they have been very much part of delivering the drug court—inevitably, the drug court would not work if the sheriffs were agin it. The sheriff principal has played an important role in getting the drug court established in Glasgow. Given the general views that have been expressed

about the drug court, I think that I would have heard louder noises if there were real frustration with the DTTOs. However, prompted by those questions, we can go back and ask the sheriffs.

Bill Aitken: Do you agree that there should be no cost inhibition on such orders? We should bear in mind the number of people who are involved—social workers and addiction counsellors as well as the usual court officials. Such situations involve a cast of thousands. The resources must be available.

Mr Wallace: Resources are available. It is fair to say that there is a finite number of people who can be involved in the delivery of such orders. What I am perhaps falling short of saying is that we could fund everything any day at any time, but to do so would be daft if we just do not have the trained people to deliver. I am not aware that we have hit any ceilings as yet. However, as concerns have been raised about DTTOs in the north-east and possibly in Glasgow, we will certainly make inquiries to find out whether sheriffs feel that they are being constrained in their ability to impose such orders, but I reiterate that no inkling of such concerns has reached us.

Donald Gorrie (Central Scotland) (LD): I have two general questions, on diversion from prosecution and on throughcare policies, which most of us regard as excellent.

First, are you satisfied that we have joined-up government and that other parts of the Government work in accordance with your policy? The ADSW told us that it thinks that a number of areas are seriously underfunded. The prisoners whom we have talked to say that, as there are serious housing problems, a halfway house would be helpful. However, such things involve local authority budgets for social work and housing.

The prisons are full of people who have been sent there by district courts and who, according to your philosophy and ours, should have been given an alternative to custody. First, are you satisfied that you have enough of an overall grip on alternatives to custody? Secondly, how do you test whether those alternatives are being used? If you put more money into diversion from prosecution and sheriffs or justices continue not to use alternatives to custody, how would you discover that and what would you do about it?

Mr Wallace: There is always scope for improvement, not least in joined-up government. However, there has been considerable improvement. Now that we are putting more money into throughcare, I am sure that we will take even greater strides forward. We have also done some work on the employability of people leaving prison. Employment is an important aspect—as well as housing—and initiatives to

improve employability are being followed up. I have no doubt that things can be done better. I hope that the additional resources for the voluntary side of throughcare mean that there is a marked improvement.

Donald Gorrie asks whether people are being sentenced to prison who should not be. He is right that there are probably some people in prison who pose no threat to society. There must be some mark of society's disapproval of what they have done, but that need not mean a custodial sentence. Mr Gorrie asks whether I have a good enough handle on that. The answer is only up to a point. However, I should have a handle on it only up to a point, because the independence of the judiciary is important and it would be wrong for ministers to interfere in sentencing.

Equally important to the availability of alternatives to custody is that the range of such alternatives is well known to the magistracy and the district courts and that there is confidence that they are effective sentences. We are doing a lot to promote the range and availability of sentences and we are putting resources into that. We are also brigading the social work departments to ensure that criminal justice social work, which has responsibilities for community disposals, can deliver to a standard that gives district court magistrates and sheriffs the confidence to opt for such disposals.

Donald Gorrie: What about monitoring?

Mr Wallace: We have evaluated the pilot schemes. The restriction of liberty orders and diversion from prosecution schemes went ahead on the basis of a proper evaluation of the pilots. DTTOs are not yet evaluated, but they are being progressively rolled out.

I accept that one of the things that we do not have a good enough handle on—in relation to people in prison and those serving non-custodial sentences—is the evaluation of recidivism rates. We are trying to address that through research. Some of the more intensive disposal options for young criminals that do not involve custodial sentences have been markedly more successful in preventing reoffending than traditional custodial sentences have been. We have evaluated those projects and should perhaps consider how they might be developed. The breaking the cycle initiative in East Lothian and the Freagarrach project in central Scotland have done worthwhile work with young people who have been young offenders. I am not claiming that such programmes have eliminated reoffending, but there has been a good response rate.

The Convener: I warn members that we have only 25 minutes in which to get through our questions.

Michael Matheson (Central Scotland) (SNP): I will be brief. What work is the justice department doing to improve employment opportunities for those who leave prisons? Staff and prisoners raised that matter during our recent visits to Barlinnie and Saughton. Have you had any dialogue with the Minister for Enterprise, Transport and Lifelong Learning on that matter? Obviously, I mean the previous minister, not the new one, although Iain Gray has a justice background. There is an on-going problem in relation to the reluctance of employers to employ ex-offenders. The member of staff who organised a recent event in Saughton for Apex Scotland said that some of the companies that were contacted—some of them large—simply said that they do not employ ex-prisoners. There is a need to change that culture, particularly in the big companies.

Mr Wallace: I well recall that an initiative was launched about two years ago that brought together employers and employers organisations with the SPS and social workers. I can give more details to the committee later. I share the view that access to employment can make a big difference in preventing recidivism. I am sure that it would be beneficial to revisit and boost such initiatives.

Donald Gorrie: We are told that Scotland has more secure accommodation for young people than other parts of the United Kingdom do, but we still do not seem to have enough for the young tearaways who repeatedly offend. Would you supply funds for more?

Mr Wallace: It is important to recognise that, although the justice department is responsible for those children if they are sentenced under sections 205 or 208 of the Criminal Procedure (Scotland) Act 1995, the fundamental responsibility for the provision of places in secure units falls to the education department. Under the miscellaneous heading, we have a budget line that relates to secure accommodation for children for whom I, as the Minister for Justice, have responsibility, which tends to be those who are sentenced by the court for serious offences. I am advised that, at the end of last week, 21 such people were detained in secure accommodation. The size of the secure accommodation estate in Scotland is currently 96 but, as I said, that is primarily the responsibility of the education department. Any issue to do with the availability of accommodation should be taken up with Cathy Jamieson.

The Convener: That is one of the issues about which a cross-over causes difficulties.

14:30

Scott Barrie (Dunfermline West) (Lab): As the minister identified correctly, the young people who

are sentenced by the courts are the responsibility of the justice department. As Donald Gorrie said, what happens if there are insufficient places? If a place were not available, would the justice department purchase a place south of the border rather than place a young person under 16 in a prison?

If, as Donald Gorrie said, we have more secure accommodation places per head of population than the rest of the UK, why do we have the constant difficulty and dilemma of places not being available for young people who are given supervision orders or who are sentenced to secure accommodation? Why, as is sometimes the case, are local authorities unable to fund those places?

Mr Wallace: In reply to Scott Barrie's first question, in principle I do not see why we should not fund a place south of the border. That said, I do not recall the situation having arisen in my time as Minister for Justice. I do not recall being asked to fund a place south of the border for any of the 21 young people who are my responsibility.

I do not want to speculate on those for whom an order has been made by the children's hearing system. It would be invidious to name individuals, but I am aware of at least one case in which it was very difficult to place an individual because of their history in respect of a number of secure accommodation units; it was difficult to get a unit to take that person again. Such situations can pose a real problem.

Scott Barrie: I realise that my practice is somewhat out of date, but for the minister's information, under a previous Government the former Scottish Office refused to place someone south of the border following sentencing by the court and the person was placed in an adult prison. However, the local authority purchased a place in County Durham. The situation has occurred in the past, although that was pre-1997.

Mr Wallace: As I said, I do not see any reason in principle why we would not do that. If the situation arose, I would be prepared to consider it.

Lord James Douglas-Hamilton (Lothians) (Con): Is the minister aware that the Association of Directors of Social Work submitted evidence that 13 children were awaiting placement in secure accommodation in Scotland at the end of April of this year? The association went on to state that a range of residential placements is required and that those placements, depending on the particular needs of the child, should have the capacity to provide varying levels of security. The association also stated that the current provision of secure accommodation is inflexible. Does the minister accept that proper provision should be made when a children's panel decides that a residential placement is the most appropriate course of

action? If so, surely it should not matter whether the money comes out of the education or the justice budget?

Mr Wallace: It would be improper for me to answer questions on behalf of the Minister for Education and Young People. I will ensure, however, that the exchange is brought to her attention.

As far as I am aware, all 21 young people for whom I have responsibility are accommodated and budgetary provision is made for them. I accept that there is an issue about secure accommodation. I undertake to draw to the attention of the Minister for Education and Young People the comments that have been made on the subject.

Lord James Douglas-Hamilton: I am grateful that the minister will take up the matter with the Minister for Education and Young People. Can I make a request, through the minister, that the Minister for Education and Young People gives a reply to the committee? Although the subject may come under the education budget, the matter has strong justice implications. We would like a report back on that point.

Mr Wallace: I will ensure that that is done.

Lord James Douglas-Hamilton: The minister is aware of evidence about two children who were detained recently in penal establishments because sufficient secure accommodation was not available. The Association of Directors of Social Work voiced its disquiet and concern that that situation should have arisen. Even if the primary responsibility lies with the Minister for Education and Young People, from the point of view of the justice budget it remains unsatisfactory that sufficient secure accommodation has not been made available.

Mr Wallace: A letter that we sent to the committee addressed the question of the two children who were sentenced in 2001-02 and initially detained in a penal establishment before transfer to secure accommodation. The letter states:

"Their initial detention in a penal establishment was not as a result of any shortfall in the budgetary provision, but rather because at the time that they were sentenced there were no spaces available in secure accommodation."

I am sure that Lord James is aware that the letter goes on to say:

"Ministers are considering the findings of the interim report submitted last year by the Secure Accommodation Advisory Group."

Lord James Douglas-Hamilton: When will the findings be made available? That is one of our key considerations.

Mr Wallace: I do not know, but I will try to

advise the clerks of that.

The Convener: I want to make a couple of points on secure accommodation. For different reasons, aspects of secure accommodation are half within the portfolio of the Minister for Education and Young People and half within your portfolio. Would there be merit in funding secure accommodation only from the justice budget, given that the division between groups is artificial and that there is such fluidity, and given the impact on other issues that Lord James mentioned, such as policing? A missing person who is not involved in the criminal justice system but who needs secure accommodation might become involved in the criminal justice system because they are on the streets of Edinburgh for four days, need money and steal to get it. The area is grey and fluid.

Mr Wallace: I hesitate to go along with the proposal that all secure accommodation spending should come within the justice budget, not least because it would have knock-on implications. As the committee will be aware, the Minister for Education and Young People has primary responsibility for the children's hearing system, which has clear tie-ups with disposals involving secure accommodation. If one part of secure accommodation were to be extracted and made a justice department responsibility, while the part of the system that gives rise to the most children being held within secure accommodation remained elsewhere, that would give rise to even greater problems. Therefore, I would not readily assent to a shift in the budget. It is important that there is close co-operation between the departments on the matter.

The Convener: I made a point about young people aged 16 to 18 being in prison. The suggestion of the Association of Directors of Social Work was that we should extend secure accommodation to 18-year-olds. I do not know whether that suggestion was covered in questions that you were asked, but it has certainly been made to us. Would you consider that?

Mr Wallace: I have not had an opportunity to consider that suggestion and could not do justice to such an important issue by giving an off-the-cuff response.

The Convener: Yesterday, we saw inmates aged 17 to 18 in an Edinburgh prison that has fairly mature inmates—to put it kindly. That was not a happy situation. Some of the young people were on remand and I hope that they were in the hall only temporarily. It was not a place for those young faces to be.

Mr Wallace: There will be opportunities to pursue that matter in the context of examining the Criminal Justice (Scotland) Bill, which provides for

youth crime pilots for dealing with 16 to 18-year-olds. If we were forewarned, we might be able to give it some thought.

Pauline McNeill: Christine Grahame made a point about the distinction between the education department and the justice department. I understand why you will not commit yourself to saying that the justice department should take the entire responsibility for secure accommodation. For too long there has been an artificial division between education and justice with regard to youth crime. There should be consideration of closer continuity.

As an individual, I am not wholly convinced that the children's hearing system should be entirely a matter for the education system. I am certainly of the view that there should be closer co-operation and consideration. There should not be such an absolute dividing line. Every time that we mention the matter, I get the impression that we are not even allowed to discuss it.

I ask the minister to think about breaking down the artificial barriers between education and justice. We are talking about youth crime. The distinction is made on the grounds of age and is based on the age at which we think that it is appropriate to bring young offenders into the criminal justice system and the age at which we think that it is more appropriate to use a different system. The question is still about justice.

Mr Wallace: I do not disagree too much with the generality of your point, but I hope that such artificial barriers do not exist—there ought not to be any brick walls. We are discussing the budget, and it would not be right for me to go into the detail of another department's budget. However, I accept the general thrust of your point about the importance of proper liaison and of meshing together the responsibilities of the Minister for Education and Young People and those of the Minister for Justice in respect of youth crime issues. Your point is well made.

The Convener: That has opened up an interesting issue to which we may want to return. I share Pauline McNeill's concerns about whether the children's panel system should be a separate education matter, untouched by justice, given that it impinges so much on justice issues.

Michael Matheson: I turn to the on-going issue of legal aid. I am sure that other members have found that practising solicitors are keen to raise the subject of legal aid with them. I notice from the budget that there is no provision for an increase in expenditure on legal aid—if anything, there is an assumed real-terms fall.

The justice committees have received evidence that highlights the fact that the basic rate for solicitors under civil legal aid was £42.20 back in

1992 and is only £43.60 today. That works out at an increase of only about 3 per cent, against a backdrop of increases in prices of 27 per cent and in average earnings of 47 per cent over the same period. Many solicitors who work in civil legal aid feel that that is an extremely difficult problem. Should the cuts that solicitors in the field believe that they have to make continue?

Mr Wallace: I accept that there is a case for reviewing the levels of remuneration for solicitors' fees and I acknowledge that those fees have remained unchanged for some years. However, it is important also to recognise that, although fees may have remained static, the average cost of a case has risen steadily over that period. I recall that around this time last year—it may have been earlier than that—we all shared concerns about the apparent reduction in the amount that was being spent on civil legal aid. I think that I am right to say that the Scottish Legal Aid Board's inquiry found that, although the number of solicitors involved in legal aid had fallen in the past two or three years, it was still higher than when the fees were last uprated.

I assure the committee that my officials are actively discussing that issue with both the Law Society of Scotland and the board in order to develop a package of proposals that will cover both the level and the structure of fees in civil cases. We await formal proposals from the board. I emphasise that we are looking for a solution that covers not only fees but quality assurance. We must balance that work against the other demands that are made by legal aid and the rest of the justice portfolio. It would not be appropriate for me to indicate the level of fee that we are considering while we await those formal proposals. I do not want to give away our negotiating position before I receive the proposals.

Michael Matheson: Has the Law Society engaged before in the process of proposing levels at which it thinks fees should be set? Is this a new thing?

Mr Wallace: It is new for us, but I doubt whether it is new for the Law Society, although perhaps it is. Until 1987 or 1988, the Law Society administered the legal aid fund, so perhaps it talked to itself.

Michael Matheson: I anticipated that the Law Society had been involved in such exercises before. Certainly, they are important exercises for budget setting so that we can get a realistic feel for what the budgets will be. Legal aid is a demand-led budget and, if the board makes recommendations that result in a need for an increase in the legal aid budget, how will that money be found? Why was not the process started at a time that would have enabled it to fit in with the setting of the new budget?

14:45

Mr Wallace: The process has been going on for longer than the setting of any one year's budget. It has been a slow process and we await the Law Society's proposals.

You asked a question about whether the budget provides for the legal aid fund. For example, there might be a line in the budget showing an increase of £3 million; I am just plucking the figure out of the air—there is nothing magic about it. If, for the sake of argument, I was to say that there was an additional £3 million to fund additional civil fees for lawyers, you can imagine that there would not be much negotiation. The Law Society would come up with a proposal that took the full £3 million. That is why, at this stage, it would not be appropriate to state a figure in the budget.

I accept that the legal aid budget is demand led. By the very nature of the process of passing the fee orders and the length of time that cases take before fees become payable, it is not expected that the full impact of any fee rise would be felt for 18 months.

Michael Matheson: If there were an increase, where in the budget would that money be found? Would it have to come from the existing justice budget?

Mr Wallace: Any increase would not come in this financial year. Even if we were to get a proposal, agree it and pass an order before the summer recess, the increase would impact in the last quarter of the succeeding financial year. It is not likely to figure in the budget that we are considering today.

We would have to make decisions on where the money would be found. That could be the case irrespective of whether there is a fee rise. The truth of the matter is that, for a number of years, the amount that was spent on legal aid was falling. The work that was done by the Scottish Legal Aid Board found that the main reason for that was the decline in the number of contested divorces or divorces involving behaviour grounds. That number had decreased significantly and, given that it was the biggest single component contributing to civil legal aid fees, that decrease showed up.

It is notoriously difficult to get this right. However, I think that we have got it right for the past three years and have more or less spent within the budget. If there is an increase for some reason that we cannot anticipate, the budget is demand led so the increase will have to be paid and I will have to prioritise from within the justice budget. If the committee wants to suggest where I might find savings, that would be much appreciated.

The Convener: That is your job, minister. We only point you in the right direction.

Michael Matheson: Yes; that is why you are the minister.

What can be done to improve the system? It seems to be a long, drawn-out affair that is fraught with problems. What can be done to improve the process so that when the committee is considering the budget, we can have a better idea of what is going on with the setting of fees, the consultation process and the role of the Law Society for Scotland? It takes 18 months for an order to come into effect. What can be done to improve the system?

Mr Wallace: Let us work backwards. The 18-month time scale comes about because fees are not paid up front, with very few exceptions. Fees are paid at the end of a case. That fact has to be accepted and it has nothing to do with what we are doing today. That is the process of a particular piece of litigation or civil work.

I await formal proposals from the Law Society on what can be done to expedite that stage. I think that Mr Gallagher has been involved in the discussions. I am sure that we have not stopped the Law Society from making proposals.

Jim Gallagher: The negotiation has been long and drawn out. Although, as Mr Matheson said, the territory is to a degree familiar to the Law Society and to us, this is the first time since 1995—going from memory—that the civil legal aid fees have been changed. We are learning how to do that for the first time. Part of the negotiation must be a provision for a sustainable way of rolling fees forward. No one accepts that it is a good thing to freeze the fees at a certain cash level, or to increase them without reference to quality or sustainability of delivery.

The Convener: I do not want to impugn the witnesses, but I suggest that we ask the Law Society about the 10-year gap. I am rather surprised that it was not in the starting blocks with its sprinting shoes on.

Michael Matheson: It is in everybody's interest that the matter should be dealt with relatively quickly.

Mr Wallace: I am sure that the Law Society is knocking at the door but, as I said, we want a proposal that addresses issues of efficiency and quality. Money is not the only issue—it is not just a question of writing a bigger cheque.

Michael Matheson: The issue is not only about the budget figures. We must consider ways in which the process can be improved and how the system can be made to operate more effectively.

Mr Wallace: In general, that is right. We want the process to be efficient and quality assured.

The Convener: I remind the minister that the Justice 1 Committee's report on its legal aid inquiry recommended that an increase in the fees for solicitors should be considered. We raised the issue at the budget meeting a year ago, when we saw that there was no change in the civil legal aid fund. We have been down the route of the cost of cases, which includes outlays and other matters such as the complexity of the case. However, that does not impact on the fact that solicitors' fees have remained the same for 10 years. The committees want that issue to be addressed rapidly because it impacts on the civil justice system and the fixed fees in the criminal justice system.

We should move on. I ask members to bear it in mind that we have, at the most, six or seven minutes remaining and there is still a lot to get through. I ask Stewart Stevenson to truncate his question on the Scottish Prison Service.

Stewart Stevenson: My questions are about money. They are quick and I hope that they will receive quick replies.

The budget shows impairment costs of £35 million in the present year and £18 million for the following year. Will the minister confirm that those figures represent the write-down of assets—which is essentially depreciation—in the SPS?

Mr Wallace: Quite simply, yes.

Stewart Stevenson: In the interests of speed, let me move on. If that money is a revenue item, where is it going?

Mr Wallace: I might have to defer to the accountant, but I understand that impairment costs are charges that have not yet arisen, but which will be incurred if any of the existing assets of the SPS are either sold or revalued. The figures do not involve cash or real money—they are an accounting technicality, if that is the right noun.

Stewart Stevenson: Will you confirm that the assets to which the impairment costs relate appeared as revenue items in the relevant budget? Were they paid for with cash when they were originally funded?

Mr Wallace: Yes, they were bought at one time. Peterhead prison was probably bought in the 1890s.

Stewart Stevenson: That is fine. Finally, while people are still in the room—

The Convener: People are leaving because there is a clash with another committee meeting—it is nothing to do with your questions. Please proceed.

Stewart Stevenson: Given that those things are technicalities, is it proper that they are appearing in the budget, which is about the cash that is available to and being spent by the department?

Mr Wallace: I believe that it is important that they appear. It is an accounting requirement that they should appear in our budget. That is certainly my understanding and it is on that basis that they appear.

Stewart Stevenson: Are they reducing what is available to spend by £35 million this year and £18 million next year?

Ruth Ritchie: That has been added into what we have to spend.

Stewart Stevenson: So there is simply a notional increase.

Ruth Ritchie: Yes.

Stewart Stevenson: Are they simply book-keeping entries?

Ruth Ritchie: Yes.

Stewart Stevenson: That is fine. It was a technical issue that I just wanted to be clear about.

The Scottish Prison Service costs will increase from the coming financial year to the next year by 4.14 per cent in real terms, but the current projection is that the number of prisoners will go up by 3.1 per cent. Why is there a difference of 1 per cent?

Mr Wallace: The running costs increased by £12 million between 2002-03 and 2003-4. You are right to point out that there is a projected increase in the prisoner population. That is the main reason for the increase in funding. We are also asking the Scottish Prison Service to make efficiency improvements and efficiency savings of up to £12.5 million in the current financial year and next year. An element of the funding will be used for additional capital investment.

Stewart Stevenson: Is the increase in the target cost per prisoner place in the current year, which parallels the figures, simply because we are seeking to get funds for other purposes to improve the quality of the service in future?

Mr Wallace: There is an element for the increased numbers, but there is also an intention to produce funding for future capital investment.

Stewart Stevenson: With the increased expenditure per prison place?

Mr Wallace: Have I got that the right way round?

Jim Gallagher: There is increased revenue expenditure per prisoner place. Within the target for the year that has finished, the SPS made

revenue savings to divert into capital. For the year that is about to begin, the SPS will seek to do the same. Members may remember that, a year ago, we had a conversation about the question of making revenue savings to allow capital investment.

Stewart Stevenson: I understand that but, if one is making savings, one might expect to see the cost per prisoner fall rather than rise. The savings are being transferred into potential capital expenditure, but further funds are being deployed beyond what is needed to look after the cost per prisoner. I presume that that is a policy choice, minister.

Mr Wallace: I am concerned that there may be a double negative in that question. There is obviously an element of increasing prisoner numbers. That increase has to be funded and part of the increase in funding is intended to take account of that. The SPS was asked to achieve efficiency savings of up to £12.5 million in the year that is about to start and in the year that has just finished. That may be reflected in the number of prisoner places and should allow money to be carried forward or directed into capital investment. The cost per prisoner place target for 2001-02 was set at £3,100 more than the 2000-01 target, but that 2001-02 target also included an associated target to generate the £12.5 million revenue saving. The money to generate that revenue saving was fed into the target for the cost per prisoner place.

The Convener: Before we move on, I have a very quick question on the sale of Penninghame prison. It is rumoured that, with 73 acres of land, Penninghame had an asking price of £500,000 and was sold for £250,000. However, members cannot find out what the valuation was. The SPS has refused to provide either the valuation of the prison buildings or details of the offer received for the sale of Penninghame. The code of conduct for ministers says:

"Ministers should be as open as possible with the Parliament and the public ... They should refuse to provide information only when disclosure would not be in the public interest."

Why can we not be given the answers to these questions?

15:00

Mr Wallace: The price that was paid for Penninghame prison must be a matter of public record, because it is on the Register of Sasines.

The Convener: Obviously. However, the point is that the prison was put on the market and then withdrawn from sale because the offers were regarded as too low. I understand that when the prison was put back on the market, the offer that

was accepted was even lower than the initial offers. We are talking about 73 acres of land and the prison buildings. Why cannot the justice committees and the Parliament find out what the valuation and conditions of offer were?

Mr Wallace: Frankly, I do not know what the valuation was. I have seen numerous parliamentary questions about closing dates for offers and when the land was readvertised for sale. I can only inquire about the specific point that you have raised. Obviously, the sale price is a matter of record. I would have to find out whether divulging offers from other parties would be in breach of commercial confidence. As I have said, I do not know what the valuation was and would have to inquire about that.

The Convener: I appreciate that information about the valuation would be commercially confidential before the sale was concluded. However, it would be interesting to know now what the valuation was. Presumably it was an informed valuation.

Mr Wallace: You have stirred my interest, convener. I will certainly find out that information and might also want to discuss the matter with the Auditor General for Scotland.

Lord James Douglas-Hamilton: I have a question about procurators fiscal.

The Convener: We might not have time for that.

Mr Wallace: In any event, I think that such a question would be better directed at the Lord Advocate.

The Convener: Donald, do you have a very quick question?

Donald Gorrie: Does anyone want to ask about open prisons?

The Convener: I was going to do so, but I fear that we might have to press on with our agenda instead. Perhaps I can ask the minister to respond in writing to this question: what plans do you have for an open prison for women? What is on the agenda and how soon might that happen? I do not want you to answer those questions now, because we do not have the time.

Do you have an answer?

Mr Wallace: Yes.

The Convener: Well, perhaps you can give it to us briefly.

Mr Wallace: The SPS has agreed that vacant quarters at Cornton Vale should be converted into independent living units. Work is already under way on that. Furthermore, the SPS has agreed that the hostel at Polmont should be turned over to become a women's facility.

The Convener: Do you have a time scale?

Mr Wallace: As I said, my information is that work is already under way on the independent living units.

The Convener: I was wondering about the time scale for people moving into those units.

Jim Gallagher: From a visit to Cornton Vale a week or two ago, I think that some of the facilities should be available within the financial year that we are discussing.

The Convener: Within this financial year?

Jim Gallagher: Yes.

Donald Gorrie: As your budget has decreased in real terms by 1.7 per cent, what would be your attitude to the joint justice committee's proposals that increases to the budget should come out of the present budget or the spending review funding when it comes along?

Mr Wallace: All power to my elbow. Obviously the spending review is important. I am very aware of the considerable demands that exist, and I sometimes feel that we could spend an infinite amount of money on certain issues. As a result, I will obviously give very careful consideration to the joint justice committee's report and to any considered view about the areas where more money should be spent or greater priority given. It is always useful to have allies when I do battle in the spending review.

The Convener: I do not think that we have ever been called allies. Are we tainted by that remark?

Lord James, we have to move on. Do you have a teeny-weeny question?

Lord James Douglas-Hamilton: On the same theme of increased funding for the justice department, I notice that prospective funding for the Crown Office is due to decrease. In view of the Chhokar inquiry's strong recommendation that fiscals should be more strongly resourced, will you consult the Lord Advocate to ensure that his department is properly resourced? As both the First Minister and the Deputy Minister for Justice have strongly supported that view during question time, will you add the weight of your office to securing increased funding for the Crown Office?

Mr Wallace: I seem to recall that I also supported greater funding for the Crown Office at one question time since the Easter recess. In fact, that is being done.

The Convener: I must abruptly conclude this public part of the meeting as we are running into the next meeting. I thank everyone for their attendance.

15:06

Meeting continued in private until 15:34.

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