

# **JUSTICE 1 COMMITTEE AND JUSTICE 2 COMMITTEE (JOINT MEETING)**

Tuesday 31 October 2006

Session 2

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## JUSTICE 1 COMMITTEE

37<sup>th</sup> Meeting 2006, Session 2

### CONVENER

\*Pauline McNeill (Glasgow Kelvin) (Lab)

### DEPUTY CONVENER

\*Stewart Stevenson (Banff and Buchan) (SNP)

### COMMITTEE MEMBERS

Marlyn Glen (North East Scotland) (Lab)  
\*Mr Bruce McFee (West of Scotland) (SNP)  
\*Margaret Mitchell (Central Scotland) (Con)  
\*Mrs Mary Mulligan (Linlithgow) (Lab)  
Mike Pringle (Edinburgh South) (LD)

### COMMITTEE SUBSTITUTES

Brian Adam (Aberdeen North) (SNP)  
Bill Aitken (Glasgow) (Con)  
Karen Gillon (Clydesdale) (Lab)  
Mr Jim Wallace (Orkney) (LD)

\*attended

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## JUSTICE 2 COMMITTEE

27<sup>th</sup> Meeting 2006, Session 2

### CONVENER

\*Mr David Davidson (North East Scotland) (Con)

### DEPUTY CONVENER

Bill Butler (Glasgow Anniesland) (Lab)

### COMMITTEE MEMBERS

\*Jackie Baillie (Dumbarton) (Lab)  
Colin Fox (Lothians) (SSP)  
\*Maureen Macmillan (Highlands and Islands) (Lab)  
\*Mr Stewart Maxwell (West of Scotland) (SNP)  
\*Jeremy Purvis (Tweddale, Ettrick and Lauderdale) (LD)

### COMMITTEE SUBSTITUTES

Cathie Craigie (Cumbernauld and Kilsyth) (Lab)  
Kenny MacAskill (Lothians) (SNP)  
Margaret Mitchell (Central Scotland) (Con)  
Mike Pringle (Edinburgh South) (LD)

\*attended

### THE FOLLOWING GAVE EVIDENCE:

Tony Cameron (Scottish Prison Service)  
Doug Cross (Association of Chief Police Officers in Scotland)  
Robert Gordon (Scottish Executive Justice Department)  
Graeme Hutton (Scottish Prison Service)  
Cathy Jamieson (Minister for Justice)  
Sir William Rae (Association of Chief Police Officers in Scotland)  
Ruth Ritchie (Scottish Executive Finance and Central Services Department)

### CLERK TO THE COMMITTEE

Callum Thomson

### SENIOR ASSISTANT CLERK

Euan Donald  
Douglas Wands

### ASSISTANT CLERK

Lewis McNaughton

### LOCATION

Committee Room 1

### CLERK TO THE COMMITTEE

Tracey Hawe  
Alison Walker

### SENIOR ASSISTANT CLERK

Anne Peat

### ASSISTANT CLERK

Steven Tallach



## Scottish Parliament

### Justice 1 Committee and Justice 2 Committee (Joint Meeting)

*Tuesday 31 October 2006*

[THE CONVENER *opened the meeting at 13:50*]

### Item in Private

**The Convener (Mr David Davidson):** Good afternoon, ladies and gentlemen, and welcome to the joint meeting of the Justice 1 Committee and Justice 2 Committee. This is the 37<sup>th</sup> meeting in 2006 of the Justice 1 Committee and the 27<sup>th</sup> meeting in 2006 of the Justice 2 Committee.

I apologise to our witnesses for the delay, which was caused by problems in members getting here on time. I remind everyone present to switch off all mobile phones, pagers and BlackBerrys—anything that goes “ping”—as they interfere with the sound system. We have received apologies from Bill Butler, Marlyn Glen and Mike Pringle.

Agenda item 1 is to ask the committees to agree that agenda item 3, which is consideration of the evidence received and issues arising, be taken in private. Are members agreed?

**Members indicated agreement.**

## Budget Process 2007-08

13:51

**The Convener:** Item 2 is the budget process. The purpose of today’s joint meeting is to take evidence on the Scottish Executive’s draft budget for 2007-08 and to consider the progress made against the efficiency targets that were published last year. Members should have copies of “Draft Budget 2007-08” and of the Scottish Executive’s paper “Efficiency Outturn Report for 2005/06”.

I welcome the members of our first panel: Tony Cameron, who is chief executive of the Scottish Prison Service; and Graeme Hutton, who is its head of finance.

I will start the questions. The SPS budget increased significantly between 2005-06 and 2006-07 but a smaller real-terms increase is provided for in the 2007-08 budget plans. Is that smaller increase sufficient, given that the prison population continues to rise? Do you foresee a point at which the SPS budget might decrease?

**Tony Cameron (Scottish Prison Service):** We are comfortable that the budgets that the Executive has set for 2006-07 and 2007-08 provide an adequate level of funding to allow us to accommodate the current prisoner population and the projected, slightly increased, prisoner population for those years and to achieve the targets for work with prisoners that ministers have set in our business plan.

I cannot say whether the prisons budget in years beyond that will go up or down. The trend over many years has been that the prisons budget has increased overall. In recent times, that increase has been more for capital expenditure than current expenditure. However, we have been funded in the budget for the prisoner numbers that we anticipate.

That is subject to caveats. First, if the prisoner projections turn out to be too low, the budgets will have been set on a figure that is different from the number of prisoners that we have to deal with. The prisoner projections over many years have been accurate, but I mention that caveat because, within the past 18 months, we have had a surge in the prison population and we are currently above the trend line of the prison population projection.

Secondly, if the Parliament passes the Custodial Sentences and Weapons (Scotland) Bill, we estimate that it will add between 700 and 1,100 prisoners on top of the projection. The bill’s financial memorandum, to which we contributed, sets out the reasons for that. That would be a very large increase indeed, unless countervailing measures were enacted that sought to reduce the

increased number. However, the extra 700 to 1,100 prisoners that the bill as drafted would be likely to add would come after the period that we are considering today.

**The Convener:** Thank you for your estimate of what might happen if that bill were to be passed. On the figures that we are addressing today, when you produce your budgets, what variance in prison numbers do you automatically build into your thinking?

**Tony Cameron:** For quite a long time, the prison population has been rising at a rate of between 100 and 200 on figures in previous years. We allow for peak periods: the projections that the statisticians produce relate to the average number of prisoners and are averaged over the whole year. That said, there are significant seasonal variations for which we need to cater.

As I said earlier, over the past 18 months or so, we have seen a decline in the long-term prisoner population; one that reverses the trend that had been building over many years—for over a decade or more. Nowadays, in absolute terms, we have fewer long-term prisoners than we had last year or the year before. By long term, I mean prisoners who are serving sentences of four years and over. By contrast, the number of short-term prisoners—those on sentences of under four years—has increased markedly over the past 18 months. We are as yet uncertain of the reason for that change.

We are comfortable with the margin of error that is used in our budget setting. The £427 million—which is the figure that was given for our budget next year—should be sufficient to cope with the variances. That statement comes with the caveat that, if we were to see a jump in numbers, our situation would be more difficult.

Currently, we are managing the prison population, which stands at about 7,100, and we are doing so relatively well. That is partly because we have released a number of prisoners on home-detention curfew—electronic tagging. As of today, about 240 people who are nearing the end of their sentence and who would normally have been in prison are at home on an electronic tag. That helps them to reintegrate into the community gradually. It also helps the prison population at the margin.

**Stewart Stevenson (Banff and Buchan) (SNP):** I want to develop that slightly. Given the decline in the long-term prisoner population and the increase in the short-term population, does not the concomitant increase in costs for the prison service relate to increased numbers of receptions, additional through-care and a higher number of discharges?

**Tony Cameron:** I am trying to find the answer. I think that the aggregate difference will not be

great. On the one hand, the member is right in saying that an increased number of short-term prisoners will mean a greater number of receptions and higher level of churn. It is true that the first few days of imprisonment are relatively expensive; a lot has to be done on entry.

On the other hand, some of those prisoners can move pretty quickly on to lower security and supervision categories than could be contemplated in the case of long-term prisoners who have been sent to Shotts prison for 20 years, for example. Indeed, given that the number of long-term prisoners is not sufficient to fill Shotts prison, we are contemplating sending some prisoners whose sentences have been set at just under four years to that prison, and also to Glenochil. Doing so could make better use of those prison facilities. I reiterate that the aggregate effect on our budget is not significant.

**Graeme Hutton (Scottish Prison Service):** Certainly, a greater number of programmes and activities are associated with long-term prisoner stays.

**Stewart Stevenson:** Okay. So, at the end of the day, it is swings and roundabouts.

**Graeme Hutton:** Yes.

**Stewart Stevenson:** You also mentioned home detention. In the Scottish Executive's submission, I note that £4 million has been allocated for home detention next year and £6.6 million for tagging. Was the £4 million figure driven by you or was the figure derived by the Executive?

14:00

**Tony Cameron:** I do not have those figures in front of me. There are two broad elements to what we call "tagging". One is that people might receive bail from sheriffs rather than imprisonment on remand as a result of a judgment about how safe it would be for them to remain in the community before trial. That is nothing to do with us because it is a diversion from imprisonment, which is helpful from the point of view of prison numbers.

The bigger and growing element of tagging is driven by us. Since the relevant power was brought in, prisoners on short-term sentences who are not in various sensitive categories—if I can put it that way—are eligible for electronic tagging towards the end of their sentences. We started that process in July. We have been pretty cautious about who to let out on a tag because this is new territory for us. Although things have gone well so far, our caution is understandable. About 240 prisoners have been tagged and released, but that figure could rise a little. When the Management of Offenders etc (Scotland) Act 2005 established the relevant power, it was estimated that a maximum

of between 290 and 300 prisoners would be tagged and released. Suitable prisoners have to be found and they have to agree to being dealt with in that way. There is scope for such tagging, but we do it only on the basis of careful risk assessment. That element of tagging is paid for out of the Justice Department moneys that you cited.

**Stewart Stevenson:** So it is a transfer of costs.

**Tony Cameron:** That is right.

**Stewart Stevenson:** Let me ask the question that I was invited to ask. Annex A of your business plan provides your prisoner number projections up to the year 2014-15. All the variants show a rising trend over that period. What is driving your view that rises in prisoner numbers will continue? Are you simply looking over the stern of the boat and observing what happens, or are you assessing the present and future practice of the courts and the present and future policy of the Executive, leaving aside the Custodial Sentences and Weapons (Scotland) Bill, which you have already commented on?

**Tony Cameron:** Thank you for that. This may seem an arcane point, but it is worth making. Many people have a tendency to view the figures to which you have referred as forecasts that are similar to the financial forecasts that one might make, but they are not forecasts; they are projections that are based solely on previous patterns. They are worked out mathematically by examining patterns in receptions to prisons up to about 30 years ago.

For many years, there has been debate about whether we ought to take into account new policy initiatives and developments when we look forward. One reason why we have never done that is that our projections have proved remarkably accurate and we are loth to give up a method that works. Secondly, new initiatives that are hailed as being likely to have a significant effect on future prison populations—to make them go down, for example—rarely do so. The statisticians will tell you, as they have told me, that the two key determinants of the projections are how many people are sentenced and how long they are sentenced for. Almost anything else could have an effect, but it is wiped out by those two factors.

Our projections are based on a regression analysis from long-run figures. They do not take account of new initiatives such as the Custodial Sentences and Weapons (Scotland) Bill, which, as I mentioned in answer to the first question, will have a big effect.

**Stewart Stevenson:** I was going to make the point that in referring to the Custodial Sentences and Weapons (Scotland) Bill, you have succumbed to the temptation to look forward. Are

there any proposals that are before Parliament or that are in prospect of coming before Parliament that might have an effect of any statistical significance on the number of prisoners?

**Tony Cameron:** The answer to that is no. As of Friday night, we had 7,131 prisoners. To that, we can add the number of offenders who are on home detention curfew because they would have been in prison but for that new initiative. There were 232 of them on Friday night. The total is 400 to 500 more than on the equivalent Friday last year, which is why I said that we are running ahead of trend. That is the case without the law being changed.

The tendency is for law changes to increase the penalties for existing crimes, create new crimes or do something that has a small effect. The cumulative effect of that is to make prison populations rise, but the reasons for the current surge of short-term imprisonment as opposed to long-term imprisonment is not known. We have done a number of studies and have concluded that we just do not know the reason. A behavioural feature in society, possibly fuelled by the print media, is leading sentencers to send more people to prison. The remand population has risen as well.

**Mr Stewart Maxwell (West of Scotland) (SNP):** My question carries on from the previous question, although it is in a slightly different vein. There is obviously a problem with overall prisoner numbers and the number of places that you have. In other words, there is a problem of overcrowding. Do you have a timetable for addressing that?

**Tony Cameron:** We do. The current design capacity of the prison service—which changes week to week as we take cells out of use and put others into use—is 6,394 prisoners and, as I said, we have 7,131. Over a number of years, we have been used to coping with a good deal more than that. If Andrew McLellan, HM chief inspector of prisons, was here, he would tell you the manifold evils of high numbers and overcrowding and I would not want to contradict him but, at a small level, they can be coped with. Therefore, we contract with our prisons and the private prison for 6,710 places, but we are above that. The further it goes, the harder it gets.

With Executive money that has been provided to us on capital spending, we have instigated a building programme and new prison acquisition policy, which is increasing our capacity over a number of years. It is fuelled not only by increasing prisoner numbers but by unsuitable accommodation. Stopping out still occurs marginally at Polmont and in part of Peterhead, and Low Moss consists of wooden dormitories that date, in some cases, from the second world war. We do not want to have to pay prisoners for imprisoning them because in doing so we breach

their rights under article 3 of the European convention on human rights. We would like to fix the problem, but it is not possible to conjure new prison places out of thin air, so we have a building programme. I can go into it, if you like; it is referred to in the letter that I sent on 24 October. It involves huge investment of more than £1.5 million a week on upgrading and expanding our estate at five key sites—Glenochil, Polmont, Edinburgh, Perth and Cornton Vale—and we have increased the capacity of the open estate by adding a house block. A few months ago, we concluded a 25-year contract for a new prison at Addiewell, which will come into use at the end of 2008.

**Mr Maxwell:** I understand a lot of the work that is being done. I asked the question for two reasons. First, the design capacity that is shown in the chart in annex B of the Scottish Prison Service business plan for 2006 to 2008 never seems to reach the projected number of prisoners, although I presume that the 2008-09 figure, which gets closest to matching the number of prisoners, relates to Addiewell's coming into use.

**Tony Cameron:** Yes. We project 46 places spare then. As you can see, on present projections the yellow line—the population projection—keeps going up. That is the inexorable rise of 100 to 200 to which I referred.

**Mr Maxwell:** So, despite all the things that you said in your answer to my first question, you still project a lack of capacity over a good number of years.

**Tony Cameron:** Yes.

**Mr Maxwell:** The second reason for asking the question is that I understand that planning permission for Low Moss's replacement has been refused and that you are currently appealing that decision.

**Tony Cameron:** Yes. We applied for planning permission in 2003. Two years later, despite the fact that the planning department recommended granting permission subject to normal planning conditions, the councillors refused it. We appealed, hearings have been held and the last that we heard was that the reporter will deliver his report towards the end of the year. We wait hopefully. The matter will then go to the minister with responsibility for planning for a determination.

**Mr Maxwell:** Will you enlighten us as to why permission was refused? I am particularly interested in the financial implications of that refusal on your projections, given that I presume that you expected to get planning permission first time round.

**Tony Cameron:** I was not as much of an expert on the planning system before all this, but I sort of am now. I am told by people who are more expert

than I that waiting two years is not unusual. I do not know why the planning committee of East Dunbartonshire Council turned it down, although there seems to be a fear of having a bigger prison on that site. There is a prison there at the moment so we do not seek a change but an expansion of use, which the planning officials understood. I do not know why they refused permission, but they have the right to do that and we have the right to appeal. It is such a good site and we own the land that surrounds it as well as the bit on which the prison stands—

**Mr Maxwell:** I know the site.

**Tony Cameron:** It is an excellent location. Not everyone wants a new prison nearby; it is not like a new school for which everybody would grant planning permission. Despite the fact that a prison is quite a good neighbour because it is not noisy and has no factory emissions or anything, people seem to feel that they do not want one next door to them. The refusal to grant planning permission might have had something to do with that. We can only do what we do and we have decided to stick with the site and see whether we can gain the necessary permission on appeal.

**Mr Maxwell:** I am slightly confused because I assumed that you would have been given the reasons why permission was refused.

**Tony Cameron:** We were, but they were a bit vague. Only 24 hours earlier, our paper before the planning committee gave the reasons why it was a good idea.

**Mr Maxwell:** You did not mention the financial implications of the refusal and consequent delay in the project, but I presume that there must be some.

**Tony Cameron:** It means that we cannot start the competition for the provision of the new facility as early as we would have done. We depend on the Executive to fund the new facility and after discussion with its finance director, we agreed that we have not entered a crisis; rather, we have had to retain Low Moss rather longer than we would have otherwise. Although a cost attaches to that, there would have been a cost in running the competition. It is a matter of phasing. There is no doubt that overcrowding is likely to be worse than it would have been otherwise during the period between closing Low Moss and getting the new jail—things have moved on and the population has risen. However, there has not been a huge financial impact on us.

**Pauline McNeill (Glasgow Kelvin) (Lab):** I have expressed my concern about the delay, which is down to the decision of the local authority. Two years is far too long to wait and I hope that, subject to passing the Planning etc (Scotland) Bill, local authorities will be more strategic when it



comes to building prisons in the future, but that is for another day.

If the reporter finds in favour of the SPS in December and the minister signs off the decision, how quickly can the SPS move to build a prison on that site?

**Tony Cameron:** It would take some years. First, we would run a competition to decide the preferred bidder. If it were the SPS, we would build it; or rather, a builder would build it. If you are asking how long it would be before prisoners went through the gate, we are talking about four years, but that is subject to the market. It takes about two years to build the prison.

**Pauline McNeill:** We do not have four years. How long would the competition procedure take?

**Tony Cameron:** That depends on the market. There is no set time. One puts a suitable notice in the *Official Journal of the European Union* and goes through the procurement procedures, which are extremely rigorous.

14:15

**Pauline McNeill:** How long do you have to give? Is there a required length of time?

**Tony Cameron:** No, but it is normal to give sufficient time for the market to respond to the invitation to tender. After that, we go through the various procedures that are required in the public procurement rules. They take quite a long time.

**Pauline McNeill:** What is the shortest time that you could do it in?

**Graeme Hutton:** The tender process typically takes one to two years.

**Pauline McNeill:** There is a difference between one year and two years.

**Graeme Hutton:** It takes between one and two years.

**Pauline McNeill:** Could you do it in a year? Do you have the will to do that? I am pressing you because I support the SPS's project to build at the Low Moss site. A new prison is needed for the west of Scotland and we need to find ways of speeding things up. Are you prepared to do that, where you have the power to do so?

**Tony Cameron:** There is no doubt that we are constrained and the will is there. If we get the green light, we are ready to go.

**Pauline McNeill:** So you would be prepared to do the tendering process in as short a period as possible.

**Tony Cameron:** Absolutely, but we are not totally in control of the timetable.

**Pauline McNeill:** If you could do it in a year, why does it take four years?

**Tony Cameron:** We should reflect that, at this stage in complex public projects that cost many hundreds of millions of pounds, it is not a good idea to give undertakings that things can be done on time and to budget because that might turn out not to be the case. We all know what those things are.

In the past five to six years, I have presided over an SPS that has had 30-odd such projects, every one of which went in on time and to budget. I do not want to lose that reputation. That is why I do not want to give overoptimistic assessments of time or budget at this early stage. I know from hard-won experience that, later, those terms come back to you. If one goes too quickly, the market responds by quoting a higher price and one lives with that for the rest of the time. There is a cost-time equation. One does not get into a decision about time until one knows what the costs are likely to be, and that is known only when the market gives its response.

We know from our other projects that building construction costs in our sector are running at about 12 per cent. Phasing is an important factor in the equation as well. We know what we are doing with such contracts and it is not wise to give ourselves an artificial deadline. Pauline McNeill is right to say that we will do things as quickly as we can. We are every bit as interested in closing the gap as she is, and we like the Low Moss site. An alternative site would be problematic.

**Pauline McNeill:** If the reporter does not find in your favour, is there a plan B? Where in the west of Scotland would the prison be sited if it was not on the Low Moss site?

**Tony Cameron:** There are a number of possibilities, none of which I want to reveal because doing so would take the pressure off the system.

**Pauline McNeill:** But you have a plan B.

**Tony Cameron:** Yes.

**Margaret Mitchell (Central Scotland) (Con):** Given the high prison population and the problems of overcrowding, coupled with the need to modernise and expand the prison estate, are you concerned that the resources that are allocated to the rehabilitation of prisoners might be squeezed?

**Tony Cameron:** The short answer is no. Not only have we managed to house the increased number of prisoners, but our annual reports show that in recent years we have made considerable strides in increasing education, offender-development hours and accredited programme hours and the number and volume of approved activities. We have no intention of reducing our

efforts. The Parliament passed legislation that led to community justice authorities to try to reduce reoffending and tackle the causes of crime. We have a part to play in that, a central aspect of which is that we do what we can with prisoners while they are with us and we work as seamlessly as we can with the community. It is important that we protect and continue to expand our efforts on rehabilitation and care.

**Margaret Mitchell:** I will press you on that. What safeguards are put in place and what process do you have for monitoring rehabilitation and to ensure that the rehabilitation activities that are set out go ahead in the various prisons from day to day?

**Tony Cameron:** I referred to our contracts with our prisons. Each of those gives the prison a budget for the costs that the governor can control. It also contains many outputs that we wish to see over the year, not least of which are approved activities, programmes to address offending behaviour and various forms of learning or other useful activity, including work activity. Those are monitored and reported on to the Prison Service board monthly. We track progress. At our last board meeting, which took place earlier this month in Aberdeen prison, we were on schedule with all our programmes. We should meet the targets that ministers set in our business plan, which we sent to the committees in May. We track progress carefully.

**Margaret Mitchell:** So you monitor progress monthly and if anything needs to be done in a prison, steps are taken immediately.

**Tony Cameron:** Absolutely. If a prison cannot meet what might be called its quota on one aspect, we consider what might be done there or elsewhere to ensure that we are on track. In each of the past few years, we have exceeded the targets that we have been set for education and similar activities and for programmes to address offender behaviour, because of the priority that the Parliament and the Government place on that. We will continue to do that.

**Maureen Macmillan (Highlands and Islands) (Lab):** I know that programmes to address offender behaviour have targeted long-term prisoners rather than short-term prisoners, but the Management of Offenders etc (Scotland) Act 2005 will make it necessary to address short-term prisoners' needs in that respect. If that means that more prison staff or bought-in services are required to provide realistic programmes, will that have implications for the budget?

**Tony Cameron:** You are correct to say that we have concentrated on prisoners with sentences of more than four years, although we have not done that exclusively. Through integrated case

management in association with local authority social work departments, our psychology service providers and our education providers, we are trying to do more for short-term prisoners.

However, I would be kidding you if I said that we would do much with very short-term prisoners. A statistic that comes to mind is that the average length of imprisonment of short-termers is about three months. If a typical period of remand of 20 to 30 days is subtracted from that, the amount of time for which such a prisoner is with the Prison Service is very small. Every year, 20,000 convicted prisoners come to prison, plus another 20,000 remanded prisoners. Very short-term prisoners receive health care and we sometimes patch them up pretty well, but we cannot address their offending behaviour.

**Maureen Macmillan:** Are you considering prisoners with sentences of between one year and four years?

**Tony Cameron:** Such sentences provide a more sufficient period of time. Some programmes take quite a while and accreditation means that a good programme must be delivered to high standards, so it cannot be rushed in the first few weeks. I know from my many visits to prisons that, in the first week of imprisonment, 98 per cent of the women who go to Cornton Vale have drugs in their bloodstream, as do two thirds of men, so detox is the priority. We also have 15 per cent of our prison population on maintenance methadone. That is a much bigger priority for short-term prisoners than are prisoner programmes.

**Maureen Macmillan:** Are you confident that such programmes can be dealt with within the budget?

**Tony Cameron:** That will be the case if we assume that overcrowding does not worsen and can be ameliorated by our building programme.

I am president of the International Corrections and Prisons Association, which operates in 80 countries. I have yet to find one of those countries that has built its way out of its prison problem. Action has to be taken on the demand for imprisonment as well as the supply, because if more and more prisons are built, they will be filled. That is the strong message that I get from my opposite numbers in many European and other countries, and it is worth bearing in mind.

**Margaret Mitchell:** I return to your comments on very short-term sentences, such as three-month sentences. Is not there an opportunity within that time to assess and address literacy and numeracy problems, which can be an underlying factor in offending and reoffending?

**Tony Cameron:** The short answer is no. The chaotic lifestyle and state of many of the people

who come to us do not allow us to provide more than emergency care. The fact is that imprisonment cannot do much for very short-term prisoners. A previous Home Secretary said that that sort of imprisonment is an expensive way of making a bad person worse, and I would not disagree with that. All the problems that such a person had before coming into prison will still be there, plus the imprisonment, which tends to destabilise what little stability they might have had. It is certainly not a recipe for reducing crime.

**Margaret Mitchell:** That goes entirely against the Justice 1 Committee's report, which came to the opposite conclusion. Even if it is just a case of signposting those people towards help when they leave prison, something can be done. I do not accept that nothing can be done if someone is in prison day after day for 12 weeks. That is a long time to have somebody imprisoned when you could be helping them on a daily basis.

**Tony Cameron:** Using the Prison Service as a gateway to other public services is not a good policy.

**Stewart Stevenson:** Incidentally, I think that the quotation that you attributed to a previous Home Secretary was from Margaret Thatcher in 1976.

I would like to talk about Peterhead and slopping out. It seems clear that slopping out at Peterhead is not susceptible to the same kind of legal challenge that other slopping out has been. Nonetheless, the condition of the Victorian prisons at Peterhead, Inverness and Aberdeen exercises me and other members of the committees. At what date might the minister next be offered the opportunity to make a decision?

**Tony Cameron:** As committee members will know, an extensive consultation exercise was conducted by ministers last year, which we did on behalf of the Minister for Justice. At the end of the exercise, the minister decided that it would be useful to take the views of the community justice authorities, as a relevant new factor, so we have recently written to the chief officers of the eight CJAs asking them to comment on the outcome of the consultation exercise. We have asked for those comments by the end of November.

On behalf of ministers, we have also made it clear that any outcome is subject to the identification of new funds, and that that cannot take place until 2007, which is, as I understand it, when the next round of budget decisions will be made by the Executive and submitted to Parliament. I cannot be more definite than that.

**Stewart Stevenson:** One obviously cannot bid for funds without having a view on what one is bidding to do. Without necessarily asking when it might come into the public gaze, I am asking when the next stage of your input to ministerial decision

making will be delivered to the minister's in-tray. If the current minister is not in a position to make a decision, will that information be available to an incoming Administration, of whatever complexion, in May 2007?

14:30

**Tony Cameron:** I do not have anything more to say about the current timetable. We are subject to instructions from the Executive on the demand—and it is a demand, because nobody is denying that the conditions in Peterhead prison are unsuitable and that the buildings are damp. Aberdeen prison will also be involved, because it is one of our more overcrowded prisons. The story at Inverness prison is slightly different, but Aberdeen and Peterhead go together in the equation.

We are ready to give advice whenever it is required. If the right time for that is when there is an incoming Administration, I would say from my many years of experience as a civil servant that notes for incoming Administrations always highlight key issues that have to be decided on quickly. Peterhead prison certainly has to be decided on quickly. If the decision were that the prison is to be replaced with another prison somewhere in the north-east—which is the most likely decision—planning permission will be required. That takes us back to the question that Pauline McNeill asked, and I am not as optimistic about the planning system as I was three years ago.

**Stewart Stevenson:** I think that it would be fair to say—to paraphrase Dickens—that Aberdeenshire Council is willing.

**Tony Cameron:** Incidentally, the quote earlier was from Douglas Hurd, who was Home Secretary.

**Stewart Stevenson:** Was it? I beg your pardon. I knew it was a Conservative though, so I was correct.

**The Convener:** I am very pleased that Stewart Stevenson has been corrected by a witness on the record.

I am conscious of the time, but Jackie Baillie has a couple of quick questions.

**Jackie Baillie (Dumbarton) (Lab):** Yes—they are on the implications of slopping out continuing at Peterhead and Polmont, and on claims from ex-prisoners. How confident are you that the current financial provision for compensation claims following the Napier case is adequate? Do you have a timetable for resolving those claims? I understand that you await a judgment from the inner house of the Court of Session.

**Tony Cameron:** For the cases that are similar to the Napier case—that is, for people who claim that their health was directly affected by slopping out when there were two people in the cell—we have agreed with the representatives of some of the claimants that we will take test cases. There was also the case of Somerville and others v Scottish ministers, and Lady Paton made a judgment on the time bar in relation to that case. Cases are going to court and the Lady Paton case is being appealed in the inner house of the Court of Session.

There have been interesting recent developments in respect of people who were paired in cells and who were slopping out but who are not claiming that their health was directly affected. Jurisprudence from the European Court of Human Rights in Strasbourg in relation to other countries suggests that, even without the need to demonstrate damage to health, it is an infringement of article 3 of the European convention on human rights if a person is paired up in a very small cell and has to slop out. As a result, ministers have decided to offer compensation to prisoners and ex-prisoners who have taken cases to court, without the need for elaborate medical records and other records. We have made about 220 such offers. When I asked this morning, I was told that 50 people have accepted a new scheme that stands alongside alternative dispute resolution, which is for more complex cases. Therefore, we are running two systems.

We have been fully funded by the Executive for the cost. The underlying cause of the infringement of the ECHR was the buildings. We are dealing with historical difficulties and a magic wand cannot replace those buildings overnight. However, I am pleased to say that the Executive has fully funded the SPS for those additional legal and compensation costs to prisoners and ex-prisoners. I have no reason to believe that that will not continue, unless Graeme Hutton knows more about his colleagues in the Scottish Executive.

**Graeme Hutton:** We have been funded for all occurrences up to 31 March, as is recorded in our accounts. We will reassess the position for 2006-07 to see whether there are any further implications, but if nothing changes, we will be covered.

**Jackie Baillie:** As I understand it, the amount included in your accounts relates to the Napier case. I am interested in the value of the compensation claims for the article 3 infringement; and in whether the 220 cases represent the total claim that will be made, or whether a deluge is heading towards us. Although I entirely accept that the Executive might be generous in funding such claims, I am sure that you will appreciate our view

that the cost is one that, perhaps, did not need to be met from the budget at all.

**Tony Cameron:** I understand that point entirely. We continually try to make estimates of the crystallised amount of our exposure as a result of the Napier case and of the jurisprudence from the European Court of Human Rights. That amount has been shown in our accounts and we continue to review it. In our most recent accounts, there is a sum of £58 million, which is the totality, plus a contingent liability of £27 million. In the previous year's account, those figures were £48 million or £49 million and £24 million, respectively. They have gone up a little bit as the assessment of the number of people who might be affected has risen.

The other case that is highly relevant to this area is the Somerville case, in which the ministers' lawyers argued that the time bar of one year between the action having taken place and the claim being made should apply. Lady Paton judged that that should not be the case. That point has great importance for the number of successful claims that there might be. From our point of view, that is one of the most important points that is being appealed in the inner house of the Court of Session. There is a certain uncertainty about the so-called time bar.

**Jackie Baillie:** You will have made a judgment on the implications and cost of losing that appeal. You have increased your budget by £13 million. If the appeal fails, what is the worst-case scenario likely to be?

**Graeme Hutton:** In accordance with accounting guidance and legal advice, our accounts reflect those areas that are considered to be of greatest risk to the SPS. That is set aside in our provision. A lesser risk is recorded under contingent liability. In totality, we have regard to the assessment by the SPS and its legal advisers of where we are just now. In the accounts, we have included those to whom we have made offers as well as potential claims that might be made.

**Jackie Baillie:** Does that take account of article 3 infringements as well?

**Graeme Hutton:** Yes.

**Tony Cameron:** In short, the two figures together show the worst-case scenario.

**Jackie Baillie:** The Custodial Sentences and Weapons (Scotland) Bill is before the Parliament. I understand that you think that the bill is likely to have a significant financial consequence for the SPS, as you estimate that it is likely to result in an increase in prison numbers of around 700 to 1,100. What plans are in place to deal with that and when will the costs materialise?

**Tony Cameron:** The table on page 32 of the bill's financial memorandum sets out the recurring

and non-recurring costs in year 1, as currently estimated, and the recurring costs in year 5. The figures are purely illustrative and exactly when any provision would be brought into effect will be a matter of political judgment. I cannot answer your question about when costs will materialise—you will tell me that, not the other way around.

The broad orders of magnitude—as you said, we have given the Executive an estimate of between 700 and 1,100 prisoners—mean that, in year 5, all things being equal, the recurring costs will be somewhere between £37 million a year and £55 million a year, indefinitely, and that the non-recurring costs that are associated with the creation of new facilities and the expansion in and upgrading of existing facilities will be somewhere between £25 million and £162 million, depending on how the sums are calculated. We have given a range because, self-evidently, the effects of such a complex bill cannot be translated into a single arithmetic sum and we have had to make some assumptions.

Members of the committees seemed to like the chart in annex B of our business plan that showed the development of our design capacity against prison population numbers. I have another chart that I can give to committee members that superimposes on that chart the effects of the bill. If members find it useful, I can leave that with the clerk. The second chart is probably worth a thousand words and many figures because it gives a picture of what the effect of the bill would be at various breach rates. We provided that chart for our Executive colleagues to underpin the table, to which we contributed, on page 32 of the financial memorandum. That will allow members to see how the current diagram in annex B of our business plan would be altered by the effects of the bill. The chart does not give details of the money involved but it gives the prisoner numbers.

**The Convener:** We would be grateful if you could pass that to the clerks. On the subject of providing further evidence, will you also drop us a short note on the alternative dispute resolution scheme that you mentioned? That would be of general interest to the committee, although it is nothing to do with this budget.

**Tony Cameron:** As it happens, on 30 October and previously on 17 October, I provided those details in writing to the Audit Committee and copied the letters to the justice committees. The committees should already have both those letters, which give further details.

**The Convener:** I apologise. It appears that those papers have been circulated along with the other papers for today's meeting.

**Tony Cameron:** On the issue of the 220 offers of compensation, I have written on that only this

morning, as the offers have only recently been made and we are still waiting for people to confirm whether they will accept the compensation.

**Jackie Baillie:** On the implications of the Custodial Sentences and Weapons (Scotland) Bill, when a member of the Justice 2 Sub-Committee on child sex offenders put a similar question to an SPS representative, we were told that there are unlikely to be any additional costs for sex offenders as they can all be absorbed by the SPS. Was he right or are you right?

**Tony Cameron:** Sorry, I am not sure which provision you are talking about.

**Jackie Baillie:** In the context of the implications of the Custodial Sentences and Weapons (Scotland) Bill, we were told that there would be no impact on the custodial sentences of sex offenders and no additional cost because any costs could be absorbed. That does not quite sit with your evidence that the bill will result in additional cost because of the de facto increase in numbers.

**Tony Cameron:** The figures in the financial memorandum to the Custodial Sentences and Weapons (Scotland) Bill refer not to sex offenders but to all offenders. I am not sure of the context of the previous discussion, but the bill will have no impact on long-term sex offenders because the removal of the automatic halving of short-term prison sentences will not affect the sentences of long-term sex offenders or, indeed, other long-term offenders. Therefore, both statements could be true. However, until I see the *Official Report*, I cannot comment definitively.

**Jackie Baillie:** It will be helpful to have your comments once you have seen that.

**Maureen Macmillan:** On the proposed efficiency savings, the Executive's "Efficiency Technical Notes March 2006" states that the planned cash-releasing savings are dependent on several factors, including the opening of the two new prisons that we have discussed and whether the prisoner population projections fall within the expected parameters. Given the delay in building the prison at Low Moss and the fact that the rising trend in prisoner numbers was not anticipated in the projections, will those planned efficiency savings be achieved? Is it realistic to expect any planned efficiency savings?

14:45

**Tony Cameron:** The answer is yes. When our baseline budgets for 2006-07 and 2007-08—which is the budget that we are discussing—were set, savings of £7 million and £10 million had already been taken from those budgets in the expectation that we would manage within those lower numbers

and thereby generate cash-releasing efficiencies of £7 million and £10 million in those two years. Nothing that I have said about the future of Low Moss and so forth really affects those savings because the new prison will not be built by 2007-08.

We have embarked on achieving efficiency savings. Since devolution, we have been on an efficiency drive, because our costs as a contractor are out of line with those of our competitors in the market, who are new entrants to our business. In the long run, that position is unsustainable.

We have managed to make efficiency savings in every year since devolution. However, that does not absolve us from contributing to the Executive's efficient government targets, which we readily accepted, as I said when I spoke to the committees last year. We are on track to deliver the £7 million and £10 million of cash-releasing savings and the £900,000 of time-releasing savings that come from the escort contract. Graeme Hutton, who is sitting on my left, is paid to worry about whether we will make it, and he does not look worried. We have made efficiencies in previous years and we will continue to do so, notwithstanding the projected increase in numbers. As an efficient public business, it is right that we should do so.

**Maureen Macmillan:** So you are confident that the target is not just a wish.

**Tony Cameron:** We are on target for the £7 million this year. If some catastrophe happens and the numbers rocket next year, that will be a different story, but as I sit here looking at the figures, which I reviewed with Graeme Hutton yesterday and today, I am confident that we will make the savings of £7 million and £10 million.

If our trade union partners were here, they would be a bit restive, because the situation is becoming more difficult as the year passes. However, we have a partnership arrangement that involves dispute resolution. At headquarters, we have managed to make considerable savings of about 20 per cent, so not all cuts are at the front line. However, we need to be efficient across the board. The headquarters have been a major contributor, but we will require every part of the organisation to contribute to efficiency, as that benefits our long-term survival as an organisation and saves the taxpayer money.

**The Convener:** I thank Mr Cameron and his colleague for coming along and I apologise for the delayed start. We have much to get through this afternoon.

While the second panel of witnesses take their seats, I ask members—particularly those who have arrived a little late—to keep their questions

tight because of the time constraints. I also ask the witnesses to answer as tightly as possible.

From the Association of Chief Police Officers in Scotland I welcome Sir William Rae, who is the honorary secretary, and Doug Cross, who is from Tayside police. I apologise for the delay in taking your evidence; our meeting started late. I am anxious to press on and that we try to keep our questions and answers as tight as possible.

Police-strength returns suggest that the overall increase in the number of police officers between June 2005 and June 2006 was not reflected in all police forces. Are current police numbers sufficient to meet the pressures that our police face? If so, is that true for individual police forces and at a national level?

**Sir William Rae (Association of Chief Police Officers in Scotland):** It is fair to say that when we have spoken to the committee previously, we have highlighted issues to do with the number of officers. In the current spending review period, several initiatives have been taken to increase the number of officers, but they have not happened in all of Scotland's eight police forces. Just before the spending review, an exercise was conducted to rebalance grant-aided expenditure distribution, as a consequence of which weighted sums were allocated to forces in an attempt to achieve a level playing field by the end of the spending review period.

As a consequence of that, the rise in the number of officers has been different in different forces, according to availability. I also emphasise that, as we have said before, the biggest risk to business continuity in the police service at the moment is the high turnover of police officers who are reaching retirement age. As a consequence of representations that were made to the committee—we are grateful for your support—we received some additional funding in the spending review to enable us to advance recruit police officers in anticipation of a significant exodus in 2009. The numbers have been increasing, and the latest returns show that we had 520 more officers on our books in September this year than we had in September three years ago.

**The Convener:** Within the budget that we are addressing just now, do you see the situation being balanced, as you mentioned, through the GAE across all the forces in Scotland?

**Sir William Rae:** It will be balanced in accordance with the new GAE distribution. There is not a chief constable in Scotland who would say that he does not require additional officers, but we are all realistic. One of the major objectives as we entered the current spending review period was to achieve a level playing field across Scotland in terms of need. We believe that the distribution

model that is now in place better reflects that need. We would like a bigger cake, although we think that the distribution is fairer than it was.

**The Convener:** I have a final question on the same point. You mentioned the 2009 retirement figures. I presume that you will want to have in place trained and experienced officers long before then. Will the current budget allow you to go down that route?

**Sir William Rae:** The current budget will offset the peak of extractions. You will appreciate that the people who are going out the door are officers who have 30 years' experience and lots of specialist skills. Over the course of the current spending review, we have been advance recruiting in anticipation of that peak in order to do precisely what you say, which is to get people in and through training: we do not want to wait until the big peak in 2009 to try to recruit a high number of officers. That is a sensible approach and the police authorities have supported the advance recruitment strategy. All forces have been squeezing out money here and there to maximise recruitment at this time. There will come a day of reckoning because advance recruitment will have to level off at some stage in the future. However, we will have made substantial gains in having officers who will have at least two or three years' service ready to slot into the gaps that occur.

**The Convener:** For clarity, can you confirm that the current budget will allow you to carry out that programme?

**Sir William Rae:** Indeed. Additional funding for that purpose—£3 million, to be precise—is being provided in the current year and next year, the final year of the spending review. We will also have £7 million for a levelling off, which will come into effect next year. All of that will undoubtedly contribute to sustaining and, probably, to increasing the number of officers over the period.

**Mr Maxwell:** I have a short supplementary question on advance recruitment. If the experienced officers are still on board when that happens—if they have not left—that will lead to an increase in the total number of officers. When those experienced officers retire, will the total number of officers begin to fall?

**Sir William Rae:** Yes—unless we persuade the committee and the Justice Department to increase our budget so that we can maintain numbers. In Strathclyde, we have just over 200 officers more than we would have ordinarily, given our budget. That is a great advantage at the moment. We are having them trained, but unless something happens, the number will have to be reduced again in the future.

We are all working hard. I do not want to jump ahead, but members will accept that much of the

money from efficiency savings is being used to try to sustain the numbers of officers. We are pleased that that pressure has been recognised by the committees and Parliament.

**Mr Maxwell:** That is an interesting point. You said that there are more than 200 extra officers in Strathclyde. Do you expect that, as things stand, there will be a fall of 200 in the number of officers in Strathclyde in 2009-10? Can you give us the figure for the whole of Scotland?

**Sir William Rae:** I cannot do so at the moment. My difficulty is that no force now has a set figure for its establishment—the number of officers that it should have. Essentially, forces try to have as many officers and staff as the budget allows. The number will vary throughout Scotland.

As we approach the next spending review, the picture should become a bit clearer. As I said, £3 million will come into play in the next financial year for advance recruitment, and another £7 million will be distributed to a number of forces to balance GAE. I suspect that most of that £10 million will be spent on recruitment of officers; therefore, the numbers are difficult to predict. The committee should appreciate that part of the strategy is to recruit in advance and that it is inevitable that there will be a payback time to allow advance recruitment to level off.

**Pauline McNeill:** ACPOS's written submission states that, after the deduction of certain moneys for specific purposes—such as pensions, which you have been telling the committee about year after year, and 2009 is not far away now, so part of the budget will be set aside for that purpose—there will be a net 3 per cent increase in the GAE to account for pay awards, other inflationary increases and new burdens. Will you outline what those other increases are and what new burdens you mean?

**Sir William Rae:** One of the difficulties that we face is that the police pay award has not been settled. There is a dispute at the Police Negotiating Board about the level of payment. The police-pay part of it is a 3 per cent increase, which is being negotiated at the moment. We await the outcome of that, as it will have a big impact on the total budget. Our support staff have already settled for a 3 per cent increase, which is part of a two-year pay deal. That makes up the bulk of the movement.

We present in our paper a number of other pressures. Probably every public authority is having difficulty with fuel costs, which have been escalating—we are similarly caught up in that. The other pressures concern increasing demands and responsibilities in respect of legislation. I am unable to give you a budget breakdown of exactly where the pressures lie but, as I said, I hope that

they will be clear by the time we enter discussions about the next spending review.

I will take the opportunity to comment on pensions. About 22 per cent of the total police budget is now paid out in pensions. Given the number of officers who will retire between now and 2010, it is likely that the figure will rise to about 27 per cent of our total budget. We think that we are the only public sector body that shows pensions as part of its operating costs. In Strathclyde in March, as well as paying for my 7,500 officers, we were paying for the pensions of 6,500 retired officers. Between now and 2010, the number of retired officers will overtake the number of serving officers; that situation is untenable in the long term.

As I have highlighted, the situation was reconsidered south of the border and the solution that was adopted by the Home Office and the Treasury was to take police pensions into the centre, as is the case with teachers' pensions. The Justice Department is currently considering that. The fact that such high proportions of budgets are used to pay for pensions tends to distort the operating budgets of forces.

15:00

**Pauline McNeill:** What would be the effect of the Justice Department taking the pensions into the centre? Superficially, it would perhaps just mean that the operational budgets could be understood. Would it make any actual difference to your budget?

**Sir William Rae:** It would have minimal impact on our budget, but it would be a much more effective way to manage the pensions budget. At the moment, we are compelled by auditors to provide in our budget for officers reaching 30 years of service. As a consequence, all forces have retained a reserve for pensions purposes. Legally, we are obliged to do that. It would be much more efficient to deal with all that money in one place. There are potential benefits in that and the liability would not change. As soon as police officers reach retirement age, they seek their pensions. Not all officers leave after 30 years' service: some stay on for 31 years. There is a bit of flexibility, so we think that the money could be better managed at the centre.

**Pauline McNeill:** That is helpful to know. Perhaps we will ask the minister about that later. I wish to press you further on new burdens. You mentioned legislation, but could you be more specific? Are there any areas of legislation that you believe will add burdens to the policing budget?

**Sir William Rae:** I am not here to make special pleadings on behalf of the police service in relation

to the additional legislative provisions that have been made, although I can pick out a number of things. The number of requests that we are now factoring through the service under the Freedom of Information (Scotland) Act 2002 is incredible. We have all had to put on additional staff to deal with FOI requests, and we have now had to appoint someone at national level in the ACPOS secretariat to co-ordinate the response to that requirement.

As the legislation is extended to cover different areas, the number of requests will increase. In the first quarter of 2005, we had 604 FOI requests. In the first quarter of 2006, the number had increased to 2,677 and the number of requests continues to grow. It is a small, although significant, burden in the grand scheme of things. That is an example of the sort of thing that is impacting on the organisation. Members will be aware of issues around sex offenders and preparations for dealing with violent offenders, which come well within the sight of the committees.

There are other components. I was interested in Mr Cameron's comments about the impact of ECHR on the Scottish Prison Service. On average, we in Strathclyde detain and place in a cell 100,000 prisoners a year. We do not have to keep them there for very long, but we do not believe that our current facilities will withstand challenges in the longer term as ECHR legislation continues to develop. We have all been planning to rationalise our custody holding arrangements and there is demand for the introduction of a new approach. The matter has already been tackled south of the border, and we are in discussions with the Scottish Executive about it. The sum of money that will be required is a big amount to swallow: the Strathclyde police business plan reflects an investment of about £62 million, so the figure will be about £100 million for the whole of Scotland. In comparison with the Prison Service, that might not seem such an enormous bite, but it is—

**Pauline McNeill:** I am sure that we will note that.

Finally, I will ask you about a matter that is key to our deliberations. Although I cannot recall names at this point, I am sure that some police officers have been vocal about the burdens that prevention of terrorism legislation places on the police. I know that the last time that you came to speak to us you had nothing particular to say on behalf of ACPOS. Has that changed? Do you want to say anything to the committee about the burdens that that legislation places on police?

**Sir William Rae:** I am grateful for the opportunity to mention the terrorism situation, although there are clearly limitations on what one can discuss in an open forum. I assure you that



we are very much engaged with the Justice Department in considering the threat from terrorism and that we are very much engaged with our colleagues south of the border in the new arrangements that are being put in place. Earlier this year, the Executive provided funding of about £700,000 to allow ACPOS to put in place national counter-terrorism arrangements. Those arrangements included the appointment of a national co-ordinator—John Corrigan, who is a member of my force whom some members will know.

We have a regional intelligence cell in Scotland and there is a similar arrangement in regions in England and Wales. The cost has been met 100 per cent through funding from central Government. We have plans to invest further in counter-terrorism measures, as have our colleagues south of the border. We are trying to ensure that Scotland is not seen as a vulnerable point in the United Kingdom's defences. We have had absolute co-operation from Executive ministers and from members of Parliament in trying to achieve that aim and there will be a bid for increased resources to address the matter. The bid is being refined and will be submitted to the Executive when some final points have been clarified. That is all I want to say about the matter at this stage.

**Pauline McNeill:** When will we know about the bid?

**Sir William Rae:** When will I know whether it has been accepted? We have completed the bid and it has been presented to chief constables. As a consequence of that, there has been a request for a little bit more work to be done on it. I expect that it will be submitted to the Executive during November. We recognise the realities of the financial climate. The bid is constructed over a three-year period, during which there will be growth in people and facilities. That is all that I want to say in that regard.

**The Convener:** You referred to Mr Cameron's evidence. If his prison-building programme does not proceed, there has been—shall we say—talk to the effect that the police will have to provide some short-term accommodation. Could you do that within your budget?

**Sir William Rae:** No—we would not be able to do that. I suspect that most members will have been to their local police stations and will know that we have a difficulty with the number of people who can be kept in single cells. As has been said, that is perhaps not the way to do things in the 21<sup>st</sup> century. Although we have accommodation, we have a problem with the number of people whom we detain at weekends, which leaves us very little capacity to accommodate others. If the Scottish

Prison Service misses its target, that will present us with some difficulty.

**The Convener:** Maureen Macmillan.

**Maureen Macmillan:** I did not realise that we had reached my question.

I want to ask about information technology, because it is one of the policing priorities that I have noted. Can you update us on how the procurement and roll-out of major IT projects is proceeding?

**Sir William Rae:** IT is probably one of the most exciting developments in the Scottish police service at the moment. We engaged with the shadow Scottish police services authority in a joint venture to create the national infrastructure for the Scottish police service, which we have aspired to achieve for some years but have failed to deliver.

For the first time, all eight chief constables have signed up to a blueprint or route map for the way forward, which will give us common systems throughout Scotland, bring significant advantages in procurement and make it much easier for us to exchange information with our partner agencies. The initial costing for the national infrastructure is for about £10 million. Part of that money will be spent in the current financial year. Thereafter, a number of applications will be built on top of that.

We are in a changing IT environment. Members are perhaps aware that we intend to move responsibility for national IT to the new authority not when it comes into being on 1 April, but 12 months later, in order to ensure that it is a going concern and that is up and running when it takes on the responsibility. A lot of work is being done on IT procurement and we are working closely with the Executive in that regard.

There are plenty of examples. Scotland is the envy of our colleagues south of the border because, in the past few years, we have increasingly procured technology jointly. The new radio systems that have been rolled out throughout Scotland are a good example: every police officer in Scotland carries the same type of handset. We believe that joint procurement saved about £5 million in the purchase cost and £3 million last year.

I was speaking to my deputy this week and we have just agreed to procure nationally the covert communications equipment that is required throughout Scotland. By doing that collectively, with the eight forces and the Scottish Crime and Drug Enforcement Agency, we have probably saved about £1.1 million. In the past, forces could just go and buy their own equipment, but nobody gets away with that today. There is general accountability to the national commitment and I believe that the way in which we procure IT in the

future will be an exemplar to other services. I am sure that Mr Gordon, who is sitting behind me, would agree with that. It is an exciting time. I hope that, next time I come to the committee, you will be able to see that, at long last, all the IT systems are on the same wavelength and speak to one another.

**Maureen Macmillan:** I hope that comes to pass. I am worried about the robustness of some systems. Other organisations have spent a lot of money on IT systems that have not been effective. Are you quite certain that your systems are robust?

**Sir William Rae:** You will be well aware that the systems are business critical. We cannot afford to build risk into our IT infrastructure. All the plans are triangulated so that we are not dependent on a single source. That is a way to ensure that they are robust and that, in the event of power failure or a systems failure, we have another route to maintain business as usual.

We are working closely with the fire and rescue services and the Scottish Ambulance Service on the new radio communication, to which they have signed up. We hope that our learning will transfer across to our colleagues in the other blue-light services, which will allow us to share risk so that it is not centred in one particular place. However, your point is well made and we are conscious of it.

15:15

**Stewart Stevenson:** The Justice 1 Committee is examining the Criminal Proceedings etc (Reform) (Scotland) Bill, which deals with the McInnes reforms. I want to put to you two points that arise from that work. The contents of police reports that are sent to fiscals will change and greater emphasis will be placed on the use of undertakings—it will be possible for people to give undertakings to constables out on the beat rather than back at the police station. What resource implications do those proposals have? Will they have a positive or a negative effect?

**Sir William Rae:** The new police report is called the standard prosecution report 2. Assistant Chief Constable Kevin Smith is the lead ACPOS representative on that work, and we are working closely with the Crown Office to ensure that the technology that is required to deliver the new report to procurators fiscal is updated and fit for purpose. That is part of a national delivery programme. The most recent report that I had on the matter was that both the Crown Office and our people thought that good progress was being made.

SPR2 will introduce efficiencies in the service and will be a better source document, not just for the Crown Office and Procurator Fiscal Service,

but for the Scottish Court Service. We expect to be able to feed it directly to other players in the criminal justice world. In that sense, it will be part of a joined-up approach.

In relation to undertakings, a development that will have a major impact on reducing bureaucracy and achieving efficiency gains is being piloted in three forces. Eventually, we will come to a decision on how to deal with remote technology. Some members may be aware that Lothian and Borders police is experimenting with palm-top technology. Northern constabulary is conducting a similar experiment and Strathclyde police is about to launch a technology that has all the police forms on a little palm-top device that officers can carry about with them, along with the 101 pieces of equipment with which they are already issued. Officers will need to grow another arm so that they can carry it.

Such technology will mean that it will be possible to have access to more information and to complete more business on the street. The investment in airwave over the past three years has made that possible. We are confident that our move into the digital age of communications will produce substantial gains. That project will mean that it will be much easier to obtain undertakings.

**Stewart Stevenson:** Will the fact that it will be easier to obtain undertakings offset the expected increase in the number of undertakings, which could result in an increase in workload?

**Sir William Rae:** That is difficult to assess. It would be wrong to consider just one of the changes in the summary justice reform arrangements. Great gains have been made across the board as a result of the Bonomy reforms—we have all benefited from them. Although the reform of summary justice is a bigger and perhaps more complex challenge, it has a number of dimensions that we hope will achieve efficiencies, one of which is SPR2, as I have mentioned. We hope that the fixed-penalty arrangements that are in the wind will also enable savings to be made.

Technology has a part to play, as have better procedures for arranging trials and ensuring that they go ahead. We hope that the Bonomy reforms will benefit the police service as well as other services. We cannot examine one measure in isolation; we must look at the full programme. Although it is an ambitious programme, we approach it with a great deal of confidence and seek to build on what has been gained so far.

**Pauline McNeill:** The briefings that the Justice 1 Committee has had on means warrants under the summary justice provisions of the Criminal Proceedings etc (Reform) (Scotland) Bill indicate that it would free up quite a bit of police time if you

were not responsible for means warrants. What would you do with that time?

**Sir William Rae:** You have visited Strathclyde and know that we prioritise our warrants. Means warrants are at the lowest end of that prioritisation. The biggest gain will be to see justice being delivered. The reality is that we do not have the capacity to deal with the number of means warrants that we currently have and any time that is freed up will allow us to deliver better services to the public in a number of different ways.

**Pauline McNeill:** Could you be more specific?

**Sir William Rae:** You will appreciate that we are not coping with the number of means warrants that we have and we do not have any spare capacity to give away. We hope that you will solve that problem for us.

**Pauline McNeill:** I had hoped that you would be more specific. I would expect that, if we freed up time, you would give us a better service. Would you be likely to spend a bit more time on some of the bigger issues in relation to outstanding warrants, such as those for sex offenders, to give a topical example. Would you be likely to spend some of your time on those?

**Sir William Rae:** It would be wrong to suggest that we do not give the necessary priority to other warrants, because we do. It is difficult to say that, if we had 10 per cent more time, we would expend 10 per cent more effort on warrants; we focus on warrants a lot and are called to account by the courts for our performance on them. If a bit of bureaucracy is taken away from the service, that change clearly frees us up to address matters of greater priority. Warrants and sex offenders are of significant priority to us.

**Mr Maxwell:** The Executive has indicated that it intends full commencement of the legislative provisions on the Scottish police services authority by April 2007. What financial provision has been made for that change, and will it have any effect on police efficiency?

**Sir William Rae:** The financial arrangements are still under discussion. We have been having meetings with the Executive and local government representatives on a budget transfer for the services that do not lie within the SPSA's ambit at the moment—forensic science, largely. Those discussions are reaching their conclusion. I will not say that the transfer will be painless because such transfers always leave some legacy behind them, but it should take place. I do not imagine that the budget transfer will be an impediment to the new arrangements being put in place.

There are issues with the start-up costs of any new organisation. It will take some time to recover the benefits of the SPSA's establishment and it

would be unrealistic to believe that building a brand new structure can be cost neutral. There are costs associated with such a new entity but, if things go well, they will be won back as a consequence of the efficiencies that will be gained.

I will give an example. We have four forensic science laboratories in Scotland. Within that distributed arrangement, we have tried our best to establish efficiencies as we prepare for the handover but, under a single management structure, it might be possible to squeeze out some further efficiencies.

The biggest gain will come in the following year, when we move on to information and communications technology development. You can imagine that the investment that is made in technology across the services is substantial, so there is real potential for benefiting from transferring that function to the SPSA, and I have realistic expectations that we will make gains in operational delivery and sheer cost.

**Mr Maxwell:** You said that you hope to reach an agreement about the transfer of functions. When is that likely to happen? You also said that there would be an initial increase in costs and problems with efficiency until the new authority beds in and you gain from efficiencies further down the line. What is the timescale in which those gains will kick in?

**Sir William Rae:** We agreed with chief constables how much money we would hand over, although I do not think that the Executive entirely agreed that that is what we will hand over. We have scoped the size of the operation and at this stage we are sparring about how much must be handed over. Local authorities are involved, too.

However, there is no huge gap to be closed and I do not anticipate that the start-up costs will impact on the general efficiency of the new service. Much effort is being made to try to achieve a seamless transition to the new arrangements. Many people are involved and some are uncertain about the future. There will be turbulence as we move to the new arrangements, but I hope that the service to forces or to the public will not be diluted as a consequence of that. I do not anticipate a big bang on 1 April; I hope that we can make the transition relatively smoothly.

**Margaret Mitchell:** The ACPOS annual report for 2005-06 says:

"The efficiency savings targets for 2005-2006"—

which the Scottish Executive set for you—

"have been met and exceeded".

You mentioned matters that contributed to savings, such as IT and a pooled approach to

procurement, whereby eight forces came together to purchase radios, for example. Will you give us more comprehensive information about how the efficiency savings were achieved and measured?

**Sir William Rae:** Savings have been achieved across the board. We submitted a best-value report, which sets out in detail how the efficiencies were made. In year 1, we had a target of cash savings of £4 million and efficiency savings of £10 million. We exceeded the target and achieved savings of around £32 million.

We had a head start, so we cannot claim credit for everything. Part of the savings came from the transfer of the Scottish Prison Service's contract for escorting prisoners around the country. As the new arrangements settled down we gained efficiency benefits. As we say in our submission, the transfer probably saved us about £8.7 million, by releasing more than 200 officers to operational duties.

We exploited the opportunity to revise the special constabulary, as members will know from experience in their areas. We worked with the Executive on that and £1 million was provided to introduce a scheme whereby special constables who agreed to undertake a certain number of hours of duty in a year would be able to claim £1,000 at the end of the 12-month period. Forces report that the additional hours that special constables contribute have generated more than £600,000 in efficiency savings.

Sickness absence has been addressed through investment in occupational health, which brought benefits. In addition, I think that every time I speak to parliamentary committees I talk about fleet management, because our work on national procurement for fleet management is ahead of the game.

It is difficult to squeeze more from our budgets, but last year we achieved a further £200,000 in savings. We are very much engaged in transferring our learning to other blue-light services. We are part of an efficient government project that involves the Scottish Ambulance Service and the fire service. We are considering the possibilities for sharing facilities and workshops and for joint procurement. I suspect that you will hear more about that in the months to come. It fits well with the efficient government agenda and is moving forward.

15:30

I mentioned the airwave savings, which were just over £3 million. There also are smaller savings—for example, on uniforms, which we buy on a single contract—and general procurement savings that bring savings in the procurement area up to about £4 million. There are six headings in

the efficient government agenda and we have made a contribution in all those areas.

I do not believe that we have captured all the savings that have been made. The past year has been a learning process for us all, and we have been learning how to capture and count savings and how to ensure that savings are consistent and auditable and stand up to scrutiny. I am pleased to say that we have just had a tick in the box from the Executive and the efficient government team for the work that we have done in capturing and submitting the savings. We are quite satisfied with where we are.

The amount of money that we have to save in the current year is a substantial hike, rising from £10 million last year to £35 million, with £4 million cashable savings, which is a fair increase for us. We are working towards achieving that. For the following year, the figure goes up to £50 million. We think that some of the investments that we are making this year in remote technology will bring efficiency savings that will make it easier for us to achieve the year 3 savings, but at the moment my people are saying that we will, at the very least, hit the crossbar this year. Given that it is a cumulative package of savings, I think that we should get there, but I am afraid that this year we are keeping our fingers crossed.

**Margaret Mitchell:** You have said that your investment is squeezed every year and that you are making efficiencies, and yet you are looking at a projected figure for 2007-08 of £50 million in time-releasing savings. Part of your response to that is that you are investing now to recoup the time-releasing savings in 2007-08. Is there anything else that you would like to add on how you plan to achieve that?

**Sir William Rae:** That investment is required if we are serious about the need to invest in infrastructure to deliver the savings that are possible. One of our frustrations is about the way in which the capital allocation arrangement operates. In the past few years, the police service capital grant has been in the region of £30 million, and a large chunk of that has had to go on the new airwave system, the associated control rooms and the like. A build-up of work is required to improve the fabric of some of our buildings, and we also want to invest more in technology. We have suggested that consideration be given to converting part of the capital grant—which is essentially cash—into an arrangement that would allow us to use that money for prudential borrowing, which would address some of the immediate needs of all the forces and would also help us to fulfil some of the ambitions that we all share for the new Scottish police services authority. We see plans coming into being and we have agreement and sign-off from all the parties

involved, but we need to ensure that the ambition is matched with the right investment to deliver the efficiency savings that have been described.

There is a lag. We hope that, if we invest now, we will see the return on that investment over the next two to three years.

**Margaret Mitchell:** That gives us something to think about.

**Stewart Stevenson:** I just want to pick up on the point about the £600,000 time-releasing savings related to the special constables reward scheme—not just because of Pat Shearer in Grampian, but because next year's budget shows the cost of that scheme as £1 million. Can you tell us, so that we can see the whole picture, whether there is an associated cost that goes with the £600,000 time-releasing savings in the current year?

**Doug Cross (Association of Chief Police Officers in Scotland):** The cost comes from the new arrangements to provide a reward to the special constables who give of their time. Through our work on best value and efficiency savings, we have for the first time been able to identify the work that the specials have been undertaking that has freed up police officers to carry out other duties. As we continue on the journey of efficiency savings we will get better at identifying and recording those costs.

**Stewart Stevenson:** I understand that. This tiny example goes to the heart of the issue of the balance between time-releasing and cash-releasing savings. The initiative sounds excellent and I have supported it from the outset. I just want to be clear about how its cash cost balances with the time-releasing savings.

**Sir William Rae:** This goes to the heart of the efficient government arrangements. The £8 million in relation to the new prisoner escort arrangements, which the Scottish Prison Service, through the Executive, has paid a private sector company to deliver, does not appear on the other side of the balance sheet, according to the rules.

**Stewart Stevenson:** I know that we are short of time, so I will put this simply. What is the revenue cost, which is of course a cash cost, that has bought you the £600,000 time-releasing savings in relation to the special constables reward scheme?

**Sir William Rae:** I do not know whether the full £1 million has been taken up in the course of the past year in relation to special constables.

**Doug Cross:** I do not think that we can necessarily relate the two. Efficiency savings are about our capturing what the special constables have been doing—probably for a number of years—for the first time. The reward is something that is being put in place to try to retain and recruit

special constables. It should help us increase the number of special constables, which, in turn, will maximise the efficiencies that we get from—

**Stewart Stevenson:** I see that the Minister for Justice is waiting to pounce with her answers to that and other, similar questions.

**Jackie Baillie:** What flexibility does Strathclyde police have to deal with the immediate and specific burden of Faslane? I pay tribute to the effective policing there, led by Chief Superintendent Mitch Roger and his team. However, I am aware that the situation at Faslane causes additional pressure beyond what the police would normally expect, which has an impact throughout Strathclyde. Is the force expected to absorb the whole cost or is there the prospect of some relief from the Executive in acknowledgement of the fact that the circumstances are unusual?

**Sir William Rae:** The situation at Faslane is a burden. I have received a number of letters from representatives outwith the Faslane area who complain about officers being abstracted to deal with the situation. The demand is unique, because the protest goes on every day—and promises to go on every day of the year—which is a drain on resources.

It is not unreasonable for you to expect Strathclyde police, which is a big organisation, to try to manage some of the peaks and troughs and absorb some of the associated costs. We have an on-going dialogue, which is much better than it was this time last year, with the Executive to highlight unique pressures. I have to say that the officials in the Justice Department are very much an open book with us in terms of recognising what is possible. There are greater priorities than Faslane on our list of things to address. We always try to take a reasonable attitude to all our priorities.

I know that Mitch Rogers in Dumbarton feels that the situation at Faslane is a big drain on his people. There is an outlet for us with the Executive, which acknowledges the pressure of such single incidents or episodes. However, we are supposed to be managing the ups and downs of our budget as best we can.

Last week or the week before, we completed a single operational incident—an investigation—in which more than 700 officers were involved, not only from Strathclyde but outwith it. Such incidents are totally unpredictable; they are impossible to plan for. The nature of policing is that it will always include such moments. We simply need to put in place the flexibility to deal with them.

**The Convener:** I thank Sir William Rae and his colleague for coming before the committee. I

apologise again for the delay in starting the meeting this afternoon.

I welcome the Minister for Justice, Cathy Jamieson, and her colleagues Robert Gordon, head of the Justice Department, and Ruth Ritchie from the Scottish Executive's justice finance team. Once again, I apologise for the delayed start to the meeting, which caused our discussion with the previous panel to run over. Obviously, the budget process is a very important subject. I remind committee members of the need for short, sharp questions. I hope that the minister will also give reasonably short answers.

I will start the questioning. In the past, the justice committees have noted their concern that all objectives and targets in the budget should be meaningful. In particular, the committees have stated that targets relating to police clear-up rates for serious violent crime and the disruption of criminal networks should be made more specific as quickly as possible. Given that those targets have still not been made more specific, how can the Parliament hold the Executive fully to account?

**The Minister for Justice (Cathy Jamieson):** Given the pressures that members are facing this afternoon, with so much work to get through in a relatively short period of time, I will try to bear in mind your comments on the length of answers.

It is important to recognise that, over the past few years, we have had discussions with the Parliament's justice committees on getting targets that are specific enough to be meaningful in helping to drive the change that is needed in organisations, in delivery and in demonstrating accountability to the Parliament and the wider public.

The changes to police clear-up rates for serious violent crime were discussed previously. Members will recall that, back in March 2002, a target was agreed to try to reduce serious violent crime by 5 per cent by 2004, and a further 5 per cent by 2006. The target was agreed with the Scottish police service in March 2003.

At that stage, some issues arose around the definition of serious violent crime. The original definition included what is described as group 1 crime, plus the crimes of rape and attempted rape from what is described as group 2. From 2003-04 onwards, the definition was changed to exclude some of the more infrequent and arguably less violent group 1 crimes, such as causing death by dangerous driving, abortion and possession of firearms with intent, and to include illegal homosexual acts. I am describing that process because, when we had specific targets previously, people felt that they were not fit for purpose.

I recognise your point, because we said that we wanted to increase the police clear-up rate. The

desired level of improvement is to be discussed with police forces, and work is under way across police forces and in conjunction with ACPOS to consider a range of measures to ensure that we both improve performance and report it more accurately to the public.

15:45

**The Convener:** Thank you for that information.

When you conclude your discussions with ACPOS, will you be prepared to brief the justice committees on the outcomes? If so, the committees could have a clear understanding and make an input into your final decision in the current parliamentary year, before we get to yet another budget process.

**Cathy Jamieson:** I am more than happy to do that. I accept that the committees would want to do that anyway, and it is my responsibility to ensure that they are kept fully apprised of the discussions and recommendations.

**The Convener:** That is very good. Thank you.

**Maureen Macmillan:** Another target that is set out in the justice budget is for a 10 per cent reduction in the number of persistent young offenders by March 2008. What is being done to achieve that? The recently published "Scottish Youth Justice Performance Report" highlights a 16 per cent increase between 2003-04 and 2005-06 in the number of children and young people identified as young offenders. Where are we on our aspirations?

**Cathy Jamieson:** Bearing in mind that the convener has asked for brevity and that this is a subject on which I could speak for a considerable time, I will try to keep my answer short.

The committees will be aware that we have done a number of things. We introduced an action plan to deal with issues to do with youth justice and we have increased funding from some £3.5 million in 2000-01 to £63 million in 2006-07. We have put a whole range of measures in place, including the youth crime prevention fund and the intensive support fund, to work alongside measures such as our antisocial behaviour strategy.

It is important to recognise that we tried to ensure that we had a baseline from which to measure. I remember discussions with the committees in which members were concerned that we should have the correct baseline figures before setting the targets, which is a commonsense approach.

I have made it clear at various stages that I am disappointed that progress in some areas has been patchy. Some areas have worked very well. I recognise that, in areas where there are relatively

low numbers of people who fall into the category, having one family move in can suddenly skew the percentage figures, but the progress in some areas has not been as fast as we would like.

We consider the situation on a quarterly basis. We have set up a team of people with experience in the youth justice fields. We have brought them into the Executive to provide advice to local authority areas where progress has perhaps not been as good as expected and to help to share best practice.

I have made it clear that, although I want to refine the targets for the future and take account of other issues—the youth justice improvement group report and our response to it are now published—I want people to continue to work towards the targets. In the end, they are about trying to keep young people who are on the brink of crime, or who have begun to be involved in offending, out of longer-term involvement in crime and, we hope, out of the prison population.

**Maureen Macmillan:** Have you had any representations from local authorities about the cost to their legal departments of schemes such as antisocial behaviour orders?

**Cathy Jamieson:** It would be fair to say that some local authorities have expressed concern to me. As members will be aware, both Hugh Henry and I did a number of events on antisocial behaviour over the summer. Although representations have been made about the costs of getting antisocial behaviour orders in some instances, some of those did not involve young people or the youth justice system. When each representation has been made, I have asked the people involved to give us chapter and verse so that we can examine the situation in more detail.

On the other side, the increase from £3.5 million to £63 million is huge and significant and a huge number of new programmes are in place. We mapped the situation in Scotland and examined whether we had enough programmes in place, whether we had the right sort of programmes and whether the right sort of people were getting into them. So the issue is not about resources, because resources are available; it is about ensuring that early assessments are carried out, that the right people are on the programmes and that young people are diverted from offending behaviour.

Although I accept that issues have been raised to do with antisocial behaviour, those are not necessarily linked with issues to do with the numbers of persistent offenders.

**Maureen Macmillan:** Thanks for making that clear.

**Stewart Stevenson:** I will start with a couple of

sighting shots—probably for Ruth Ritchie—on some of the figures in the level 4 breakdown that the committees have. In the “Miscellaneous” category, £2.782 million is provided for civil defence and emergency planning. My recollection is that the figure is roughly the same as those for previous years and that the amounts have been similar for some years. Given what we are told is the heightened risk from international terrorism and other sources and the increased impact of bad weather—an example of which we have just had in the north of Scotland—which require emergency planning, is it appropriate for the figure to remain static?

**Cathy Jamieson:** As you suggest, Ruth Ritchie may wish to comment on particular issues. It is important to make it clear that we take emergency planning seriously. We have tried to ensure that it is built into the core business of all the people who have to respond to emergencies. Funding is mainstreamed into their budgets for that but, on top of that main funding, I have made additional funds available for civil contingencies—the figure for 2007-08 is £2.715 million. That figure has increased in the past three years. The priorities for the funding are to ensure the implementation of the Civil Contingencies Act 2004, to allow local training and exercise programmes and to support emergency communications systems. We are also considering funding a strategic co-ordinator post in each of the group areas, which are based on the police areas, to try to ensure better communication between local responders.

We know from the events in the Western Isles in January 2005 that if communications equipment is not up to scratch, difficulties can arise and people can be vulnerable. In the Western Isles, an issue arose with the local authority’s emergency communications during that time. As part of a much larger package, we made available about £80,000 from our civil contingencies fund for that local authority to purchase a mobile command vehicle and mobile communications equipment to improve its resilience. The budget is not flatlining. We have considered the specific needs in different areas and tried to provide the appropriate funding.

**Stewart Stevenson:** My next question, which is probably simpler, is about the figure of £3 million for Disclosure Scotland, which is under the “Police Central Government” heading. As there are about 500,000 applications a year—the figure is projected to rise to 600,000—at £20 a head, that comes to £10 million to £12 million. What is the £3 million for?

**Ruth Ritchie (Scottish Executive Finance and Central Services Department):** It is the balance. The £3 million is the amount that Disclosure Scotland needs to deal with people who do not have to pay for its services—those in the voluntary

sector. There is otherwise nil cost to the Executive.

**Stewart Stevenson:** So the document therefore reveals to us that the true cost to organisations of applications to Disclosure Scotland is between £7 million and £9 million. Is that a fair comment, given that it costs £20 for an application and that there are 500,000 of them a year, which is projected to rise to 600,000?

**Cathy Jamieson:** We have tried to ensure that we get value for money through the process. The fee that was charged in the early stages did not reflect the true cost, so the fee has been increased, but we have tried also to ensure that the voluntary sector and organisations that depend on volunteers to provide services are protected from that increase.

**Stewart Stevenson:** The bad news is that only two weeks' notice was given of a rise from £17.60 to £20, but the good news is that the equivalent fee in England is over £30, so we are probably doing okay. The rise is not a huge issue, but I wanted some clarity on the matter.

The total for drug treatment and testing orders is given as £38,000 shy of £8 million. How many positive tests are we getting for that £8 million?

**Cathy Jamieson:** My answer, as I am sure you know, is that we do not assess such things on the number of positive tests. The drug treatment and testing orders are part of our wider work of trying to turn round the lives of people who are involved in drug misuse. We try to get them into the right treatment programmes in the hope that they will come out of the other end of the system less likely to reoffend. I would be loth to give a number for the number of positive tests. In fact, success is achieved when we do not get a positive test when we get people out of the other end of the system.

**Stewart Stevenson:** Curiously, I would agree with you. However, that neatly sidesteps us into the core question of how output measures of the sort to which my question refers are related to policy objectives that are delivered over a longer term than the budget planning period. Can committee members be given research or other evidence to show that the current year-on-year measures deliver the desired long-term policy objectives and that, therefore, the fine-tuning that we make to the budgets each year results in the right decisions being made on spending and saving?

**Cathy Jamieson:** I presume that the question is posed generally, rather than being aimed at the specific issue of drug treatment.

**Stewart Stevenson:** That is correct, but the minister can deal with the issue in the context of drug treatment.

**Cathy Jamieson:** I will talk about the issue in terms of the Justice Department more generally rather than the specific issue of drug treatment, but I am happy to respond to particular questions about drug treatment if necessary.

We are carrying out a wide range of research—some might argue that it is almost an industry in itself—on issues surrounding the justice system, such as the effectiveness of programmes, the effectiveness of various treatment methods and how we monitor people as they go through the justice system. An important point is that we must be able to develop policy based on what works. That is partly the reason why, in the field of youth justice for example, we have tried to ensure that best practice becomes the accepted level of practice and why we have introduced national standards not just in youth justice but in the criminal justice system more widely. The difficulty that arises is that such research means that we sometimes need to refine our targets. We need to develop a culture in which the refining of targets or the development of different methods of assessment is seen not as a failure but as part and parcel of the process.

**Stewart Stevenson:** Would it be fair to say that, in essence, targets are comparatively short-term stages en route to long-term goals?

**Cathy Jamieson:** In some instances, that may well be the case. However, like the committees, we face the reality that many of our targets can be set only for the lifetime of the parliamentary session or for the life cycle of the spending review. As Minister for Justice, I cannot easily set a long-term target that will necessarily be accepted by any future Administration. However, I have been keen to ensure that we begin to consider trends and the general direction of travel and aim to reach milestones on the way to ensure that we are moving in the right direction.

**Stewart Stevenson:** Given that the Executive was quite happy to enter 25-year contracts that commit us to particular provision for the Scottish Prison Service—the same point could be made about other contracts in other portfolios—the Executive is clearly doing some long-term planning. I come back to the question of how we know that our short-term actions relate to our long-term goals.

16:00

**Cathy Jamieson:** Committing to long-term contracts to provide buildings, services, treatment programmes and so on in the SPS is perhaps different from setting a particular target for 25 years from now for a percentage decrease in serious and organised crime, or a percentage increase in the number of people whom we can



sensibly put through drug treatment and testing orders. We must always know the direction of travel that we are trying to take and set targets, and we should perhaps set longer-term targets for some things. However, it can be difficult to set specific numeric targets in relation to, for example, the work that we are doing to try to change the culture of violence. Clearly, in the shorter term, we want a reduction in the number of serious and violent crimes and a reduction in the number of reports of street disorder linked to knife crime. We must ensure that we have the right procedures in place to deal with the matter.

**Stewart Stevenson:** The current number of injecting heroin users is 51,000, but the figure for the previous year was 55,000. The decrease is good news, but what should the figure be in 10 years' time?

**Cathy Jamieson:** I will not put a number on that at this stage. I would like the trend to continue to be that fewer heroin users are injecting. However, I would also like to ensure that fewer people come into the system requiring treatment for drug misuse in any event. I hope that, as well as treating the people who are in the system, we prevent others from coming into it.

**The Convener:** This comes back to the first question that I asked about putting a label on your targets—the suggestion applies to all your colleagues—so that in the future we have an idea of what we are comparing and can tell whether the targets that you set are being met. Such targets are helpful to committees. For example, a target of an on-going 8 per cent reduction each year for the next three years is helpful to us. However, the statement that a reduction will be made over time is not helpful for committees.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** I have two brief questions on prisons. The committees asked the SPS about the implications of the Custodial Sentences and Weapons (Scotland) Bill. The response from the SPS indicates that if Parliament passes the bill, the cost to the SPS will represent an increase of a quarter in its direct running costs in next year's budget and a doubling of its capital spending in year 5. Is there also a forecast for a reduction in reoffending?

**Cathy Jamieson:** As committee members will be aware, we are trying to focus a lot of our work on reducing reoffending, particularly for those who repeat offend and end up in the prison system several times. We know that we still have some way to go on that, which is why we brought in the Management of Offenders etc (Scotland) Act 2005, why we have introduced community justice authorities and why we have invested in alternatives to custody, which offer tough options in which I hope sentencers can have confidence.

We must also recognise—I am sure that Tony Cameron and others in the SPS would not have missed the opportunity to say this—that in the prison estate we have been dealing with the legacy of prisons not necessarily having received the investment that was required in the past. We have had to try to rebuild the prison estate, in some instances from the inside out. We have had to create new house blocks and new facilities on existing sites in addition to giving the go-ahead to build new prisons.

It is important to recognise that if we are serious about doing the work properly, we require a prison estate that is fit for purpose in the 21<sup>st</sup> century. The financial memorandum to the Custodial Sentences and Weapons (Scotland) Bill is explicit that a cost comes with that. Of course, it is right and proper that I put that cost to people and make the consequences clear. I must then argue for those costs to be met, while some of my colleagues will no doubt argue for other things.

**Jeremy Purvis:** I acknowledge that, but I did not hear that there was a forecast reduction in reoffending.

**Cathy Jamieson:** As you are aware, we have a target—to come back to the point that the convener made—of a 2 per cent reduction in reoffending rates. One difficulty is that we did not have all the baseline data that we needed when that target was chosen. We made a commitment that, when the Management of Offenders etc (Scotland) Act 2005 was passed and the new national advisory body was set up, it would do some work on whether the target was correct and whether we were doing everything possible to reduce the likelihood of reoffending.

The body is now up and running and that work is being done. The new community justice authorities are submitting their area plans and, arising from that, I expect some improvements in the way in which we manage offenders with the consequence, at some stage, of reductions in reoffending. However, we know that the work is difficult and no other country has approached the matter in this way. If you are looking for a graph of reoffending rates to cut across the graph of projected prisoner numbers, it might be difficult to provide that.

**Jeremy Purvis:** We will come back to the matter at a future meeting.

I have a further question on the financial consequences and budget implications of the Custodial Sentences and Weapons (Scotland) Bill. Have there been any discussions about the increase in the budget that will be required due to the bill? Will that amount be added to the Justice Department's budget, or is it expected that there will be savings elsewhere to pay for a new prison

and the annual running costs of £50 million in year 5?

**Cathy Jamieson:** In every situation, we try to ensure that we are as efficient as possible, but if we go down the route of significant new prison building, that could not be financed entirely from savings elsewhere.

**Jeremy Purvis:** So, as things stand, the indication from your discussions with the Minister for Finance and Public Service Reform is that there will be a net increase for the Justice Department.

**Cathy Jamieson:** In the future, yes. We would have to have those discussions.

**Jeremy Purvis:** So those discussions have not taken place.

**Cathy Jamieson:** As I am sure you are aware, there is always a range of discussions at Cabinet level before a financial memorandum is signed off. Discussions have taken place in that context.

**Margaret Mitchell:** I return to your comments on the resources that are available to tackle persistent young offenders. You said that there has been an increase in resources and therefore that resources are not an issue, but is it not where the resources are spent that is important? For example, is there any move to introduce DTTOs to district courts? That would make sense because early intervention would kick in at the lowest level of substance abuse.

Also, it would make sense to look at having more literacy and numeracy programmes to see whether there is an underlying cause of offending that is to do with literacy and numeracy. You could put some resources into that rather than going round the local authorities to see why they are not using antisocial behaviour orders. We know that the police and many local authorities say that a measure that criminalises behaviour is not something that they want to use at the moment.

**Cathy Jamieson:** When I talked about youth justice funding, I was referring specifically to the funding that is associated with the youth justice provisions that are dealt with through, for example, the children's hearings system and those that are the responsibility of local authorities, rather than to young offenders institutions or the other work that is on-going.

It is important to keep on the case on that front to ensure that we get the right programmes in place for young people. It is right to focus on those who cause the most persistent trouble in their neighbourhoods because that small number of people cause a disproportionate amount of grief in their areas. Similarly, I make no apology for consistently going back to local authority areas to check that everything that can possibly be done

about antisocial behaviour is being done and that people are joining up their work.

You suggested that it might be better to use the money to introduce drug treatment and testing orders in the district courts, but I am not persuaded of that. We have focused on trying to ensure that drug treatment and testing orders are rolled out across all the sheriff court areas. You will be aware of all the other work that is being done on the summary justice reforms. That is not to say that we would not consider something like that in the future. However, I think that it was important that we got the orders into the sheriff courts.

You also raised the issue of literacy and numeracy. You will be aware that in our prison population—especially our young offender population—we have a high number of people who have not had a very good experience of education or who have not benefited fully from the education system. That is something that we need to address, which is why I have been keen to focus on the programmes that are run in prisons as well as on the wider work of rebuilding the prison estate.

Equally important, we must ensure the join-up between what goes on in prison and what goes on when people return to their communities. The new community justice authorities must take that work forward. As you will have heard me say before, if we are to tackle the problems of reoffending, it is vital that we get people into jobs and ensure that they have a house, that their addiction problem is dealt with and that they have the basic skills to get through their lives.

**Pauline McNeill:** The committees heard from the representatives of ACPOS on the subject of a bid that it has put together for additional resources for the prevention of terrorism. Can you say anything to the committees today about your likely approach to that bid?

**Cathy Jamieson:** I cannot tell you what approach we will take, but we will consider the bid when we get it. I understand that the Justice Department has had on-going discussions and engagement with ACPOS over a period. However, we will have to consider the bid when it is finalised and all the work has been done.

**Pauline McNeill:** I thought that you would say that. When is it likely that you will make a decision on the bid?

**Cathy Jamieson:** I am not aware of the final timescale for that. Robert Gordon might know more about that than I do.

**Robert Gordon (Scottish Executive Justice Department):** I understood Sir William Rae to say that it was a three-year bid, so some of it will be in

years beyond the year that we are talking about now. Some of it will come into consideration in the 2007 spending review.

Sir William mentioned the specific pressures to which the police forces are subject in-year. In that context, my colleagues in the police division will be having discussions with the ACPOS financiers about the funding of specific things. Some of what is in the ACPOS proposal is about building up capacity over time. Some capacity has been established already within existing resources, and there is the issue of the extent to which some of that can be funded by reprioritising within the £1.1 billion that the police forces have already. Some of it is also marginal, additional—

**Pauline McNeill:** Yes. I realise that you cannot give me a figure, but we have been asked to scrutinise the budget. How are we expected to do that if we do not know whether the Executive is going to say yes or no to that bid? At what point will we know that, so that we can take a view?

**Cathy Jamieson:** I recognise the difficulty for the committee members. However, I hope that the committees will understand that, until we receive the final bid and all the work is done on that, it would be difficult to outline a complete timescale. You will have picked up from what Robert Gordon said that discussions have been under way. It is fair to say that, within this budget year, we are trying to be as helpful as we can. However, we will have to wait and see what the bid requires for future years.

**Pauline McNeill:** You cannot give us any indication whether it is going to be for 2006 or 2007.

**Cathy Jamieson:** Robert Gordon has just said that it will be for 2007 and beyond. We are trying to be helpful, where we can be, in the context of our available budgets in this year.

16:15

**Robert Gordon:** Every year, there is some money under the “Police Central Government” heading that goes to a variety of things that are listed. The managers of that budget are in negotiation with ACPOS throughout the year to identify where pressures are emerging and things are slipping. My understanding is that, for the year that we are in and for 2007-08, it will be possible within those resources to cope with what is being sought.

There is the issue of what consequentials would feed through if resources were to be made available by the Treasury. There is also the issue of whether the Minister for Justice needs to have discussions with the Minister for Finance and Public Service Reform, in the context of the 2007-

08 budget or, beyond that, the spending review, about these new pressures that—to echo the point that was discussed earlier—would add net pressures to the Justice Department and could not be met from within the justice budget. My sense is that the scale of additional investment that is being talked about at the moment for this year and next is manageable within the resources that we have. However, we are having an intensive discussion with ACPOS to bottom out what the real additions are beyond what can be afforded by reprioritising—which is what Sir William said that each force is doing, day by day and week by week, depending on the pressures that come its way.

**Pauline McNeill:** There seems to have been a shift in ACPOS’s position. Do you acknowledge that? ACPOS previously told the committee that it could manage its approach within its existing budget, but it now tells us that it has submitted a bid to the Executive, although we do not have any details of that. I must assume that ACPOS is saying that, this year, it requires additional resources; otherwise, we would not have heard that it was making a bid of some kind.

**Cathy Jamieson:** No. It was always likely that there would be a bid. The situation is probably still, in one sense, as it was before. That is what Robert Gordon outlined.

**Pauline McNeill:** ACPOS did not tell us that.

**Cathy Jamieson:** We are trying to manage that process within our existing resources, but there is likely to be a bid that will look to the future over three years. Until I have seen the bid—how much people are looking for and what that would buy—it is difficult for me to give details of how we will respond to it. That is the work that is going on at the moment. I am not sure that it would be fair to say that there has been a huge shift. I think that ACPOS is clarifying to the committee what the future may hold, rather than simply looking at the current year.

**Robert Gordon:** As time goes by, ACPOS will gain more experience of the costs of some of the activities. In recent months, the costs of investigating a certain case in central Scotland have given ACPOS real figures to add into its discussions with us.

**Jackie Baillie:** I have two fairly rapid questions. I am pleased to hear that there is dialogue and flexibility about possible in-year additions for any new and immediate burdens. ACPOS raised two process points. First, the treatment of pensions is different in England and Wales, in that the money is held in the centre alongside teachers’ pensions. There is a suggestion that that would be a neat solution for Scotland, which has won some agreement in the committee. I would like the

minister's view on that. As an ancillary to that, there is the suggestion of converting the £30 million in capital that ACPOS gets, in all or part, to prudential borrowing. That struck me as being in the flow of Executive thinking elsewhere. That is my first question in two parts.

**Cathy Jamieson:** The committee heard Sir Willie Rae say that the police pension scheme is being looked at. We are considering the new arrangements that have been put in place in England and Wales and whether it would be appropriate to adopt similar arrangements in Scotland. The committee tried to tease out the benefits and drawbacks of those arrangements, and we will be happy to come back on those issues once we have had some deliberations on them.

Mention was made of capital expenditure in the context of prudential borrowing. Ruth Ritchie will correct me if I am wrong, but I understand that the Treasury rules would not allow us to do exactly what has been suggested with regard to converting the capital to current expenditure.

**Jackie Baillie:** That is interesting. I would like to pursue that further. Is it not the case that local authorities have access to prudential borrowing, which is converting that capital into a form that the Treasury seems to approve of? Logically, one would think that, as local authorities are substantial funders of the police force, the same rule might apply.

**Ruth Ritchie:** The problem with the police/LA capital is that it is classified as central Government expenditure. It is now under the prudential regime and has been drawn into the core justice spending. As such, it is classified by the Treasury as capital.

An inviolable rule in the Treasury—one of Gordon Brown's golden rules—is that what is classified as capital cannot be transferred to resource. Believe me, that rule is causing some difficulties for the Executive as a whole, one of which is that we cannot accede to ACPOS's request at the moment. I am afraid to say that there is no prospect of that rule changing. The Treasury is definitely trying to push the infrastructure against spending on services and so on.

**Cathy Jamieson:** It is not an issue that has never been considered.

**Jackie Baillie:** My second question relates to evidence from the Scottish Prison Service. I believe that the Lady Smith judgment went against Scottish ministers. Are you confident that the SPS has scoped the risk in relation not just to Napier but the article 3 infringement, in the event that you lose again in the inner house?

**Cathy Jamieson:** I know that the committee has taken a particular interest in the matter. The only assurance I can give is that the SPS has considered it closely. We have asked it to consider all the potential scenarios and the numbers involved, and to give us the worst-case scenarios. Having been through the figures, I see no reason to doubt that the SPS has given us the correct information.

**Jackie Baillie:** Do you have any idea when we will know absolutely?

**Cathy Jamieson:** I am not aware of when we will get the final judgment. We would need to await that then consider what it means in practice.

**Robert Gordon:** We expect the Somerville judgment reasonably soon; whatever the outcome, however, that case is likely to go on to the House of Lords and it could be quite some time before it is finally determined. To reinforce what the minister said, the SPS is looking closely at the cases that could come out of the woodwork. As the chief executive said, it is also considering European jurisprudence. The moving of the goalposts and any further exposure to which that gives rise are quite worrying.

**The Convener:** For clarity, what is the Somerville judgment case?

**Robert Gordon:** That is the case around whether time limits apply to ECHR claims. I am not a lawyer I am afraid, but I think that the ECHR regime assumes a 12-month period within which a claim can be made on an offence, whereas it is possible that the interaction of the Scotland Act 1998 and the Human Rights Act 1998 would suggest that there is no time limit on those claims, so that the claims could go back much further than a year. That is where the £58 million plus £27 million contingency, to which the chief executive of the SPS referred, would come from. If a 12-month limit were to apply, the exposure would be significantly less.

**The Convener:** Although complements no longer exist, in the ACPOS evidence there was an issue about not having full police numbers. Is it likely that moneys will be needed from the budget we are considering now to deal with that issue?

**Cathy Jamieson:** If I heard it correctly, Sir Willie Rae's point was that we no longer have establishments—for example, "This is the establishment for X police force in Scotland"—and that the objective has been to increase the numbers of police in each of the forces. I think that a number was quoted for where we are now compared with where we were at the start of the exercise. The committee was also given evidence about the additional resources that have been put in to deal with the so-called retirement bulge.

Some police forces may choose to use some of the money that is available as a result of the levelling-up of police GAE to increase their establishments, if they feel that that is the right thing to do. We have tried to anticipate the issues and have put money in the budget. It is now up to the police forces to decide how best to spend that. Obviously, an issue arises about the levelling-up of police GAE, which needs to be taken into account in the next spending review. However, we were clear about that when we agreed the new formula.

**The Convener:** For clarity, you have no intention of addressing that in a financial way in the budget that the committees are now considering?

**Cathy Jamieson:** Sorry, but it is unclear exactly what you want us to address in a financial way.

**The Convener:** We—certainly, I—got the impression from Sir William Rae that, although police numbers are up, they are not up on a pro rata basis in all forces. There is therefore a need to address that issue in certain forces. Are you saying that money is available for police forces to do that? If I heard you correctly, you have just said that they could do a Peter and Paul on the money for early recruitment to deal with the retirement issue and use that money to acquire a bigger current force.

**Cathy Jamieson:** The objective of the exercise is to ensure that forces have money in advance to enable them to recruit people now, so that they will be in post and will have relevant experience before the retirement peak comes in 2009-10 or thereabouts. The additional resources that were put into some forces through the levelling-up of the GAE are another matter. I may be misinterpreting, but I do not think that I heard Sir Willie Rae or anybody else suggest that there is a gap in funding that we need to fill for some police forces.

**The Convener:** I did not suggest that he did. I was asking you the question.

**Cathy Jamieson:** I do not think that there is a gap.

**The Convener:** You have not ring fenced the forward recruitment moneys. You said that there is flexibility and that forces could use the money for another purpose.

**Cathy Jamieson:** As I understand the matter, we cannot ring fence that money—although ring fencing some of it is an interesting notion. Ruth Ritchie will correct me if I am wrong about that. We were clear that we would put resources in place to allow the police forces to carry out that recruitment process. I cannot imagine a scenario in which police forces would not want to do that. It would not be in their interests not to use the money in that way.

**The Convener:** Thank you for the clarity on that.

**Jeremy Purvis:** The figures that we have on police numbers show that, comparing 30 June 2005 with 30 June 2006, three police forces had fewer whole-time equivalent police officers.

**Cathy Jamieson:** I am sure that that is part of the recruitment process that forces are going through. We have ensured that we now always measure on the basis of full-time equivalents rather than a head count.

**Jeremy Purvis:** Yes, but there were fewer full-time equivalent officers this year than there were last year.

**Cathy Jamieson:** At the end of the day, it is down to the chief constables to get on and do the recruitment. I cannot remember the exact number off the top of my head, but in June this year, there were 16,200-plus officers, which was well up on the previous figure, as Sir Willie Rae said. I suspect that any dip in a particular police force's number of officers on a particular day is because of the cycle of the recruitment process that it is carrying out rather than for any other reason.

**Margaret Mitchell:** How satisfied are you that the information on the justice portfolio that the committees have before them is the best possible, given that the Howat review group's independent report has not been published and is not available to us?

**Cathy Jamieson:** As always, I hope that the committees have the information before them that relates to the budget that we are discussing. The committees are not slow in asking if they feel that specific pieces of information are required. As you are aware, the review that you mention was commissioned to enable us to consider how we might get the best value from future spend. I hope, from the answers that have been given today, that members will feel that the Justice Department takes that matter seriously in any event. We have heard about the significant number of savings, new ways of working and reinvesting savings in services. I hope that the committee has enough information on which to base any recommendations to us about how we might want to make changes in the future.

**The Convener:** I thank the minister and her colleagues for coming along. I apologise for the earlier delay.

16:30

*Meeting continued in private until 16:38.*



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