

JUSTICE COMMITTEE

Tuesday 27 October 2009

Session 3

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CONTENTS

Tuesday 27 October 2009

	Col.
DECISIONS ON TAKING BUSINESS IN PRIVATE	2299
DRAFT BUDGET SCRUTINY 2010-11	2300
SUBORDINATE LEGISLATION.....	2326
Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment No 2) 2009 (SSI/2009/321).....	2326
Justice of the Peace Courts (Sheriffdom of North Strathclyde) etc Order 2009 (SSI 2009/331)	2326
Justice of the Peace Courts (Sheriffdom of South Strathclyde, Dumfries and Galloway) etc Order 2009 (SSI 2009/332)	2326

JUSTICE COMMITTEE

28th Meeting 2009, Session 3

CONVENER

*Bill Aitken (Glasgow) (Con)

DEPUTY CONVENER

*Bill Butler (Glasgow Anniesland) (Lab)

COMMITTEE MEMBERS

*Robert Brown (Glasgow) (LD)

*Angela Constance (Livingston) (SNP)

*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

*Nigel Don (North East Scotland) (SNP)

*Paul Martin (Glasgow Springburn) (Lab)

*Stewart Maxwell (West of Scotland) (SNP)

COMMITTEE SUBSTITUTES

Aileen Campbell (South of Scotland) (SNP)

John Lamont (Roxburgh and Berwickshire) (Con)

Mike Pringle (Edinburgh South) (LD)

Dr Richard Simpson (Mid Scotland and Fife) (Lab)

*attended

THE FOLLOWING GAVE EVIDENCE:

Jim Andrews (Victim Support Scotland)

Susan Gallagher (Victim Support Scotland)

Robert Gordon (Scottish Government Director General Justice and Communities)

Kenny MacAskill (Cabinet Secretary for Justice)

Councillor Harry McGuigan (Convention of Scottish Local Authorities)

Raymund McQuillan (Association of Directors of Social Work)

Ruth Ritchie (Scottish Government Finance Directorate)

CLERK TO THE COMMITTEE

Andrew Mylne

SENIOR ASSISTANT CLERK

Anne Peat

ASSISTANT CLERK

Andrew Proudfoot

LOCATION

Committee Room 1

Scottish Parliament

Justice Committee

Tuesday 27 October 2009

[THE CONVENER *opened the meeting in private at 10:02*]

11:01

Meeting continued in public.

Decisions on Taking Business in Private

The Convener (Bill Aitken): Having dealt with item 1 in private, we now move into the public part of the meeting. Members of the public should ensure that mobile phones are switched off to avoid any interruption to proceedings.

Item 2 relates to decisions on taking business in private. Do members agree to take in private item 6, which is consideration of whether to seek approval for the appointment of an adviser for the Legal Services (Scotland) Bill, and item 7, which is consideration of the main themes arising from the written and oral evidence that we have taken on the draft budget?

Members indicated agreement.

The Convener: Item 3 also relates to a decision on taking business in private. On concluding our evidence taking on the draft budget, we will be required to draft a report. Do members agree to consider that draft report in private?

Members indicated agreement.

Draft Budget Scrutiny 2010-11

11:02

The Convener: Item 4 is our second and final scheduled evidence-taking session on the draft budget. The committee had agreed to invite three panels to our previous meeting, but, as we noted at that meeting, it proved possible to arrange evidence taking from only two panels. Today's first panel of witnesses, who will give evidence on community penalties, is the third panel that the committee agreed to invite. I hope that that explanation has not left everyone totally confused.

I welcome to the meeting Raymund McQuillan, vice-convenor of the Association of Directors of Social Work criminal justice standing committee; Councillor Harry McGuigan, community wellbeing and safety spokesperson for the Convention of Scottish Local Authorities; and, from Victim Support Scotland, Susan Gallagher, director of development, and Jim Andrews, director of operations. I thank you all for attending.

We will proceed directly to questions, the first of which will be asked by Bill Butler.

Bill Butler (Glasgow Anniesland) (Lab): Good morning, colleagues. You will be aware that, compared with the current financial year, the Scottish Government's budget proposals envisage no increase in 2010-11 in the criminal justice social work grant to local authorities. What impact do COSLA and the ADSW think that that will have on the delivery of effective community sentences? Perhaps we can begin with Councillor McGuigan.

Councillor Harry McGuigan (Convention of Scottish Local Authorities): I have given evidence to the committee before on the imperative of adequately resourcing the undertakings that the community payback orders contain. That imperative has not changed: if we wish the scheme to provide quality and lasting benefits and to make a real difference, we must have the necessary resources.

We all recognise that we are living in very difficult economic times and that the situation will not change in the near future. There is therefore a responsibility to try to maximise the protection of resources for this aspect of our work. There is also a responsibility to ensure that we work together with local authorities and our community planning partners to ensure that we make the best possible efficiencies to enable us to bring the best quality to community sentencing and community payback.

Those are the big challenges that we face, but we must also consider the other side of the coin and ask what the alternatives are. In the view of the vast majority of people to whom I have

spoken, one thing is absolutely certain: we cannot continue to be the worst possible example in Europe in terms of how—and the people with whom—we populate our prisons. We must tackle the issue in a different way, and resources will be needed to do that well. We recognise that resources will be limited, but there is a responsibility on all of us to ensure that we maximise those resources and that we evidence the positive outcomes and benefits that the scheme can bring for community safety.

Bill Butler: I think that we all accept almost all of what you said. You spoke about the imperative of adequate resourcing, the need for quality and lasting benefit, the need to make—in very difficult economic times—the best possible efficiencies, and the big challenges that you face. However, having accepted that as a preamble, I return to the actual question. Even if you are able to make the best possible efficiencies, what will be the impact of no increase in the grant to local authorities for criminal justice social work in 2010-11? Do you fear that there will be a detriment to quality and lasting benefit?

Councillor McGuigan: I think that I answered the question. If we do not have the resources, or if they are limited in a fashion that does not enable us to advance the quality of the payback orders, we will not make the differences that I believe we can make with adequate resourcing. If you are asking whether we can make a difference with resourcing as it is, I think that we can. If you are asking whether it will be as extensive or as qualitative a difference as that which we could make if there were more resources, the answer is no. We have to work within the parameters that are set. I would be delighted if I was able to come to the committee and persuade you all to find additional resources to enable us to apply the scheme more extensively and effectively, but the reality is that choices need to be made.

I mentioned prisons. It is much more negative to choose to go along with what I believe most people view as the folly of putting in prison people for whom it simply worsens their situation than to say that we will work with the resources that we have. There is, of course, a risk that the quality of the work that is being carried out becomes subject to ridicule, but that is another matter; I do not think that we are close to that at the moment.

Bill Butler: I will have one more try, if I may, convener. You say that you can make a difference with the resources that you are working with, even in difficult circumstances, which is good to hear. However, I take it that you are referring to resources in the current financial year. Do you have any apprehensions with regard to 2010-11, when there will be no increase—a real-terms cut, in effect—in the grant to local authorities for

criminal justice social work? Can you address 2010-11?

Councillor McGuigan: Of course we have real concerns about that. I am saying that we will continue to make the strongest possible representations for resources to be found—I hope that I have not suggested otherwise. However, we will also accept the responsibilities. We have to try to ensure that we maximise the work that we do out there with our community planning partners in the best possible way. That responsibility is with us always—it is an ever present. Can we do it? It will be very difficult. We keep hearing from people that if we work more cohesively with our community planning partners, we can make advances. I have confidence that we can do that. I hope that that answer has helped a bit.

Bill Butler: It is very helpful.

Mr McQuillan, do you have anything to add on the specific question that I posed?

Raymund McQuillan (Association of Directors of Social Work): The ADSW is broadly supportive of the direction of policy development. The additional funding that has been made available in the current year is warmly welcomed, as it has given local authorities the ability and opportunity to develop current services.

There is a difficulty with considering funding in future years. We always share concerns and fears about future years' funding, but at present the issue is also that consideration must be given to the assumptions that have been made about the growth in services. The figures that have been provided suggest growth of between 10 and 20 per cent. That is a substantial uncertainty. We are not sure about growth in the first year or in subsequent years. That will have to be monitored closely to determine how effectively the courts take up the new orders.

On current funding, one of the ADSW's concerns is about the lack of consensus on the actual costs of services. We are basing our assumptions on the unit cost, which is derived by dividing the available amount of money by the number of new orders in any given year. Although that might be a useful way of determining a costing, it does not provide an accurate reflection of the actual cost of a service. The ADSW would certainly be supportive of additional work to examine what basic services actually cost. That work should start by considering what we expect from a service and the staff time input that is required. We would then cost that staff time and make additional allowances—for office equipment and accommodation, for example. Further work needs to be done to consider the actual cost of services. At present, the danger is that we consider the issue slightly simplistically by dividing

the amount of money available by the number of orders that are made.

Bill Butler: I accept that the way of working out the cost of services could be more sophisticated, but given that in the next financial year there will be no increase in grant to local authorities for criminal justice social work, which obviously is not helpful, do you have fears or apprehensions with regard to the impact of that?

Raymund McQuillan: Our perspective is similar to that of COSLA—of course we have fears, as there is an area of uncertainty. The specific fear is that the quality of services will not match expectations. At present, we work towards national standards, which are met to varying degrees throughout the country. The effectiveness of services is continually under scrutiny. The concern is that we might not live up to expectations, although whether that is a well-founded concern remains to be seen.

The Convener: I should have mentioned at the start that our questions will be in tranches. I assure our colleagues from Victim Support that they will get their turn later.

That question on the principal issue of budgeting has taken more time to answer than I would have preferred, so we will have to move things on somewhat more expeditiously.

Robert Brown (Glasgow) (LD): Mr McQuillan referred to the £3.5 million in the current budget that was added to the resources of the community justice authorities. I think that that came from an underspend. I would like to get a flavour of how that money has been used and what the results have been for the speed of community sentences and the ability to deliver the goods on the ground.

Raymund McQuillan: The available finance has been spent in slightly different ways in the 32 local authorities. I can comment only on the specific areas that I am aware of. Some authorities have spent the funding on additional community service staffing, to assist in enhancing the number of placements that are available and the placement opportunities. Of course, that increases the local authorities' ability to provide places more quickly.

As you will be aware, an audit of services is planned for November this year, which should, we hope, show significant improvements in performance compared with the results of the previous audit in November 2008.

11:15

Robert Brown: Do you have an interim view about that? I know from anecdotal evidence that some services have improved considerably. Is it the view across the country—particularly in the ADSW and perhaps also in COSLA—that you are

reaching the targets that are being set and are dealing with the backlog? In particular, are you getting over the strike in Glasgow?

Raymund McQuillan: The situation has varied, and will continue to vary, across the 32 local authorities. Of course, I know specifically about the situation in my own authority, where the additional money has allowed us to address the significant backlog that accrued over the first part of this year.

I hesitate to say at this point where we have reached in terms of improvements. The proof of the pudding will no doubt be in the November audit, when we examine the actual results.

Councillor McGuigan: I echo much of what has been said. That resource has given us an opportunity to deal effectively with the backlog and to appoint people who are more professionally versed and who can bring a greater quality to some projects. I cannot speak for the whole of Scotland, but the forthcoming audit will tell us more, as Raymund McQuillan said.

Certainly, the resource seems to be getting spent prudently, with a view to ensuring that the quality of the orders improves. If I may respond to an earlier comment, I hope that a message will get across to the judiciary that there should be a willingness to consider community payback rather than prison sentences.

Robert Brown: Can you give us some indication of the use that will be made of the additional £6 million for 2010-11, which I think will also come from an underspend? Is it considered that the money will add to the quality of service in preparation for the arrangements that will come in under the Criminal Justice and Licensing (Scotland) Bill? Can you give us a flavour of what local authorities will do with that money?

Councillor McGuigan: I cannot give you a flavour of that, as the announcement in that regard was made fairly recently. However, I was delighted about the additional resource, and I am sure that the committee's efforts played a role in securing it. Work still has to be done on how that funding will be used, but the issue is all about the quality of the projects that will be undertaken. The visibility of the punishment aspect should be addressed; at the same time, the rehabilitative dimension that the payback orders contain should also be addressed. Those are the areas of emphasis.

The Convener: But on the use of the additional money, it is too early to say.

Councillor McGuigan: It is too early to say.

The Convener: Do you have anything to add, Mr McQuillan?

Raymund McQuillan: Not specifically, although the issues that arise from the November audit could well point us in the direction of how the additional moneys will be spent in future years.

Robert Brown: Of course, those funds are not baseline moneys, so there are issues about future years. This is perhaps an obvious point, but will you require those moneys to be baselined in order to provide a reasonable guarantee that the quality of community service will be maintained, once you have caught up and quality has been improved in the manner that we have been discussing?

Councillor McGuigan: It goes without saying that such continuity is essential.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): My question is mainly for Raymund McQuillan. Like local authorities and all the other bodies that are involved in the discharging of community penalties, the Scottish Government and the Parliament want improvements in delivery. Has any estimate been made of the number of additional social workers who will be required to bring about the improvements that we all seek?

Raymund McQuillan: Not yet, no. The figures that were published this year suggest that 1,840 whole-time equivalent social work staff are involved in criminal justice social work—I think that that is the figure. Around 10 years ago, the figure was about 1,100, so there has been significant growth since then. I am not aware of any work suggesting what structure or quantities of specific categories of workers would be required.

Councillor McGuigan: We should not necessarily focus simply on the social work element. Other resources are being provided by people with different qualifications. We also need to tap into community planning partner resources. It is not all about that money delivering a certain number of extra social workers; it is about constructing a team of people to best enable the provision of quality community payback orders that can be applied more extensively in our communities.

Cathie Craigie: You make a fair point. Is COSLA working on how big the teams are going to have to be across the local authority areas? What is the likely cost of the resources that will be needed to deliver the service that we want?

Councillor McGuigan: That is a tall order for a question.

The Convener: I think that the answer is, “The length of a bit of string.”

Councillor McGuigan: COSLA will certainly not come up with a prescriptive model for local authorities; that is not its job. However, COSLA will be a facilitator to help local authorities to best share advice and information in a way that will

enable the quality of their work to be most effective. We will play that role.

Stewart Maxwell (West of Scotland) (SNP): I want to follow up Mr McQuillan’s comment that, over the past 10 years or so, the number of social workers has grown from around 1,100 to 1,800. Recent figures have suggested that there has been a drop in the number of people working in local government social work in Scotland. What are the reasons for those figures?

Raymund McQuillan: If I were to give you an answer, it would be based entirely on speculation. However, I can say that in criminal justice social work, there appears to be a shortfall of approximately 7 per cent, which is made up of staffing vacancies. I understand that that figure has reduced since 2006, so it seems that criminal justice social work has been fairly successful in attracting and retaining staff in recent years. It is difficult to comment on whether the figures will be sustained in future years.

Stewart Maxwell: If criminal justice social work has been so successful in retaining staff, why have the figures dropped in the past year or two?

Raymund McQuillan: I was not aware that the figures had dropped. I thought that there had been growth.

Stewart Maxwell: Certainly there has been some comment about the subject in the papers recently, and questions have been asked in the chamber about it. I do not have the figures in front of me but I assume that they are correct. I wonder whether those figures reflect an actual drop in the number of people who work in social work or whether they reflect the way in which staff are counted, which is something else entirely. Do you have any more detail on that? It has been suggested that certain councils—I am thinking of Glasgow City Council—have rejigged the way in which social work is organised, and some people are no longer counted as working in social work.

The Convener: Are we talking at cross-purposes here?

Stewart Maxwell: I am not sure.

The Convener: There are those who work in criminal justice social work and those who work in social work overall.

Stewart Maxwell: I am asking about social work overall.

Councillor McGuigan: I would not like to hazard a guess about the Glasgow City Council situation. To my knowledge and understanding, in local authorities in Scotland, social work is one of the most prioritised areas in relation to which we expect to meet our responsibilities for services to our communities. There have been difficulties with

the availability of social workers during the past five years. However, some progress has been made on that, so I am surprised to hear the suggestion that there has been a drop in the numbers. I could seek information about that and get back to the convener or to Stewart Maxwell.

The Convener: It would be helpful if you could get back to the committee clerk reasonably quickly. We are bit behind the 8-ball here.

Paul Martin (Glasgow Springburn) (Lab): My questions are for Mr Andrews and Miss Gallagher. You will note from the draft budget that the funding that has been made available this year for victim and witness support is £5.7 million and that the forecast for next year is also £5.7 million, so there is no improvement. Will that have a negative or a positive impact on the services that you deliver?

Jim Andrews (Victim Support Scotland): Do you mean in relation to our work on community payback?

Paul Martin: No, I am talking about the work that you do that is covered by the "Victim/witness support" category of spending. The budget for that will receive no increase in real terms. Might that have an impact on services that you deliver?

Jim Andrews: Yes. Victim Support Scotland is grateful for the continued support that it has received from successive Governments during the past 25 years, but during the past 12 months or so our referral numbers have increased, as has our work in the sheriff courts and the High Court. We are working more with vulnerable individuals, through community-based victims services and under the Vulnerable Witnesses (Scotland) Act 2004, which deals with vulnerable people who attend court. Our work is changing and we are moving into an area in which vulnerability is the key. Growth in that part of our work would cause difficulties for us if we did not have adequate funding.

Paul Martin: Is there a possibility that staff might be made redundant and that you might not be able to deliver services effectively?

Jim Andrews: Like all organisations, we review our services. We are currently reviewing how we deliver our services throughout Scotland. As you know, we have services in every local authority area in Scotland and we have close links with local authorities, many of which are strong supporters of our work. However, we are reviewing service delivery with a view to considering whether there are potentially better ways of doing it.

Susan Gallagher (Victim Support Scotland): I concur with what Mr Andrews said. Victim Support Scotland continually tries to improve its services, to ensure that victims and witnesses throughout Scotland get a quality, dedicated service. It is only

right to point out that as a result of legislative issues that have emerged during the past few years the organisation must consider where it will go next and how it can support people more effectively. We will continue to do that.

There will no doubt come a time when we will have to review the entire service provision to victims and witnesses throughout Scotland—we hope to do that in the coming year—because if funding for staffing and so on does not increase we must consider how we can best support victims and witnesses with the money that is available to us.

Paul Martin: You say "review", but are you really talking about withdrawing services in what communities will regard as key areas of victim support?

Susan Gallagher: During the past two years we reviewed how we operate with victims and witnesses. We set up a new assessment framework, which is about assessing people's specific needs for support, rather than providing blanket support to everyone who comes to our organisation. We will prioritise people who require support and need us.

Paul Martin: Does that mean that some people who try to access your services will not be able to do so?

Susan Gallagher: We will not turn anyone away; we will provide an alternative, direct route for people by giving them information about services that they can access directly. Our approach will not necessarily be the same as it has been in the past.

Angela Constance (Livingston) (SNP): What are the main budget pressures for Victim Support Scotland and how do they impact on service delivery?

Jim Andrews: Budget pressures impact on our ability to increase the work that we do with victims of crime. Victim Support Scotland not only provides practical and emotional support, and more in-depth support to people on whom crime has had a serious impact, but acts as a gatekeeper in referring victims to other agencies when we are not the most appropriate agency. We are restricted by our current budget in what we can do.

Angela Constance: What are the main budgetary pressures? Where are the pressure points? Is the increase in referrals a particular challenge, or are there other challenges?

11:30

Jim Andrews: Our relationship with the police service in Scotland is probably among the best

examples of such a relationship in Europe. We currently receive annual referrals of around 90,000 to 100,000 people, but that figure might increase as our partnership arrangements strengthen in the next few months. The vision is that every victim of crime in Scotland will at least be notified of the existence of Victim Support Scotland and what assistance we can provide. That might mean that the volume of cases that we currently deal with will treble.

Angela Constance: Ms Gallagher, would you like to add anything about budgetary pressures?

Susan Gallagher: From an organisational perspective, the salary levels of our staff across Scotland are an issue. I know that that is an internal matter, but it affects the ability of our organisation to grow effectively.

Angela Constance: What budget proposals for the victims of crime would Victim Support Scotland want to see in 2010-11?

Jim Andrews: We would like there to be adequate provision for the victims of crime, with the possibility of moving quickly to a situation in which every victim of crime in Scotland is automatically referred to Victim Support Scotland by the police and is given the option of taking up that support if they require it.

Susan Gallagher: It is clear to us that there are gaps in provision across Scotland, and we would like some of those gaps to be filled. There is a lack of support for young victims of crime and for people in the youth justice system as a whole. We would like to strengthen our internal training and our training of other professionals, such as social workers. That training would involve, for example, issues to do with victim impact and victim awareness. People can receive training on initiatives such as community payback, so that we can ensure that offenders understand the impact of their crime. Things are happening in those areas on the surface at the moment, but the work that is being done in that regard is not as in-depth as we would like it to be.

The Convener: Questions on the police and fire accounts will be directed exclusively to Councillor McGuigan.

Nigel Don (North East Scotland) (SNP): We are all aware of the budgetary pressures. The concern that has been expressed to us is that there is a risk that some police forces will find themselves significantly more out of pocket than they would have expected to be because local authority funding of the police is no longer as ring fenced as it once was and they are not getting the support from local authorities that they hoped for. I appreciate that those decisions involve individual local authorities but, as you are the nearest thing to a local authority representative that we have

before us today, could you give us your view on what local authorities are going to do? What is their attitude to this problem?

Councillor McGuigan: I am no expert on policing, but yesterday I attended a meeting with the chief constable of Strathclyde Police that was instructive about how local authorities and police boards can work together more constructively. Local authorities have limited resources, but it is recognised that law and order and community safety issues are crucial and that the police service plays a central role in that regard.

To coin a phrase, we need to efficienise the whole of the service and the roles that all of us play. We need to ensure that the agencies that are involved in the work that makes our communities happier, safer and more confident work together in a co-ordinated and sensible corporate way rather than having a silo mentality. There are encouraging signs at the COSLA end. We now have a community safety executive group in COSLA, in which the police and fire services are involved. We are working in the correct way. There is a will to look seriously at having sensible reviews of how we can achieve our outcomes and meet our responsibilities. That is as much as I can tell you at this point.

Nigel Don: Like everybody else around the table, I can predict what funding the chief constable of Strathclyde or any other chief constable would say he would like—if we were in their shoes, we would say exactly the same things. However, the issue remains how local authorities will respond, given that, at the end of the day, the police budget depends on what the local authorities are prepared to do with their budget, which is not ring fenced.

Councillor McGuigan: You know as well as I do that there will be a reduction in the resources that are available to local authorities. That requires all the partners that expect to be funded from those resources to look collectively at the needs and to prioritise the key needs. We will do that. I am not going to anticipate decisions and say that we will protect every aspect of policing in the budget share-out, but we will certainly look responsibly at these matters and will carry out an exercise to identify the priorities. The reality that we face is that some desirable aspects may have to go.

Nigel Don: I am grateful to you for saying that. In many ways it is obvious, but it needs to be said and we will see what local authorities end up doing.

We have also heard from the Fire Brigades Union Scotland and the chief fire officers about the importance of doing things in a national, co-ordinated way when it comes to, for example,

procurement and other services. Can you give us COSLA's perspective on the issue, or is it a matter that is essentially up to the fire service rather than you?

Councillor McGuigan: The whole issue of procurement is one that COSLA is constantly aware of; indeed, we have a specific group that looks at ways and means of encouraging a better understanding of the possibilities for joint procurement and therefore greater efficiencies. That work is continuing and there have been discussions with the fire service for some time—at one time I had some responsibility for that. It is a big issue that applies not only to the fire service but to local authorities and health boards. We must explore all the possibilities for joint procurement and the efficiency savings that can be derived from that.

The Convener: As there are no further questions for this panel of witnesses, I thank them for their attendance. It would be helpful if Councillor McGuigan could provide the additional information requested.

11:38

Meeting suspended.

11:44

On resuming—

The Convener: We continue item 4, which is evidence on the draft budget. The witnesses from the Scottish Government are Kenny MacAskill MSP, the Cabinet Secretary for Justice; Robert Gordon, the director general justice and communities; and Ruth Ritchie, the team leader for finance programme management: justice.

Mr MacAskill will make no opening statement and we will proceed straight to questions, which Bill Butler will lead.

Bill Butler: Good morning, cabinet secretary and colleagues. It is generally recognised that the Scottish Government has maintained its commitment to funding additional police numbers, as agreed in 2007, and—to be fair—that it has provided additional money for police pensions in 2009-10 and 2010-11, but the committee has heard concerns from police representatives that police funding is not keeping pace with the cost of police pay settlements. How do you respond to that?

The Cabinet Secretary for Justice (Kenny MacAskill): Wage settlements have been fully taken into account when police budgets have been determined in recent years. Police officers, including chief officers, have a multiyear settlement that expires on 31 August 2011. That

three-year pay settlement was implemented in September 2008 and has scales that increase by 2.65 per cent in 2008-09, by 2.6 per cent in 2009-10 and by 2.55 per cent in 2010-11. We have increased police grant by 3.1 per cent to £586.7 million in the 2010-11 draft budget, so I am satisfied that we have provided the police service with sufficient resources to meet salary commitments for the three-year pay settlement.

Bill Butler: You are saying that the concerns are groundless, certainly over the three years of the pay settlement.

Kenny MacAskill: We have ensured that the pay settlement is covered.

Bill Butler: That is clear.

Are you aware of Strathclyde Police's concern that, despite the Scottish Government's spending plans for 2010-11, a deficit is possible, which could threaten the maintenance of police numbers in the longer term? How do you respond to that concern?

Kenny MacAskill: We are providing record levels of funding for the police in 2010-11. As you said, we have met the wage settlement and pensions requirements. It is for chief constables, working closely with police authorities, to manage that spending. We have given police authorities sufficient resources to maintain officer numbers. When the committee asked the Association of Chief Police Officers in Scotland whether it could maintain police officer numbers, the clear picture was that it could and that it wanted to do so, and certainly beyond 2010-11. At this stage, no cabinet secretary can commit funding for future years, but a well-resourced police service will remain a priority for us and for any incoming Administration.

Bill Butler: The concern is perhaps predicated on the current funding model, but I will leave that, because my colleagues will follow that up.

Robert Brown: Strathclyde Police gave evidence that its deficit, which we have also seen in the press, is £7 million in the current financial year and that it estimates a £16 million to £18 million deficit in the forthcoming financial year. The organisation's evidence suggested a structural problem in its budgeting arrangements. Do you have any observations on that? Is such a position reflected in other police authorities' experience? If the deficit is structural, the issue is slightly different from that of whether pay matches grant. Does that issue give you concerns?

Kenny MacAskill: The draft budget says that we will pay police grant of £586.7 million, which is a 3.1 per cent increase on 2009-10. That takes place while we face overall cuts of £500 million in planned expenditure. We are investing £94 million to fund centrally the recruitment of the 1,000

additional officers. We also gave police authorities an additional £20 million in 2009-10 to cope with the bulge in retirals and an additional £75 million from 2008-09 to 2010-11 for police and fire pension commutations, which are one-off lump-sum payments on retirement.

All that shows that we have made the funding of our police a priority. The resources from others who are required to contribute to the police budget are for them to comment on. We have contributed our requirement as a Government, which shows our desire to ensure that the police are funded properly.

Robert Brown: Strathclyde Police in particular and ACPOS in a slightly more reserved way have expressed concern that ending elements of ring fencing of police funding has led to more uncertainty over police funding, because of the pressures on local authorities that have emerged from the current position and the difficult decisions on funding priorities that they face. One can readily see the point that is being made. Strathclyde Police has called for the reinstatement of ring fencing for police funding. Would you like to comment on the issue? If you are to achieve the objectives on police numbers and so on that you have set, which the committee supports, it is important that there is a degree of certainty in that area.

Kenny MacAskill: Police funding through the local government finance settlement has not changed—it is dealt with in the same way now as it was previously. The Government has committed itself to providing a guaranteed amount of police funding of £586.7 million—a 3.1 per cent increase—for 2010-11, together with funding for increased police numbers, police pensions and police pension commutations, which will be paid directly to police boards. The remaining funding of the overall police settlement, including the general revenue grant, is not and never has been ring fenced—nothing has changed in relation to that funding. Police authorities and chief constables will have to continue to engage with local authorities—as they have always done—to determine their budget allocations. That is perfectly reasonable and should help to deliver better on local policing priorities and to meet community expectations. We believe that we have delivered a fair settlement to support our police. We have not changed the system for allocating funding between local and national Government.

Robert Brown: If decisions by local authorities in a slightly different financial climate—not in the forthcoming year, but in the following years—resulted in reduced allocations from local authorities, would that give the Government cause for concern? Do you have any handles of influence that will enable us to avoid that problem,

given the priority that we have accorded to the police service in recent years?

Kenny MacAskill: I can no more speculate about what local government budgets may be than I can speculate about what the Scottish Government's budget may be. Those will be matters for whoever is in situ as the Cabinet Secretary for Finance and Sustainable Growth and the Cabinet Secretary for Justice, and for those who are in charge of finance at local level. All that we can say is that we have provided record funding until 2010-11. We recognise that we face £500 million-worth of cuts by the Westminster Government and hope that whatever Government is in office at Westminster after May 2010 will not compound the agony that Scotland is already feeling as a result of those cuts. I have sympathy for local government, but every aspect of Scottish public life is subject to financial pressures because of the budget cuts that we face.

Cathie Craigie: Good morning. We have heard from police representatives that significant progress has been made in relation to efficiency savings in recent years; in fact, the police claim to have exceeded the targets. However, we were told that this year could be quite difficult and that they may not be able to respond as they have in the past. How do you respond to that suggestion?

Kenny MacAskill: We are well served by our police, not just in the job of patrolling, guarding and protecting that they do but in what they have done to ensure best value and to secure efficiencies. I applaud the work on which ACPOS commented when it gave evidence to the committee. We support it fully in the actions that it is taking.

I come back to the point that I made to Robert Brown. Every part of the public sector faces demands for greater efficiency and savings. I expect that the police will rise to that challenge, as other sectors will and as the police have done in the past. The establishment of the Scottish policing board to discuss strategic issues on a tripartite basis for the first time—COSLA will be included—will provide us with an appropriate forum within which to exchange good ideas and to pass on best practice.

It will not be easy for any aspect of local or national Government or, indeed, for the private sector to deal with the financial challenges that we face. However, the police have done a remarkably good job of protecting front-line services—and enhancing them, with a visible police presence—at the same time as ensuring that they get the benefits of efficiencies in how they work.

Cathie Craigie: In its written submission on the budget, the Association of Scottish Police Superintendents advised the committee that the

budget, as it stands, will result not in efficiency savings but in cuts to police services. Do you agree with those comments?

Kenny MacAskill: I cannot speculate on what will happen after 2010-11, but I can say that we have made available a record amount of funding. As I have said, the Government has committed itself to providing funding of £586.7 million. There is also the funding for the provision of front-line officers to meet our commitment to provide 1,000 additional officers and for pensions and commutations that have not been provided for south of the border. The police have done a remarkably good job in making efficiencies to free up resources so that they can do an even better job, and I am certain that they can rise to the challenge, although that will not be easy. Indeed, things will not be easy for any of us, but that is what we face. Some £500 million-worth of cuts are coming from Westminster, and there may be more cuts after May 2010.

Cathie Craigie: I will resist the temptation to go on to that.

The Convener: I was about to comment that the cabinet secretary is in an unusually conciliatory mood, but he let me down.

Cathie Craigie: We have heard different views on ways of finding efficiencies in the police service. One issue that the committee has discussed is the role of civilianisation and whether work that police officers currently do could be shifted on to civilians. The police representatives who gave evidence suggested that the police have gone as far as they can down that road and that there is not much more scope for developing that approach, but Unison thinks that there is room for more civilianisation. What is the Scottish Government's position?

Kenny MacAskill: Our position is that such matters always have been and always will be operational matters for chief constables. We are impressed by Scottish chief constables' efforts to ensure that as many officers as possible are on front-line duties and are not stuck behind desks doing work that others could deal with. However, we support civilianisation that helps to provide an improved and more efficient service. We would not support anything that would undermine that.

Such matters are operational matters for the police. I have seen the work that has been done by civilians in Falkirk and custody support officers in Alloa. The approach that has been taken, which the chief constable brought in, seems to be sensible, and it has our full support. Analysts have also been brought in to do work that the police used to do. Again, that is an operational matter. A good job is being done; a choice has been made, and we back it.

The Convener: There being no follow-up questions on police funding, we will discuss prisons funding.

Angela Constance: The draft budget of £272.7 million for the Scottish Prison Service's running costs in 2010-11 provides a small increase in cash terms on the budget for the current financial year, but it is lower than was previously planned. The Prison Officers Association expressed concern about that to the committee, not least in the context of the current overcrowding in prisons. Are you confident that the allocation for the SPS's running costs will ensure the safe and secure operation of Scotland's prisons in the forthcoming years?

Kenny MacAskill: The draft budget for the SPS provides a cash increase of £2.6 million on the 2009-10 budget. The SPS has an excellent track record of delivering efficiency savings in partnership with the trade unions and further progress on that will allow it to maintain essential services at the current level. In addition, the SPS's capital budget has been maintained at the record level of £136 million. The new facilities that that investment will provide will be more efficient, cost less and help to ease the problems that we face with overcrowding. Those are problems for the rank and file of the SPS, for prison governors and for the Prison Officers Association.

Angela Constance: I want to pick up on the issue of efficiency savings. The Prison Officers Association provided the committee with figures suggesting that, since April 2000, there has been a 23 per cent reduction in the number of operational staff at bands C, D and E in the Scottish Prison Service. The committee recognises that efficiency savings, partly aided by new accommodation, will have contributed to that, but to what extent is it feasible to look for further cuts in prison officer numbers as a consequence of the Scottish Government's efficiency targets?

12:00

Kenny MacAskill: Any requirement for further reductions in staffing would be discussed by the SPS and the recognised trade unions and would be subject to rigorous health and safety risk assessments by local management and trade union representatives. We are well served by prison officers and their safety has to be paramount.

The SPS has an excellent record of delivering efficiency savings in partnership with the trade unions. Both parties expect that relationship to continue. It is important that all parts of the public sector contribute to the Government's efficiency programme. The SPS will continue to work in partnership with the POA. I look forward to

attending the POA's annual conference, at its invitation, in Pitlochry on Thursday.

Stewart Maxwell: We are aware of improvements to the current accommodation and of the new accommodation that is being built. However, the POA told the committee that additional staff will be required to run the new Low Moss prison, for example. Do you accept that view?

Kenny MacAskill: Yes, that is quite correct. A new prison will open at Low Moss in 2012 and it will require staff. We will work in conjunction with the prison officers on that and I have no doubt that any new recruits will be of the same excellent calibre as those who currently serve.

Stewart Maxwell: Given that you accept that additional staff will be required for the new Low Moss prison, what plans are in place to deal with that particular pressure in the budget from 2012 onwards? I presume that those staff will have to be recruited before 2012 in order to be in place for the opening of the prison.

Kenny MacAskill: Given the timing, that will be a matter for the next spending review. As with other matters, it is not for me to decide what any future cabinet secretary for finance or justice might do. It is a matter for the next spending review, not the current one.

Stewart Maxwell: It is your view that the staff will not be recruited until at least 2011-12, so it will be a matter for the next spending review.

Kenny MacAskill: Yes. That is my understanding.

Cathie Craigie: I understand that a new house block at Polmont is opening later this year, which I imagine could create another 100 places. Have the staffing implications of that been taken account of in the budget for next year?

Kenny MacAskill: Yes. The house block is partly about tackling overcrowding and partly about ensuring that we have appropriate accommodation. If you want specific details on that, I am more than happy to write in, but I can confirm that those matters have been fully budgeted for by the SPS and are accounted for in the draft budget.

The Convener: It would be interesting to see the detail, so it would be good if you could write in.

There are no further questions on prisons, so we will turn to the funding for community sentences, on which Paul Martin will lead the questioning.

Paul Martin: Cabinet secretary, do you believe that the new focus on community sentences will place additional pressures on criminal justice social workers in local authorities throughout Scotland?

Kenny MacAskill: The draft budget identifies that we are committing £109.3 million for community justice. As well as the £86.5 million that is ring fenced for criminal justice social work within the local government settlement, there is another £22.8 million in the justice budget. Exact allocations to local authorities and community justice authorities for their front-line work in 2010-11 will be decided later this year.

Having discussed matters with CJAs and the ADSW, I am convinced that they feel capable of rising to the challenge that we have as a nation, as we move away from routinely providing free bed and board to those on short sentences to giving them some hard work and tough community punishments to pay back for the harm that they have done.

Paul Martin: I want to ask a specific question about criminal justice social workers. Is it accepted that additional pressures will be placed on them as individuals from the current year into the future, compared with previous years? Do you accept that additional burdens will be placed on them, which will require additional resources—yes or no?

Kenny MacAskill: In addition to going to the POA conference in Pitlochry on Thursday, it is my pleasure to go to the Association of Directors of Social Work conference in Crieff before that. We have been working with the ADSW, which seems to be satisfied with what we, as a Government, are providing for it.

I have no doubt that there will be challenges for criminal justice social work departments in Scotland. We are well served by our police and prison officers and equally well served by our criminal justice social workers, who are capable of rising to the challenge and are satisfied with our provision. If any matters are to be raised, I have no doubt that I will be faced with them on Thursday; that said, I look forward to my visit to Crieff Hydro.

Paul Martin: I remind you, cabinet secretary, that my questions are part of our scrutiny of the draft budget. I am not asking you about the conferences that you might attend—this week or last week. My question was clear: will the new focus on community sentences place additional burdens on criminal justice social workers and require additional resources to be found—yes or no?

Kenny MacAskill: We have worked in conjunction with the ADSW, which is satisfied with the resources that we are providing. I have great faith in the criminal justice social workers who we have in this country. You may disparage their conferences, Mr Martin, but I look forward to attending them.

Paul Martin: Is the budget for criminal justice social work for the 2010-11 year £86.5 million?

Kenny MacAskill: No. As I said, it is £109.3 million for community justice. In addition to the £86.5 million that is ring fenced for criminal justice social work within the local government settlement, there is another £22.8 million in the justice budget. The total figure is £109.3 million.

Paul Martin: For the record, do you refute the information that I have in front of me that the Scottish Government proposes to hold the grant to local authorities for criminal justice social work in 2010-11 at the current level? Am I incorrect in saying that?

Kenny MacAskill: It is flat, but we have provided additional resources, including £9.5 million that went in earlier. As I said, we believe that we are funding the necessary matters. Indeed, in 2009-10 £3.5 million went in, and in 2010-11 there is £6 million to help the community service system. As the member correctly points out, the budget remains static, but additional funding has been provided.

We recognise the need to support this important aspect of making sure that those who harm our communities pay back through the sweat of their brow. We do not want to continue the outrage of taxpayers funding three square meals a day.

Paul Martin: We all recognise that the Government has made available an extra £3.5 million to the criminal justice authorities in the current year with a view to ensuring that community service orders are served immediately—they must be delivered with great speed. I understand that some funding for 2010-11 is planned to come from an underspend in next year's budget. For the record, will you identify the underspend? Where will the money come from?

Kenny MacAskill: We are fully confident that the money will be found. In December this year, we gave full details of the extra money that will be provided to the community justice authorities and local authorities. Not all the money that is being made available is shown in the draft budget; some of it depends on transfers that will be carried out in the autumn budget revisions. From 2010-11, I expect transfers from other parts of the justice budget will increase the actual baseline to £110.594 million.

The transfers do not show up in the draft budget because they are not as yet technically complete. As the member will recall, an example of where money will become available is the decision not to continue with the mandatory drug testing pilots. On 10 June, I announced that in an answer to a parliamentary question from Richard Baker. The decision will free up £1.8 million per year—money that can be reinvested in community sentences.

Paul Martin: Will you confirm that the scrapping of the community courts initiative in Glasgow will result in a possible underspend?

Kenny MacAskill: No.

Paul Martin: So, we will find out at a later stage—

Kenny MacAskill: Well, yes—we said December of this year. However, I confirm that the proposal not to proceed with the Glasgow courts initiative would not result in the transfer of an underspend. The member will be glad to know that we are prioritising not a building but front-line services.

Robert Brown: Relying on underspends that emerge only over the course of the year seems a curious way in which to do things at the beginning of the year. Why have you done things in this way? Given the pressures that will result from the bill, is it your intention to baseline the increased funding for community justice in future years?

Kenny MacAskill: Although that is a fairly standard matter, I ask Ruth Ritchie to comment.

Ruth Ritchie (Scottish Government Finance Directorate): We would have baselined the money but, unfortunately, when it was transferred in the autumn budget revision we were not allowed to do future-years transfers, which is why the 2010-11 transfer was not carried through. We will action that in the budget bill.

If you look at the miscellaneous area in the further breakdown data that I sent to the committee, you will see two areas linked specifically to the criminal justice social work element under the headings "CJA Local Initiatives" and "Community Penalties Review". Together those areas come to nearly £7 million, which is the pot of money that we hope to use. It covered a lot of initiatives and pilots that were considered but are not being developed. That money will go into the baseline.

Robert Brown: For the avoidance of doubt, will you be clear about what has become of the money that was saved by the legislation that dealt with compensation for slopping out? That was a gain to the criminal justice budget.

Ruth Ritchie: We will not know exactly how much money will be gained from the reversal of that provision by the SPS until the date on which the new legislation comes into effect—which I think is 12 November. When we know exactly how much money will be available, it will be for the Scottish Government and John Swinney to determine where it goes. As far as I am aware, there are no specific plans for its use; it will be used for the overall benefit of the Scottish Government.

Cathie Craigie: My question is the same one that I asked in the earlier evidence-taking session—perhaps the cabinet secretary had the opportunity to listen to it. The message that came from COSLA and the Association of Directors of Social Work was that, although they welcome the £3.5 million and the £6 million, they want to be certain that it will be baselined. Is that the intention?

Kenny MacAskill: Yes.

Robert Gordon (Scottish Government Director General Justice and Communities): We are trying to find resources from anywhere we can to increase the funding of community penalties, but this is a time when every budget is under huge pressure. There is an issue about the pace at which one can put in additional resources and how effectively they can be used year by year. Therefore, we are investing the £3.5 million and the £6 million and looking at continuing that in the next spending review, but we cannot anticipate today what that will be. As the cabinet secretary said, that spending review is likely to mean a tough round of consideration of the pressures in all areas, not just in justice but across the whole of the Scottish Government.

Cathie Craigie: In response to Paul Martin's question about the cancellation of community courts in Glasgow, the cabinet secretary said that he was putting money into front-line services. We received written submissions from the Crown Office and Scottish Court Service about how much has been spent on their estate. Is that a necessary expense?

Kenny MacAskill: That is a matter for the Scottish Court Service. It is self-evident that we need court buildings; we cannot expect the Lord Justice General, the Lord Justice Clerk or even a sheriff or justice of the peace to convene in a marquee or a tent. Therefore, we have to invest in court buildings and consider whether they are fit for purpose, a matter which I leave to the Scottish Court Service. In due course, the Lord Justice General, wearing his Lord President hat, will deal with that matter.

Cathie Craigie: Is that to say that we need grand, modernised court buildings in Edinburgh but not community court buildings in Glasgow?

Kenny MacAskill: I believe that the supreme court in Scotland should be fit for purpose. Anybody who has been in the supreme court will recognise that the building has significant problems, which the judiciary has raised with us. It is perfectly appropriate that in the 21st century those who are senators of the College of Justice should have court buildings that are fit for purpose and acceptable information technology systems. That is fundamental. What must be decided is

whether the preference is to invest what is limited money in a building in Glasgow or in front-line services so that those who have damaged our community pay back through the sweat of their brow.

12:15

Cathie Craigie: I accept that you hold that opinion, but community courts could deliver the swift justice that we are looking for in communities. That is a long way from the supreme court in Edinburgh. The issue concerns the choices that you have made.

Nigel Don: I return to the well-rehearsed issue of the lack of centralised funding for the fire brigades and their resilience. Given the Government's hands-off approach to such funding, which is for local authorities, are you confident that those services will be properly funded, cabinet secretary?

Kenny MacAskill: As you say, the allocation of revenue funding to fire and rescue services is a decision for their constituent local authorities, which take into account their statutory obligations and important national and local priorities. Local authorities are best placed to understand the unique geography, population spread and risk profile of their communities, so a uniform funding formula or ring-fenced approach might not be practical. However, we are always interested to hear the views of people, whether or not they are involved in the service, about the way ahead.

Ring fencing was one of the many issues that the Scottish Government and COSLA discussed when agreeing the concordat. It is clear that the removal of ring fencing has provided local government with additional flexibility and has removed significant bureaucracy. Like any future Administration would be, we are open to discussing with our partners alternative approaches that would bring clear benefits to the front-line services that must be delivered for the safety of our communities.

Nigel Don: Does the Government have any mechanisms for ensuring general continuity throughout the fire services? The public may think that a local authority could decide to halve what it provides to a fire authority and that the fire authority would have no option but to mothball half its engines and sack half its staff. It is clear that that will not happen, but do mechanisms exist to ensure that local authorities are talked to and understand what needs to be done?

Kenny MacAskill: There are fire boards, chief officers and the FBU. An individual is appointed in the Government to deal with matters; I do not know whether Robert Gordon would like to elaborate.

Robert Gordon: Nigel Don's question goes to the heart of the relationship with local government that the Government has achieved through the concordat. It is not for central Government to tell local government how much to spend on services. In giving evidence, COSLA and others have said how much they value the flexibility that the removal of ring fencing gives local government to take decisions in the interests of communities on the basis of a local articulation of priorities.

In a limited number of areas that relate to national resilience, the Government still holds resourcing centrally. We continue to discuss with COSLA the definition of the national interest as against the local interest and how we can together meet the requirements of serving local communities and ensuring that we have the all-Scotland resilience that we require to cope with the threats that we face.

Nigel Don: Is the cabinet secretary happy with the level of co-operation on centralised procurement, recruitment and other functions that can be carried out throughout the nation?

Kenny MacAskill: The existing concordat approach requires the Scottish Government to stand back and not to micromanage. The fire and rescue services are well aware of the requirement to make efficiency savings and to get best value. In many ways, this is a small country, and we look forward to working with them to encourage them. However, they are already on the case of ensuring that we get best value, and we do have an excellent fire and rescue service.

Cathie Craigie: On the funding for the fire service, I notice in the helpful information that the minister provided that the budget for firelink is reducing quite considerably between 2009-10 and 2010-11. Will you explain to the committee the reason for that?

Kenny MacAskill: My understanding is that it is because the project is being delivered.

Robert Gordon: The hump of spend this year and last year was because the system is being installed. It is now pretty much installed in seven of the eight fire and rescue areas, and the plan is to have the bulk of that spend through by the end of this financial year. There will be on-going spend thereafter, but it will be at a much lower level. That is why there is a peak for firelink spending, as we equip the fire and rescue services with an all-Scotland system that allows everyone to communicate with one another, and with the police and others.

Cathie Craigie: How will that be funded in future, once the initial up-front capital costs and so on have been spent?

Robert Gordon: Both capital and resource are being met by Government.

Ruth Ritchie: The on-going payments are just for the fire service.

Robert Gordon: Thereafter, the on-going payments will be met by the fire and rescue services, but they are at a significantly lower level than the cost of the installation of the system.

Cathie Craigie: So those costs will be met by the fire and rescue service in the different board areas.

Robert Gordon: Yes.

Cathie Craigie: What sort of costs are involved? I would imagine that they will not be too great.

Robert Gordon: I am sorry but I will have to write to the committee with the figures. You should bear in mind, though, that the fire and rescue services are currently paying for the existing communications systems. Those systems will be phased out, so they will save on the cost of those. They will then take on the new all-singing, all-dancing firelink service.

The Convener: I would think that the net cost will not be considerable, but it would be useful to have that information.

Kenny MacAskill: We are happy to provide it.

The Convener: I have one final question. In answer to Bill Butler and Stewart Maxwell, you quite properly highlighted the dangers of trying to anticipate a budget a couple of years down the road. However, notwithstanding the political rhetoric, it would be foolish to deny that we all know that we will be living in difficult times. Any sensible Government must anticipate that there will be some difficulties ahead. What work is being carried out within your department to see what potential savings can be effected within the budget account for the next financial year? On what basis will decisions on savings be made?

Kenny MacAskill: As I said earlier, we are aware that cold winds are coming; there are £500 million-worth of cuts, and worse could follow. We are working with our partner agencies, including COSLA, the police boards, chief constables, chief fire officers and fire and rescue services authorities to ensure that we maximise best value and that we make efficiency savings. That is being looked at regularly.

Beyond that, however, we are constrained by the fact that we cannot bind any successor Government. As has already been commented on, it will be for that Government to decide what the spending review will be, come 2012. Work is on-going on how we can maximise efficiencies, how we can get best value and how, in a small jurisdiction, when we face those pressures, we

can continue to provide excellent police, fire, prison, criminal justice and social work services for our communities.

The Convener: I am pleased to hear that work is being done because I anticipate, as do others, that there will be problems for the following year's budget. Are there any particular sections of the account that will not be subject to potential cuts and that will be immune from any hardship that may develop?

Kenny MacAskill: No. As a Government, we have to accept that everyone has to tighten their belts. As the First Minister has said, those with the broadest shoulders have to take the most. We have to prioritise the areas that are most sensitive and the services that are most required for our communities. Everyone has to recognise that they have obligations, which is why we work with the police, the fire and rescue service and the prison service to ensure that they maximise the efficiencies and we get the best value. Nothing can be viewed as sacrosanct.

That said, the flip side of the coin is that, in the chills that we face, it is much better to make cuts in nuclear weapons, weapons of mass destruction or identity cards than in front-line services or providing for the poor and pensioners in our communities.

The Convener: You seem incapable of rising above political rhetoric, cabinet secretary; nevertheless, we are grateful for your attendance this morning. I thank Ms Ritchie and Mr Gordon, too.

12:25

Meeting suspended.

12:26

On resuming—

Subordinate Legislation

Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment No 2) 2009 (SSI/2009/321)

The Convener: The next item is consideration of three negative instruments, the first of which is the Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment No 2) 2009. The Subordinate Legislation Committee sought clarification on why a savings provision had not been included in the act of sederunt. The committee received a reply from the secretary to the Lord President and was content with that response. As there are no comments, are members content to note the instrument?

Members indicated agreement.

Justice of the Peace Courts (Sheriffdom of North Strathclyde) etc Order 2009 (SSI 2009/331)

The Convener: The Subordinate Legislation Committee did not draw any matters to the attention of the Parliament in relation to the order. As there are no questions, are members content to note the order?

Members indicated agreement.

Justice of the Peace Courts (Sheriffdom of South Strathclyde, Dumfries and Galloway) etc Order 2009 (SSI 2009/332)

The Convener: The committee will recall that, in May, a similar instrument was annulled following the recommendation of the Justice Committee. The present order proposes closure of Cumnock, East Kilbride and Girvan courts but reprieves the court at Annan. The Subordinate Legislation Committee did not draw any matters to the attention of the Parliament in relation to the order. This morning, representations were received by the deputy convener from the local member, Cathy Jamieson, who, because of the parliamentary recess, has not yet had the opportunity to consider the matter and was not aware until today that the matter was to be considered. Members may wish to continue the matter in order to allow her to appear before the committee.

Bill Butler: I ask colleagues whether we can defer consideration of the order until next week, not only to hear the local member but perhaps to have a couple of the relevant officials before us so that we can question them about why, although

Annan has been reprieved—which is welcome news—Girvan and Cumnock have not. Are members happy to defer consideration of the order?

The Convener: I think that that would be the accepted protocol, bearing in mind that the local member has had very limited information so far.

Robert Brown: On the closure of East Kilbride district court, representations have come in from justices of the peace and others in the area, including South Lanarkshire Council, along the lines that East Kilbride is one of the biggest communities in Scotland and will be left without a court. I would like to see some figures about the background to this order. I appreciate that it is not far to Hamilton from East Kilbride, but it is nevertheless a big community to be left without a court of its own.

The Convener: As the deputy convener has suggested, this is a matter that could be usefully pursued with the officials. Can we continue the matter to an early meeting, and invite the appropriate officials to give evidence and the local member to attend if she so desires?

Members *indicated agreement.*

12:30

Meeting continued in private until 16:37.

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