



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

JUSTICE COMMITTEE

Tuesday 30 November 2010

Session 3

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2011

Applications for reproduction should be made in writing to the Information Policy Team, Office of the Queen's Printer for Scotland, Admail ADM4058, Edinburgh, EH1 1NG, or by email to:
licensing@ogps.gov.uk.

OQPS administers the copyright on behalf of the Scottish Parliamentary Corporate Body.

Printed and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by
RR Donnelley.

Tuesday 30 November 2010

CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	3859
SUBORDINATE LEGISLATION	3860
Fire Safety (Scotland) Amendment Regulations 2010 (SSI 2010/393).....	3860
DRAFT BUDGET SCRUTINY 2011-12	3861

JUSTICE COMMITTEE
34th Meeting 2010, Session 3

CONVENER

*Bill Aitken (Glasgow) (Con)

DEPUTY CONVENER

*Bill Butler (Glasgow Anniesland) (Lab)

COMMITTEE MEMBERS

*Robert Brown (Glasgow) (LD)

*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

*Nigel Don (North East Scotland) (SNP)

*James Kelly (Glasgow Rutherglen) (Lab)

Stewart Maxwell (West of Scotland) (SNP)

*Dave Thompson (Highlands and Islands) (SNP)

COMMITTEE SUBSTITUTES

Claire Baker (Mid Scotland and Fife) (Lab)

John Lamont (Roxburgh and Berwickshire) (Con)

Mike Pringle (Edinburgh South) (LD)

Maureen Watt (North East Scotland) (SNP)

*attended

THE FOLLOWING GAVE EVIDENCE:

Jon Harris (Convention of Scottish Local Authorities)

Kenny MacAskill (Cabinet Secretary for Justice)

Andrea Quinn (Scottish Police Services Authority)

Bill Skelly (Her Majesty's Inspector of Constabulary for Scotland)

Christie Smith (Scottish Government Safer Communities Directorate)

Dave Watson (Unison)

CLERK TO THE COMMITTEE

Andrew Mylne

LOCATION

Committee Room 6

Scottish Parliament

Justice Committee

Tuesday 30 November 2010

[The Convener *opened the meeting at 10:23*]

Decision on Taking Business in Private

The Convener (Bill Aitken): Good morning, ladies and gentlemen, and welcome to the meeting. I remind everyone to ensure that mobile phones are switched off.

We have received one apology, from Stewart Maxwell.

The first agenda item is to decide whether to take in private at future meetings the committee's consideration of a draft report on the Scottish Government's draft budget 2011-12 and of its work programme. Do members agree to do so?

Members indicated agreement.

Subordinate Legislation

Fire Safety (Scotland) Amendment Regulations 2010 (SSI 2010/393)

10:23

The Convener: Agenda item 2 concerns subordinate legislation. There is one negative instrument to consider. Members will see from the cover note, J/S3/10/34/1, that the Subordinate Legislation Committee did not draw any matter relating to the regulations to the attention of the Parliament. As members have no comments to make, are they content simply to note the regulations?

Members indicated agreement.

The Convener: The regulations are noted.

Draft Budget Scrutiny 2011-12

10:24

The Convener: The third agenda item, under which the committee will consider the Scottish Government's 2011-12 draft budget, is the principal item of business this morning. The evidence session is the second of two on the draft budget.

I welcome the first panel of witnesses, which comprises: Jon Harris, strategic director of the Convention of Scottish Local Authorities; Andrea Quinn, chief executive officer of the Scottish Police Services Authority; Bill Skelly, Her Majesty's inspector of constabulary for Scotland; and Dave Watson, Scottish organiser, policy, at Unison. Bearing in mind the difficult weather conditions outwith the Parliament, I very much appreciate the fact that you have all managed to make it here more or less on time. The weather is certainly making life difficult for everyone.

We will proceed immediately to questions. Do the panel members share the view of the Association of Chief Police Officers in Scotland and other police representatives that it will be possible within the Scottish Government's budget proposals for forces to maintain in 2011-12 the 1,000 additional officers who have been funded by the Government since March 2007? Perhaps we can start with Mr Harris.

Jon Harris (Convention of Scottish Local Authorities): As part of COSLA's agreement with the Scottish Government on funding for local government for 2011-12, a number of specified commitments have to be delivered, one of which is to maintain police numbers at the current level of 17,234. All councils have been invited to consider whether they wish to accept those commitments in their entirety. If they choose not to accept them, the Scottish Government will apply sanctions.

We expect councils and ministers to consult police authorities and chief constables on whether they are willing to maintain police numbers. Given that the commitment to maintain the current level of police officers in Scotland is national, all eight police authorities would need to agree. If some police authorities decided not to commit but the numbers were made up by other police authorities, they would retain the lower increase in the level of funding. If police forces did not want to meet the commitment, we would expect the cut in their budgets to increase from 2.6 per cent to 6.2 per cent, which is the same as the figure for the rest of the public sector other than the health service. All the agreements will need to be signed off by 21 December.

Dave Watson (Unison): It is entirely possible that the targets can be met in a cosmetic sense, but the reality is that even if police boards accept the Hobson's choice of the local government settlement, they will still face a real-terms cut of around 6 per cent. If police numbers are to be maintained, all those cuts will essentially fall on police civilian staff.

Our view is that a short-sighted view has been taken of the modern police force, which is made up of police officers and civilian staff who have a range of cost-effective and specialist roles. Many police boards have reported that they will have to backfill many of the civilian posts with police officers, and that is certainly our view. That means that although, politically, the targets may well be met, officers will not be on the streets. Essentially, we are heading back to the 1980s, before there was any civilianisation, when a range of posts and roles were filled by police officers that it was not cost effective for them to fill and that they were not qualified for.

Scotland is still well behind in the policy, and that situation is being built on. We have previously provided to the committee a big academic report that we produced that showed that civilian staff accounted for 28 per cent of the police force in Scotland. That figure has now dropped to 26.5 per cent. The figures for England are 39 per cent and 32 per cent. On that basis, we are already well behind. The figures for some Scottish forces are better than the English average, but some of the figures for Scottish forces are well behind. The Dumfries and Galloway Constabulary figure is 33 per cent, but Strathclyde Police is the worst performer in Scotland, with its figure down at 25 per cent. Essentially, police officers are already in civilian roles that it is not cost effective for them to be in and which they are not qualified to carry out, and the situation will be exacerbated simply to meet a cosmetic political target.

The Convener: Does Her Majesty's inspectorate of constabulary for Scotland have a view on the matter?

Bill Skelly (Her Majesty's Inspector of Constabulary for Scotland): I have been assured by chief constables, as has the committee, that they will be able to maintain police officer numbers as stated. I share the concerns about how those officers will be deployed in future, given the need to make savings in revenue budgets. How that will be done has not yet been demonstrated to me. However, the straight answer to the question on police officer numbers is that I am assured that they will be maintained.

10:30

The Convener: Does Miss Quinn wish to say anything?

Andrea Quinn (Scottish Police Services Authority): I can maybe talk about the support services and the impact on our budget, if that would be helpful.

The Convener: Sorry, I did not quite catch that.

Andrea Quinn: I can speak about the impact of the reduced budget, if that would be helpful.

The Convener: I think that we will deal with that further down the road.

Robert Brown (Glasgow) (LD): I will pursue the question of police support staff first, if I may. Last week, we had evidence from Mr Cross of ACPOS that the 6 per cent real-terms cut would mean, in effect, an 18 per cent cut in non-police-officer budgets. We might be talking about around 1,200 support staff. Mr Watson, do you agree with that estimate? Can you give a flavour of how those staff are divided between those who relieve police officers of paperwork and other back-office functions and those who are in human resources and things that are off to one side to a degree?

Dave Watson: There are discussions at the moment with my colleagues at board level and those numbers are not finalised yet. Civil servants in the justice department told police boards to plan on the assumption of a 9 per cent cut this year, which was slightly higher than the position appears to be now, so some revision of the numbers is going on. Adding them up as of yesterday, we think that the number is around 1,100. However, that is not by any means resolved yet. How that will pan out between the more traditional police civilian posts, to which Mr Brown referred, and those who are classified as operational police staff is impossible to say at this stage. That is partly because police forces are so varied. For example, in the Northern Constabulary the figure for those on the operational side is only 7 per cent, whereas the figure in Dumfries is nearly 13 per cent.

The position will vary force by force. However, what is absolutely clear is that a mix of both operational posts and non-operational posts will be involved. I note that my colleague from the Scottish Police Federation who gave evidence last week drew your attention to Ireland, which seemed a rather bizarre comparison when we can look south of the border, as I have just indicated, at the more accurate comparator statistics there. He also commented that HR staff numbers are growing enormously well. There has been some increase in HR staff, but unfortunately police officers are doing HR staff roles. For example, Strathclyde Police used to have six police officers

in HR roles but, as of today, the number has just dropped from 13 to 11, so the number of police officers carrying out HR roles has almost doubled, although none of them has a qualification to work in that field. I can give you many other examples of how money is being wasted. The current proposal to maintain police numbers will simply increase that waste and inefficiency.

Robert Brown: I appreciate the difficulties in projecting where the cuts in staff numbers might fall, but can you give me any flavour of the divide across the different forces—perhaps you can refer to Strathclyde Police in particular, as it is the largest force—between what you have described as operational and non-operational support staff, referring to the 6,000 or whatever is the total figure?

Dave Watson: Sure. The other problem is the definition of what is operational or non-operational, which varies. We produced a detailed report last year that breaks down the figures force by force. The problem with that was that different forces had different interpretations of what a police civilian staffing operational role was. However, it was possible to break down the figures into particular functions—for example, control room staff, forensic staff, which is in the SPSA area now, and other groupings of staff—so that we could show comparisons. I am happy to release that report to the committee, so that it can see the numbers in some detail and you will have a flavour of the situation. Strathclyde Police, for example, has 125 police officers sitting in the control room, whereas in other police forces that is an almost entirely civilianised function. So, there are huge differences—unexplainable differences, I have to say—between police forces. That is the issue that we really want you to focus on if we are to have a real grasp of the waste that is going on.

Robert Brown: It would be useful if you could provide a breakdown on that, to give us a bit of flavour—subject to the convener's thoughts on the matter, of course.

The Convener: Please do so, Mr Watson.

Dave Watson: I will be happy to do so.

Robert Brown: Against a background of the political priority of having 1,000 additional police officers, it is manifest that officers will have to backfill what are currently civilian posts. That will take officers off the streets and away from community policing. I appreciate that the figures are difficult to predict and that you cannot say exactly how many officers might have to backfill posts, but can you give us a flavour?

Dave Watson: At this stage it is impossible to say. Police boards are currently juggling the revised numbers. There is an attempt to make the cuts through voluntary means, so what happens in

relation to police officers backfilling posts will depend on which police civilian staff volunteer for redundancy and create space. We will probably not get a clearer picture on the issue for months.

Robert Brown: If we leave aside police and civilian staff numbers, is there significant potential in non-staff areas to make cuts of the level that is envisaged?

Dave Watson: Sadly, no. I think that the committee has had evidence that, in essence, the police force's costs are its staff costs. Efficiency savings have been a feature of recent years and much of the low-hanging fruit, on procurement for example, has already been picked. The reality is that if cuts must be made on the scale that is being talked about—not to mention efficiency savings on top of the numbers that I talked about—they must come from staff numbers. There is nowhere else to cut.

Robert Brown: Police authorities are bound by the political target, but ACPOS suggested last week that there might be value in their having greater flexibility on the use of police budgets. Do you have a view on that?

Dave Watson: Yes, I do. If the political target had been to get police officers and police civilian staff operational on the streets, I would have understood that that was a reasonable political target. A crude target of having 1,000 extra police officers, which does not take account of what the officers are doing, seems pointless. There should be flexibility, so that we say that the legitimate political objective is to ensure that we make our streets safer and then leave it to police boards to decide how best to deploy staff to achieve that objective.

Robert Brown: Do the other panel members want to comment?

Bill Skelly: I will make a few comments. First, I am personally assured that during the past several months the service has put considerable effort into looking carefully at the problem of finding the revenue and capital cuts that are envisaged, not just in the coming year but in the years beyond 2011-12. I am assured, too, that what is happening is subject to scrutiny locally through local police boards, as well as through the Scottish policing board and people such as me and members of the Justice Committee. A fair level of scrutiny is going on and a fair level of detail is being worked up.

As Mr Watson said, all the information is not yet available that would enable people to make judgments on, for example, the number of police officers who might have to backfill police staff posts. My interest is in forces identifying posts that can be ended in a way that takes account of priorities. Forces should determine what are the

priority posts that need to be maintained and consider how police staff can be moved to ensure that priority posts are kept. The number of police officers who must then backfill non-priority posts should be as low as possible—the aim would be zero, but I accept that the reality of the situation is that payroll must be reduced and that in the short term some police officers will have to backfill posts.

It is difficult to interpret information such as the number of police officers in Strathclyde Police control rooms as opposed to in other forces' control rooms. There are different models for the delivery of advice: some involve delivery of advice by police civilian staff and others involve delivery of advice by police officers. In other sectors engineers work in call centres, because that is a better way of delivering the advice that customers are looking for than having call handlers simply hand the problem on to the experts. I would be wary about interpreting the make-up of police control rooms in terms of the number of officers and police staff.

Finally, payroll, not police staff numbers, is the bulk of the issue. There are different ways of looking at payroll; it is not simply about cutting numbers. Avenues such as priority payments and shift allowances have been explored with a view to making reductions, as opposed to simply saying that we need to lose people.

Robert Brown: I suppose that you are interested in standards and such things in the police force. What is your professional view on the balance between police officers and civilian staff? Does the balance point in a certain direction? Perhaps you do not have a view on that.

Bill Skelly: My and the inspectorate's general view is that roles require to be played that do not require police warrant holders. There are different roles in delivering a police service that people who are not police officers can deliver. Wherever the balance sits, it is not in a police service that is 100 per cent police officers. It is not possible for me to draw a line and say that things should be like this in one area and like that in another area. The bottom line is: roles, including operational roles, can be performed by people who are not police officers. The pilot project in the Central Scotland Police area used non-police officers to undertake some investigations. That is one direction that could be taken in looking at how services can be delivered in future. There is a balance, but where it sits is for different areas to look at.

Robert Brown: Do you have any views on the subject, Mr Harris? I am not sure how far COSLA is involved in these arguments.

Jon Harris: We have not been involved at that sort of level. However, it is much better to make

choices on the basis of the outcomes that you want to see delivered than on the basis of inputs. That is essential in looking at how the police, fire and rescue services and so forth sit within the wider public sector. Outcome is key.

Robert Brown: Absolutely. I have one final question, convener, but I have lost my train of thought. It is on the cost of different levels of officer. I assume that police officers cost more than civilian staff cost. Can anyone give a flavour of the average police cost compared with the average back-office civilian staff cost? Would that be meaningful to have?

Dave Watson: It would be a very crude average. Obviously, police civilian staff hold posts that range from very senior posts—for example, specialist accountants who work in the forensic accountancy field—through management posts right down to custody officers and others. The same is the case for police officers. What I would say is that there are plenty of examples of senior police officers who work in civilian posts for which they have no qualification. One good example of that is HR. I agree entirely with Mr Skelly that we must consider the matter force by force. There are different models. Some police forces operate their control rooms with no police officers, but others take a different approach. It is important for police forces to look at best practice. The problem with the budget settlement is that police forces will have to put on hold any look at best practice, because they will simply have to chase the 1,000 police officers target.

Robert Brown: That is helpful.

Dave Thompson (Highlands and Islands) (SNP): Good morning. It is good to see everyone at committee given the difficulty of getting here through the snow. I found it quite difficult getting down from Inverness yesterday and the train was a wee bit late, but otherwise it was quite comfortable.

Mr Watson said that the original cut that the various forces were looking at was about 9 per cent and that it is now slightly lower at 2.6 per cent. That is not slightly lower; it is quite a bit lower. At the moment, the number of police officers above the 1,000 figure is 190. That means that 190 posts can go without other staff being affected. I was interested in the exchange between Robert Brown and witnesses on the proportion of support staff to police staff. A figure of 1,000 was given for the number of support staff who have to go. We need to bear in mind the reduction in the number of support staff that has already taken place; 250 such staff have gone between March and November this year. If 190 police officers can go to bring us down to the 1,000, are we talking about 400 or 500 support staff? If so, and given that about 240 have already

gone, surely we are looking at only 250 support staff losses. Therefore, how severe will the impact be? I got the impression from Mr Watson that it would be really terrible. It is never good when people lose their jobs, but will not the factors that I have mentioned make it a bit easier to meet the target?

10:45

The Convener: The question is really for Mr Watson, and I invite him to respond first.

Dave Watson: I was talking in real terms, so the cut for police boards will be around 6 per cent, depending on where inflation comes in next year. That is undoubtedly a better position than the original figure—I agree entirely about that.

The police number target appears to offer some flexibility. I do not know what the number of people going will be, although I hope that it will be a lot less than 1,000. I was doing some adding up yesterday, following some initial discussions with boards and having spoken to colleagues who do the negotiations at board level. The matter is not finalised by any means but, according to their rough calculations, they were still working with a figure of about 1,000. If it turns out to be less, that is good news, which we would welcome as it will mean some people not losing their jobs and a more efficient police force.

The key issue is whether the policy direction is right. Is it right to have an artificial target of 1,000 additional police officers, rather than focus on putting resources on the streets? If that were the political target instead, there would still be a debate in the various police forces. Not all chief constables are signed up to the view that police civilianisation is a good thing. A big cultural change is taking place among police officers on that issue. There will be differences among police forces now, and there will be differences in the reactions of police forces to the numbers and how to handle the budget changes.

The key point for MSPs is the political objective and the best way of achieving the aim of getting police officers and other operational staff on the streets. I suggest that a cosmetic target of 1,000 additional police officers is not the way to do it.

Bill Skelly: I agree that the arithmetic is quite difficult. It is a matter of interpreting the current numbers of police officers above the 1,000 level, and how the figures translate into police staff. That is problematic—it is not simply a matter of there being an expensive police officer as opposed to recruiting a relatively cheap police staff member. People are at different levels in the organisation. We cannot just take an order of magnitude of two or three.

As has been said, any job cuts across the policing sector are difficult to take. We are talking about people who are largely based in communities, and their role is very important. It is difficult for everyone concerned to consider any cuts. The reality is that payroll costs need to come down, and that will result in some staff having to leave their employment.

The input of police officers is important to the public of Scotland. The number of people who are available is an intrinsic measure of the visibility, accessibility and responsiveness of the police and how they deliver. I agree with Mr Watson: I have been speaking about outcome and the question is about how those people deliver the service. I would certainly never put forward the view that the single measure to consider is the number of police officers in Scotland. It is important, because it is important to the public, who always talk about the number of police officers they can see—the visibility and accessibility of the police service are important issues for them. The number of police officers is definitely an important figure, but it is not the only one. We need to consider how officers are used and how their services are delivered, as well as the number of officers who are available.

Dave Thompson: The fact is that there has been a big reduction in crime, which came about at the same time as the increase in the number of officers, who I presume were getting out on the streets.

Are there any support posts that would not require backfilling?

Bill Skelly: That is exactly the work that is ongoing. We are examining the various posts that exist and those that can be discontinued. The postholder will then be either redeployed or made redundant as the post no longer exists. The answer to your question is that the matter is under examination. There are bound to be some posts that could be considered for not being continued.

Dave Watson: I agree that that is always the case. However, police boards have made efficiency savings in the areas that I have identified. As you have heard in evidence previously, the numbers are actually very limited. There is no swathe of administrative back-office people that could somehow achieve the cuts at the level that has been discussed.

James Kelly (Glasgow Rutherglen) (Lab): I have a point to put to Mr Skelly and Mr Watson. As Mr Watson said, there is no doubt that we face severe challenges given that there is a 6 per cent cut in the budget in real terms. That is the right figure to use, because it builds in inflation and it is important to be accurate in acknowledging the depth of the cut.

The Government has made a clear political choice to maintain the 1,000 extra officers. We heard last week that, potentially, that might mean that 1,200 support staff jobs go. Mr Watson said that it might not be quite as many jobs as that, but we recognise that there will be support staff job cuts. Dumfries and Galloway police authority suggested in its evidence that that might compromise the baseline service that is provided. As we have been discussing, there is a mixture of police officers and support staff. Do you accept that the way in which we are moving forward on the 1,000 officers and the cuts in support staff might compromise the baseline service going forward and therefore compromise public safety?

Bill Skelly: I do not accept that. I have not had anything presented to me that would back up that assertion. Essentially, the challenge for chief constables and chief officers across the country is to be very mindful of the service that they deliver to their communities and to maintain it as far as is possible. Given that there is a 6 per cent real-terms cut, to say that the service going forward will be exactly the same as the one that we currently have would be deluding the public. No one else in the public sector would say that they will maintain things even though they have less money. We will certainly do our best to ensure that the priorities for the public are maintained and we will be very careful about how other issues are dealt with.

I do not accept that assertion and nothing has been presented to me to back it up. As the inspector of constabulary, my role is to ensure that the service that the public gets is the best possible one. As we go forward, critical examination of the plans that forces put forward will come under my scrutiny and the scrutiny of others.

Dave Watson: I cannot say what the impact will be at force level. Self-evidently, these cuts are over and above the efficiency savings that are made and, as Audit Scotland and others have pointed out, there is a diminishing return through traditional efficiency savings, so there will have to be an impact on service delivery. The impact will vary from force to force.

In fairness to Dumfries and Galloway Constabulary, one reason why there is concern down there is that it has been the most efficient police force in taking forward that agenda. It has the best track record and so, to an extent, if it has to cut back on police civilian staff, it will take a bigger hit and will be dragged down to the level of the worst forces in Scotland. I can see that it might feel that it is being penalised for being effective and efficient in adopting policies that other forces have not implemented.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I direct my questions to Jon Harris, although I welcome any comments from other

members of the panel. Can Jon Harris explain a bit more about how COSLA intends to work with its local authority membership on the matter? I understand that the smoking gun at the head of local authorities is, "Agree to this proposal or you will have a budget reduction of 6.49 per cent." I am sure that some of your members will say that that is not much of a choice.

Your member authorities make up the eight police boards throughout Scotland. How will COSLA react if, for example, in Strathclyde Regional Council some of the local authorities sign up to the agreement and some do not?

The Convener: You mean Strathclyde joint police board.

Cathie Craigie: Sorry. What did I say?

The Convener: Strathclyde Regional Council.

Cathie Craigie: Oh my—I am giving my age away.

The Convener: You are living in the past.

Jon Harris: We did not sign up to the sanctions in the deal, but we insisted that our members would want to have information on them. We are in daily discussion with civil servants to identify what that means in practice, and we are working with those councils that have some concerns to ensure that the Government fully recognises their views. We have not finished that process yet, but we will do so within the next two or three weeks.

Cathie Craigie: You said that you have been in daily discussions. Can you share some of that?

Jon Harris: Well, if, for example, a council does not deliver on a commitment on respite care, or whatever, should it lose not just the 2.6 per cent but the whole 6.2 per cent? That would be quite a big loss for not fulfilling just one commitment, and we are asking whether that would be proportionate. That is the sort of issue that we are discussing.

Cathie Craigie: It seems that the Government is doing now what the convener's colleague, Margaret Thatcher, tried to do in the 1980s and 1990s, which is cap local government spending. She failed, but there is still a smoking gun. Is this just capping being done in another way? I am concerned that COSLA members are losing their independence and democracy.

Jon Harris: There is a concern that we are moving back to ring fencing certain initiatives. Politically, we have difficulties with that. I am not part of the team that is involved in the negotiations, although I am aware of the issues. My concern is that we cannot close down the negotiations. Crossing the t's and all the rest of it is not happening. We have to ask what the concerns of our individual councils are, are the

sanctions proportionate, and what happens if we fail to deliver only one particular commitment? We are working with civil servants on what all of that will mean in practice, but we have not completed that process.

The Convener: We will have to move on fairly briskly, so that we can preserve time for the second witness session. I turn to Ms Quinn, and Cathie Craigie will lead the questioning.

Cathie Craigie: What impact will the Government's spending proposals for 2011-12 have on the Scottish Police Services Authority's ability to meet its service requirements? Are the spending plans for police support services sufficient to meet forces' needs?

Andrea Quinn: Before I start, it is important to say that we do not yet have an agreed SPSA budget from the Scottish Government for next year. I understand that we will have it in the coming weeks. However, the central police funding that was announced in the budget, from which the SPSA's resources are drawn, is being reduced by more than 11 per cent, from £237 million to £210 million. Along with the other cost pressures that we will experience, that will mean a real percentage reduction to the SPSA of around 11 per cent, and it could even be more than that.

As Audit Scotland recently reported, the SPSA has a track record of delivering improvements in police services while experiencing budget reductions. It is important to note that. It is possible that we will maintain services while reducing costs in the future, but there is not a bottomless pit.

Cathie Craigie: How will you be able to do that? You say that an 11 per cent reduction is a huge reduction, so can you explain to the committee how the SPSA is going to maintain its services?

11:00

Andrea Quinn: We are looking at changes in our processes and streamlining how we do things. We are prioritising staff posts, because more than 80 per cent of our costs are staffing costs. We are looking at a reduction of more than 100 staffing posts. Under current policy, we are unable to make people compulsorily redundant, but we have offered all staff voluntary severance, and depending on where the volunteers' posts fall we will decide whether the reduction can happen in those areas based on the business case.

We will consider how to streamline how we do things, and I am confident that we have a plan to do that under the current planning prediction of 9 per cent cuts plus the costs that we will absorb.

Cathie Craigie: You also mentioned that you do not have the detail of the budget but should have it

within the next two or three weeks. Is that normal? Would you normally have your budget details by now?

Andrea Quinn: It is normal. We do not normally get confirmation until January, but we have been working closely with the Scottish Government on planning assumptions, so we have been planning for the following four months.

Cathie Craigie: You mentioned the Auditor General's report. The Auditor General raised some concerns in that report, one of which was that it took until 2009 to establish

"that SPSA did not have the skills, experience or structure to deliver the solution preferred"

for Strathclyde Police. Are you confident and can you assure the committee that, with the budget settlement that you will have, you will be able to deal with the issues that the Auditor General raised in his report?

Andrea Quinn: As Chief Constable Strang said to the committee last week, we are a relatively new organisation and the information and communications technology part of the SPSA transferred a year later than the other services did. However, I accept that, as the Auditor General said, we are not meeting the current ICT demands. I also point out that, although our staffing numbers in ICT have not increased, demand has significantly increased. The police have recruited an extra 1,000 officers, who all need personal computers, airwave radios and telephone support. We have managed to provide those. The independent review by Mott MacDonald that the Scottish Government commissioned stresses that, even with all the extra demand—which looks to be somewhere in the region of 3,000 extra pieces of hardware—we have not had any kind of failure and the service has not degraded.

I appreciate that there is a lot more to do. We have been working with the Scottish Government and colleagues in ACPOS to create a transformational change board involving the three parties, because the changes that we need to make cannot be made by the SPSA alone. That board has been set up. The SPSA itself has a transformation board and every one of my executive team will take a lead in implementing the 68-plus recommendations that the two reviews produced. That is probably the single biggest issue that is on my desk today.

Cathie Craigie: I presume that the staff whom the SPSA employs have contributed to the efficient provision of personal computers and other hardware. You said that 80 per cent of your budget was staff costs and that you want to lose about 100 people through voluntary redundancies.

What is your staff complement? How many staff do you have now?

Andrea Quinn: The SPSA employs 1,700 staff.

Cathie Craigie: Okay, so 100 staff is quite a lot to lose. How will you be able to address the Auditor General's observations, reduce your staff by 100 and still provide a service of the required speed and efficiency?

Andrea Quinn: First, we have not filled any vacant posts over the past few months—they have all been kept empty—so fewer than 100 staff will have to be made redundant. We are discussing with each police force our priorities and plans for making efficiencies next year. Each member of the executive team has gone round the forces and spoken to them about our plans and theirs.

The most important point is that we want to ensure that any efficiencies that we make do not have a detrimental effect on the forces, either in service levels or by pushing costs back to the forces. It is important that everything be considered in the round. It is a matter of priority, and we will use the transformation board to ensure that we get the priority right.

James Kelly: Dave Watson touched on the issue of efficiency savings. In the previous spending review, the efficiency savings target was 2 per cent, but it has now increased to 3 per cent. How far do you think that the agenda can progress before efficiency savings turn into real cuts?

Dave Watson: Audit Scotland and others have produced reports in that area. In most organisations, when an efficiency drive is started there is a reasonable assumption that savings of around 2 per cent—sometimes 3 per cent—can be driven, but if that is done year in, year out, that brings a diminishing return. The things that can be done, such as cutting back on photocopiers, paper clips and all the usual stuff in that area, deliver the early savings. However, a sudden cut of around 11 per cent, which is what the SPSA is being asked to make, is way outwith the normal range of efficiency savings. That turns what is euphemistically called an efficiency saving into a real cut in service. That is managed as best it can be, trying not to impact on the most vital parts of the service; nonetheless, there is an impact on the service and service delivery will be affected accordingly.

James Kelly: Mr Harris, do you have a comment on that?

Jon Harris: The modelling that we have done shows that efficiency savings will in no way close the gap. We must be honest about it and say that that is not going to be delivered through efficiency savings. In the longer term, the problem will not necessarily be the budget cuts; it will be the

increase in the demand for services. In that context, policy redesign will be needed rather than shared services or efficiency cuts. For example, do we continue with containment or do we try to deal with offenders in the community to reduce the number of people who are put in prison and get better outcomes in terms of tracking them in the community?

There is also the issue of public sector reform. That may deliver services that are cheaper, better or whatever, but that will not happen in the current spending review period. If there are positive outcomes from that, they will probably be seen in the next spending review period or the one after that.

James Kelly: You mentioned shared services. What work is being done by local government to consider shared services?

Jon Harris: Individual local authorities have done a lot of work on shared services. You are probably aware of some of that. COSLA has set up Scotland Excel, which is our procurement portal, and a recruitment portal. The police use our procurement portal and the fire service uses both the procurement portal and the recruitment portal.

James Kelly: Ms Quinn, do you have any comments to make on the shared services agenda that is dominating a lot of the policy discussions around how we can get better outcomes?

Andrea Quinn: The SPSA is a pure shared-services organisation and has made £5.3 million in efficiencies over three years, so I definitely believe whole-heartedly in that concept. We are at an early stage in discussions with ACPOS about whether we can do more for the police forces, but we want to do that in a way that aligns with the checklist at the back of the Audit Scotland report on how more services might be transitioned. There is more that we can do, and we must ensure that we do it in a controlled way.

Nigel Don (North East Scotland) (SNP): I want to extend the point that Ms Quinn made and try to look over the horizon, bearing in mind that we get to horizons pretty quickly. What can we do in the longer term with policing services? We will get through the following year one way or another. Where should we try to go in the longer term to deliver the kind of services that you are collectively concerned about at what, in a few years' time, must be a significantly lower cost, given that even greater savings will come in the years ahead? What discussions are you having on that and where are we going?

Andrea Quinn: On shared services, we have been having discussions about corporate services such as HR, legal and procurement, although those discussions are very much in the early days. We are driven by our customers. An important

point is that, before any service transitions, there would have to be joint agreement by the eight forces. However, there are things that each of the forces do that we could look to provide.

Nigel Don: Does Mr Harris have a view on COSLA's involvement?

Jon Harris: Given that we have two portals—for recruitment and procurement—we could take that approach across the public sector and make significant savings. We should consider not only ways of increasing efficiencies, but approaches that go across the full public sector rather than individual parts of the public sector.

Dave Watson: If you are asking how we can save money in the longer term, not surprisingly, I point to the report that I mentioned on police civilianisation and the best practice there. I have lectured the committee enough on that issue, so I will move on to shared services.

The principle of sharing services is sound, and there is an opportunity to do it. Scotland Excel and other procurement initiatives are sound, but I caution against the belief that there is a pot of gold to be released through shared services. Sir John Arbutnott's report on local authorities in the west of Scotland has a good chart that shows the costs of services in an inverted triangle. The real costs of delivering public services are not in corporate services, HR and a few finance people—those costs are down at the bottom of the inverted triangle. To make the radical savings that it looks as though we will have to make in the next few years, having a few shared services in that part of the triangle will not cut the ice.

Further, we are sceptical about some of the savings that can be made. The international experience in America and Australia, and the experience in the rest of the UK where our union has a lot of experience of shared services in the private sector, is that the savings rarely materialise, and when they do they come in the medium to long term after a lot of capital has been put in to drive the changes. My concern is that shared services are a bit of a fad. I remember, 12 or 15 years ago, being told by management consultants that we had to decentralise all the services out to the sharp end. Now the same management consultants tell us that, actually, we need to reinvent the wheel and bring those services back into the centre. So, I am a tad sceptical as to whether shared services will deliver savings and, frankly, whether they will deliver a better service.

Bill Skelly: From the point of view of the inspectorate, successive reports have shown that delivering real-terms cash from shared services is problematic. There are few examples of shared services actually delivering, so we need to ensure

that, when we push forward on that, we do it in the right way. Each force has worked with local authorities and is working in the sector across police forces to identify ways in which services can be shared, whether that is procurement, fleet management or more operational services. On the east coast, there are discussions on firearms cover and roads policing capability.

From my perspective, the issue is to turn that into reality and deliver it. On far too many occasions, good practice is identified by the inspectorate or other bodies but not taken up. Over the horizon, there is a need to introduce a mechanism that delivers the shared services that work. Identifying them is fairly straightforward, but delivering them is where the real problems are encountered in overcoming the barriers. There is a role for the service in doing that. ACPOS needs to take on the role of ensuring that good practice on shared services is promulgated across Scotland. There is also a role for scrutiny bodies and central Government. However, without doubt, actually delivering over the horizon on shared services to get the budgets that we envisage will take real drive, rather than simply sitting in a room saying, "Yeah, these are good things to do. Maybe at some point in the future we will do them."

11:15

Nigel Don: That is exactly how I see it. What concerns me is who will provide that drive. Everyone says that they see the need for a shared-services approach and that they are working on it, and everyone is hoping that it will be adopted next year or the year after, but the indicative budgets that we are looking at tell us that it has to be adopted now. Who will provide the drive?

The Convener: I think that that is a question for Mr Harris.

Jon Harris: There are numerous examples of good practice; the issue is how we put them into practice in a wider forum. One area in which we have identified good practice in single outcome agreements is the work that the police do with a range of services to deliver better outcomes. That is co-ordinated by the Improvement Service, which has a key role to play. It is necessary to have someone who will own and progress that process. I can supply the committee with examples from the 2010 SOAs that demonstrate excellent practice that is transferable.

The Convener: We now turn to community sentences.

Dave Thompson: Last week, we heard from the community justice authorities, whose budget was increased by £6 million last year. In the coming year, their budget faces a real-terms cut of

1.2 per cent. Does the panel share their optimism that they will be able to deal with community payback orders and that the system will function effectively, given that financial scenario?

Dave Watson: We have some concerns. We represent criminal justice social work staff who deliver services in local authorities and community justice authorities, and we have a large number of members in the voluntary sector who work in that field.

As you have heard, there has been an increase in the workload of that part of the service in the past few years, which is a concern. We entirely agree with the objective of the Cabinet Secretary for Justice and the Government to reduce short-term prison sentences, because they make no sense at all, except in specific areas. We would like to see greater emphasis on effective community sentencing, but our concern is that staff on the ground are stretched and cannot deliver some of the rehabilitation services that are an essential feature of community service.

Work on community payback orders will replace some work that is being done at the moment, but it is inevitable that their introduction will increase the demand on criminal justice social work at a time when, although the central budget is largely standstill—it is subject to a small real-terms cut—local authorities face real-terms cuts of 6 per cent. It is not realistic to expect criminal justice social work, and the other local authority services on which it relies, not to be affected by those cuts.

It is also important to recognise that other services in social work, health and so on are key to the delivery of an effective criminal justice social work role. That link is important. We will have to wait and see, but the figures do not look good. Any increased demand on the service will simply mean that the available resources are stretched ever more thinly.

Jon Harris: I fully understand that. The only issue for me is that if we do not tackle the demand for services, the pressure will grow year on year. I do not think that we will make progress on this agenda in just one financial year—that will happen over one, two or three spending reviews.

Dave Thompson: On the broader picture, are you saying that, although an extra £6 million has been focused on the community payback system, you are worried about the effect on social work in general, and you think that that will impact on the service?

Dave Watson: We are less keen on ring fencing, and we thought that we were at one with the Scottish Government on that until the recent settlement, in which ring fencing seems to have returned with a vengeance, but we agree that that central funding is helpful, particularly when a new

system and a new procedure are being implemented—it will help to oil the wheels of making that change.

The core budgets that deliver the service day in, day out are affected, of course, by the cuts to local government budgets. That is the area where we have some concern. We are entirely at one with the policy aim, which is laudable, but the policy change needs to be properly resourced. Otherwise, we will simply be stretching the service.

Dave Thompson: Local authorities do have some discretion.

Dave Watson: They do, but I am afraid that it is a bit like the problem that John Swinney has with the budget. If cuts are not made in one place, we have to cut double somewhere else. In fairness to local authorities, they are in a difficult situation, because they cannot protect one area of expenditure without having to make even more difficult decisions somewhere else.

Dave Thompson: Mr Harris, do you have anything to add to that?

Jon Harris: That is true. In the current year, the main effort has been on reducing the size of the workforce and looking at freezing pay. That gives us some space in looking at some of the other issues. However, the situation is difficult.

Dave Thompson: You touched on things that are happening to try to keep the budget under control. Is much long-term planning taking place on the criminal justice side of things?

Jon Harris: Yes. We have jointly done a modelling exercise that takes us through the next three spending reviews. One reason why I highlighted demand for services is that it will not be long before the issue is not cuts in funding but a massive increase in demand for services. If we simply look at the demographics, it is clear that the costs of free personal care and care in the community will be huge. We have to start the process and look at the long term. We would prefer to have had a four-year budget, which would have given us more certainty, but that does not mean that we are not ahead of the game in relation to what we think will happen in the next four or five years.

Robert Brown: I have a question for Mr Harris on his point about the four-year budget. You mentioned that it does not help to have only a one-year budget. Will you give us a flavour of the difficulties that having only a one-year budget causes you when, under the comprehensive spending review, Westminster has given the Scottish Government a four-year figure?

Jon Harris: It is a problem because it does not give us the certainty that I mentioned. Given the

financial situation that we are facing, where the increase in demand for services will be dramatic, it would be better to have a full understanding of how we will be funded in the next four years.

In mitigation of that, we have the advantage of being able to do some financial modelling of the increase in demand, which enables us to start the process. We are doing some work on services for older people, reoffending and so forth. We are not going to deliver on that in the current spending review period—we will probably be into the next one before we deliver on it, but that is better than nothing. We believe that that work will help to give us some certainty about the direction of travel.

Robert Brown: Thank you.

The Convener: Finally, we turn to questions on pay restraint and flexible working from Bill Butler.

Bill Butler (Glasgow Anniesland) (Lab): Good morning, colleagues. What impact are calls for pay restraint and flexible working likely to have on the provision of services in the justice field?

Who wants to go first? Mr—

The Convener: Mr Watson. [*Laughter.*]

Dave Watson: There is a shock.

The Convener: I could see you drawing breath.

Dave Watson: The shock-horror quote of the day will be that we are not big fans of pay restraint. Apart from the inequity of pay restraint, it is self-evident that it is not exactly the biggest driver for morale in a service, be it the police or criminal justice, in the context of the budget arrangement.

There are negotiations day in, day out in every public service organisation, and particularly in the organisations that we are discussing, about efficiencies, changes and flexibilities. That is the meat and drink of what we and the employers do on a day-to-day basis in an attempt to deliver services as effectively and efficiently as we can, so change and that sort of flexibility is nothing new.

It is helpful that the Scottish Government has identified the importance of a no compulsory redundancy agreement. The value of such an understanding is that staff are much more willing to engage in discussion of flexibility when such a commitment has been given—they are less willing if the result could be that their jobs go. Such a commitment has been in place in the health service, for example, where several health boards have made innovative cultural and efficiency changes that have been driven by a partnership approach to industrial relations that is underpinned by an organisational change agreement that has no compulsory redundancy at its heart. That approach is helpful.

Our concern is about how that is delivered across services to which the Scottish Government's writ does not run. Such a commitment can affect quangos and the central civil service, but it is not running in local government. Discussions have taken place with local authorities about compulsory redundancies and, until recently, some police boards were also talking about that.

A commitment to no compulsory redundancies is the right approach and can deliver effective organisational change, but it needs to be delivered in all public service bodies and not just those that the Scottish Government controls directly. If we had that understanding, we could make progress.

Jon Harris: We would prefer voluntary redundancy, but we have not ruled out enforcing redundancy.

Bill Butler: Will you go on a little? What exactly do you mean?

Jon Harris: Compulsory redundancies are still on the table, in the event that they have to be made. Our member councils have not said that they would not use that option.

Bill Butler: What does Mr Watson—and Mr Harris, but certainly Mr Watson—understand by the term “flexible working”? Will it enable employers to avoid redundancies when budgets are reduced?

Dave Watson: That can happen in some cases—we have proved that and probably prove it every week of the year through local negotiations. However, we must understand that that is when we are talking about efficiency-saving levels of cuts at around the 2 per cent mark. We have talked about shared services. Nobody believes that shared services will deliver any savings that are worth mentioning in the next three or four years. Such changes will simply cut no ice.

We can make such savings, but our concern is that some so-called flexibilities are simply a straightforward pay cut for our members. That is not flexibility. We are talking about working more effectively and efficiently and about redesigning and re-engineering many of our functions—we are up for that. However, our members react badly to what is a straight pay cut with another name.

Jon Harris: A pay cut or a pay freeze perhaps provides the opportunity to maintain employment at levels that could not otherwise be maintained.

Bill Butler: Does Mr Watson have anything to say on that?

Dave Watson: I would like to see the evidence for that statement. The problem for us is that COSLA has provided no evidence on that in pay negotiations. We are always happy to talk about

consequences and to look at the big picture, but that has not been a feature of the discussions with COSLA. To be frank, COSLA has simply imposed its deals for this year without discussion of the issues. We have always been up for such discussion, which we undertake day to day with councils and health boards, but COSLA's current leadership does not take such an approach in dealing with local authority pay and terms and conditions of service.

Bill Butler: In the interests of fairness, I ask—without wishing to create a debate—whether Mr Harris has anything to say about what Mr Watson just said.

Jon Harris: I have nothing to add.

Bill Butler: Do you agree with Mr Watson?

Jon Harris: In terms of?

Bill Butler: What he has just said.

Jon Harris: In one respect, but in other respects—

Bill Butler: In which respect?

Jon Harris: There is a balance between pay and the numbers who are in employment. We are involved in the issue in relation to teachers—we are considering whether to bring in new probationers and to give early retirement to teachers who are near retirement age. It is an issue of balance.

The Convener: I thank Ms Quinn and the gentlemen for their attendance. I know that the journey here was not without difficulty, which makes your attendance all the more appreciated. We have found the session useful.

Bill Skelly: Do I have one minute to add a point?

The Convener: Very briefly.

Bill Skelly: All the discussion so far has been about revenue budgets. As the inspector of constabulary, one of my long-term duties relates to the police estate. I am concerned about how the availability of capital in the next four years will affect significant parts of the police estate across Scotland. I want that to be acknowledged.

The Convener: The matter might well be pursued with the cabinet secretary.

I thank all the witnesses for their evidence.

11:30

Meeting suspended.

11:37

On resuming—

The Convener: The committee will now deal with the second of today's evidence sessions. I welcome the panel of witnesses. Kenny MacAskill MSP, the Cabinet Secretary for Justice, is accompanied by Stella Manzie, director general of justice and communities in the Scottish Government, and Christie Smith, head of the police division in the Scottish Government's safer communities directorate.

We go straight to questions and I open by dealing with the issue of police officers and support staff. Compared with 2010-11, how much police grant does the Scottish Government intend to pay local authorities in 2011-12, assuming that they accept the financial deal on offer?

Christie Smith (Scottish Government Safer Communities Directorate): Police grant will be 2.6 per cent less than it was in 2010-11. We still have to calculate the precise figure.

The Convener: What is the difficulty in calculating the figure? Last year's figure is finite. You simply take 2.6 per cent off it—or am I being simplistic?

Christie Smith: There is no difficulty. There is just the interaction between the police grant figure and the local authority contribution figure. It is all wrapped up in the local government settlement. The police grant figure is derived from that settlement.

The Convener: The committee heard from ACPOS that forces expect to be able to maintain the 1,000 additional police officers to which the draft budget commits. However, not all forces have experienced the same percentage increase since 2007. How will ministers ensure that there is not a disproportionate reduction in numbers in some forces as they fall back to the national target of 17,234? I anticipate further questions from Mr Thompson on that issue.

The Cabinet Secretary for Justice (Kenny MacAskill): Many of the apocalyptic views that have been put out have been shown to be spurious, given the level of funding. Accordingly, we anticipate that boards will review and revise. Christie Smith might have something to say on the specifics.

Christie Smith: In relation to police forces' share of the numbers?

The Convener: Yes.

Christie Smith: Each police force has a quota share of the target figure of 17,234, on which we have been working with them over the past four years in order to put in place the 1,000 additional officers. The 17,234 figure will be the baseline

figure for maintaining police numbers at that level or above as we go forward.

The Convener: But in some forces, the numbers did not go up as much as in others. There may be concerns in those police force areas that any reduction might adversely affect them.

Christie Smith: Almost all the police forces have met their share of the target. Some have overachieved, and that accounts for the difference between the 17,234 and the current published figures. We will work with police forces on the basis of the existing target figure. We do not anticipate any difficulty with that. They are all there or thereabouts; some are over, and one or two are just under, but we still expect them to meet the target.

The Convener: Great stress has been placed by all of us on the importance of maintaining front-line services and operations, but how many police support staff posts may have to be cut to enable forces to maintain police officer numbers? The obvious corollary is whether there is a risk that reducing support services will adversely affect front-line services.

Kenny MacAskill: No. We do not anticipate that happening. The commitment to front-line services remains. As I said earlier, there were apocalyptic views on the part of political parties and others about the reduction in police numbers. Whether those views were expressed in years gone by—at the time of our commitment to the 1,000 officers—or when we set police boards' budgets, they have not been borne out. As the committee heard from ACPOS, the police are confident that, on a reduction of 2.6 per cent, they will be able to maintain the visible police presence that they see as important in delivering reduced criminal offending.

On the issue of back-office services, there have been apocalyptic predictions about what will happen there, too. Boards will be reviewing the matter. We do not anticipate any compulsory redundancies, nor do we anticipate the police requiring to put front-line officers in back-office positions.

James Kelly: You have made it clear that the number of officers for 2011-12 is 17,234. Bearing in mind that the CSR from the UK Government gives the figures for a four-year period, do you think that that number can be maintained beyond 2011-12?

Kenny MacAskill: We have set out a budget for 2011-12. A one-year budget was set out by the Labour Government at the UK level last year. We are simply progressing in such a way that we do not bind a future Government. Historically, that is what has always been done.

We are of the view that a visible police presence reassures communities and reduces crime. I can give you a commitment that, if we are returned to government, it is our intention to maintain that visible police presence. I cannot comment on what a different Administration would do.

Robert Brown: I have two questions, the first of which is a technical point. The line for the 1,000 police officers in the budget is static at £33 million. We have heard in other evidence that the effect of police pay rises continues until August or September 2011, so there would appear to be a half-year effect on those figures. Does that mean that the £33 million is in fact an understated figure in relation to maintaining the 1,000 police officers?

Kenny MacAskill: No, because other efficiency savings are going on.

Christie Smith: On the effect on police pay, the last five months of the two-year pay deal will go into 2011-12. It is not a huge effect. We are a bit under the £33 million budget for additional police officers this year so we think that we will be able to maintain that policing capacity with the same budget for next year. We still have to have detailed discussions with the police forces about how the costs are building up, but that is the way we see it.

11:45

Robert Brown: Is there an underspend because you did not have the full 1,000 police officers for the whole of the last financial year?

Christie Smith: The build-up is an aspect of it, but there are other aspects. We pay the money out as the claims come in. It is affected by the profile of the build-up, but we expect to be able to cope with £33 million next year.

Robert Brown: Okay. I will ask a broader question, developing the police support staff issue. We heard in previous evidence that some 1,100 to 1,200 civilian police support staff might have to go—in terms of jobs—in the forthcoming year in order to meet the budget, because of the gearing effect of maintaining the extra police officers. In the early stages, the Government went through much pain in trying to avoid the commitment to the 1,000 extra police officers, saying that it really meant 1,000 extra police officers in communities. In the context of the change in police support staff posts, can you give us any indication as to how many of those posts will have to be backfilled by professional police officers? What do you anticipate will be the consequential effect on the number of officers who can be physically deployed in communities?

Kenny MacAskill: There are two points. First, we do not know what the effect will be on the back office. We will have to wait and see what the

revised budgets that boards come up with actually intimate. The apocalyptic view was taken that we would never reach 1,000 extra police officers, but we did that. It was suggested that we would lose 2,000 police officers—that was according to PricewaterhouseCoopers, I think—but ACPOS now accepts that we will maintain police numbers. Much the same can now be said as the issue moves from police officers to back offices.

I am not in charge of how many cleaners there are or who does this or that. I am not denigrating those people, because some of the jobs that are done in back offices are of fundamental value and very complex, but these are matters for operational decisions by the chief constable, who is held to account by the police board. Our view—and we stand by it—is that we do not anticipate any compulsory redundancies. The changes that chief constables and boards seek to make will be a matter for them, but, again, we do not anticipate that officers whom we view as being front-line officers, and whom ACPOS welcomes as such, will be redeployed willy-nilly into back-office services.

Robert Brown: But if I may say so, cabinet secretary, you have responsibility for the strategy and the broad direction of travel of the budget, particularly when you are imposing on police forces particular political objectives. Do you agree with the suggestion of 1,100 to 1,200 back-room civilian staff as the likely number of posts to be lost? I am not looking for total precision on that. I accept that there are some uncertainties, but is that of the right order of dimension in the Government's thinking on the matter? Does the Government have any thinking on the matter?

Kenny MacAskill: We do. Our thinking is that the same people who are going on about mass redundancies in back-office services are the same people who were going on about 2,000—

Robert Brown: Can you answer the question, cabinet secretary, rather than going round in circles on this?

The Convener: Let him answer, Mr Brown, and then you can have another go if he does not.

Kenny MacAskill: The same siren voices predicted that we would lose 2,000 officers and that we would never get additional officers.

The predictions are predicated on budgetary figures that have since been shown to be fallacious. I cannot give an assurance that there will be no voluntary redundancies. We do not anticipate any compulsory redundancies. How police chiefs seek to configure matters as they look at efficiency savings will be a matter for them. We believe that, once the budgets are number crunched once again—because the figures have been shown not to be the ones that ACPOS and

boards were originally operating to—matters will be considerably lessened.

Robert Brown: We heard evidence last week from ACPOS, which is presumably in the best position to know, that we might be talking about 1,200 back-office civilian posts. Today, Mr Watson from Unison, who also has some insight into the matter throughout the country, talked about 1,100 posts. Is the cabinet secretary saying that those figures are wrong, that they are of the right order of dimension, or that no back-office functions are to be lost?

Kenny MacAskill: I am saying that I will not know until such time as boards and the chief constables review their budgets. These matters are predicated on the figures that originally came in from ACPOS, but, as I say, we are confident that there will be no compulsory redundancies. That is the position that we have always stood by as a Government and it is a position that we stand by in the justice department.

Robert Brown: I press the point primarily in the context of the effect on the service. When political commitments are made on the number of police officers, it is important that we understand the role of those officers. Last week, ACPOS suggested that it would be advantageous for police boards to have more flexibility on the budget in the context of the balance between front-line police officers and back-office officers who relieve those front-line police officers so that the most efficient service can be delivered. What is the view of the cabinet secretary and the Government on that?

Kenny MacAskill: Those are matters that are calibrated from time to time. Back-office staff vary from people who do fairly low-grade but important jobs in catering and a variety of other areas to analysts and other people with specialist skills. A lot of these things depend on how the police decide to configure their workforce. We are discussing and carrying out investigations into how we can best configure the police service in this country so that we do not have unnecessary duplication, whereby tasks are performed eight times over. Whether they are performed just once, as is the Labour Party's policy, or several times over, as others have suggested should be the case, the issue needs to be looked at in detail. We need to find out where tasks are being unnecessarily duplicated up to eight times over, and to differentiate those areas in which savings can be made from areas such as analysis, information technology and forensic accounting, in which jobs are clearly required. Those are all areas in which I think we accept that, although the required skills are sometimes possessed by a police officer, it is not necessary to hold the office of constable to do a job that is fundamental to keeping our communities safe.

Robert Brown: I am astonished that the Government appears to have no conception of, or information that it can share with the committee about, the broad order of the effect on the number of police officers who can be deployed on our streets as a result of the budgetary changes, nor of the number of back-office posts that might be affected by the 18 per cent cut in non-police officer numbers, which, if the evidence that we heard last week is correct, is one of the implications of the budget. Can the cabinet secretary give us any flavour of what the implications of the budget will be?

Kenny MacAskill: A flavour of the budget is the commitment that we have worked on with ACPOS and delivered to provide a visible police presence and to ensure that the officers we fund go into our communities. It is accepted by ACPOS that that has happened, and I would be surprised if it were not accepted by Mr Brown.

Where we must draw the line is that, as members know, constitutionally, I do not direct police officers. Beyond the matters that we work on, discuss and get agreement on with ACPOS, it is constitutionally impossible for me—and would be wrong of me—to direct that there should be a set number of officers on the streets in any one area of Scotland at any one time. I cannot do that.

However, as I said, ACPOS has assured us that it is committed to putting the officers we have into communities. It shares the Government's view that a visible police presence is important, which is why action has been taken in some areas, particularly Strathclyde—I see Mr Kelly nodding—where the chief constable has sought to ensure that officers whom he believes are not best serving their communities are taken out of positions in offices and put into communities. We welcome and appreciate such constructive working together.

Robert Brown: Are you trying to leave the committee with the impression that the loss of 1,100 or 1,200 support staff will mean no difference at all in the number of police officers who are deployed on the street and no reduction whatever in that service? Is that your evidence to the committee?

Kenny MacAskill: We have had a commitment from the police that they will keep numbers up. Part of that is about maintaining a visible police presence. What I am saying is that, in most cases, the predicted numbers are predicated on budgetary figures that have been shown not to be true. The suggestion that there would be a 24 per cent budgetary reduction over four years has not stood up to the test; as Christie Smith said, the reduction next year will be 2.6 per cent. It is for that reason that ACPOS made it clear to the committee last week that numbers would be

maintained. As I recall, it was mentioned in last week's First Minister's questions that the PricewaterhouseCoopers report was wrong in that regard.

What I am saying on back-office numbers is that I do not dictate or direct how people are deployed—that is constitutionally not possible and would be wrong. I do not believe that the apocalyptic vision of redundancies will be realised, and we have an assurance that we think will be confirmed that there will be no compulsory redundancies. Will there be some voluntary redundancies? That is perfectly possible as we seek to work towards a situation in which we lessen bureaucracy, streamline matters and, as the First Minister has said, prioritise bobbies not boundaries. However, as I said, that is predicated on having bobbies in our communities and not in our back offices.

The Convener: We will turn to Bill Butler, but before doing so I should point out that the fact that someone is nodding their head does not necessarily mean that they agree with a statement made by the cabinet secretary or anyone else.

Bill Butler: I agree, convener. If I were shaking my head, it would not mean that I disagreed with the cabinet secretary; it would just show my astonishment at the evidence—in inverted commas—that he is giving to the committee.

Cabinet secretary, are you seriously saying to the Justice Committee of the Parliament that your civil servants have not at least indicated to you, as the minister responsible, the broad number of police support staff who may be lost? Are you seriously saying that you have not even talked with your civil servants about that matter?

Kenny MacAskill: These matters are dealt with by police boards—you know that, Mr Butler.

Bill Butler: You have never talked about it, then.

Kenny MacAskill: Of course we talk about and discuss it, because clearly we—

Bill Butler: What figures have been mentioned in those discussions?

The Convener: Let him finish, Mr Butler.

Kenny MacAskill: Clearly, I meet ACPOS and those who represent the staff associations—indeed, I had a meeting with them just last week about another matter. I meet the organisations regularly, so we meet the appropriate stakeholders. How a police—

Bill Butler: What about your advisers? What about your civil servants? Have you discussed with your civil servants the broad number of police support staff who may be lost?

Kenny MacAskill: We have made it clear that there will be no compulsory redundancies.

Bill Butler: That is not what I asked you, cabinet secretary. Have you discussed with your civil servants the particular matter that I have asked about?

Kenny MacAskill: Of course. If you let me finish, Mr Butler—

Bill Butler: If you respond to the question, cabinet secretary, I will let you finish.

Kenny MacAskill: I cannot if I do not get the chance to answer, convener.

For the record, Mr Butler, let me say that I have discussed the matter with my civil servants. We are clear that there will be no compulsory redundancies. The figure promulgated and mentioned is, as I say, predicated on budgetary cuts that have been shown to be false. Although there may be some change in emphasis by chief constables, supported by their boards, we do not think that the numbers being referred to will necessarily stack up.

Bill Butler: I have one last question. Are you saying for the record that in your view and the Government's view the figures for the cuts stated by ACPOS of 1,200 and by Unison today of 1,100 have no validity? Is that your view?

Kenny MacAskill: I am saying that these matters will have to be reviewed by the police boards when they review their budgets. Planning was predicated on a 9 per cent cut, but in reality it is a cut of 2.6 per cent. Once boards review that, I think that you will find that the circumstances change. On a similar basis, it was suggested that 2,000 front-line officers would go. We heard just last week that numbers will be maintained.

James Kelly: I turn to efficiencies and getting the best out of the budget. The justice chapter of the budget document states that the justice budget will contribute towards economic growth. Will you outline how you think that will happen when the justice budget is being cut by £191 million in real terms?

Kenny MacAskill: The problem is that we have had such deep cuts, even greater than those imposed by Margaret Thatcher. They started under the previous UK Administration—two thirds of the cuts were already committed to by the outgoing Labour Administration—and we have simply seen an acceleration by the incoming Administration.

The Scottish Government's driver is to maintain and enhance economic growth in Scotland. There are some things in the justice portfolio that self-evidently cannot encourage economic growth, except in protecting good order and providing a

good climate in which business can flourish and our people can work. I do not suggest that front-line officers stimulate economic growth—that would be a silly suggestion—but there are projects that we sign up to as a justice department as part of the Government. For example, we will seek to commit to investment in Gartcosh and in the prison estate when it is necessary. At a time when the construction industry is in some difficulty, that will provide some benefit in areas adjacent to yours, Mr Kelly, and in places such as Gartcosh.

12:00

James Kelly: On efficiency savings, the Government has set a 3 per cent efficiency target. How does that sit within the justice budget? Do the figures that we see in the documentation assume a 3 per cent efficiency saving or is that exercise going to be separate from the figures?

Kenny MacAskill: No. Those are the figures and they are to be dealt with. That is the position in which we find ourselves. It goes across the board and people are expected to abide by it.

Christie Smith: I confirm that the 3 per cent efficiencies will be within the overall reduction in the justice budget. Many of the savings that are already there are efficiency savings, and that will become more apparent as we work through the budgets with the public bodies that we are responsible for funding.

James Kelly: How will the 3 per cent efficiency savings be made visible? Will there be plans for each budget area?

Christie Smith: During the past four years, we have been in the habit of publishing reports on achievement of the 2 per cent efficiency savings target, and a similar mechanism will be put in place to report on how well we have done with the 3 per cent target.

James Kelly: How would someone such as me—an MSP—see that?

Christie Smith: The reports are presented to Parliament. Mr Swinney pulls them together and there will be a report for the whole of the Scottish Government and related effort.

James Kelly: In earlier evidence, we heard concerns that the previous 2 per cent efficiency savings and the 3 per cent target that we are now looking might have an impact on the baseline service. What is your view of the evidence that we received from Dumfries and Galloway police authority? It is concerned that, in order to maintain police numbers at the target that the Government has set, it will have to make reductions in the number of support staff. Also, because it is required to find 3 per cent efficiency savings within the budget, it is concerned that that might

compromise the baseline service and public safety.

Kenny MacAskill: Efficiency savings are in the world in which we live. Swingeing cuts are coming in. We set a previous target of 2 per cent and have now increased it to 3 per cent. We are confident that those savings can be delivered, and we believe that they are necessary. We all have to make sure that we tighten up how we operate, and that applies through every area of the justice budget. I am not suggesting that doing so will be without difficulties. As an Administration, we have had to prioritise the key matters, which are the delivery of police numbers and other areas on which we have not yet commented. If people who look at the budget do not like it, they can tell us what they wish us to reduce. There is no more money. I am not suggesting that the situation can be dealt with easily, but it can be dealt with. Efficiency savings of 2 per cent were dealt with, and 3 per cent can be delivered. Those figures stand in comparison to what was sought by the previous UK Labour-led Administration.

Christie Smith: It might help the committee if I say that, through the work that we have been doing through the Scottish policing board, police forces have said that they can save £10 million next year through better management of overtime. They are also planning to save £9 million through better management of non-people costs, such as estate, fleet and utilities costs, and the total housing allowance to be paid next year will reduce by £1 million. All that adds up to £20 million, which is about 2 per cent of police force funding to start with, and it is an example of the kind of things that police forces will be doing to meet next year's efficiency target.

James Kelly: I will move on to shared services. In an earlier answer, the cabinet secretary spoke about the structure of police boards in Scotland. The Government has previously indicated that it is looking to move away from that structure. What work has been undertaken on that project?

Kenny MacAskill: A project is under way in the justice directorate. It will report to the Scottish policing board on 6 December.

James Kelly: Let us turn to the SPSA. The Public Audit Committee has flagged up to us some concerns about the operation of the SPSA in fulfilling its ICT obligations. The committee claims that the SPSA is not in tune with customer needs and gives the example of the development of a system for Strathclyde Police. What interactions have you had with the SPSA over the concerns that have been expressed about its inadequacies in meeting customer needs on ICT?

Kenny MacAskill: There are problems and difficulties—we do not seek to deny that. I met

senior police officers from Strathclyde Police and the SPSA to discuss the issue a while back. The SPSA has been working on it. There is a recognition that there are difficulties and an understanding that the ICT requirement is sometimes not as simple as it seems. However, the SPSA remains the organisation that is best placed to deliver that.

I am aware of the matter in Strathclyde Police, which you mention, and I met the chief constable and the deputy chief constable many months ago to discuss it. Work is on-going and, as far as I am aware, all parties are satisfied and are working towards a common understanding. They have a shared acceptance of the fact that we are all on the same side and want to deliver the best ICT system that we can for the best price.

Robert Brown: I want to get some clarity from the cabinet secretary on the overall figures. He mentioned 2.6 per cent as the notional change in monetary terms. Does he accept that that equates to 6 per cent in real terms, as ACPOS said last week? Grampian joint police board's written submission to us today also talks about a change in the budget of 2.6 per cent

"and 3.4% of additional budgetary pressures including increments, inflation"

in particular. Does the cabinet secretary accept that figure as the real-terms figure that we are dealing with?

Kenny MacAskill: No. Everybody recognises that 2.6 per cent is significant progress from the figures that were being bandied about. It shows the priority that the Government puts on policing, especially front-line policing. Christie Smith may want to comment on the specific figures.

Christie Smith: The Treasury assumption that is being made about inflation is 1.9 per cent. That would take 2.6 per cent up to 4.5 per cent for the general population of public bodies. In many cases, however, the pay freeze will take some of the heat out of that. The impact of pay inflation, which is the most important inflation for public services—especially the police, for which 85 per cent of costs are staff costs—will be quite small. In 2011-12, there are five months at the tail-end of a three-year settlement, which was in the budgets. From where we are sitting, we do not think that the difference between the cash and real-terms figures will be as much as that for the police, although we look forward to discussing with police colleagues how it works out.

Robert Brown: What do you think the figure is? You have half a year of incremental pay to carry forward because of the existing police settlement. What real-terms figure do you think we should be working on? It is reasonable for us to ask you to provide us with that, is it not?

Christie Smith: On the basis of the figures that we have, we think that it is somewhere upwards of 4 per cent and less than 5 per cent. We will sit down with the police and work through the pressures as they see them over the coming weeks.

Robert Brown: Did you say that the figure is 4.6 per cent for inflation alone?

Christie Smith: If you add the Treasury assumption of inflation to the 2.6 per cent reduction, you get 4.5 per cent. I am saying that general inflation for police forces ought to be less than that, given the impact of the public sector pay freeze.

Robert Brown: Okay. I follow the point. Do you accept that, because of the gearing of police numbers—which are guaranteed because of the extra 1,000 officers—there is three times that effect on other parts of the police budget?

Christie Smith: The public sector pay freeze will affect all police staff, including civilian staff and police officers, and we would not expect inflation for police support staff to be as high as the Treasury figure, either. We will have to sit down with the police and work through the figures in more detail—I cannot confirm that figure as we speak.

Robert Brown: I am asking whether two thirds of the budget goes on police officers' salaries.

Christie Smith: It is probably more than that.

Robert Brown: Does it follow that the remaining one third has to bear any cost beyond that, such as inflation, if the 1,000 police officers are maintained?

Christie Smith: No, that does not follow. If you recall the figures that I gave you earlier, the police are saying that they can save £10 million through better management of overtime, £9 million through non-staff costs and £1 million through housing allowance. There are opportunities to make better use of the police workforce and to do so more cheaply. All the police forces will look at that.

Robert Brown: Is there an element of double counting in that? To a degree, those things were previously described as efficiency savings.

Christie Smith: The efficiency savings are not additional to the cash savings; they are part of how to meet the cash savings, so I do not think that they are double counted.

Robert Brown: Could the Government write to us to give a bit more clarity on the figures that it is working with? We do not seem to be getting clear information from the Government on the indicative figures and background information that it is using for planning purposes for next year in relation to the issues that we are talking about.

Kenny MacAskill: We are always happy to write and provide what further information we can.

The Convener: We shall await that with interest.

Nigel Don: The cabinet secretary spoke about the 1,000 additional police being a priority. In these difficult times, what does the Scottish policing board believe the priorities are now and for the foreseeable future?

Kenny MacAskill: There are priorities. We have maintained the budget on community service and matters have been addressed on alcohol and drugs. Given the requirement to build capital expenditure despite the swingeing cuts that have been imposed on us, we recognise the importance in the prison estate of completing Shotts and of committing to Gartcosh. Those are the priorities that we have shown.

Nigel Don: I hope that you heard my question to the previous panel about the longer-term operation of policing in Scotland. Everybody is talking about different ways of working, but I asked about who is driving the process. There is of course an economic driver, which will come down the line in every year's budget but, operationally, who is driving our police and community justice authorities to work better?

Kenny MacAskill: That is one reason why we established the policing board. That recommendation came from the review by the previous chief inspector of constabulary, Paddy Tomkins. The matter is being driven by the policing board. Work is on-going in the justice directorate, not simply by civil servants, but by police officers who have come in to work there. As I said in response to Mr Kelly, a report will be put before the policing board on 6 December to give the issue greater consideration. I await that with interest, but I can only reiterate that, as the First Minister has said, we think that the priority for policing is to maintain police numbers but not to be hidebound by police boundaries.

The Convener: Mr Don, will you go on to community sentences?

Nigel Don: Yes, indeed—as we intended.

What representations has the cabinet secretary had from community justice authorities about the adequacy of the proposed budgets?

Kenny MacAskill: We have heard from Jim Hunter, the chief officer of north Strathclyde community justice authority, who gave evidence to the committee that the budget is manageable. We have had supporting comments from Helen Wright, the Tayside CJA convener. As with all such matters, we do not seek to underplay the difficult financial circumstances in which we find ourselves. The budget that we have been

allocated by the UK Government is a significant decline. We recognise the importance of community service and of a visible police presence in our communities. Accordingly, we have sought to protect community service as best we can because it remains one of our priorities.

Nigel Don: On community payback orders, which we all hope will make a significant difference, does the Government have plans to evaluate the difference that they make?

Kenny MacAskill: Those orders are a work in progress. Evaluation will be looked at, but first the orders have to come in. There will be an interregnum during which community service orders run while community payback orders come in. Initially, it is a matter of ensuring that we are on top of things. We will undertake a review, but no date has yet been set.

Nigel Don: Assuming that they can achieve the results that we hope for, might the Government consider revising the budget for them next year to ensure that they are not underfunded?

12:15

Kenny MacAskill: We do not believe that they are underfunded. They are predicated on the basis that there will be no millennium moment and that, on 1 February, or whenever they come in, we will not see a sudden increase. Of course there will be an increase, but it will be a maximum of 10 per cent. However, we will continue to monitor matters because attitudinal changes on the bench and elsewhere are involved and we want to ensure that what we do delivers in reality.

James Kelly: You just said that your assumption is that there will be an increase of up to 10 per cent in community payback orders. Based on the financial memorandum for the Criminal Justice and Licensing (Scotland) Bill, 10 per cent would amount to £6 million. Where is that in next year's budget?

Kenny MacAskill: We have increased the budget to date by £6 million. We are looking to maintain the budget—indeed, I think that there is a nominal increase in it. We believe that that is capable of delivering. We have discussed the matter with the principal stakeholders, such as the Association of Directors of Social Work, the CJAs, the chief officer in North Strathclyde and the convener in Tayside, who I point out is not a member of my political party. They are satisfied that they will be able to manage.

James Kelly: But the £6 million actually related to this year's budget before the Criminal Justice and Licensing (Scotland) Bill was passed and before the assumption that a 10 per cent increase in community payback orders, which you spoke

about, will kick in next year. So, where is the £6 million for next year's budget?

Kenny MacAskill: The £6 million has been put in to allow the transition. As we have discussed with the ADSW and CJA conveners, at times it is not all about the money, but about how matters are structured and operate.

This is the budget that we face. We do not underestimate the difficulties, but we have put in money to protect community service and to ensure that we maintain police numbers. If the committee is not satisfied with that, members are entitled to come back and say that the budget must be increased. They will simply have to tell me and my colleagues which budget—health, education or whatever else—should be reduced.

We are in a situation in which there is a limited amount of money and the Government is not in control of its own budget. It is a circumstance that we do not wish to be in, but it is where we are. We are maintaining and protecting the budget for community service because of the requirement to deliver community payback orders and to protect a visible police presence. It is for others to decide if those are not their priorities.

James Kelly: But this stage is about budget scrutiny and I am not able to get what I want from your answers. You have admitted that there will be a 10 per cent increase in community payback orders which, based on the financial memorandum for the Criminal Justice and Licensing (Scotland) Bill, would equate to £6 million. However, I am not able to establish from what you have said where that additional £6 million is in this year's budget.

Kenny MacAskill: Because, as I said, it is not a millennium moment, which is the assumption that you seem to be working on. We put in the additional £6 million to allow those charged with the responsibility of dealing with community service and community payback to ramp up, and they have done so. Equally, they are working on the basis of how they, like those in every other walk of life in Scotland, can be more efficient. We have had discussions with those on the front line who are charged with the responsibility of chairing or convening and they are satisfied that they will be able to deal with matters.

James Kelly: I will move on to my next question, convener, but I reiterate that the £6 million relates to this year's budget. I do not believe that we have had a satisfactory answer on how the increase in CPOs will be funded next year.

A key issue will be monitoring the effectiveness of CPOs. What provisions do you have in place to look at how effective they are and to take feedback from community justice authorities?

Kenny MacAskill: As I said, those matters are work in progress. We discuss them with the ADSW and the CJAs, and ensure that we listen to them. We meet them on a regular basis. You can be assured that we are not setting up a bureaucracy to monitor the orders when time is tight, because that does not appear to us to be the efficient way. We are working with those who deal with matters on the ground.

Some of the work will be longer term. We are talking about something that will not kick in until February 2011. There will be an election in May 2011, and the matters that you refer to are probably budgetary matters for consideration in future years. We are satisfied that we have put in what is necessary to allow things to kick in in February 2011 and to be maintained into 2011-12. That is our responsibility. As I have said, we have regular meetings, but I would not be prepared to set up a bureaucracy for monitoring when we have to work in a much more streamlined way. I rest on the good faith and good offices of those who deal with these matters, whether in local authorities or CJAs.

The Convener: We will now turn to prisons.

Robert Brown: I would like to explore the prison budget a little bit. In round figures, Scottish Prison Service expenditure appears to be going down from £333 million to £318 million. There is a £15 million difference between those figures. I think that I am right in saying that £10 million of that relates to the health provision transfer, which leaves £5 million. The submission from the Scottish Prison Service indicates that there will be further additional financial pressures because of the pay deal, general inflation and other matters. It states:

"Overall these financial pressures are expected to amount to around £5m."

Do you accept that that is the target figure for that budget to absorb?

Kenny MacAskill: I have seen the letter to the committee from the chief executive of the Scottish Prison Service, John Ewing, and I stand by it. I go back to the point that things are not without challenge, but it is clear that the chief executive feels capable of addressing matters within the budget.

Robert Brown: Okay. The letter also mentions the efficiency savings that the Scottish Prison Service will make, including from

"the improved utilisation of the prison estate."

Will you clarify what that involves?

Kenny MacAskill: These are operational matters. I will discuss issues with the SPS and the Prison Officers Association, but you will accept

that, as with the police, I do not seek to micromanage. The SPS will look to deal with matters in a variety of ways. Some matters will be dealt with at the SPS level and some will be dealt with at the prison governor level. As I say, such matters are for discussion, but it is clear that the chief executive has a strategy.

Robert Brown: I presume that that strategy includes staffing Low Moss prison when it opens. Additional officers will be needed to do that, and that is an additional pressure. How many staff will be required at Low Moss prison? How many of them will be additional to the existing SPS staffing total?

Kenny MacAskill: Those are operational matters that you would require to check with the chief executive of the SPS. A lot depends on whether the prison is opened in one go or in phases, the criteria for the prisoners in it and what will be provided for them. The chief executive of the SPS would require to comment on those matters.

Robert Brown: With great respect, Low Moss represents a major additional pressure on the prisons budget in the forthcoming year. Surely the cabinet secretary can give us some information on the planning assumptions that have been made for that in the allocation to the Scottish Prison Service.

Kenny MacAskill: The chief executive of the SPS makes it clear in his letter that Low Moss,

“which will provide 700 new prisoner places, is currently under construction and is due to be completed in Autumn 2011.”

Once it is completed, it will require to be fitted out. I do not think that it is expected that Low Moss will open in autumn 2011, because it will require to be fitted out once it has been constructed. Mr Frizzell may have comments to make on that. I think that it is expected that it will be spring or May 2012 before it opens. To some extent, the consequences of its opening are for a future budget. We have committed to the prison being funded, and we will work with the chief executive of the SPS on such matters.

Robert Brown: Have you given any budget guarantees to the SPS for 2012-13 in respect of Low Moss? If the SPS is going to open it, there needs to be an assurance that there will be staff to man it on an on-going basis.

Kenny MacAskill: There might be outrage if I gave a commitment for a 2012-13 budget that other political parties might not accept. If I did that, we would be accused of seeking to tie the hand of a future Administration, even if I do not anticipate such a thing. It was for that reason that the Labour Administration in Westminster took the same position as we have taken as a Government.

Robert Brown: I think that I can take that as a no, then. No undertakings have been given.

Kenny MacAskill: If you want me to go back and consider a budget for 2012-13, I will happily do so. However, I think that you might find that there would be political objections from those who aspire to office.

Robert Brown: Will the Scottish Prison Service be able to sustain and staff all its existing prison capacity within its budget settlement for 2011-12?

Kenny MacAskill: Again, those are operational matters. However, the SPS is confident about being able to deal with providing the security that it is charged with. I will discuss such matters with the SPS and the POA over on-going weeks.

Robert Brown: Will you make it clear whether the Government plans or does not plan to close any prisons during the financial year 2011-12?

Kenny MacAskill: There has been a surprising amount of ill-founded press speculation about Cornton Vale and other establishments. I will meet the chief executive of the SPS to discuss matters and how he expects to take the prison service forward and decide what is best for the service at a time when prisoner numbers have been flatlining, although underlying trends are rising. We are aware—you have commented on this as well, Mr Brown—that there are challenges in the open estate where, because of changes brought in by this Government to tighten the criteria for those able to go there, numbers are significantly reduced. If you wish me to change the criteria, that could have implications for safety. As I said, there are implications for the SPS, but that is a matter for discussion.

Robert Brown: I just want to understand whether the denial of the closure of certain prisons, as mentioned in press speculation, means that there will be no prison closures in the forthcoming year or that prison closures are under contemplation. The Government ought to be able to answer one way or the other.

Kenny MacAskill: That is entirely speculation. I will meet the SPS and the POA in the coming weeks and months, and I will discuss matters with them.

Robert Brown: Does the cabinet secretary stand by the assertion made on behalf of the Government that, for example, there is no question of closing Noranside in the forthcoming financial year?

Kenny MacAskill: No decision has been made on any aspect of the estate at present. All press stories in this regard are pure speculation. I will discuss matters with those charged with responsibility for the estate and those who do an excellent job serving within it.

Robert Brown: I presume, however, that press releases coming from the Scottish Government's press office are not speculation. We can take it that they represent the view of the Government, can we?

Kenny MacAskill: I do not know what you are commenting on.

Robert Brown: Comment was made on behalf of the Government about whether Noranside prison was to close.

Kenny MacAskill: These matters are all speculation. I have made no decision. As I said, I am meeting the chief executive of the SPS and the Prison Officers Association over the forthcoming period, and I will discuss matters with them.

Robert Brown: Finally on this matter, will the budget allocation have any effect on programmes within prisons to reduce reoffending? If not, how will you lose something in the order of £10 million from the budget, bearing in mind the additional pressures on it?

Kenny MacAskill: The clear answer from the statistical evidence is that the best way of reducing reoffending is to reduce the number of short sentences, because those who are given tough community sentences reoffend significantly less than those given short sentences. Clearly, the challenges that the prison service faces often depend on prisoner numbers. If prisons are at capacity, the service is restricted in what it can do, because of the volume.

The prison service does an excellent job, and some issues are on-going. For example, some of the educational aspects are under review and, as Mr Brown may very well be aware, are out to tender. The nature of the tender document will depend on what is provided, and you would need to ask the chief executive of the prison service about that. However, we are committed to rehabilitation being one aspect of what must be dealt with in prisons. The SPS seeks to deliver that as best it can, and I think that it does a remarkably good job.

Robert Brown: Can the cabinet secretary give us any clarity on the nature of the efficiency savings that will be sought? We heard evidence during the passage of the Criminal Justice and Licensing (Scotland) Bill that there were, in effect, next to no savings to be made from reduced prisoner numbers unless they fell below the level at which the prisons were staffed for capacity.

Kenny MacAskill: On efficiency savings, people from all walks of life are having to try to address how to work smarter. As I said, I think that the prison service does an excellent job, and those in it will be turning their minds to working smarter.

We are not suggesting that people are jumping up and down singing about how wonderful the budget is. However, people recognise the priorities that we have set in order to maintain front-line services, and they acknowledge that the justice budget has worked remarkably well in many instances. We have protected the areas that are fundamental to the health and welfare of our community.

12:30

The Convener: Questions about prison closures might well involve speculation, but the cabinet secretary will appreciate that, when we see a reduction of £10 million under this particular budget heading, we have to accept that two and two make four and cannot make five. The only way in which you will be able to effect a saving of such a size under that budget heading is by the total closure of one establishment. You will appreciate why people such as me have some suspicions that the Scottish Government has it in mind to close a prison.

Kenny MacAskill: It is in the public domain that HM Prison Friarton has been mothballed and that all staff have been moved to Perth. However, I cannot go beyond press speculation, and I can say only that the comments made by you and Mr Brown are also speculation. No decision has been made. I will be meeting the SPS and POA.

James Kelly: I draw your attention to the final paragraph on page 144 in the budget document, which says:

"we are required to make reductions in the funding available to the Justice estate in 2011-12, which will mean some projects being delayed".

Which projects are being delayed?

Kenny MacAskill: An example is court refurbishment projects. We acknowledge the need to continue work at Parliament house, but it is publicly known that some courts could do with a revamp. I have visited some such courts myself. Unfortunately, there ain't no money because of the budget cuts. Refurbishments are not a priority, so some courts may not be as conducive to working as others, either to those who sit on the bench or to other people who have to go to the courts in whatever capacity. Unfortunately, our priorities mean that refurbishments will have to be delayed. We are not saying that we will not do them, but they are not a priority—as are, for example, front-line policing and community services.

James Kelly: So, does that statement in the document refer only to the court programme, or are there other delays?

Kenny MacAskill: I have described the major one, but I am not aware of any particular matter. Do you want to specify a particular one?

James Kelly: We are looking for some detail on the statement that has been made in the budget document. You seem a bit unclear.

Kenny MacAskill: Well, I have told you about the court refurbishments. I have answered the question; if you wish to ask a supplementary question, I will answer it.

James Kelly: Let me move on then. You have mentioned Gartcosh at various points. What is the completion date for Gartcosh?

Kenny MacAskill: We are in the process of tendering. I learned of some issues earlier today, but I will ask Christie Smith whether he is able to give more information on signing off the next stage of construction.

Christie Smith: We are, I hope, just about to let the second contract of three. Subject to contract, and to the contractors' programmes, we are still heading towards completion in late 2012, and towards a phased occupation from then on until early 2013.

James Kelly: Am I accurate in saying that the total cost of the project is £82 million?

Christie Smith: The total budgeted cost of the project is £82 million; the actual contracted cost is showing signs of being lower than that. We made savings on the first contract but, because we have not yet let the second contract, I am unable to give you any more details on that. However, we are seeing signs of tender prices being lower for both of the first two contracts. If things carry on in that way, we expect the total price to be below the budgeted £82 million.

James Kelly: Okay. I understand that the capital element of the "Police Central Government" budget line relates to Gartcosh. The figure for 2010-11 is £20.6 million and that for 2011-12 is £12.5 million. By the end of 2011-12, expenditure of only £33 million will have been made, but the previous forecast was, I think, for expenditure of £82 million. Based on that, surely another £50 million will be required beyond 2011-12.

Christie Smith: The reduced capital budget reflects mainly what I have just talked about, which was lower-than-expected tender prices. There is also the fact that we intend to top up the capital budget with savings from resource to complete the project. We do not anticipate that we will need another £50 million to complete it.

James Kelly: So, how much money will be needed in 2012-13 to complete the project on time?

Christie Smith: The remaining expenditure will be spread over 2012-13 and 2013-14. At this stage, I cannot give you forecast figures as they are subject to a contracting and procurement exercise that is still to be undertaken.

James Kelly: I appreciate the contractor issues, but the cabinet secretary has just told us that the project would be completed in late 2012. Why would payments still be made in 2013-14?

Kenny MacAskill: It is a question of when the project is fitted out.

Christie Smith: At this stage, we anticipate a progressive occupation and fit out. We have not, as yet, got a precise programme for that, but I anticipate some expenditure in 2013-14. Again, for the reason that I gave earlier and because we have to plan the phasing of occupation, I cannot give you figures for those two years.

James Kelly: From that, I deduce that, although you anticipate completing the first phase by late 2012, the campus will not be fully operational at that time and that it will be 2013-14 before the programme is complete and the campus fully up and running.

Christie Smith: The current programme has us completing occupation in the first half of 2013. It is quite likely that there will be some expenditure into 2013-14.

The Convener: I may be wrong, but I imagine that some retention in the building contract means that expenditure will spill over into the next financial year.

Christie Smith: We expect that final payments will be made several months after completion of the building.

The Convener: We move to questions on other items that come under the prisons heading.

Dave Thompson: My question is on the transfer of prisoner health care on 1 November. How were the £10 million and £20 million full-year costs arrived at? I take it that you have had discussions with the Cabinet Secretary for Health and Wellbeing on the value that the prison service will get for the transfer of cash to the NHS in taking on that responsibility.

Kenny MacAskill: Yes. This is a complex matter. In the initial discussions, we agreed with stakeholders that the direction of travel should be to stop prisoner health care being dealt with almost in splendid isolation and to integrate it into the national health service. We wanted to ensure that we stop some of the difficulties of prisoners not having continuity of care when they leave prison. It also makes it better for the staff who operate in our prisons if they are part of the national health service family. These matters are

on-going. Again, we are talking about not one millennium moment but a project that will take several years. The funding allocation is made simply to maintain the health care that is already being provided to prisoners as we seek to shift the direction of travel and to integrate the prison health service into the broader NHS.

Dave Thompson: The capital budget is £47.5 million, and the completion of Low Moss and the work at Shotts must come out of that. Are you satisfied that, within that figure, there will be sufficient funds for maintenance of the prison estate through next year as well?

Kenny MacAskill: Yes. We know that a lot of our prison estate is elderly, which is why we are completing Low Moss and are committed to the work that is being done at Shotts. Such matters are always challenging in dealing with Victorian prisons. We have managed to upgrade Perth, which is a Napoleonic prison.

The SPS is confident that, barring some sort of leftfield calamity, it will be able to meet the problems that arise in the condition of the estate from time to time and which are, sadly, sometimes caused by the clientele with whom the SPS deals.

Dave Thompson: Once you have completed the work that is being done on the estate at the moment, what is likely to happen to future developments, such as the Grampian, Inverclyde, Greenock and Highland prisons?

Kenny MacAskill: Obviously, that would be a matter for a future budget. We are committed to HM Prison Grampian but, with regard to 2011-12, the issue is a matter for the planning process—no budget was ever anticipated as the issue concerns the procedural and administrative work, which we support.

Everyone understands that certain prisons, especially those in Inverness and Greenock, pose challenges that must be addressed. SPS is carrying out planning in relation to the various issues, but those are matters for future budgets.

Bill Butler: On criminal injuries compensation, my information is that, if we ignore the element that is set aside for administration costs, that funding will be reduced by almost 11 per cent in real terms in 2011-12. Am I correct?

Kenny MacAskill: The criminal injuries compensation scheme is a UK matter. A review is being carried out by the UK Government, and it has not yet formed a view on the matter. There is no change in the level of payments to individual victims or to the eligibility criteria, and there is a phasing of payments. We await the outcome of decisions that are to be made south of the border.

Bill Butler: Can you confirm that the legal aid budget will fall by 10 per cent in real terms in 2011-12?

Kenny MacAskill: Yes, there will be a significant reduction in legal aid. We accept that. However, that is where some savings have to be made.

Bill Butler: The Scottish Government has stated that it will protect access to justice “as much as possible”. How much do you consider will be possible?

Kenny MacAskill: I think that we will continue to ensure access to justice. You will be aware that not all access to justice, in its broader sense, is through lawyers or courts. Access to justice is also available through tribunals and a variety of other places and it also involves mediation and arbitration. More people in Scotland appear before a tribunal than appear before a court.

Sometimes, we must make hard decisions. Our priority has been on policing and community service and on investing capital in Gartcosh and Low Moss. Choices must be made, and we do not have a budget for everything. We will ensure that those who need to access justice have it, but some hard decisions will have to be made. The Public Defence Solicitors Office will probably have to be expanded and enhanced, and we will talk to the Law Society of Scotland.

As I said in the debate on Cadder, there is no increased budget for legal aid, and those matters will simply have to be dealt with in that context, which has implications for those who serve and work hard in the Scottish Court Service, dealing with legal aid matters.

Bill Butler: What does the Government regard as fair pay for such necessary and skilled work?

12:45

Kenny MacAskill: It is not a matter of fair pay; it is a matter of how you pay it and what you pay for.

I have met the Scottish Legal Aid Board and I will be meeting soon with the Law Society’s legal aid committee. I have made it clear that we have to make changes in order to be able to keep within budget. People are coming to me to suggest alternative ways to deal with matters within budget, and I am happy to discuss those with them to see whether we can reach an agreement. As any judge or sheriff would say, it is much better that both parties come to a consensus than have something imposed upon them.

The Convener: I would like to pursue that further. As you are aware, legal aid is a demand-led budget line, and things can happen over which no Government can have any control. If—heaven

forbid—there were 500 murders in Scotland in that financial year, all committed by people who required to be defended using the legal aid budget for senior counsel at substantial daily fees, the budget would be under enormous pressure, would it not?

Kenny MacAskill: That budget is demand led, but so are the criminal injuries budget and a variety of other budgets, including the prison estate budget. Matters that might come out of left field, such as the one that Mr Thomson mentioned about maintenance, must be factored in. However, the way in which we operate within the legal aid budget involves our making assumptions about what might happen and working accordingly.

The Convener: You have to make assumptions, because there is no other way of working, obviously. However, the committee would like some reassurance that whatever you are considering in order to effect a fairly substantial saving in the budget would not, for example, result in withdrawal of legal aid from justice of the peace courts or, indeed, from summary criminal matters.

Kenny MacAskill: You can take it as read that I think that the proper administration of justice requires that those things be done. If they are not done, there are implications for the judiciary in how long trials and other proceedings take.

We will discuss with others how we will deal with matters and what we will pay for. Even in the lifetime of this Parliament, we have undergone significant changes in terms of summary justice reform and the move to fixed fees and block fees. However, I can give you an assurance that the doomsday scenario that you refer to will not be allowed to arise. What we are going to do is consider the fairest way of paying out what is a limited budget.

The Convener: One of the concerns that we all hear frequently involves the length and complexity of High Court cases. Are any steps being considered to help us to do away with the hearing of certain evidence by having agreed positions prior to the proceedings taking place?

Kenny MacAskill: I can assure you that we are on the case. We have had Lord Gill's review and Sheriff Principal Ted Bowen's report, and the Lord President has spoken out about a family matter that took place in a sheriff court. All of us have a great deal of sympathy with the issues.

Many of these matters are dealt with not by the Government or Parliament but by the judiciary, which has our full support in terms of the action that it is taking to move the situation forward and to get the balance right in relation to hearing necessary evidence. The direction of travel within the legal system and the broader legal family is that it is accepted that we must change how we do

things, which is why we have to work towards delivering the recommendations in Lord Gill's review and Sheriff Bowen's report, and other matters that the Lord President has commented on.

The Convener: I thank the cabinet secretary and his officials for their attendance.

12:49

Meeting continued in private until 13:11.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice to SPICe.

Members who wish to suggest corrections for the revised e-format edition should mark them clearly in the report or send it to the Official Report, Scottish Parliament, Edinburgh EH99 1SP.

PRICES AND SUBSCRIPTION RATES

OFFICIAL REPORT daily editions

Single copies: £5.00

Meetings of the Parliament annual subscriptions: £350.00

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Available in e-format only. Printed Scottish Parliament documentation is published in Edinburgh by RR Donnelley and is available from:

Scottish Parliament

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

For more information on the Parliament, or if you have an inquiry about information in languages other than English or in alternative formats (for example, Braille, large print or audio), please contact:

Public Information Service

The Scottish Parliament
Edinburgh EH99 1SP

Telephone: 0131 348 5000

Fòn: 0131 348 5395 (Gàidhlig)

Textphone users may contact us on **0800 092 7100**.

We also welcome calls using the Text Relay service.

Fax: 0131 348 5601

E-mail: sp.info@scottish.parliament.uk

We welcome written correspondence in any language.

Blackwell's Scottish Parliament Documentation

Helpline may be able to assist with additional information on publications of or about the Scottish Parliament, their availability and cost:

Telephone orders and inquiries

0131 622 8283 or

0131 622 8258

Fax orders

0131 557 8149

E-mail orders, subscriptions and standing orders

business.edinburgh@blackwell.co.uk

Blackwell's Bookshop

**53 South Bridge
Edinburgh EH1 1YS
0131 622 8222**

Blackwell's Bookshops:

243-244 High Holborn
London WC1 7DZ
Tel 020 7831 9501

All trade orders for Scottish Parliament documents should be placed through Blackwell's Edinburgh.

Accredited Agents

(see Yellow Pages)

and through other good booksellers

e-format first available
ISBN 978-0-85758-252-2

Revised e-format available
ISBN 978-0-85758-267-6

Revised e-format ISBN 978-0-85758-267-6