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Convener
Justice Committee
Room TG.01
The Scottish Parliament
Edinburgh
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23rd March 2016

Dear Christine,

I write to you in relation to the Justice Committee's report on the Scottish Governments' Draft Budget 2016-17. I am grateful to the Justice Committee for its careful considered analysis and scrutiny of the Scottish Government's spending plans on the budget for Scottish Police Authority; Scottish Fire and Rescue Service and COPFS.

I enclose, at Annex A, the Scottish Government's written response to the report from the Justice Committee. This response does not include responses to those recommendations that formed part of the Finance Committee Report on the Draft Budget 2016-17.

A copy of this letter goes to the Deputy First Minister and Cabinet Secretary for Finance, Constitution and Economy for his Ministerial interests and Kenneth Gibson, Convener of the Finance Committee.

I hope this information is helpful.

Best wishes

MICHAEL MATHESON

Scottish Government (SG) response to Justice Committee Report on the Draft Budget 2016-17

POLICE SCOTLAND

(P.10) The Committee has in successive budget reports continued to highlight the ongoing challenges faced by Police Scotland and the Scottish Police Authority in achieving the ambitious savings targets of police reform. Indeed last year, we urged the Scottish Government to work with both organisations to ensure that the timetabling of savings does not place unnecessary pressures on the delivery of police services. We are therefore concerned at the level of the projected overspend for the year 2015-16 reported by the SPA in December 2015. The Committee acknowledges that the SPA and Police Scotland are working hard to significantly reduce this deficit by the year end. We also welcome the Scottish Government's recognition of the pressures being faced by policing to achieve savings by making £55 million available for police reform in 2016-17. We further note that the SPA's budget for 2016-17 has not increased in real terms despite the projected overspend in 2015-16.

Noted

(P.12) The Committee notes the concerns of the Scottish Police Federation, Unison and the Association of Scottish Police Superintendents, regarding the potential effects of any further cuts to the policing budget in 2016-17, particularly at a time when the police are required to cope with new, challenging and emerging threats. The Committee notes the Scottish Government's decision to make £17 million of additional resource for policing in 2016-17. We consider it imperative that the policing response to the serious emerging threats such as terrorism and cybercrime must be properly resourced. We therefore ask the Scottish Government to monitor developments in these areas closely and to put in place additional resource if and when required to ensure that protection of the public.

The Scottish Government is absolutely committed to ensuring Scotland is well prepared to deal with emerging threats, including terrorist attacks. The emergency services, including Police Scotland, are well equipped and have detailed plans for dealing with such threats. Specialist police, fire and ambulance teams are in place and the move to single services ensures that capability can be provided nationally. Police Scotland and the other emergency services keep their security plans under review, and the Scottish Government works with them and the UK Government to consider capability and preparedness.

(P.15) The Committee notes the difference in view amongst police bodies regarding the Scottish Government's commitment to protect police numbers and the impact this has on Police Scotland's ability to achieve savings whilst maintaining a balanced workforce.

Noted

(P.16) As in previous years, the Committee again notes the stark difference of opinion between UNISON and Police Scotland on the level and appropriateness of the 'backfilling' that takes place within Police Scotland. Again, we ask the SPA to closely monitor and review this situation.

Noted

(P.17) The Committee again notes the frustration amongst police bodies and the Scottish Government that Police Scotland is the only police body in the UK that is unable to recover VAT on the services and material it purchases. The Committee considers that this liability for VAT on top of the savings required from police reform places an unnecessary burden on an already stretched Police Scotland. We urge the Scottish Government and HM Treasury to engage in constructive discussions on this matter to ensure that this anomaly can be addressed. The Committee plans to write to HM Treasury separately on this matter.

Scottish Ministers are continuing to press the UK Government to rectify the unfair and anomalous VAT treatment of Police and Fire Services in Scotland. The Deputy First Minister has written again on this subject to the Chief Secretary to the Treasury on both 25 February 2016 and 18 March 2016 and we await responses to those letters.

SCOTTISH FIRE AND RESCUE SERVICE

(P.20) The Committee welcomes assurances from the Chief Fire Officer that the Scottish Fire and Rescue Service is on track to deliver the £328 million of savings identified from fire reform and recognises the significant work that the organisation has undertaken to enable it to meet this target. The Committee further notes that Audit Scotland, in its report on the Scottish Fire and Rescue Service (published in May 2015), recommended that the SFRS develop a long-term financial strategy looking ahead to 2025-26, as a matter of urgency, and also the assurances from the Chief Fire Officer that this work is underway.

We welcome the Committee's comments regarding the assurances given by the Chief Fire Officer that work on the SFRS long-term financial strategy (LTFS) is underway. SFRS is currently in the final stages of drafting its LTFS and has been in recent discussion with Audit Scotland to inform it of the work to date, and of plans for finalising the Strategy.

(P.22) The Committee notes that the Scottish Fire and Rescue Service's resource budget is set to remain the same in 2016-17 as in the previous year. We also note the assurances from the Chief Fire Officer that a flat cash settlement could be managed by the service and from the Cabinet Secretary for Justice that the budget is - manageable. The Committee considers that, although manageable, there is little slack within the 2016-17 budget to cope

with additional pressures and responsibilities, or unexpected demands. We therefore urge the Scottish Government to monitor closely the pressures faced by the SFRS in the coming year to ensure that sufficient resource is available with a view to avoiding any diminution of frontline delivery.

The SFRS revenue budget for 2016 - 17 has been protected in cash terms to continue to support the range of excellent work the SFRS undertakes to protect our communities. We note the Committee's comments regarding the monitoring of the pressures faced by the SFRS in the coming year and would like to reassure the Committee that the Scottish Government meets regularly with the SFRS, and that the SFRS budgets are monitored by the Scottish Government on a monthly basis.

(P.23) The Committee notes the view of the Chief Fire Officer that having the flexibility to achieve savings, without a government commitment to a minimum number of firefighters, has been helpful. We also note that particular challenges remain in relation to the recruitment of firefighters in the north-east of Scotland and the reliance on retained firefighter arrangements particularly in remote areas. The Committee asks the Scottish Government to consider closely the outcomes of the SFRS work in this area to ensure that sufficient resource is available to implement these outcomes, with a view to more appropriately meeting demand throughout the country.

The SFRS prioritises recruitment of firefighters to the needs of the organisation. 32 new recruits began their 14 week initial fire fighter training in early 2016, at the SFRS Training College at Cambuslang. They will be located where operational demand dictates – mainly in the west service delivery area. A further 16 new recruits began their initial firefighter training on 7 March 2016 at the SFRS Training Centre at Portlethen near Aberdeen. Following their initial training they will be deployed in the north service delivery area.

A programme of national recruitment for Retained Duty System (RDS) firefighters will take place in 2016 in February, May and August. The SFRS is currently conducting a review of the Retained Duty System (RDS) to ensure every community in Scotland is protected by the professional fire and rescue service the public deserve and expect.

The SFRS continues to be under a statutory duty to ensure adequate arrangements for fire and rescue services in all 32 of Scotland's local authority areas. SFRS is confident that it will continue to support local communities and promote safety, that it has the technology and resources available to ensure appropriate mobilisation to incidents across Scotland, and that Scotland's communities will continue to be fully protected.

(P.24) The Committee notes the concerns of the Fire Brigades Union in relation to the closure of some fire control rooms and also notes the assurances given by the Chief Fire Officer and the Cabinet Secretary for Justice relating to the planning, implementation and progress of the programme to rationalise these control rooms. The Committee intends to monitor these developments closely as part of its ongoing work in relation to petition PE1511 on fire control rooms, and therefore asks for regular updates on how this work is progressing.

As part of the HMICS review of police control rooms, HMICS met with SFRS to benchmark performance, productivity and efficiency of contact management across the two services. SFRS received positive feedback from HMICS regarding its Command and Control Futures (CCF) programme structure and implementation process.

SFRS is currently reviewing the HMICS report in relation to its ongoing CCF work and the Scottish Government expects to receive a full written report from SFRS in due course.

We will ensure that SFRS keeps the Committee updated on the progress with their Command and Control Futures programme as it progresses.

CROWN OFFICE & PROCURATOR FISCAL SERVICE

(P.29) The Committee recognises the additional pressures faced by COPFS in recent years arising from unanticipated work, an increase in the reporting of complex historic sex abuse and domestic abuse cases, and new requirements required by legislation. We note that, while COPFS was able to absorb the bulk of these additional costs in 2015-16, extra one-off funding was made available in-year to deal with particular large/sensitive cases and work in relation to violence against women and girls. The Committee notes that the significant pressures faced by COPFS in 2015-16 are likely to persist in 2016-17.

While the Committee welcomes the extra funding provided by the Scottish Government to COPFS to help it cope with additional demand, we are not convinced that the provision of one-off in-year funding is the most effective way in which to approach these increasing pressures.

The Committee notes the ongoing work of the Justice Board in encouraging collaboration across justice agencies to help offset some of the demands facing the sector and addressing previous tendencies for silo working.

We note the Committee's views and recognise the benefit of identifying future demands on the justice system. The Scottish Government and justice organisations will continue to monitor through the national Justice Board, Justice Systems Planning, and local Criminal Justice Boards, the volumes of court business and

levels of demand across the justice system. I should add that work is being undertaken to identify future business demands (through the Justice Systems Planning Group which reports to the Justice Board) to establish a new equilibrium within the system.

With regard to the issue of ad-hoc funding, despite overall reductions in crime, increases in the prosecution of more complex cases involving domestic abuse and sexual offenses have caused additional pressures on courts and the wider justice system. In response, during 2014/15, Scottish Ministers committed £1.47 million in additional funding, as acknowledged in the report, to the Crown Office and Courts for additional fiscals, judiciary and administrative staff to address delays and speed-up access to justice for victims and witnesses. During the current financial year, Ministers have provided a further £2.4 million on top of baseline allocations to ensure the efficient progress of cases involving domestic abuse and sexual offenses. Looking ahead, as part of our on-going action to tackle all forms of violence against women and girls, we are committed to further funding and this will continue in 2016/17 and 2017/18, from the £20 million identified by the First Minister earlier last year for tackling and reducing sexual offences and domestic abuse.