

Criminal Justice Committee

7th Meeting, 2021 (Session 6), Wednesday 6 October 2021

Pre-budget scrutiny

Note by the clerk

Introduction

1. In the previous session, the Scottish Parliament agreed a new process for budget scrutiny based on the recommendations of the [Budget Process Review Group](#).
2. Part of this process is for each committee to conduct pre-budget scrutiny in advance of the publication by the Scottish Government of its spending proposals for the next financial year. Each committee takes evidence in the relevant spending area (such as justice) and provides a short report to the relevant Cabinet Secretary, setting out its views on spending priorities.
3. This year, the Criminal Justice Committee issued a [call for views](#) on 16 September. The Committee wanted to hear views from across all the different parts of the criminal justice sector. That is our prisons and courts, policing and fire and rescue service, criminal justice social work, the support of victims etc.
4. In addition to the written evidence received, the Committee agreed to take more detailed oral evidence from the following:
 - 6 October – Police Scotland and the Scottish Police Authority, followed by the Scottish Legal Aid Board
 - 3 November – Crown Office and Procurator Fiscal Service followed by the Scottish Prisons Service
 - 10 November – the Cabinet Secretary for Justice
5. The responses to date from other organisations and individuals are available [online](#). The organisations that have made a submission to date are:
 - Families Outside
 - Association of Scottish Police Superintendents
 - Apex Scotland
 - PCS, COPFS Branch
 - Scottish Justices Association
 - Victim Support Scotland

- Her Majesty's Inspectorate of Prisons for Scotland
 - Scottish Fire and Rescue Service
 - HM Inspectorate of Constabulary in Scotland
 - Criminal Justice Voluntary Sector Forum
6. Submissions from other organisations are due to be received in w/c 4 October.
7. The Committee thanks all of those who have taken the time to respond to our call for views.

The justice sector's budget

8. The justice portfolio has responsibility for the civil, criminal and administrative justice systems which include Scotland's prisons, courts, tribunals, the legal aid system and criminal justice social work services. It supports the police and fire and rescue services.
9. The budget proposed for the justice sector by the Scottish Government in the current financial year (2021/22) is set out in [Budget](#). A total of £3,027.7 million was proposed for 2021/22. The totals for the two preceding financial years were £2,849.5 million and £2,719.3 million respectively.
10. The current year's figure breaks down into £2,723.7 million in resource spending, £137.5 million in non-cash and £166.5 million in capital spend.
11. The high-level (level 2) breakdown of the current financial year's budget was as follows:

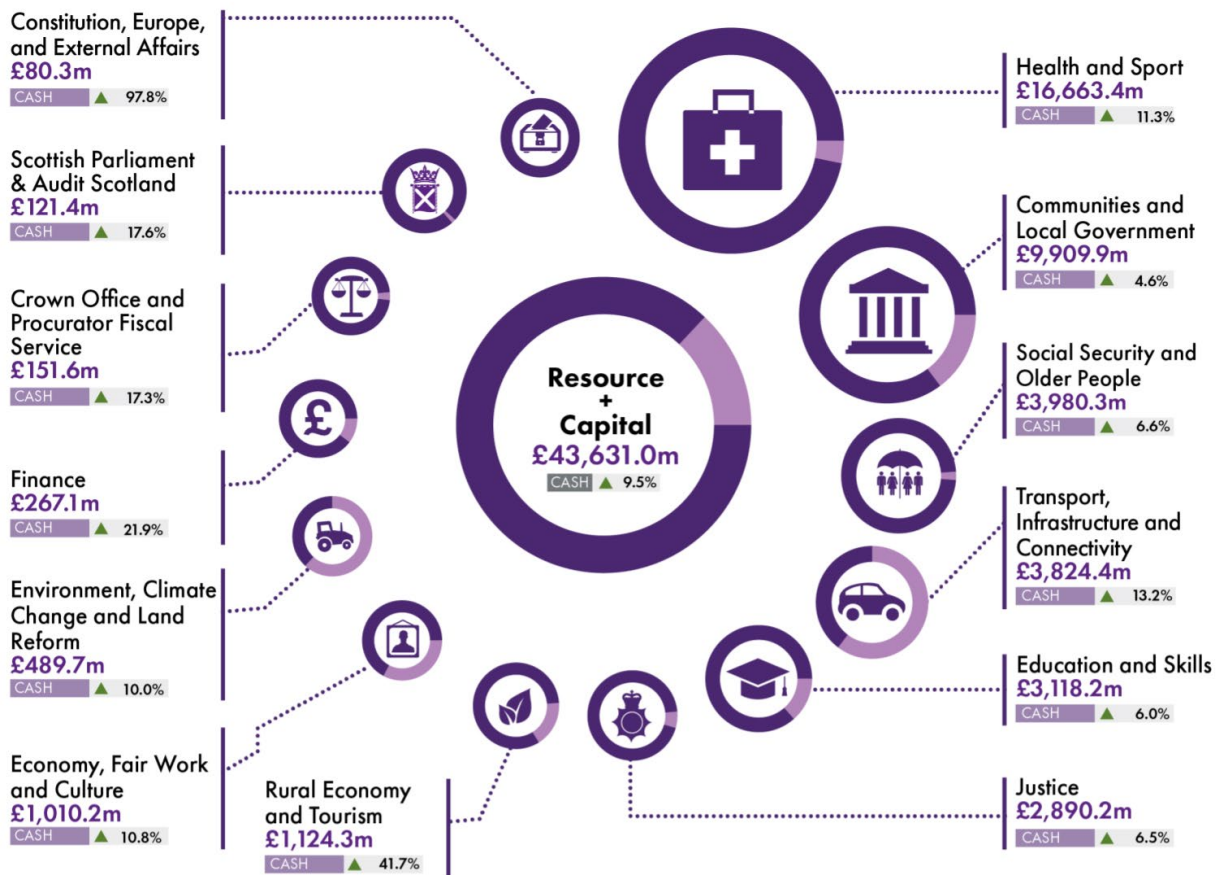
	2019-20 Budget £m	2020-21 Budget £m	2021-22 Budget £m
Community Justice	37.1	44.0	46.3
Judiciary	34.3	36.3	37.3
Criminal Injuries Compensation	15.5	15.5	15.6
Legal Aid	137.5	137.5	138.0
Safer and Stronger Communities	6.4	11.6	12.6
Police Central Government	66.8	57.0	62.3
Police and Fire Pensions	350.6	350.6	350.6
Scottish Prison Service	393.7	442.2	460.2
Miscellaneous	53.5	58.6	59.5
Scottish Police Authority	1,180.1	1,240.3	1,300.8
Scottish Fire and Rescue Service	327.2	333.3	343.2
Scottish Courts and Tribunals Service	116.6	122.6	129.3
Allocation of Covid Consequentials	-	-	72.0

Total Justice	2,719.3	2,849.5	3,027.7
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Source: Scottish Government

12. Relative to some of the other portfolios, expenditure on justice matters is one of the smaller portfolios. Health and sport for example was originally allocated £16,663.4 million in 2021-22, communities and local government £9,909.9 million, and education and skills £3,118.2 million; see Figure 1 below.

Figure 1: Fiscal Resource and Capital, including financial transactions, combined by portfolio, 2021-22



Source: Scottish Budget 2021-22

Top level budgets for today’s witnesses¹

Policing

13. In 2021/22, the budget line for policing was to receive nearly £30 million for policing reform and change and a further £26.5 million for other national funding. The Scottish Crime Campus at Gartcosh was allocated £0.4 million. The main budget for Police Scotland is provided via the budget allocated to the Scottish Police Authority (the SPA).

¹ Level 4 figures provided by the Scottish Government to SPICe.

14. In 2021/22, the SPA was allocated a resource budget of £1,195.3 million and £45 million in capital funding. This equates to a percentage increased compared to 2020/21 of 5.5% and 1.1% respectively.

15. One of the major challenges in the police budget reported in previous year's by this Committee's predecessors was that of capital funding. The table below shows the capital requirements (Ask) and the funding provided to Police Scotland over the last three years. Over this period the organisation made a case to the Scottish Government for capital funding of £246.8 million of which £136.4 million (55%) has been provided. This is the second lowest level of capital investment in UK policing per employee.

	2018-19		2019-20		2020-21		Total	
	Ask £m	Funding £m	Ask £m	Funding £m	Ask £m	Funding £m	Ask £m	Funding £m
Estate	8.5	4.4	8.5	4.3	10.3	11.2	27.3	19.9
Fleet	11.2	5	11.2	2.9	13	8.3	35.4	16.2
ICT	10.2	6.3	5.3	6.1	12.1	6.7	27.6	19.1
Forensics	1.1	1.1	1.1	1.7	1.7	2.3	3.9	5.1
Specialist policing equipment	4	2.9	4	2.8	2.8	2.8	10.8	8.5
Weaponry	1.9	1.4	1.9	2.1	1.2	3	5	6.5
Change	36.2	20.5	67.3	25.2	33.3	20.7	136.8	66.4
Slippage	-	-	-	-2	-	-3.3	0	-5.3
Total	73.1	41.6	99.3	43.1	74.4	51.7	246.8	136.4

Source: SPICE analysis for the Justice Sub-Committee on Policing

16. Some of the other challenges on the policing budget in previous years have been the efforts to reduce budget deficit in place when the single force was established, the efficiency/savings targets set for the force and the requirements around maintaining officer numbers.

17. In the draft budget published for 2021/22, the Scottish Government confirmed that an additional £60m of core funding was to be provided to eliminate the structural deficit and fund a pay award of ~1%. It was also confirmed that £15m of one-off additional funding will be provided to support the in-year impact of COVID. When combined with the 'core' funding of £60m, this allows the SPA to set a balanced budget with no operating deficit². The capital budget and spending on reform remained at flat cash for 2021/22, with the exception of an additional £0.5m to support body worn video cameras.

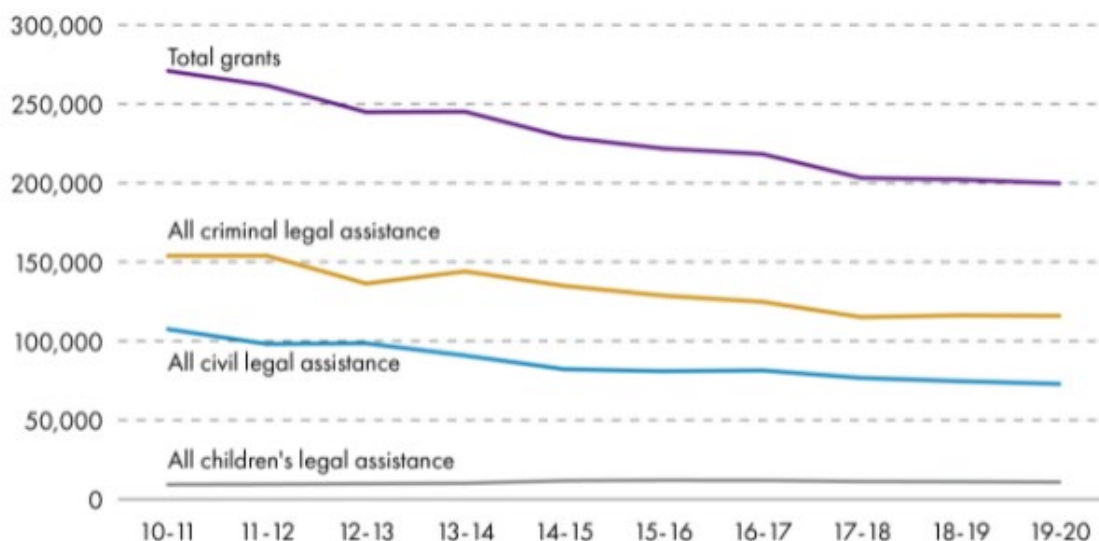
18. The recent SPA Board Meeting discussed the future budgetary challenges for Police Scotland based on a [paper](#) presented by Chief Financial Officer James Gray.

Legal Aid

² The Scottish Police Authority: <https://www.spa.police.uk/spa-media/frfchpsl/rep-b-20210319-item-6-appendix-a-scottish-police-authority-budget-2021-22.pdf>

19. Legal aid provides financial assistance to enable people on low and moderate incomes to access legal advice and representation in court. It plays an important role in enabling access to justice for people who might struggle to pay for legal services otherwise.
20. Legal aid is funded by the Scottish Government and administered by the Scottish Legal Aid Board (SLAB). SLAB also directly employs solicitors to give advice to people who qualify for legal aid and grant funds various advice services (including services not provided by solicitors).
21. Expenditure on legal aid has been generally reducing over the past 10 years and there has been a downward trend in the number of legal aid applications granted (see Figures 2 and 3)³. An important aspect of the legal aid budget is that it is not capped (although the administrative allocation for SLAB is). The Scottish Government is obliged to meet all expenditure on legal aid services legitimately claimed by solicitors. This means that the actual expenditure is demand-led and can differ from the predicted budget for that year.

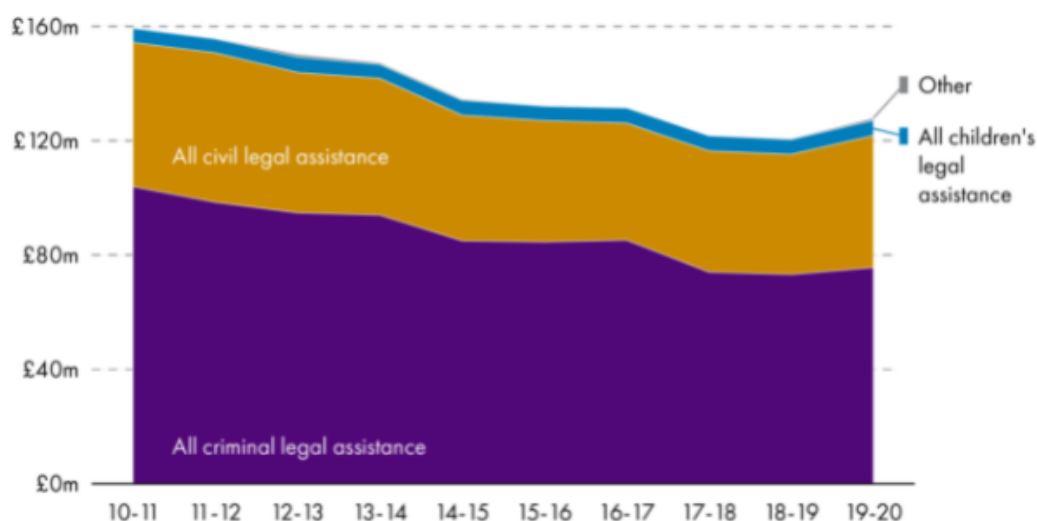
Figure 2: Grants of legal aid between 2010-11 and 2019-20



Scottish Legal Aid Board Annual Accounts 2019-20 [Appendix 1 Key Statistics](#) and Scottish Legal Aid Board Annual Accounts 2014-15 Appendix 1 Key Statistics.

³ SPICe, Legal Aid Briefing: <https://digitalpublications.parliament.scot/ResearchBriefings/Report/2021/9/23/5d9b4fd6-0341-478a-a64d-d5cb41099c6d#97214239-1334-43f8-bb46-b3afa6f41b74.dita>

Figure 3: Expenditure on legal aid between 2010-11 and 2019-20



Scottish Legal Aid Board Annual Accounts 2019-20 [Appendix 1 Key Statistics](#) and Scottish Legal Aid Board Annual Accounts 2014-15 Appendix 1 Key Statistics.

22. In the published Budget for 2021/22, the Scottish Legal Aid Board (SLAB) was allocated £11.65 million for administration⁴ (of which just over £0.5 million was non-cash and £0.1 million was capital). The figure set for the legal aid fund was £125.8 million⁵. Relative to 2020/21, administration budgets rose by 4.3% whilst the allocation to the legal aid fund did not rise.

23. More [detailed budget analysis](#) produced by the Financial Scrutiny Unit in SPICe is available online.

**Clerks to the Committee
October 2021**

⁴ This budget covers the staffing, administration and capital costs of the Scottish Legal Aid Board, an executive NDPB. It also covers costs relating to various matters including researching and analysing the operation of legal aid, as well as the trends and impact on the wider justice system. It also includes a budget allocation to meet the Boards' capital expenditure.

⁵ This budget funds the provision of legal aid in Scotland. It also enables the Board to: develop a network of Board employed solicitors including the Civil Legal Assistance Offices (CLAO) and the Public Defence Solicitors Office (PDSO) network and administer grant-funded services.