The Committee will meet at 10.15 am in Committee Room 1 to consider the following agenda items:

1. **Efficient Government:** The Committee will take evidence on the Executive’s Efficient Government Initiative from—
   - Tom McCabe MSP, Minister for Finance and Public Reform;
   - Peter Russell, Head of Efficient Government Delivery Group, Scottish Executive;
   - Dr Peter Collings, Director of Performance Management and Finance, Health Department, Scottish Executive;
   - Nick Bowd, Director of Scottish Procurement, Scottish Executive; and
   - Ian Burdon, e-Procurement Scotland Programme Team, Scottish Executive.

2. **Family Law (Scotland) Bill:** The Committee will take evidence on the Financial Memorandum from—
   - Carol Duncan, Family Law (Scotland) Bill Team Leader, Scottish Executive;
   - Alex Mowat, Family Law (Scotland) Bill Team, Scottish Executive; and
   - Moira Wilson, Family Law (Scotland) Bill Team Manager, Scottish Executive.

3. **Environmental Assessment (Scotland) Bill (in private):** The Committee will consider its draft report on the Financial Memorandum of the Environmental Assessment (Scotland) Bill.

4. **Housing (Scotland) Bill (in private):** The Committee will consider its draft report on the Financial Memorandum of the Housing (Scotland) Bill.

Susan Duffy
Clerk to the Committee
The papers for this meeting are:

**Agenda Item 1**

Paper by the Clerk and Budget Adviser  
Efficiency Technical Notes available online (previously circulated to members):

**Efficiency Technical Notes**

**Agenda Item 2**

Written submissions on the Family Law (Scotland) Bill from:
- Crown Office
- Scottish Court Service
- Scottish Legal Aid Board

Family Law (Scotland) Bill and associated documents available online (previously circulated to members):

**Family Law (Scotland) Bill**

*SPICe Briefing on Family Law (Scotland) Bill – Cohabitation (Update)* available online  
*SPICe Briefing on Family Law (Scotland) Bill – Grounds for Divorce* available online  
*SPICe Briefing on Family Law (Scotland) Bill – Parental Responsibilities and Rights* available online

PRIVATE PAPER

**Agenda Item 3**

PRIVATE PAPER

**Agenda Item 4**

PRIVATE PAPER
Finance Committee

13th Meeting 2005, Tuesday 10 May 2005

Efficient Government


2. The Executive states that The Technical Notes are intended to document:
   - a description of the project
   - the nature of the efficiencies to be realised and the cash to be released
   - whether the financial impact has been included in the 2004 Spending Review
   - the names of those accountable for the saving and those who manage the project
   - the actions to be undertaken and the dependencies that have to be factored in
   - the impact on staffing levels, both increases and decreases, and
   - clarification on how the efficiency will be measured, monitored and reported.

3. The Committee had previously raised questions regarding Audit Scotland’s role in scrutinising the technical notes and raised issues around accountability. Following the publication of the Technical Notes, the Committee wrote to the Minister for Finance and Public Sector Reform. This letter is attached, as is the response from the Minister.

4. The Committee’s budget adviser has analysed the Technical Notes and raised some general concerns (contained in the attached “Overview of Methodology”). In addition, the adviser identified specific concerns on the Technical Notes of individual projects. These questions are also attached and have been raised with Executive officials.

Susan Duffy
Clerk to the Committee
Dear

Efficient Government

The Committee will be considering the Efficient Government Technical Notes which were published recently and as part of this, you have agreed to give evidence to the Committee on 10 May 2005.

In advance of this, the Committee’s budget adviser and clerk will be meeting with Executive officials to discuss questions on specific efficiency proposals which have been raised by our adviser.

In addition to this, the Committee has asked me to raise with you, fundamental questions relating to the process. You will recall that when you gave evidence to the Committee on 7 December 2004, you stated that the Executive was in discussion with Audit Scotland as to the role that would be played by that organisation in the auditing and monitoring of efficiency savings.

In a written answer to Wendy Alexander MSP on 15 December 2004 you stated that “the Scottish Executive will invite Audit Scotland to scrutinise the Efficiency Technical Notes before publication.” In a further answer given to the member on 22 December, you stated that “we will invite Audit Scotland to audit the system for delivering efficiency savings and to confirm that the efficiency savings have been made”.

Paragraph 1.3 of the Efficiency Technical Notes states that “we have agreed with Audit Scotland that they will provide more formal comments on the published Technical Notes by end April and that these comments should be in
the public domain.” The Committee understands that in practice this means the published Technical Notes can effectively considered to be work in progress and that they will be subject to revision and review on the basis of changing information and analysis. Any concerns identified by Audit Scotland will be discussed with the owner of the Technical Notes and the notes would be revised as appropriate.

As you will be aware, paragraph 2.35 of the 2004 UK Spending Review states that “in order to ensure confidence and credibility of these measures, the Government is inviting the NAO and the Audit Commissioner to scrutinise departmental ETNs (Efficiency Technical Notes) before publication.

Paragraph 2.37 of the Spending Review then goes on to state in terms of accountability for results that “there will be effective and continuing parliamentary and public accountability systems for the delivery of agreed efficiency targets….Progress on meeting the efficiency targets will be publicly reported so that the Government is accountable for the results. Departments will report progress through their departmental reports and on their website.”

The Committee would be concerned if the Executive were to depart from this good practice. Therefore, we would be grateful if you could clarify the following points:

- Why was it decided that Audit Scotland would not scrutinise the Technical Notes before publication but instead, the Notes would be published with subsequent alterations made if requested by Audit Scotland?

- When is it expected that the Technical Notes will have been “signed off” by Audit Scotland ie, by what date do you expect that all comments will have been discussed and the relevant changes made?

- How does the Executive intend to report publicly on its progress towards meeting the efficient targets as set out in the Technical Notes and where will such reports be published?

In addition, you also spoke about £300m in time-releasing savings which will form part of the overall total of efficiency savings. In “Efficient Government – Securing Efficiency, Effectiveness and Productivity” it is stated that technical notes on time-releasing savings will be produced by May 2005. I would be grateful if you could confirm whether this timetable is still current and outline what role Audit Scotland will play in the scrutinising of these notes and the timing of their involvement.
To ensure the evidence session on 10 May is productive, I would be grateful if you could reply to this letter by Thursday 5 May so that your response can be included in the papers which will be sent to Committee members.

Yours sincerely

Convener
Thank you for your letter of 21 April 2005 seeking clarification of Audit Scotland’s role in the assessment of our Efficiency Technical notes.

Firstly, you asked why the technical notes were published before Audit Scotland had provided their comments. Following dialogue with Audit Scotland, we wrote to Audit Scotland at the beginning of February to formally request their involvement. However, Audit Scotland made it clear in their response that the task of providing independent assurance was complex and would take some time. We felt that it was important to meet the published commitment to publish the cash releasing technical notes by the end of March. Given that it was not possible for Audit Scotland to provide their commentary before the stated publication date we decided it would be better to publish the Technical Notes on time and to reflect comments from Audit Scotland in later iterations. We have always seen the technical notes as working documents to which changes could - and should - be made whenever necessary, and this approach is similar to that adopted by the UK government. (The supplementary memorandum submitted by HM Treasury to the Select Committee on Treasury on 15 December 2004 states:

“The measurement of efficiency is complex and, in many areas, this Government is breaking new ground. Further work will be needed, building on lessons from the measurement of PSAs and the work of the Atkinson Review. The ETNs published in October are the first step towards demonstrating the achievement of efficiency gains. Government took the view that it would be better to publish documents early and to build on these public documents as the Efficiency Programme moves forward.”
As stated in the 2004 Spending Review White Paper, additions and amendments to ETNs will be allowed. As departments identify further efficiencies and develop their plans further, we expect ETNs to change, develop and improve.”

Secondly, you asked when Audit Scotland will have “signed off” the Technical Notes. Audit Scotland have now told us that their response will not be available by the end of April, since they consider that this would be in breach of purdah, but that they do not want their review to inhibit progress on Efficient Government initiatives in any way, and that they are supportive of the overall initiative. They intend to publish their letter commenting on the Technical Notes by end May. This publication is of course in direct contrast to the situation with the UK government review where the advice from the National Audit Office (NAO) and Audit Commission was not published, but provided to a scrutiny panel comprising officials from HM Treasury and the Office of Government Commerce (OGC) who then channeled comments to departments. The advice was not provided directly to departments. This approach was heavily criticised by the Commons Treasury Select Committee so I am sure you will appreciate the greater openness of our intended approach.

Thirdly you asked how we intend to report on progress towards meeting targets. We are proposing to provide the committee with an annual report in June that indicates the target savings and the actual achievement against that target for the year. The report would be published on the Efficient Government website and therefore available publicly. The exact detail of the format of the report has yet to be determined but we intend to involve Finance Committee officials in its development.

Finally you asked whether or not our intention to publish technical notes for time releasing savings in May was still current, and what role Audit Scotland will play. I can confirm that we will publish our time-releasing technical notes in May, and that we are in discussions with Audit Scotland on their role since we are keen for them to provide an independent commentary on these notes also.

I hope this is helpful in clarifying some of the fundamental principles we are operating to. Like you, I think it very important that the Executive demonstrates good practice in terms of accountability, openness and provision of independent commentary.

TOM McCabe
1. I have several concerns over the Executive’s approach. The first is that there are some savings which have already been built into the Spending Review 2004. In the conventional process, departments agree their baseline, then identify bids for growth and potential savings. Some of these appear to be included as part of the Efficient Government Initiative, when, as I advised the Committee in an earlier report, they could more properly be regarded as part of the ongoing process of sound financial management.

2. There is a resultant gap in the information as we cannot identify where the increases in resources to service delivery have been made. The Technical Notes state that “it is not possible to provide a direct link” in this way. That means we cannot properly track the “additional growth in service provision”.

3. Thirdly, this is further blurred as savings which are not built into budgets are “available to be directed to services as that organisation sees fit.” Again, the growth in provision is not identified, therefore we cannot know it has improved services and outputs. Monitoring savings against budgets is problematic, as total budget is being used for comparison to “assess whether or not they have managed to live within their budget.” In practice, departments could meet their budget and not meet the savings, by underspending elsewhere, for example SERAD £1.1m saving from CAP reform from a £37.5m budget – monitoring the total budget is not the same as monitoring the saving. This appears to contradict Para 1.7 on monitoring arrangements.

4. In its pursuit of savings, the Scottish Executive has introduced alternative categories to Gershon. Better asset management has been central to the Treasury’s approach to the public finances since 1997. This left me unconvinced that important elements of the programme would not have emerged in the normal process of budget management, and some are simply crude across-the-board savings. I am left unclear as to how procurement savings will be measured and doubtful as to the delivery of the totals – as the local government savings Technical Note makes clear that this is a matter for Councils.

5. Attached are a list of questions on specific Technical Notes which have been put to Scottish Executive officials, which illustrate the overarching concerns that I have highlighted.
1. **A/C 1 CAP Reform £2 - 4 m**
   
i. Should an EC driven reform be regarded as part of Efficient Government? Should this saving not be regarded simply as a part of ongoing management of budgets?
   
ii. How can staff saved under reform of Pillar 1 Cap be redeployed if saving is built into the budget?

2. **A/C 2 Better Procurement (£3m)**

How can it be possible to monitor a and savings of £3m by monitoring the £236m total budget? How will we know £3m has been saved, if this has been built into the budget – e.g. by buying £100m of expenditure for £97m? The note is not clear.

3. **A/C 3 HR Reform £0.5m**

Is it sensible to monitor a small saving like this against the total budget of £11.9m? Other factors can influence outturn.

4. **A/C 4 ERDM (£0.5m)**

Same criticism as above applies. Has this been applied already to the data in 12.4? If so, how do you know if an overspend reflects this particular savings failure to materialise, or other slippage?

5. **A/C 5 Savings From Non-Staff Costs/ Better Staff Deployment (£2m)**

Is it acceptable to assume a saving will materialise when no details are provided how it will occur? Is this not simply a budget saving in the conventional sense, not an efficiency saving as such? Again – we are told that “the efficiency benefits will be measured by the success with which departments live within reduced departmental allocations for administration whilst continuing to provide an effective service to ministers.

6. **C/C 1 – Reducing Unit Costs in CSDP**

Is this not guesswork – crudely assuming that the SE can simply reduced the average amount of grant per unit of affordable housing, and thereby increase output? What is the basis of this assumption? How many additional houses will this deliver? We need to see the financial and service implications. This does not seem to be a Gershon type saving, rather simply a saving.

7. **COPFS/C1 Alternatives to Prosecution**

Is this proposal not problematic in that it relies heavily on action by the police, who have operational autonomy? How much do such courses cost to the driver? Are they less or more than speeding fines? Exactly how do the savings materialise in practice when it is reported that the savings are built into the budget, but the reductions in number of cases will release deputes to prosecute other cases? Is this not time releasing rather than cash releasing?
8. **COPFS/C2 Case Related Costs and Estates**

This does not appear to be a Gershon type saving, but a saving in asset management as expected since 1997.

How does the reduction of witnesses improve efficiency in prosecution? The simple test appears to be reduced costs, with no assessment of impact on justice.

9. **COPFS/C3 Increase in Sheriffs Solemn Sentencing Powers**

Is this monitoring measurement indicator – cost savings in High Court business – adequate? It only delivers savings if there is no parallel increase elsewhere in the system. Surely it needs to been set against costs of the Sheriff Court system also?

10. **COPFS/C4 Staff Savings from Introduction of New IT System (£0.8m)**

Will all staff savings be delivered in 2005 – 06, and if so, without compulsory redundancy?

11. **EYP/C1 Efficiency Savings in SQA (£1.0m)**

If operational costs are being flat lined, is this simply a crude across the board cut in spending? How will savings be made? We have no details.

12. **EYP/C2 Efficiency Savings in the Care Commission (£1m)**

This saving reduces inspectoral workloads, and level of inspectors. It is difficult to see how the efficiencies can have an impact on staffing levels (para 8) without quantifying these numbers. Why is the 20 – 30 estimate not in table in para. 10?

13. **EYP/C3 Savings from EYP Central Government Expenditure (£9.8m)**

Are these not simply crude savings in Para 12.2?

14. **ELL/ C1 Scottish Enterprise Savings (£5.3m)**

This is essentially savings from procedures and practice. What does “it is anticipated that ‘business as usual’ activities will secure delivery of the savings” mean? We need rigorous identification of scope for savings, not generalities as in 9.1.

What does “in respect of SEn discretionary budget allocations have taken cognisance of the profiled savings” mean? Is this a “yes”? Under 14.2, we need to know how cuts in staff and procurements costs be monitored?
15. ERD/C1 Efficiency Savings in Forestry Commission, Scotland (£1.0m)

As this “saving” is in staff, who will be redeployed, how will the saving be monitored? Which internal budget will be reduced and which increased. We need to have this clarified in advance.

16. ERD/C2 Savings in SEPA (£2m)

Is this simply a reallocation of funding within SEPA? How will it be reported (i.e. we need more than simply met/ on course etc).

17. ERD/C3 Savings in SNH (£2m)

Aim is to reduce support costs and transfer to front line staff costs. These do, therefore, require 36 jobs to be lost. Are these savings all in HQ posts?

18. FPSR C/C1 Standards Commission (£16k)

Saving in staff time equivalent to 0.50 FTE (full-time equivalent) of a Higher Executive Officer grade job (equivalent to 4% of budget). It is not clear how the saving savings will be measured and should this not be a time-releasing saving?

19. FPSR C/C2 Inspectorate of Prosecution

Identifies an £80k saving from a change in the reporting process from paper to IT, but Para 9.1 only identifies £20k of saving. Is this correct? Does this transfer the cost of reporting to others?

20. FPSR C/C3 Internal Efficiency Savings in SPRA (£635K)

Delivered by reducing staff costs (7 posts by temporary staff/ natural wastage) and by handling NHS payroll function in-house. This seems to be a genuine reduction in administrative costs.

21. FPSR/LG/C1 Assigned Local Government Savings (£168m)

This is a straight reduction in local government grant which assumes that efficiency savings will be made as a result. The paper acknowledges that reduction in service and compensatory increases in council tax may occur.

Can this really be described as an efficiency saving?

22. FPSR-LG-C2 Fire Service Reform (£15m)

This will be achieved through rationalising control rooms – leading to staff reductions. This saving has been assumed, but the final decision will be taken in local government.

Why in this case has the saving not been built into Fire GAE?
23. FPRS LG/C3 Common Police Services (£8m)

This is very vague. There is much broad rhetoric about commitment to VFM, but warnings over police capacity to respond to major inquiries. Why does this report not provide a single example of how savings will be made? If these depend on “reviews and plans which have yet to be formulated”, what is the basis of the financial assumption that £8m can be saved? There is more rhetoric about “rigorous” approaches to delivering services efficiently, but no substantial savings identified. In short, £8m has been reduced from Police GAE, which may not be delivered and may fall on council taxpayers.

Why is this item being reported within forces internal audit processes, rather than by reporting to Parliament?

24. FPSR LG/CH Efficiencies in Supporting People Programme (£27m)

This paper simply describes the programme, not how the savings will materialise (see Para. 2). Why does the paper offer no analysis of how the savings will materialise? Merely to report that “… we expect councils to focus on delivering improved efficiencies without impacting on useful frontline services… and we are confident that they should be able to achieve this” (Para. 7).

Moreover, why does the Technical Note not provide specifics over savings in Para 8?

How will monitoring the numbers assisted, hours of support provided and funding drawn down assess whether the saving has been delivered with no impact on quality? This looks like a straightforward budget cut!

25. FPSR – LG/CB Modernising Government and Efficient Government (£40m)

Efficiency gains to be delivered through “customer first” to improve access e.g. through online. It is not clear (Para. 9) how savings will be delivered or how it can be monitored. How does measuring transaction volumes, times, costs and deliveries deliver a real cash saving? Is this not simply more productive time as cash is not built into the budget.

26. H/CI NHS Procurement (£50m)

This seeks to deliver better purchasing at better prices, and requires additional staff. Savings are net of staff costs. As the funding is not built into NHS budgets, the validity of this saving is dependent on developing a convincing methodology to show savings have been delivered. Members may wish to have evidence from the BPI staff on this during the year. Will the savings actually materialise in purchasing budgets – e.g. running costs or capital – only, and not be transferable to staffing budgets?
27. H/C NHS Support Service Reform (£10m)

This focuses on a model of financial processing, reporting and payroll, and will lead to 604 WTEs (whole time equivalents) savings, all through redeployment, natural wastage, etc. These savings should therefore be measurable. Members may wish to ask the Minister to account for how the NHS Boards deliver i.e. have they made savings and where savings were reallocated to.

28. H/HC3 NHS Logistics Reform (£10m)

This is another procurement saving. Again, will the savings remain in purchasing budgets, or be released to front-line, as the saving is not in the budget? How will this be reported to Parliament?

29. H/C4 Improved Prescribing of Drugs (£20m)

It is not clear how the figure of £20m is arrived at, and seems to rely simply on “better practice”. Information on how savings will be made is vague on delivery.

How will savings be monitored? The Technical Note assumes that prescribers will pursue these efficiencies, but it does not make clear in Para. 14.2 how this will be monitored, particularly when forecasts of prescribing costs are not published. This is another example of where evidence from the players involved would help the Committee.

30. H/C5 Preventing Inappropriate Hospital Admissions (£25m)

This is an attempt to shift resources from hospital care to community care, and apply it by adjusting allocations via Arbuthnott. This could again be seen as something which should be constantly under review within budgets rather than identified as an efficiency saving, and it is not an obvious Gershon option, i.e., it involves front line services. Is it not simply a reallocation of funding rather than an efficiency saving?

31. H/C7 NHS Efficiency Savings (£90m)

Achieved by applying an across the board budget reduction, and left to NHS Boards to deliver, these are simply financial savings, but members may wish to ask for reports on delivery to be sure that these are not reducing service quality.

32. H/C8 Facilities Management System (FMS) in NHS Scotland (£0.8m)

Personally, I am always dubious about the capacity of management information systems to deliver “savings” as opposed to simply improving the basis of decisions. It is not clear from the report how such savings will be measured. It is therefore contradictory to report that this is not built into the
budget, nor are there proposals to reinvest cash saved. I suspect that this does not fit into either cash/time releasing, but may be “resource” releasing.

33. H/C9 Drugs Pricing (£42m)

This is a simple cost reduction exercise, to attempt to pay less to suppliers for drugs. Although it states that this has been built into the budget, it is not clear how, when the rate of “savings” rises with the rate of “prescription”. In short, we could end up with lower unit costs but higher spending which doesn’t fit the definition of an efficiency gain (more output for same cost, or same output for lower cost).

Is the Scottish Executive assuming that the spend on drugs in primary care will fall? Can it be distinguished from “appropriate prescribing” savings?

34. J/CI Fire Central Government (£100k)

These appear to be straightforward budget savings rather than efficiency savings, in non-domestic rates and support for the FSEB. Item (iii) travel and subsistence could be a genuine efficiency saving, although it is not costed and (i) and (ii) already exceed the savings target. (£109k savings / 100k totals)

These savings are needed to maintain funding elsewhere in a standstill budget i.e. this is simply budget management, not an efficiency gain.

35. J/C2 Community Justice Services (£4m)

This saving is not identified, simply assumed, and local authorities assumed to reduce costs accordingly. Again, I was not convinced this should be in the Efficient Government list, as it is simply a cut in funding.

36. J/C3 Scottish Court Service (£3m)

This is another procurement saving, with some staffing changes. Paper leaves us unclear how savings will be identified and monitored.

37. J/C4 Legal Aid: Changes in Rules and Increased Efficiency (£12m)

More simply, a tightening of the regulation of Legal Aid, a rationalisation of counsels’ fees, and administration of systems. Is it the case that this will be calculated on a cost per case basis, and if there is an attempt to restrain the growth of the fund, how will the savings be diverted into the front-line?

38. J/C5 Efficiency Savings in SPS (£10m)

SPS Efficiency programme of staffing and structural changes. I found it impossible to follow para. 8. Are we simply looking at cost per prisoner? There is no detail at all over how this will be delivered. Is it just another budget
reduction, as it has been built into the baseline without knowing how savings will materialise?

39. J/C6 Accountants in Bankruptcy (£1m)

Essentially delivered by “streamlining administration” and “taking in-house non routine cases” this seems more like a “saving” than an “efficiency”. The saving is not built into the budget, and savings will be offered back to departments.

40. TCS/CI Efficiency Savings from Cultural and Sport NDPBs (£750k)

More in line with Gershon in terms of sharing support and common services, and ICT looks okay.

41. TCS/C2 Tourism Network (£1m)

Appears to count in savings from already planned reorganisation of 14 area tourist boards. A saving, yes, but not surely part of the Initiative.

42. T/CI Rail Franchise Procurement (£5m)

I found this difficult to follow. Is the Scottish Executive simply saying it will save £5m from the £40m programme of capital investment – as with water? (See para. 12.6). We need a simpler explanation of how the saving materialises.

43. T/C2 Concessionary Fares (£5m)

This proposes to make savings in the administration of the scheme, but does not identify how much by each route in 9.1.

44. T/C3 Rail Franchise – Introduction of Ticket Machines (£1.5m)

As this was implemented before the Efficient Government Initiative, how can it properly count towards it? It is already built into the budget.

45. T/C5 HIAL (£500k)

Savings from travel and subsistence budgets and repairs and maintenance. These are straightforward savings packages, not efficiency gains. They have not been built into the budget, but simply transferred to the capital budget, in the normal process of financial management.

Will these be reported to Parliament, and not simply in the annual accounts?

T/C6 Calmac (£500k)

Savings from introduction of shore ticketing are already built into the budget. Simply a reduction in costs, and implemented prior to the current SR cycle (in Autumn 2004). Should these be included?
46. O/C1 Non-NHS Procurement (£150m)

Another procurement initiative, with a range of participants. I found this difficult to follow. Members may wish to hear evidence on this project, particularly as accurate figures on procurement spending are not available for local authorities.

47. O/C2 Scottish Water Saving

It is not clear that this benefits the Scottish DEL. Members should seek explanation as to why it is included?

Professor A Midwinter.
Finance Committee
13th Meeting 2005 – Tuesday, 10 May 2005

Family Law (Scotland) Bill: Written Evidence Submissions

Background
1. Members will take evidence today from the Bill Team responsible for the Family Law (Scotland) Bill. Requests for written evidence in the form of the Committee’s standard questionnaire on financial memoranda were sent to the Crown Office, Scottish Court Service, Scottish Legal Aid Board.

2. Written responses were received from:
   - Crown Office
   - Scottish Court Service
   - Scottish Legal Aid Board

3. These responses are attached.

Recommendation
4. Members are invited to consider the responses received to inform their questioning of the Bill Team.

Susan Duffy
Clerk to the Committee
Crown Office

Consultation

1. Did you take part in the consultation exercise for the Bill, if applicable, and if so did you comment on the financial assumptions made?

We did not take part in the consultation “Improving Family Law in Scotland” and did not comment on the financial assumptions made. As a department of the Scottish Executive we do not normally comment in consultation exercises since the Lord Advocate, as a member of the Cabinet, may have to participate in Ministerial discussion and decision making.

2. Do you believe your comments on the financial assumptions have been accurately reflected in the Financial Memorandum?

Not applicable.

3. Did you have sufficient time to contribute to the consultation exercise?

Not applicable

Costs

4. If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the Financial Memorandum? If not, please provide details.

The Financial Memorandum does not specifically address the financial implications for COPFS arising from this Bill. As identified in paragraph 92 of the Financial Memorandum this legislation may result in a decrease in workload for the Police. However, it is likely that it will result in a small increase in workload for COPFS, since it will increase the number of individuals reported to us for breaching a Matrimonial or Domestic Interdict and who will then require to be processed through Court. Having considered the current number of cases of breach of Matrimonial Interdict (shown at paragraph 90 of the Financial Memorandum) we do not consider that this extension of the law will increase significantly the volume of cases being dealt with by COPFS or have material financial implications for the department.

5. Are you content that your organisation can meet the financial costs associated with the Bill? If not, how do you think these costs should be met?

Given that the likely increase in the number of cases referred to the Procurator Fiscal is anticipated to be relatively low we are content that our organisation can meet these financial costs.
6. *Does the Financial Memorandum accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise?*

The Financial Memorandum does not address any of the anticipated costs for COPFS arising from this Bill, but for the reasons already indicated, no significant costs are anticipated.

**Wider Issues**

7. *If the Bill is part of a wider policy initiative, do you believe that these associated costs are accurately reflected in the Financial Memorandum?*

Not applicable

8. *Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation or more developed guidance? If so, is it possible to quantify these costs?*

We do not at present see any likelihood of increased costs for COPFS.
Scottish Court Service

Consultation

1. *Did you take part in the consultation exercise for the Bill, if applicable, and if so did you comment on the financial assumptions made?*

   The Scottish Court Service (SCS) participated in the consultation exercise to the extent of:
   i. identifying that were the proposed changes to be implemented they would have resource implications for the SCS, and
   ii. seeking consultation in the course of the drafting of the Bill, in order that our resource requirements could be reflected in the Financial Memorandum.

   We were subsequently consulted as we requested.

2. *Do you believe your comments on the financial assumptions have been accurately reflected in the Financial Memorandum?*

   Not Applicable

3. *Did you have sufficient time to contribute to the consultation exercise?*

   Yes

Costs

4. *If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the Financial Memorandum? If not, please provide details.*

   In the course of the consultation referred to in the response to question 1 above, we provided the Scottish Executive with an assessment of the impact upon SCS running costs, of the provisions contained in the Bill, on a per case basis. The figures provided in the Financial Memorandum have been arrived at by applying the cost per case to the volume of cases which the Scottish Executive estimates will arise out of the Bill.

5. *Are you content that your organisation can meet the financial costs associated with the Bill? If not, how do you think these costs should be met?*

   We are content that the estimates set out in the Financial Memorandum are sufficient to deal with the level of increase projected by the Scottish Executive.
6. Does the Financial Memorandum accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise?

Yes.

Wider Issues

7. If the Bill is part of a wider policy initiative, do you believe that these associated costs are accurately reflected in the Financial Memorandum?

Not Applicable

8. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation or more developed guidance? If so, is it possible to quantify these costs?

We do not anticipate any future costs for the Scottish Court Service.
Scottish Legal Aid Board

Consultation

1. Did you take part in the consultation exercise for the Bill, if applicable, and if so did you comment on the financial assumptions made?

In response to the Scottish Executive’s Consultation Paper entitled “Family Matters – A Consultation Paper on approving Family Law in Scotland” the Board produced a detailed response pertaining to the specific legal aid implications of the proposals. This response was submitted to the Executive on 25 June 2004 and is available on the Scottish Executive’s website at www.scotland.gov.uk/library/society/fmc121.pdf. The Board was thereafter contacted by the Civil Justice Department for assistance with the associated Financial Memorandum. Members of staff from the Board met on two occasions with members of staff from the Civil Justice Department to discuss financial implications, provide general advice and specific statistics obtained from our Policy Department. Thereafter, e-mail correspondence continued in respect of certain matters to be included in the Financial Memorandum.

2. Do you believe your comments on the financial assumptions have been accurately reflected in the Financial Memorandum?

Yes – as above, the Board’s views were sought and taken into consideration in production of the Financial Memorandum. Statistics provided by the Board have been reproduced and referred to in the Memorandum.

3. Did you have sufficient time to contribute to the consultation exercise?

Yes.

Costs

4. If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the Financial Memorandum? If not, please provide details.

The Bill will have financial implications for the Legal Aid Fund. These have been reflected in the Financial Memorandum with specific reference to anticipated increased costs to the Fund. Based on the statistics provided by the Board to the Executive regarding average case costs the figures suggested in the Financial Memorandum appear reasonable.

The Board does not anticipate any significant increased administration/staffing costs within its organisation as a result of the Bill’s recommendations.
5. Are you content that your organisation can meet the financial costs associated with the Bill? If not, how do you think these costs should be met?

The anticipated increase in cost to the Legal Aid Fund will be met by the Scottish Executive.

As stated above, no significant increase to internal administrative/staffing costs within the Board are anticipated.

6. Does the Financial Memorandum accurately reflect the margins of uncertainty associated with the estimates and the time scales over which such costs would be expected to arise?

The Board does not dispute the margins of uncertainty but is not in a position to state that they are or will be accurate.

Wider Issues

7. If the Bill is part of a wider policy initiative do you believe that these associated costs are accurately reflected in the Financial Memorandum?

The Board is not in a position to comment on wider policy initiatives and restricts its response to legal aid consequences only.

8. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation or more developed guidance? If so, is it possible to quantify these costs?

There may be consequential amendments to subordinate legal aid regulations but these should not result in increased costs.