JUSTICE 1 COMMITTEE AND JUSTICE 2 COMMITTEE

JOINT MEETING

AGENDA

Justice 1 Committee
10th Meeting, 2003 (Session 2)
Justice 2 Committee
11th Meeting, 2003 (Session 2)

Tuesday 28 October 2003

The Committees will meet at 2.00 pm in Committee Room 2.

1. Budget process 2004-05 (in private): The Committees will consider a draft report.

Alison Walker
Clerk to the Justice 1 Committee
Tel: 0131 348 5195

Gillian Baxendine / Lynn Tullis
Clerks to the Justice 2 Committee
Tel: 0131 348 5054
The following papers are enclosed for this meeting—

**Item 1 – Budget process 2004-05**

Draft Report

J1/S2/03/10/1
J2/S2/03/11/1

Letter from Scottish Executive on Legal Aid Fund Expenditure

J1/S2/03/10/2
J2/S2/03/11/2

Letter from Scottish Executive on Social Enquiry Reports in 2003-04

J1/S2/03/10/3
J2/S2/03/11/3

Letter from Crown Office and Procurator Fiscal Service on performance against targets information

J1/S2/03/10/4
J2/S2/03/11/4

**Forthcoming joint meetings—**
Tuesday 4 November – afternoon
Dear Claire

MEETING OF THE JUSTICE 1 AND JUSTICE 2 COMMITTEES: 7 OCTOBER 2003
THE BUDGET PROCESS 2004-05: EVIDENCE FROM THE MINISTER FOR JUSTICE

In her reply to one of the questions in yesterday’s session in the Chamber, the Minister for Justice talked about the unpredictability of the Legal Aid Fund expenditure, and drew members’ attention to the Fund’s volatility, illustrated by outturn against budget information over a 10 year period.

Ms Jamieson thought that it would be helpful for the Committee members to have a copy of the table she was quoting from, and this is attached.

I should also like to note here that the Minister will be responding shortly to the Committees’ query on the provision of police services in the Courts, and that Jim Gallagher will also respond quantifying the £5 million additional funding for Social Enquiry Reports.

I should be grateful if you would copy this letter and the enclosure to Professor Brian Main.

Yours sincerely

RUTH RITCHIE
<table>
<thead>
<tr>
<th>DATE</th>
<th>Original Budget (£m)</th>
<th>Outturn (£m)</th>
<th>Variation from original budget (£m)</th>
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<tbody>
<tr>
<td>93-94</td>
<td>112.184</td>
<td>118.298</td>
<td>6.114</td>
</tr>
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<td>94-95</td>
<td>122.488</td>
<td>124.800</td>
<td>2.312</td>
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<td>95-96</td>
<td>133.252</td>
<td>125.658</td>
<td>-7.594</td>
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<td>132.548</td>
<td>133.648</td>
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<td>135.534</td>
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<tr>
<td>03-04</td>
<td>130.548</td>
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BUDGET 2004-05: MINISTER FOR JUSTICE’S APPEARANCE BEFORE JUSTICE COMMITTEES 1 & 2

During the Minister for Justice’s appearance before Justice Committees 1 & 2 on 7 October, Michael Matheson sought further information about the additional 5% to the allocations for Social Enquiry Reports (SERs) in 2003-04.

The Criminal Justice Social Work statistics for 2001-02 published in December 2002 recorded significant increases in certain areas of work, including a 19% increase in the numbers of probation orders and a 10% increase in the number of SERs submitted to courts. Local authorities reported real difficulties in coping within existing budgets with the increased workload. In response Ministers agreed to allocate an additional 5% increase (on top of a 3% uplift) for these services at a total cost of £0.86m a year, comprising £0.39m for Probation and £0.47m for SERs.

In addition, as a result of further significant increases in workload for mainstream services in 2002-03, an additional £1m in 2003-04 and £2m in 2004-05 is being provided from within existing baselines for delivery of core services. This additional funding is designed to ease acute pressures on criminal justice social work staff and to ensure that courts continue to receive a high standard of service.

I trust this information is of assistance.

J D GALLAGHER
BUDGET PROCESS 2004-05

At the Lord Advocate’s appearance before the Justice 1 and 2 Committees on 7 October I promised to provide some detail of our performance against targets in past years. A paper showing our performance over the previous three years is attached. As the Members will note, this shows a generally improving performance and this should be seen in the context of an 11% increase in the numbers of reports received between 2001-02 and 2002-03, a rate of increase that is continuing into the current financial year.

I can also confirm that the current position whereby 50% of the money generated from confiscation orders in Scottish courts is retained and used in projects to alleviate the effects of crime is non-statutory and by agreement with HM Treasury and the Home Office.

I hope that this is helpful.

Robert Gordon
COPFS: PERFORMANCE AGAINST TARGETS

The Committee asked for comparative performance against targets in past years. Targets one, three, four, five, eight and nine are new and there are no comparators for previous years.

**Target 2**  
To take action in 75% of crime reports within 6 weeks by 31 March 2005 and within 5 weeks by 31 March 2006.

The target for 2003-4 is to take action in 80% of cases within 7 weeks of the receipt of the report and this has been the target for a number of years. Performance has been:

<table>
<thead>
<tr>
<th>Year</th>
<th>2000-01</th>
<th>2001-02</th>
<th>2002-03</th>
<th>2003-04 (to date)</th>
</tr>
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<tbody>
<tr>
<td>Performance</td>
<td>74%</td>
<td>71%</td>
<td>74%</td>
<td>77%</td>
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</table>

**Target 6**  
To serve indictments in 80% of sheriff and jury cases that involve bail within 9 months of first appearance on petition by 31 March 2005. Performance has been:

<table>
<thead>
<tr>
<th>Year</th>
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<th>2002-03</th>
<th>2003-04 (to date)</th>
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<tr>
<td>Performance</td>
<td>81%</td>
<td>72%</td>
<td>74%</td>
<td>84%</td>
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**Target 7**  
To serve all High Court indictments that involve bail within 10 months of first appearance on petition by 1 January 2005. Performance has been:

<table>
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<th>Year</th>
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<th>2002-03</th>
<th>2003-04 (to date)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Performance</td>
<td>51%</td>
<td>57%</td>
<td>51%</td>
<td>67%</td>
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</table>

**Target 10**  
In deaths which require further investigation, to conclude investigation and advise next of kin of outcome within 12 weeks in 60% of cases by 31 March 2006.

Target up to 2002-03 was to report death to Crown Office within 12
weeks. Performance was:

<table>
<thead>
<tr>
<th></th>
<th>2002-03</th>
<th>2001-02</th>
<th>2000-01</th>
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</thead>
<tbody>
<tr>
<td>64%</td>
<td>62%</td>
<td>53%</td>
<td></td>
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</tbody>
</table>

**Target 11**

a) to complete investigation of complaints of criminal conduct by police officers and advise complainer of outcome within 10 weeks of report to Procurator Fiscal in 60% of cases and within 12 weeks in 90% of cases by 31 March 2006.
b) to achieve a 100% approval level of the quality of investigation and decision making in a random selection of complaints against the police case examined annually by the inspectorate by 31 March 2006.

Target up to 2002-03 was to take appropriate action within 12 weeks of full report in 80% of cases. Performance was:

<table>
<thead>
<tr>
<th></th>
<th>2002-03</th>
<th>2001-02</th>
<th>2000-01</th>
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<tr>
<td>83%</td>
<td>85%</td>
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