JUSTICE 1 COMMITTEE AND JUSTICE 2 COMMITTEE

JOINT MEETING

AGENDA

Justice 1 Committee
17th Meeting, 2004 (Session 2)
Justice 2 Committee
17th Meeting, 2004 (Session 2)

Tuesday 4 May 2004

The Committees will meet at 2.00 pm in the Hub, Castlehill, Edinburgh.

1. **Items in private:** The Committees will consider whether to take item 3 in private and whether to take any discussion of a draft report in private at any future meeting.

2. **Budget process 2005-06:** The Committees will take evidence from—

   Colin Boyd QC, the Lord Advocate, Robert Gordon, Chief Executive, Norman McFadyen, the Crown Agent and Stephen Woodhouse, Director of Resources, Crown Office and Procurator Fiscal Service; and

   Cathy Jamieson, the Minister for Justice, Jim Gallagher, Head of the Justice Department and Ruth Ritchie, Justice Finance Team, Scottish Executive.

3. **Budget process 2005-06:** The Committees will review the evidence received and consider their approach to its 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 2 – Budget process 2005-06**

Note by the Adviser (PRIVATE) (To follow)  
J1/S2/04/17/1  
J2/S2/04/17/1

Written submission from the Crown Office  
J1/S2/04/17/2  
J2/S2/04/17/2

Written submission from the Scottish Executive  
J1/S2/04/17/3  
J2/S2/04/17/3

Written submission from the Scottish Prisons Service  
J1/S2/04/17/4  
J2/S2/04/17/4

Written submission from the Chief & Assistant Chief Fire Officers’ Association  
J1/S2/04/17/5  
J2/S2/04/17/5

Written submission from SACRO  
J1/S2/04/17/6  
J2/S2/04/17/6

Written submission from the ADSW (To follow)  
J1/S2/04/17/7  
J2/S2/04/17/7

Written submission from the FBU (To follow)  
J1/S2/04/17/8  
J2/S2/04/17/8

**Forthcoming Joint Meetings:**

Tuesday 11 May – Joint meeting (afternoon)
JUSTICE 1 AND 2 COMMITTEES

17th Meeting 2004 (Session 2)

Tuesday 4 May 2004

Budget Process 2005-06
Written submission from the Crown Office
Aim

1. To provide an independent, modern prosecution service which is committed to professional excellence, pursues cases fairly and consistently in the public interest and is responsive to the public’s needs.

Expenditure Profile

2. Analysis of spend:

<table>
<thead>
<tr>
<th></th>
<th>2004-05 £m</th>
<th>2005-06 £m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pay</td>
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<td>53.3</td>
</tr>
<tr>
<td>General Administrative Expenditure</td>
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<tr>
<td>Case Related costs</td>
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<td>10.6</td>
</tr>
<tr>
<td>Accommodation</td>
<td>10.1</td>
<td>10.5</td>
</tr>
<tr>
<td>IT</td>
<td>4.5</td>
<td>5.0</td>
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<tr>
<td>Depreciation &amp; Capital charges</td>
<td>2.4</td>
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<tr>
<td>Capital</td>
<td>4.6</td>
<td>4.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£89.1m</strong></td>
<td><strong>£93.5m</strong></td>
</tr>
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3. Our final budget of £93.5m compares to an original budget of £91.85m in Building a Better Scotland. The changes are:

   a) An additional £1.8m to allow for increases in the employer’s contribution to the Principal Civil Service Pension Scheme (this is a notional payment made based on the salaries of staff);

   b) An additional £650,000 was allocated to provide initial costs of the Bonomy reforms of the High Court, specifically to develop IT systems to cope with disclosure and additional staff and other resources to handle the new preliminary hearings;

   c) £829,000 has been transferred out to reflect transfers of functions, primarily for the new COPFS Inspectorate, the Scottish Charities Office (now subsumed into the Office of the Scottish Charities Regulator), procurement staff (now part of the Scottish Executive) and translations/interpreting costs for the accused (now paid by the Scottish Court Service).
What are we spending it on:

4. Paying for existing staff and the increased numbers of frontline legal staff. We have 1,525 full time equivalent posts at 1 April, compared to 1,320 staff at September 2002 and 1,190 at September 2001.

5. The new Criminal Confiscation and Civil Recovery Units set up under the Proceeds of Crime Act 2002 to track down the proceeds of crime and confiscate the assets of criminals. The Criminal Confiscation Unit has recovered £1.49m, while the Civil Recovery Unit has recovered £684,000. These receipts do not come to COPFS.

6. Providing the Victim Information and Advice Service across Scotland with a presence in every area.

7. Continuing development of our IT systems to process the volume business more effectively and more efficiently.

8. Making improvements to the accommodation our staff operate from, to facilitate improved methods of working.

9. Paying the expenses of witnesses, and other costs related to prosecutions, such as post mortems, forensic pathology, toxicology (termed case related costs).

Information Technology

10. We anticipate a capital spend of £1.85m on information technology in 2005-06. The main components are anticipated to be:

   - Upgrading workstations, printers and servers £550,000
   - Miscellaneous software to meet emerging business needs £100,000
   - Future Office System Phase 3 £500,000
   - Other Future Office System developments (eg, for legislative changes, McInnes, etc) £500,000
   - Telephony and data £200,000

The upgrading of workstations, etc is part of a rolling programme of ensuring that the hardware in use is up to date and has the capacity to meet expanding business needs.

11. The main components of the £5m operating costs spend on IT are:

   - Data network related costs £3,000,000
   - Maintenance of hardware £600,000
   - Maintenance of software £1,400,000

Future Office System

12. The Future Office System (FOS) is a case management system that is designed to record the main business processes of case marking, case tracking and disposal across all COPFS activities. It was planned in four stages, covering initial case marking (Phase 1), full case processing for summary cases (phase 2), solemn procedure and changes arising from the
Bonomy Report (Phase 3). If the proposals in the McInnes Report are implemented that would lead to further work being required, which would form a Phase 4. Phase 1 is now being rolled out and is planned to be completed by June 2004. Phase 2 is expected to be rolled out in September 2004 and completed early in 2005-06.

13. The anticipated capital costs of Phases 1 and 2 are £3.1m, £0.7m of which was incurred in 2002-03, £1.6m in 2003-04, with the balance to be incurred in 2004-05. The additional recurring operating costs arising from FOS are £300,000 per year. Savings arise because some administrative tasks will be undertaken automatically or will take less time and we anticipate saving 80 administrative staff posts once phase 1 is fully rolled out and a further 30 once phase 2 is rolled out. The 80 posts will be saved during 2004-05 and we anticipate the remaining 30 to be saved by 1 April 2005. In calculating the savings we have assumed an average salary of £12,500 per post, which equates to £16,000 per post once National Insurance and pension costs are added. Total savings in a full year are estimated at £1.76m. Eleven of the posts saved have been redeployed to other duties, producing a net saving of £1.58m.

Efficiency Savings

14. In reviewing whether our budget is adequate, we have factored in efficiency savings that we expect to make, which will allow us to redeploy resources where appropriate. Some of these will generate cash savings, whilst others will release legal resources, as less time will need to be spent on prosecution, which can be redeployed to handle more complex cases:

- Future Office System (see above) £1.58m
- Rationalising our Edinburgh estate. Moving from 5 buildings to 3, to make more efficient use of space £0.30m
- Streamlining Sheriff & Jury precognitions, releasing staff for noting duties in the High Court £0.25m
- Improved management of witness citations (benefits of fewer adjournments in the High Court and citing only those really required) £0.27m

| Cash savings | £2.40m |
| Resources released | £1.46m |
| Total Savings | £3.86m |

1 The Committees asked whether we could identify the savings in witness costs arising from the reduced rate of High Court adjournments. We are unable to identify these costs specifically and the anticipated saving figure shown is an estimate of the savings we believe are achievable.
15. In addition to the above, we are planning a number of other efficiency improvements which may come to fruition in 2005-06, which have yet to be evaluated but will generate further savings:

- Centralised printing of warning letters, fiscal fines and fixed penalties, thereby saving staff time in offices;
- Electronic notification to District Courts of fiscal fines and fixed penalties issued, again saving staff time;
- Electronic access to the Scottish Criminal Record office and DVLA for previous convictions and driver history, to speed up processing of cases where these details are required;
- Electronic submission of reports by specialist Reporting Agencies, such as the Scottish Environmental Protection Agency, so they can be brought into our database.

**Bonomy Reforms of the High Court**

16. The Committee asked for the estimated costs of photocopying material to be disclosed to the defence post-Bonomy. These have been estimated at £300,000, which we believe we can absorb.

17. The Committees have expressed concern about the ability of Fiscal offices to cope with the transfer of cases from the High Court to Sheriff and Jury. As mentioned in paragraph 6 above, legal resources will be released by virtue of legislative changes to the Road Traffic Act which will lead to cases being handled by alternatives to prosecution. The switch to Sheriff & Jury will also release legal resources since less time will have to be spent in Fiscal offices preparing High Court cases. In addition, as part of our modernisation programme, Project Solemn Renewal is reviewing how we manage solemn cases and we have already streamlined the Sheriff & Jury precognition process, which is releasing further resources, all of which will be available to take on this work.

**Progress on Modernisation**

18. The Department embarked on an ambitious programme of modernisation in March 2002 and it is clear that that investment is paying dividends. COPFS can demonstrate a real improvement in the quality of service that it provides.

19. The increased investment and improved management practices have brought about an increase in efficiency in all areas of the department. We are getting more cases than ever through the High Court – 1,168 in 2003-04, a 3.1% increase on the year before, and we have a successful record in prosecuting complex, sensitive and high profile cases, such as the Nat Fraser case.

20. We are on course to meet our targets from the last Spending Review. The Annual Evaluation Report (AER) shows performance up to December 2003 and provisional figures for 2003-04 are as follows:

   Target 1 – on course, no change from AER;

   Target 2 – on course, performance was 79% in 7 weeks, just below the 80% target but we expect to meet the target set for 2004-05;
Target 3 – on course. Preliminary results suggest that most of those who came into contact with COPFS were either fairly or very satisfied with what we do;

Target 4 – on course. Inspectorate was established from 1 April 2004 and interviews for the Chief Inspector are imminent;

Target 5 – on course, no change from AER;

Target 6 – on course. Performance in 2003-04 was 87%;

Target 7 – on course. Performance was 57% of High Court indictments that involve bail served within 9 months of first appearance. We expect to achieve the target by 1 January 2005;

Target 8 – on course, no change from AER;

Target 9 – on course, no change from AER;

Target 10 – on course, performance in 2003-04 was 84%, well in excess of the target of 60%;

Target 11 – on course. Performance in 2003-04 was 53%, slightly below the 60% target.

21. We have an improved focus on being responsive to the needs of victims and witnesses and serving local communities. This has been recognised and commented upon by our stakeholders, including ACPOS, the Scottish Court Service, Victim Support Scotland and the Commission for Racial Equality.

22. What we have done in the two years since March 2002 is:

- Recruited 191 additional staff, including over 60 new legal staff;
- Appointed a new Chief Executive and an experienced management team, to free up senior legal staff;
- Introduced a modern IT system to improve case management, ease the burden of paperwork and improve working environments for staff;
- Improved business, finance and human resources systems and improved many of our buildings to facilitate new ways of working;
- Moved to a smaller area structure to match police forces, to improve communications and closer working with the police. It also ensures prosecutors have a greater awareness of issues affecting with the local communities and can respond to particular community issues;
- Introduced team-working across the Department;
- Appointed senior business managers to support Area Procurators Fiscal, freeing up more time for legal work;
- Created two new units – Civil Recovery and Criminal confiscation – to ensure we reap the benefits of new powers in the Proceeds of Crime Act. They have recovered over £2m thus far and this success is sending a clear message that we will target and seize the proceeds of crime;
• Improved communication with staff and levels of support to staff to ensure the efficient prosecution of crime; increased the focus on needs of victims, witnesses and communities with the roll out of VIA and by active involvement of Fiscals in their local communities;
• Established an independent Inspectorate. The Chief Inspector is being recruited now.
JUSTICE 1 AND 2 COMMITTEES

17th Meeting 2004 (Session 2)

Tuesday 4 May 2004

Budget Process 2005-06
Written submission from the Scottish Executive
JUSTICE DEPARTMENT BUDGET 2005-06: POSITION PAPER

1. Background and Purpose

The financial year 2005-06 will be the third year of a three year budget cycle, that is the final year of the SR2002 spending plans. This has been a period of sustained, substantial growth for both locally and nationally delivered Justice services, and we agreed to focus our resources on:

- Targeting the causes of crime
- Tackling crime directly
- Reduce re-offending
- Reforming the courts and the legal system
- Modernising the law and the legal system to protect individual rights
- Secure a criminal justice system that fully supports victims and witnesses

The published detailed targets reflect this focus. In addition, in May 2003 the Partnership Agreement for a Better Scotland was published. There are 47 Justice commitments in that Agreement. Allocating resources is only part of the answer – legislative changes are underway or planned which will help with the smoother delivery of Justice. But at least as important is the need for all in the justice system to work, and work together, to deliver these priorities.

2. Priorities for 2005-06

The total ‘core’ Justice budget for 2005-06 is £842m, but this cannot be looked at in isolation. The local authority elements of police, fire and civil defence must also be included. This brings the total Justice budget to over £2 billion - £2,163m.

In 2005-06 we will focus our resources on:

Tackling crime and targeting the causes of crime

- increasing the number of police officers on operational duty in every Scottish force and improving on the current level of overall police numbers;
- support Chief Constables to meet their target of an increase of 500 in the number of special constables;
- continue to expand the Scottish Drugs Enforcement Agency;
- develop final proposals for the reform of common police services;
- roll out Airwave (restructuring of police command and control and call handling);
- progress a Fire Services Bill to modernise the service, meet local needs, increase local decision making and improve consultation with the workforce;
- expand CCTV in shopping and other areas – supporting businesses and others to reduce crime;
- roll out youth courts where they are needed, subject to successful evaluation as necessary;
- consult on a national system of warnings for young offenders, with a restorative element where appropriate;
• conduct major improvements to the Prisons estate, particularly in relation to ending slopping out.

Reducing re-offending

• publish proposals for consultation for a single agency to deliver custodial and non-custodial sentences in Scotland with the aim of reducing reoffending rates;
• set up a judicially-led sentencing commission to review sentencing;
• develop community disposals;
• develop drug courts and improve throughcare arrangements.

Reforming the courts and the legal system

• develop final proposals for an independent police complaints body;
• implement High Court reform;
• taking forward the review of summary justice;
• operating the reformed judicial appointments system which will ensure a more open and independent process;
• working towards establishing a Scottish human rights commission.

Modernising the law for a modern society

• modernising the law on personal bankruptcy and diligence to strike a better balance between supporting business risk and protecting the right of creditors;
• modernising family law for all Scotland’s people.

Secure a criminal justice system that fully supports victims and witnesses

• implement the legislation to protect vulnerable witnesses and improve the support for victims and witnesses with increased privacy protection;
• boost victim support and court support schemes and expand the witness service.

J D GALLAGHER
Head of Justice Department

23 April 2004
BUDGET 2005-06

Thank you for your letter of 31 March 2004.

The SPS response to the questions raised by the Committee is as follows.

i) **The adequacy or otherwise of the provision made for the Scottish Prison Service.**

The financial provision available to SPS in 2005-06 is satisfactory. It will support the delivery of the Ministerial targets and key performance indicators set for the Agency. It should enable SPS to accommodate the projected prisoner population and continue working with prisoners and partner agencies to help reduce the risk of re-offending in line with the Agency correctional excellence vision. The financial provision will also support our planned programme of investment in the modernisation of the public sector prison estate. In particular, new prisoner accommodation (costing £50m) is planned to open in 2005-06 at HMP Edinburgh and HMP Glenochil.

ii) **The implications for the Service if the proposed provision was increased by 10% and on the other hand, the implications if the proposed provision was decreased by 10%.**

If the provision were to be increased by 10%, we would seek to invest most of the extra in the further modernisation of the prison estate, to provide improved living conditions for prisoners and improved working conditions for staff. It would also provide an efficient and fit-for-purpose environment and enable the SPS to be more competitive.

If the provision were to be decreased by 10%, we would need to cancel the planned estate development programme which would defer the associated operational and other improvements which arise from such investments. Staff reductions would be necessary leading to a reduction in the quality of service. In turn, this would lead to prisoners spending less time out of cell, more people sharing a cell and such a change could result in prisoner unrest and disturbances.

iii) **Key performance targets for the Service published in the Draft Budget.**
Target 6: Provide 6,300 prisoner places by 2005-06

SPS is currently on track to achieve this target.

Investments are being made in the existing public sector estate to improve the quality and flexibility of the prison estate. During 2003-04, new replacement prisoner accommodation costing £35m was opened at HMYOI Polmont and HMP Edinburgh and contracts worth £50m were awarded for new replacement accommodation at HMP Glenochil and HMP Edinburgh which is planned to open during 2005-06.

Additional capacity is to be provided by the opening of 2 new prisons. Planning permission is being sought at Addiewell, West Lothian and Low Moss, East Dunbartonshire. These prisons will provide about 700 places each. SPS is seeking to open these prisons as soon as possible following granting of planning permission and award of contracts.

Target 7: Increase the number of prison rehabilitation programmes and approved activities by 40% to 1,500 by 2005-06

SPS is currently meeting this target. In 2003-04 around 2,100 rehabilitation programmes and approved activities were delivered.

TONY CAMERON
Chief Executive
JUSTICE 1 AND 2 COMMITTEES

17th Meeting 2004 (Session 2)

Tuesday 4 May 2004

Budget Process 2005-06
Written submission from the Chief and Assistant Chief Fire Officers Association
Ms Anne Peat  
Senior Assistant Clerk to the Justice 2 Committee  
The Scottish Parliament  
Committee Office  
EDINBURGH  
EH99 1SP

Dear Ms Peat

RE: BUDGET 2005/06

I refer to your letter of 31 March 2004 forwarded to me for reply by John Williams, Chair of the Scottish Region of the Chief and Assistant Chief Fire Officers Association.

On behalf of the Finance Committee of CACFOA in Scotland, I would make the following points.

i) Fire Central Government provision has reduced from a level of £7.28m in 2003/04 to £6.94m in 2004/05 and again to £6.93m in 2005/06. This reduction will be even greater when considered in real terms.

At a time when Training for the Fire Service is critical, with the introduction of IPDS (Integrated Personnel Development Systems) it is very disappointing to note the reduction in funding from Central Government.

The specific impact on the service’s ability to deliver, as a result of these reductions, would be best described by the Fire Branch of the Executive responsible for the provision of centrally based training.

ii) In respect of Fire GAE, Firemaster Williams previously outlined in his letter of 10 October 2002 to the then Justice Minister the Right Honourable J. Wallace QC that the level of GAE for both 2004/05 and 2005/06 fell far short of that required by the service at that time, the shortfall for both 2004/05 and 2005/06 was some £10m respectively.
CACFOA were particularly concerned that the increasing cost of Pensions in the Fire Service were appropriately funded, having submitted requirements during the Comprehensive Spending review for an increase of £11m for Pensions in 2004/05 and a further £4m for 2005/06.

In addition to the then shortfall in GAE levels, CACFOA have made submissions to the Comprehensive Spending Review process 2004, identifying further increases in the cost of pensions, and the impact of the Firefighters pay settlement which the Government has accepted in the short term cannot be funded from efficiencies within the service.

In total, CACFOA submitted a bid for an additional £34.3m for 2005/06 being £18m for the impact of the pay settlement, £5m for Pensions, £10m to address the current underfunding of Pensions and Pay and £1m for other issues. Clearly the impact of not receiving an appropriate increase in GAE to cover these unavoidable increases in cost would have a significant impact on the services ability to deliver its core functions

iii) Should the proposed GAE level be increased by 10%, i.e. £26.2m, it would still be £8m less than that identified by the Service as its requirements to fund Pay and Pensions. As stated above, this would undoubtedly have a detrimental impact on our ability to deliver on our core functions.

A decrease of 10% would leave the service some £60m short of our requirement to provide our core functions. Put into context, as the salary of a qualified firefighter is set to rise in July 2004 to £25,000 a shortfall of this magnitude would be the equivalent of 2,400 wholetime firefighter posts i.e. more than 50% of the existing wholetime establishment across Scotland.

iv) Unfortunately, I feel unable to comment on the Scottish Executives targets for the Fire Service as of the 11 targets outlined in the Justice portfolio, there appeared to be none that related specifically to the Fire Service.

I trust the above comments are helpful. I would be happy to expand on any of the figures quoted if you feel that would be useful.

Eileen Baird
Chair CACFOA Finance and Resources Committee

cc Firemaster J. Williams, Chair CACFOA (Scotland)
Firemaster B. Murray, Secretary CACFOA (Scotland)
JUSTICE 1 AND 2 COMMITTEES

17th Meeting 2004 (Session 2)

Tuesday 4 May 2004

Budget Process 2005-06
Written submission from SACRO
Justice Committee Consideration of Draft Budget 2005 - 06

28 April 2004

Evidence from SACRO

SACRO welcomes the opportunity to comment on the Scottish Executive’s spending plans for 2005 – 06 and the resources that the Scottish Executive has put into Community Justice and Youth Justice in recent years. We particularly pleased to note the increase in community justice monies in the Budget for 2005-06 (+8% to £92.86m).

Community sentences are widely recognised as being more effective than prison at working with a wide range of offenders to reduce re-offending “because they do so in the offender’s own environment and deal with their personal circumstances without the destructive effect of a period in prison” (The Auditor General’s report Dealing with Offending by Young People, December 2002).

There is, however, always more that can be done and although resources are always limited, we would like to see a redistribution of resources to allow for more investment in certain areas. We believe that redistribution of monies along the following lines would result in long-term economies and social benefits.

Short sentences

The Scottish Executive should have a strategy to do away with sentences of less than six-months, because the evidence is that such sentences are ineffective - 55% of those sentenced return to prison, expensive, and managing these prisoners cause of lot of problems to the Scottish Prison Service. If these sentences should be replaced with sentences based in the community. A significant proportion of those who serve less than two years, should also be given community sentences.

Throughcare

SACRO welcomes the Scottish Executive’s stated intention of expanding provision of statutory throughcare and voluntary assistance. A large number of people leaving prison who are not subject to licence are in great need of throughcare, particularly young prisoners and others at high risk of re-offending.
Deferred sentences

Such schemes, particularly those related to drug and alcohol related offending, offer a very real opportunity to intervene early in the cycle of offending behaviour and significantly reduce the risk of re-offending. We hope that the Scottish Executive’s earlier intention to expand provision of this nature in 2005-06, as highlighted in our evidence to the Committees in October 2003, will come to fruition.

Bail supervision

An increase in the capacity of services designed to reduce the number of prisoners on custodial remand would generate significant savings for SPS. This could be achieved without compromising community safety as less than half of prisoners on custodial remand eventual receive a custodial sentence.

In addition, community based bail supervision provides an opportunity to start addressing offending behaviour at a very early stage, something which is very difficult to achieve in a prison setting.

Mediation and reparation

By providing an opportunity for diversion from the criminal justice system at an early stage, mediation and reparation services offer a more cost effective solution to offending behaviour, and provide a role for victims of crime in the process.

Other

Our experience indicates that demand outstrips supply areas such as supported accommodation, alcohol groupwork and youth justice services. We believe that additional resources in these area would generate savings in the Justice budget and help address re-offending.

SACRO would also like to highlight two particular pressures on the Justice budget which we feel may adversely impact on the provision of community based sentences in 2005 – 06.

Single Agency

A single agency combining only SPS and local authority criminal justice social work will have no affect on many of the issues in the Reducing Reoffending consultation document. Therefore, we would be concerned if any monies were diverted to setting up and managing a single agency, although some resources may be required to improve liaison between a wider range of agencies.
**Napier judgement**

The judgement in this case may lead to further successful claims for compensation. To limit the impact on other areas of the Justice budget, the funds to meet these claims should come from diverting resources from the SPS programme for building additional prison capacity. SACRO believes that such expansion of capacity could be rendered unnecessary if the provision of community based sentences was expanded, allowing for community disposals for significant numbers of remand prisoners and those who currently serve short sentences.

**Comments on specific targets for Justice**

SACRO made detailed comments on the Scottish Executive’s spending plans when giving evidence to the Justice 1 & 2 Committees on Wednesday 1 October 2003. Further to this we would like to make the following specific comments on two of the Justice targets.

**Target 6**
*Provide 6,300 prisoner places by 2005 - 06*

The Scottish prison population has already reached 7,000. This includes a large proportion of remand prisoners who will not receive a custodial sentence, and a number of prisoners on very short sentences. Short sentences are increasingly recognised as being ineffective and likely to increase the risk of re-offending.

The prison population could be significantly reduced without prejudice to public safety. This could be achieved, in part, by the greater use of community sentences, particularly for those currently serving short sentences, and the expansion of bail supervision programmes to reduce the remand population.

There is also scope to reduce the prison population by abolishing imprisonment for fine default, as provided for in Section 235 of the Criminal Proceedings (Scotland) Act 1995 (as soon to be piloted) and brining in new measures to facilitate payment of fines by those who can afford to do so.

**Target 8**
*Provide capacity for 17,000 community disposals by 2005 – 06*

The Scottish Executive state that this target has been met, but it is not clear how given that reference is made to "notional capacity", based on the number of orders made. There remains scope for further expansion of community disposals and that such growth would generate savings for the Justice budget.

We are also concerned that the global target of 17,000 disposals may conceal regional variations in provision across Scotland, resulting in significant inequality of access for offenders.