

On Monday 27th April the LSS Summary Review Group met with the Cabinet Secretary for Justice. Also present were Scottish Government officials and representatives of SLAB. This was not a full meeting of the Review Group.

The meeting took place as promised by the CSJ at our last meeting with him on 15th December.

The CSJ started by pointing out the difficulties for Government at present, given the state of the economy and extent of proposed funding from Westminster. He said, however, that he was happy with progress with the Summary reforms and indicated that he hoped to avoid any further reductions in the summary criminal legal aid budget. He pointed out that, had the reforms not been introduced, he may have now had to consider more severe reductions in expenditure than those included in the current reforms.

The Board's re-costing exercise based on the first nine months of legal aid receipts following the implementation of the reforms of summary criminal legal assistance was noted. This showed that expected payments to solicitors were about £450k over the original model estimate.

We were informed that the regulations to increase solemn fees and restore bail appeal payments in summary cases should be available very soon. We will get an advance draft ahead of the regulations being laid.

The Justice budget is settled but there are regular revisions of all budgets during the year (to reflect changes to anticipated outturns and other such matters). The CSJ and his officials suggested that a further meeting be held in September. By then they should know what effect, if any, the recent UK budget announcements would have on the Scottish Justice budget, as well as having further data on trends in legal aid. Representations at the September meeting could be taken into account in future revisions to the budget.

The LSS Summary Review Group asked whether savings in other parts of the Justice budget will be identifiable and attributable to summary reform. We were advised that much information had been provided in the answer to Pauline McNeill's PQ and the efficient Government plans – see Appendix. However, if further information could be gathered it would be shared. The Cabinet Secretary noted that he would be happy to speak to the Lord Advocate about savings to the Crown arising from summary reform but pointed out that she has to negotiate separately with Mr Swinney in the same way that other Ministers do.

The Government intends to carry out a comprehensive evaluation of the impact of the programme of Summary Justice Reform. Each evaluation will require a Research Advisory Group. The Groups will be expected to guide and support the evaluation, monitor progress with the research, and provide comments on draft reports before they are published. It is expected that the majority of the groups will include representatives from COPFS, Scottish Court Service, ACPOS, and SLAB. Other interested organisations will be invited to nominate a representative as appropriate.

The LSS members of the Review Group indicated that we would take up the Government's invitation to be represented on each of the Research Advisory Groups. The Groups will cover the following areas:

- SJR Direct Measures – this will include Police Fixed Penalty Notices for Anti-Social Behaviour and Fiscal Direct Measures
- Legal Aid/Disclosure
- Fine Enforcement
- Lay Justice
- Bail and Undertakings
- Victims, Witnesses and Public Perceptions
- Summary Justice System Performance - an evaluation of national and local implementation of the SJR System Model

We will advise the Government of the LSS representatives. They will include solicitors not currently on the LSS Review Group.

The next full meeting of the Review Group will take place soon, on a date to be arranged.

APPENDIX

<http://www.scottish.parliament.uk/business/pqa/wa-08/wa0609.htm>

9.6.08

Justice

Pauline McNeill (Glasgow Kelvin) (Lab): To ask the Scottish Executive whether it will outline the saving anticipated from the reform of summary justice.

Kenny MacAskill: The purpose of the summary justice reforms, as set out by the Scottish Government in the *Summary Justice Reform System Model* in 2007, is to improve the speed and effectiveness of the summary criminal courts in Scotland, by ensuring that only cases which should go to court do so and that those cases get there more quickly, are better prepared and progress more speedily for the benefit of victims and witnesses. A copy of the System Model paper is available in the Scottish Parliament Information Centre (Bib. number. 45774) and on the Scottish Government website at <http://www.scotland.gov.uk/Publications/2007/09/06092618/0>.

Whilst the programme is not primarily designed to make savings, the Scottish Government expects that, alongside improvements in the operation of the summary justice system, some cash-releasing and time-releasing savings will accrue.

It is estimated that the legislative reforms to fines enforcement will lead to annual cash savings for the Scottish Court Service (SCS) of around £1 million. These expected cash savings derive from a reduction in the number of means enquiry courts and more administrative collection of fines through the introduction of fines enforcement officers. These cash savings will allow SCS to improve the level of court service provision they provide by investing in front line court services.

In addition, further estimated savings arising from SCS centralising their fines collection systems and phased court unification have been identified and feature in DG Justice *Efficiency Delivery Plans 14 & 18* with cash savings of £0.685 million in financial year 2008-09, £0.802 million in 2009-10 and £1.002 million in 2010-11 expected.

The *Crown Office and Procurator Fiscal Service Efficiency Delivery Plan 1 - Summary Justice Reform* outlined cash savings of £1.92 million in 2008-09 and £3.7 million in 2009-10. These savings will derive from more offences being dealt outwith the courts and a redistribution of business from the sheriff solemn courts to the sheriff summary courts and from sheriff summary courts to district courts. These expected efficiencies were taken into account by ministers in setting the allocation to the Crown Office and Procurator Fiscal Service as part of the 2007 Spending Review settlement.

Changes to the volume of cases being prosecuted in the summary courts is expected to lead to a reduction in expenditure on legal aid estimated at £3.9 million annually by 2010-11. This is detailed at paragraph 14.1 of the DG *Justice Efficiency Delivery Plan 7*, which outlines the Scottish Legal Aid Board's broader programme of efficiency improvements.

It is expected that the summary reforms will not have a significant impact on prison numbers (details can be found at paragraph 431 of the financial memorandum for the Criminal Proceedings etc. (Reform) (Scotland) Act 2007).

<http://www.scottish.parliament.uk/business/bills/55-criminalProceedings/b55s2-introd-en.pdf>.

There will be some time releasing savings for the police in relation to dealing with fewer means enquiry warrants and requiring to give evidence in court in fewer cases. It is estimated these time releasing savings will amount to some £1 million a year by 2010-11 and will allow a reprioritisation of police officer duties into front line duties.

Each of the Efficiency Delivery Plans referred to is available in the Scottish Government's revised *Efficiency Delivery Plans 2008-2011* published on 30 May 2008. A copy of the document is available in the Scottish Parliament Information Centre (Bib. number: 45688), and also on the Scottish Government website.

DG Justice *Efficiency Delivery Plans 7 and 14* are available at:

<http://www.scotland.gov.uk/Publications/2008/03/EDPMarch2008/Q/EditMode/on/For ceUpdate/on/Page/8>.

DG Justice *Efficiency Delivery Plan 18* is available at:

<http://www.scotland.gov.uk/Publications/2008/03/EDPMarch2008/Q/EditMode/on/ForceUpdate/on/Page/11>.

The *Crown Office and Procurator Fiscal Service Efficiency Delivery Plan 1* is available at:

<http://www.scotland.gov.uk/Publications/2008/05/EDPMay2008/Q/EditMode/on/ForceUpdate/on/Page/3>.