

# Criminal Justice - Pre-Budget Scrutiny 2024-2025

## CJVSF response

### Introduction

The Criminal Justice Voluntary Sector Forum (CJVSF) is a collaboration of voluntary sector organisations working within justice in Scotland. It is hosted by the Coalition of Care and support Providers in Scotland (CCPS) and is funded by the Scottish Government and membership fees.

Our response to this consultation reflects the feedback we have received from our members, all of whom are working with people affected by Scotland's justice system. CJVSF members deliver a wide range of services for individuals and families in prisons and in the community<sup>1</sup>. Members work across a range of policy areas, including youth justice, children and families, community justice, social care, employability, health and housing.

### What are your views on the extent to which spending priorities in the criminal justice sector are being met in 2023/24 and whether these continue to be the right priorities?

In the Vision for Justice, the Scottish Government has set out the following priorities within the overarching aim of building a Just, Safe and Resilient Scotland:

- Safe: We have a society in which people feel, and are, safer in their communities
- Prevention and Early Intervention: We work together to address the underlying causes of crime and support everyone to live full and healthy lives
- Person-Centred and Trauma-Informed: We have effective, modern and person-centred approaches to justice in which everyone can have trust, including as victims, those accused of crimes and as individuals in civil disputes
- Rehabilitation: We support rehabilitation, use custody only where there is no alternative and work to reduce reoffending and revictimisation
- Covid-19 Recovery: We address the on-going impact of the Covid-19 pandemic and continue to renew and transform justice.

Since then, in the First Minister's policy prospectus, "[New Leadership – A Fresh Start](#)", the following cross-portfolio priorities have also been set out:

- Equality: Tackling poverty and protecting people from harm
- Opportunity: A fair, green and growing economy
- Community: Prioritising our public services.

CJVSF Members are concerned that the Scottish Government's stated priorities are not fully reflected in its spending. CJVSF members were cognisant of the financial challenges facing the Scottish Government, and we welcome the National Missions and the stated priority of [Fairer Funding](#). There was recognition that economic growth is a primary consideration for the

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<sup>1</sup> A full list of organisations that are members of the Forum can be found on the [CJVSF website](#).

government, and support for [the view](#) expressed by the ALLIANCE, that spending in social care should be seen as an investment in people, not a burden. Scotland should be making progress towards a wellbeing economy.

CJVSF Members would be keen to see the Scottish Government investing more consistently in whole systems and preventative approaches, recognising that justice services contribute to and are affected by a whole range of national outcomes. Members suggested that improvements and efficiencies could potentially be found through bringing funding streams together within cross portfolio action plans with the aim to support multiple national outcomes across the same populations. A positive example of cross portfolio funding can be seen in the way that the Church of Scotland created a Public Social Partnership in 2012 to develop support for visitors to HMYOI Polmont and negotiated with the Scottish Government in 2014 to provide cross-portfolio funding involving Community Justice, Public Health and Children and Families portfolios.

Supporting agencies to improve how they work together to both design and plan services and to develop and deliver multi-agency support plans for individuals and families could also enable more effective use to be made of limited resources. Whilst supportive of the principles of the Bail and Release (Scotland) Act 2023 in relation to improving multi-agency pre-release planning arrangements, we continue to have concerns that the legislation does not include a requirement for statutory partners to fully engage with third sector providers as part of this (only to 'have regard to' third sector bodies). We would be keen to see this addressed in regulations, with a clear requirement for statutory partners to engage fully with third sector providers as part of the pre-release planning process in order to support the ambitions for stronger partnership working.

CJVSF Members felt that spending priorities should follow a community-based approach. Community Planning Partnerships have a crucial role in reconciling national priorities and local spending across areas such as justice, substance misuse, homelessness, mental health and employability. The proposed care boards under the National Care Service could also potentially have a remit to ensure that funding is connected.

CJVSF Members were concerned about the implications of the Verity House Agreement and the loss of some national governance around spending priorities. More evaluation of spending at local authority level was suggested as an important step in developing whole systems, community-based funding. It is difficult for stakeholders to assess the adequacy of budgets; certain amounts may be administered to statutory justice services, but there is currently no clear way to see how this links to outcomes. In our response to the consultation on National Outcomes, members noted that they are keen for there to be indicators which enable the effectiveness of multi-stakeholder developments, including local and national partnerships, to be monitored, reviewed and improved. To close the implementation gap, there must be investigation about what systems changes are needed and that needs to be a priority national outcome in and of itself.

Members identified a risk that the introduction of the Verity House Agreement may lead to the third sector being further marginalised and that this could ultimately impact the most vulnerable communities. Members expressed concern that some services may be brought 'in house' within local authorities in order to cut costs, rather than prioritising the best outcomes for people, and that underfunding the third sector ultimately compounds the burden for local authorities. Some members have also highlighted differences in the level of scrutiny that third sector organisations are sometimes subject to in relation to funding and outcomes, in comparison to local authorities. Whilst recognising the need for transparency and accountability, member organisations felt that the burden of reporting being placed on third sector organisations was becoming disproportionate, noting that they are requiring increasing provision and finance roles to manage this level of monitoring and scrutiny, stretching already tight budgets. They also raised concerns that monitoring practice is increasingly focusing on short term output delivery and short term outcomes, rather than recognising the longer-term nature of the changes and outcomes required to address societal issues. They questioned how helpful it is to critically review how outcomes are being met in the first quarter of a funding period, when services are often still at the early set-up stage and service costs and outlays may be higher. This also has implications given members' concerns around late receipt of funds; members highlighted that the delays

some organisations have experienced recently in receiving their first grant payment pose a risk to the continued operation of smaller organisations.

## What are your views on the spending priorities and challenges in the next financial year (2024/25) and whether the spending allocated to your organisation and/or the criminal justice sector more widely is sufficient?

The government has recognised the important role of the third sector in both its justice strategies and in wider policy developments. The [“Covid Recovery Strategy”](#) notes that, *“Third sector organisations have led the way in adopting innovative, person centred, holistic services which wrap around families and individuals.”* and the [Community Justice Strategy: delivery plan](#) states that the third sector, *“will play a key part in the achievement of many of the deliverables”*. The role of the third sector will also be key to the successful implementation of recent legislation such as the Bail and Release from Custody (Scotland) Bill and the Children (Care and Justice) (Scotland) Bill.

CJVSF Members are concerned, however, that the realities of funding are out of touch with these frameworks and provisions and that plans to strengthen the sustainability and delivery of the sector cannot be implemented without appropriate investment. We support [SCVO’s calls for Fair Funding](#) for the third sector to help alleviate financial pressures and improve sustainability and transparency.

As we noted to the committee last year, years of underfunding have left the third sector vulnerable to any future shocks. CJVSF members are now increasingly reporting major concerns about current and forthcoming funding cuts to some services, along with flatline budgets for other services causing further real-time cuts. This is occurring at a time when service delivery costs are increasing for all providers; for providers of residential support, increasing costs of utilities, food, and medication are increasing the risk of closures. Providers are also increasingly having to handle more complex cases, due to a lack of available preventative support further upstream and more people arriving at services close to (or at) crisis point. These concerns are reflected more broadly across the third sector as well as amongst third sector justice services, as shown by the recent findings from SCVO’s [Third Sector Tracker](#). Many services have consistently demonstrated that they are already meeting national outcomes with efficiency and innovation; members do not think that further efficiencies can realistically be made without sacrificing service quality and deliverability. Some providers are dipping into their reserves to keep vital services afloat - effectively subsidising public services - and this is not sustainable.

In the Scottish Government’s [“Equality, opportunity, community: New leadership – A fresh start”](#), the Cabinet Secretary for Social Justice committed that by 2026 they will have: *“Progressed Fairer Funding arrangements, including exploring options to implement multi-year funding deals, enabling the third sector to secure the resilience and capacity it needs to support the transformation and delivery of person-centred services for Scotland’s people and support our thriving social enterprise economy”*.

CJVSF Members welcomed this but noted the need for urgent action before 2026. This needs to be a priority, given the precarious situation that third sector organisations are in and the significant benefits that Fairer Funding arrangements could bring, both in terms of stabilising the sector and in terms of supporting better outcomes for individuals, families and communities supported by third sector services.

The consequences of underfunding and short-term funding cycles compound as services lose skilled staff and expertise. The third sector is finding itself in a continual loop of trying to build capacity within their teams, and this affects their ability to deliver on the Scottish Government’s priorities for justice, for example, embedding trauma-informed justice. Members gave examples of where councils received notice of indicative spend in April but do not commission the required

third sector services until part way through the year, with third sector providers then being expected to get services up and running only months before the funding period will end. Poor commissioning practice such as this means that third sector organisations are then put in a difficult position whereby they are only able to offer staff contracts for a few months and this adds to the existing recruitment and retention challenges. There needs to be a move to longer term funding (minimum 2-3 years) for third sector providers in order to support sustainable organisations, workers delivering essential services and the individuals receiving support. Payment in arrears models of funding are further adding to pressures and members feel that current commissioning practices can place an undue level of risk on service providers. For example, if an organisation is due to run four training sessions but is paid in arrears for only delivering three sessions in that time period due to staff sickness absence, the third sector organisation will have unmet costs as they will still be expected to meet the cost of supporting employees who are on sick leave as part of a commitment to Fair Work principles.

Members reflected that, although they wish to offer constructive and helpful feedback to the Committee, it is important to stress the gravity of the situation; they feel the justice and wider third sector is not reaching 'tipping point', it has already begun to tip. Recent media reports have highlighted the scale of some of the cuts looming for third sector services. For example, the [218 service in Glasgow is facing £850,000 in cuts](#) which could mean compulsory job losses and closure. Other members are reporting similar concerns about the sustainability of services, and the significant impact that will be felt by the individuals, families and communities they work with if services have to close at this time.

Closures of critical third sector services that are currently supporting individuals and families in vulnerable circumstances will also cause further financial problems for the wider 'system', as crisis situations escalate even further and other public services then have to devote more and more resource further downstream to tackling the consequences arising from a lack of access to timely and appropriate services and support, such as alcohol and drug-related deaths, suicides, homelessness and crime. As the ALLIANCE has highlighted in their [pre-budget scrutiny responses](#), *"The costs of allowing people to reach crisis point before they receive support can also be borne by seemingly unrelated services – for example, Police Scotland have reported a near doubling of call-outs for mental health related incidents between 2017 and 2022. This emphasises the importance of a cross-cutting approach to and understanding of prevention across a range of government portfolios."*

CJVSF Members observed that, due to escalating pressure, applications to independent funders may have increased – one member noted that they had applied for one fund alongside more than 100 other organisations. Independent funders may have different priorities to the Scottish Government and, for justice services, it can often be challenging to obtain funding for necessary services, as people affected by the justice system may not be included within eligibility criteria for funding streams set by independent funders. Members reflected that it is also too often the case that they receive discretionary funding for innovative models of support, they can prove that it works, but they cannot gain access to funding which sustains valuable services over the long term.

## **What are your views in particular on the adequacy of capital spending budget allocations and investment?**

Some members were able to identify examples of capital spending allocation to build bespoke residential services delivered by third sector organisations, that had been funded as part of the national drugs mission. We did not receive information from members about any capital investment in broader third sector justice services.

## **Are there any other comments you may wish to make on the budget situation in the criminal justice sector?**

CJVSF members were keen to highlight the need for the committee to assess the impact that budgetary decisions will have on equality groups under Equality Act, as there is the concern that certain groups could be disproportionately affected by cuts.

CJVSF also advocates a human rights budgeting approach, [as detailed by the Scottish Human Rights Commission](#). It is crucial that the Scottish Government ensures that they are listening to communities as their support systems are torn by tough budget decisions, and members would welcome more information about how participation is being sought and acted upon.