

Criminal Justice Directorate
Community Justice Services
Division

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Your ref:
Our ref:
15 January 2010

Dear Chief Officer

CRIMINAL JUSTICE SOCIAL WORK SERVICES ALLOCATION OF GRANT FOR 2010-11

1. I am writing to inform you of the ringfenced funding allocations to your Community Justice Authority (CJA) for the delivery of approved core and non-core components of Criminal Justice Social Work Services grant for the financial year 2010-11. The allocations are set out in Annex A. This funding is provided under sections 27A and 27B of the Social Work (Scotland) Act 1968 as amended. Chief Officers, as budget holders, are responsible for the effective financial management of the funds allocated to their CJA, and for resource allocations across their constituent authorities.

2. On the basis that internal resource allocations within CJAs will be informed by the 3 year area plans effective from April 2008, allocations have not been broken down to grouping/unitary authority level.

3. Given the current tight funding constraints it has not proved possible to apply a cost of living uplift to either core or non core areas of expenditure.

Core Funding

4. Core funding is designed to provide grant for those mainstream services where availability occurs on a Scotland wide basis. Allocation between CJAs of available grant for core services is subject to application of the agreed formula process. The core allocations, which are set out in the attached annex, reflect the most recent data sets available in respect of workload and needs factor figures. The breakdown into individual service heads is provided for illustrative purposes only. There is ability to vire monies within the various service heads which constitute core funding but not from the core block to non-core block.

Community Payback

5. The core allocations incorporate the roll forward into 2010-11 for the £2m previously announced by the Cabinet Secretary for Justice to assist with the immediacy and speed of community service delivery and to reflect increased workloads.

6. The Government has also injected a further £4m into community service, announced by the Cabinet Secretary in June 2009, to assist in the introduction of the Community Payback Order.

Home Detention Curfews

7. The indicative grant allocations for HDCs have remained at the same level as 2009-10 financial year as there is insufficient data available to determine the grant allocations by the formula. I can therefore inform you that the HDC grant allocations for 2010-11 will be calculated on a percentage basis of the number of assessments undertaken in 2009-10 based on the information provided by local authorities. As in previous years, this exercise will be carried out around June 2010 and any adjustments to allocation notified shortly afterwards.

Non-Core Expenditure

8. Non-core funding is subdivided into those projects/programmes initiated by the Scottish Government and those locally/regionally initiated. In the event that an underspend is forecast in non-core expenditure, there is provision to make application within the specific financial year to the Government for approval to vire up to 20% of overall non-core funding to assist delivery of core services.

Centrally Initiated Projects/Programmes.

9. The Scottish Government has provided funding for a range of central initiated projects/programmes, the majority of which are time limited. Where no specific timescale has been indicated for such initiatives it should be assumed that they will be funded for the duration of the current 3 year plan i.e. to March 2011. The Scottish Government will be responsible for decisions on future funding of these initiatives beyond the current termination date. Where a decision is taken not to provide further funding the monies so released will be retained by the Scottish Government and used for other criminal justice social work purposes. It cannot be automatically assumed that the CJA previously in receipt of such funding will be the sole or principal recipient of the redistributed monies.

10. If a CJA is of the view that a central initiative is proving either ineffective or offers poor value for money it should so advise Community Justice Service officials at the earliest opportunity. A decision in such circumstances on whether the project/programme should continue or the possibility of virement to a pressurised area within non-core or core services will rest with the Scottish Government.

Locally/Regionally Initiated Projects/Programmes

11. For areas of non-core expenditure, which have not been centrally initiated, CJAs have discretion to change funding priorities in line with their area plan and where appropriate to discontinue funding of projects/programmes. Where the latter takes place the CJA has the

ability to use 100% of the monies so released for other areas of non-core activities. However in such instances CJAs should advise the Scottish Government of their intentions and how they propose to use the released funding. This will assist in ensuring that future allocation annexes more accurately reflect actual expenditure plans.

Youth Court

12. Funding for the youth court has been extended to June 2010. Future funding beyond that date will be determined pending the outcome of the youth court review.

Domestic Abuse

13. The development of the Caledonian System will be jointly funded by the Effective Practice Unit (EPU) and the Equality Unit (EQU) of the Scottish Government, with the EPU responsible for overseeing the development of the men's programme in line with accredited standards, and the EQU for the women's and children's services. Funding for those CJAs chosen as pilots sites will be notified by separate letter.

Intensive Support Packages

14. The CJA grant allocations do not include any provision for intensive support packages. Individual cases will be the subject of separate correspondence. Where a CJA requires to seek additional funding from the Scottish Government for any new such packages, the contribution to be made available will be restricted to no more than 90% of the total sum being sought, with the balance to be met from the CJA budget.

Women Offenders

15. In November 2009, the Equal Opportunities Committee published its report on Female Offenders in the Criminal Justice System. Scottish Government responded to the Committee's recommendations in a letter to the Committee on 12 January 2010. The report is welcomed and reflects many of the issues we have identified to improve the management and support of women offenders in prison and the community. Additional funding of £100,000 has been included in your 2010/11 allocation for further investment to support women offenders and reduce their risk of reoffending.

Fiscal Work Order

16. Funding has been extended until end March 2011 in order to allow the evaluation to be completed and a decision on future funding to be determined.

Arrangements for payment of grant

17. The allocation of grant for 2010-11 will be paid in monthly instalments with application of a 2.5% retention factor.

18. Upon receipt of the final audited claim for 2009-10 financial year any balance due from the Scottish Government will be paid up to the maximum level of the grant allocation. Any overpayment of grant will require to be repaid to the Scottish Government. Further guidance on this matter is detailed in the Audit section below.

Accountability Issues

19. Chief Officers, as budget holders, are ultimately accountable for the proper use of the section 27 grant funds allocated to their CJA, including internal resource allocations across the constituent authorities. In the discharge of their duties, Chief Officers should act in accordance with the principals of the Public Finance and Accountability (Scotland) Act 2000 and related guidance, and the requirements of the Government Financial Reporting Manual. CJAs will also require to allocate Section 27 grant funding in a way which reflects the objectives of the area plan as well as other considerations, including any other related resources which partners propose to direct towards activities relevant to the plan. In this respect, they must satisfy the Government and its auditors that appropriate safeguards are in place for the protection of public funds.

20. Where Criminal Justice Social Work Services grant is paid by the Scottish Government, in accordance with Section 27A of the Social Work (Scotland) Act 1968, a CJA has no discretion to forward it to a service provider other than a local authority, unless it provides the services following transfer of the functions under Section 8 of the Management of Offenders etc (Scotland) Act 2005. It is however for CJAs to determine the proportion of funding to be allocated to the individual local authorities within their area of coverage in accordance with the priorities identified within its area plan.

21. Accountability issues are fully set out in the Management Statement/Financial Memorandum.

Audit

22. CJAs are required to complete annual accounts which should be certified by the Director of Finance that the expenditure shown has been spent on the services indicated in the specific financial year. The accounts should be passed to the CJAs external auditor as soon as possible after the end of each financial year. On receipt of the audit returns, the Chief Officer should make arrangements to sign off the consolidated CJA audited return and submit to Audit Scotland by 30 September each year to which the annual accounts relate. A copy of the audited annual accounts should also be sent simultaneously to the above address for the attention of Maurice Williams.

23. Following receipt of the CJA audited annual accounts from Audit Scotland, the Scottish Government will consider any comments made by external auditors and ensure that appropriate action is taken. Any balance due will be paid up to the maximum level of the grant allocation. Any overpayment of grant will require to be repaid to the Scottish Government within one month of receipt of a letter informing the CJA that monies are due to the Scottish Government.

24. The Scottish Government will make arrangements for the audited annual accounts to be laid before Parliament.

25. Please contact Maurice Williams, (tel: 0131 244 5439) or Carol McKegney (tel: 0131 244 4349) if you have any queries.

Yours sincerely



KEITH WILLCOCK

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