

REASONS FOR NOT PROVIDING INFORMATION

An exemption applies

An exemption under section s.38(1)(b) of FOISA applies to some of the information you have requested. This exemption applies as it related to personal data of a third party (i.e. names, job titles, email addresses, telephone numbers) and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018.

This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

An exemption applies, subject to the public interest test

An exemption under sections 30(b)(i) (Free and frank provision of advice) and 30(b)(ii) (free and frank exchange of views for the purpose of deliberation) of FOISA applies to some the information you have requested. These exemptions apply because disclosure would, or would be likely to, inhibit substantially the free and frank provision of advice.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption.

Annex B

Item 1

From: [redacted under s.38 (1) (b)]
Sent: Tue 31/05/2022 15:43
To: [redacted under s.38 (1) (b)]
Cc: [redacted under s.38 (1) (b)]
Subject: An RSR question for you

Hi [redacted under s.38 (1) (b)]

Yes that is right, the RRT funding sits within the Level 2 'Miscellaneous' budget line.

Thanks

[redacted under s.38 (1) (b)]

[redacted under s.38 (1) (b)]
[redacted under s.38 (1) (b)]
Financial Management Directorate
E: [redacted under s.38 (1) (b)]
T: [redacted under s.38 (1) (b)]
M: [redacted under s.38 (1) (b)]

Scottish Government

Victoria Quay
Edinburgh EH6 6QQ

From: [redacted under s.38 (1) (b)]
Sent: 31 May 2022 15:14
To: [redacted under s.38 (1) (b)]
Cc: [redacted under s.38 (1) (b)]
Subject: An RSR question for you

Hi [redacted under s.38 (1) (b)]

Just listened to the debate.

Our expectations were well managed to expect a flat settlement - £100m revenue reconciles to revenue allocation for 2022-23. No surprises there.

I am interested in the Miscellaneous line £117m - does that include the RRT envelope?

Thanks

[redacted under s.38 (1) (b)]

Item 2

From: [redacted under s.38 (1) (b)]

Sent: Wed 18/05/2022 09:38

To: [redacted under s.38 (1) (b)]

Cc: [redacted under s.38 (1) (b)]

Subject: An RSR question for you

Hi [redacted under s.38 (1) (b)]

I can't share any details on the spending review allocations at a Portfolio or Level 2 budget line at this time as allocations are currently subject to review and clearance by Cabinet. It is still the intention that the Resource Spending Review will be published on the 31 May. In conjunction with the RSR the Capital Spending Review, published in Feb 2021, is subject to a targeted review to reflect the latest financial position following the UK Spending Review, publication of the Programme for Government and Bute House Agreement as well as the ongoing pressure facing the construction sector relating to market conditions and will be published alongside the RSR. The Justice Capital allocation for the remaining years of the CSR has not changed since publication due to the targeted nature of this review.

The RSR and CSR allocations do not replace the role of the annual budget process, which will continue to be the mechanism by which the Scottish Parliament approves the Scottish Government's tax and spending plans and provides authority to Scottish Ministers and Accountable Officers to manage and spend the funding allocated to portfolios and public bodies. The Scottish Budget 2023-24 will be developed in the Autumn (building on the envelopes set within the RSR and CSR), with publication planned around December following the UK Autumn Budget.

The allocations, while not having the same legal status as our annual budget plans, provide you with financial parameters that you should not exceed in your budget planning. The multi-year funding envelope seeks to support multi-year financial planning and decision making about spending programmes and priorities.

Thanks

[redacted under s.38 (1) (b)]

[redacted under s.38 (1) (b)]

Financial Management Directorate

E: [redacted under s.38 (1) (b)]

T: [redacted under s.38 (1) (b)]

M: [redacted under s.38 (1) (b)]

Scottish Government

Victoria Quay

Edinburgh EH6 6QQ

From: [redacted under s.38 (1) (b)]

Sent: 18 May 2022 08:10

To: [redacted under s.38 (1) (b)]

Cc: [redacted under s.38 (1) (b)]

Subject: Spending Review Update

Good Morning [redacted under s.38 (1) (b)]

Was just talking to [redacted under s.38 (1) (b)] about our forthcoming June Board papers.

We think it would be useful to update our Board (13th June) on where we are in respect of the spending review.

The papers are due to be reviewed at our Exec Team on Tuesday 24th May.

I would be grateful if you could give me an outline on where we are so I can start the bones of a draft paper for [redacted under s.38 (1) (b)].

I am aware [redacted under s.38 (1) (b)] is due to attend the Justice Board on Friday and will acquire more information but in the meantime, I will start the paper.

Anything you can provide will be much appreciated.

Many thanks

[redacted under s.38 (1) (b)]

Item 3

JUSTICE BOARD

MINUTES OF MEETING HELD BY MS TEAMS, AT 17:00 ON THURSDAY, 26 MAY 2022

Board Members Present:

Neil Rennick (<i>chair</i>)	Director, Justice
Don McGillivray	Director, Safer Communities
[redacted under s.38(1)(b)]	Crown Agent, Crown Office and Procurator Fiscal Service
[redacted under s.38(1)(b)]	Chief Executive, Scottish Courts and Tribunals Service
[redacted under s.38(1)(b)]	Chief Executive, Scottish Legal Aid Board
[redacted under s.38(1)(b)]	Chief Executive, Scottish Police Authority
[redacted under s.38(1)(b)]	Chief Executive, Scottish Children's Reporter Administration
[redacted under s.38(1)(b)]	Deputy Chief Fire Officer, Scottish Fire and Rescue Service
[redacted under s.38(1)(b)]	Chief Executive, Community Justice Scotland

Also in Attendance:

Willie Cowan, Deputy Director, Criminal Justice

[redacted under s.38(1)(b)], Head of Justice Analytical Services

[redacted under s.38(1)(b)], Scottish Prison Service *[for [redacted under s.38(1)(b)]]*

[redacted under s.38(1)(b)], Assistant Chief Constable, Police Scotland *[for [redacted under s.38(1)(b)]]*

[redacted under s.38(1)(b)], Justice Board Secretariat

[redacted under s.38(1)(b)], Justice Directorate Business Support Unit

Apologies:

[redacted under s.38(1)(b)], Chief Executive, Scottish Prison Service

[redacted under s.38(1)(b)], Deputy Chief Constable, Police Scotland

Michael Chalmers, Director of Children & Families, SG

[redacted under s.38(1)(b)], Chief Fire Officer, Scottish Fire and Rescue Service

Linda Mckay, Non-Executive Director

Agenda item 1: Welcome

1. [redacted as not in scope of request]

Agenda item 2: Resource Spending Review (RSR)

2. Neil explained that he had hoped to be in a position to provide members with a fuller update on the position, however was currently unable to due to associated developments within the UK Government in relation to the cost of living and the consequential implications this had for the Scottish Budget, although these were unlikely to directly impact Justice allocations. It could be expected that the allocations for the Justice portfolio over the RSR period would be tight. He reminded members that the RSR figures would be indicative allocations, at level 2, and not the final annual Budget figures approved by Parliament.

3. Neil said that once the RSR was published further discussions would take place on the implications for the justice portfolio. The Cabinet Secretary for Finance and the Economy and the Cabinet Secretary for Justice and Veterans continued to engage, with Ms Forbes recognising the particular challenges facing justice and the position would be kept under review ahead of the final budget position later in the year, and she had made a similar commitment to the Lord Advocate for the COPFS budget.

4. [redacted under s.30(b)(ii)]

5. The following points were made in discussion:

- Full consideration would be required as to where efficiencies could be made. The Board were advised that the RSR document would highlight some of those areas which would help to clarify what that meant in terms of public service reform principles. Neil added that the Capital Spending Review would also be published alongside the main RSR document on 31 May.
- [redacted under s.29(1)(a)]

Agenda item 3: Any Other Business

6. [redacted as not in scope of request]

Justice Board Secretariat
May 2022