



glasgow bar association
established 1959

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8th November 2019

Executive Committee of the Glasgow Bar Association Response

Finance and Constitution Committee Questionnaire

This questionnaire is being sent to those organisations that have an interest in, or which may be affected by the [Children \(Scotland\) Bill FM](#)

In addition to the questions below, please add any other comments you may have which would assist the Committee's scrutiny of the FM.

Consultation

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

Yes. We invited simplification, use of technology and are opposed to over regulation.

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

No, there appears to be over regulation and therefore additional costs which are disproportionate to goal.

3. Did you have sufficient time to contribute to the consultation exercise?

Yes.

Costs

4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

Our organisation will not be impacted but for our members, there now appears to be a proposal for extensive regulation, the costs of which appear disproportionate to the work required. We note many assumptions have been made but the specific detail of hourly rates for Reports and a mechanism for rates reviews are to be deferred. This does not allow us to fully engage in a response at this time.

5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

See our response above. There is no detail about how a parent who would ordinarily pay privately for their share of a Report will be treated under this new proposal. The papers suggest this would be met by the Scottish Government. We believe that those who are able to afford to pay should do so, rather than those costs being met by the taxpayer. Each case will still have to be considered on its merits instead of being treated generically. One size does not fit all in family proceedings. Your suggestion that a Sheriff, being required to provide a basis for their decision to appoint a Curator ad Litem will inevitably lead to a reduction in appointments is derisory. (See Financial Memorandum Paragraph 64, “In addition, the Bill requires the court to state on the interlocutor appointing the curator the reason for doing so. This is likely to reduce the number of curators being appointed.”)

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

Not applicable. Please note however that Contact Centres are an essential resource and we do not want their services affected by their over regulation either.

7. Does the FM accurately reflect the margins of uncertainty associated with the Bill’s estimated costs and with the timescales over which they would be expected to arise?

We consider that assumptions are being made and the basis for figures being used is because of the agenda the Government has. The taxpayer has to be satisfied that the measures being contemplated are proportionate to the goal being achieved. We do not believe this to be the case. The Government is expecting to spend millions of pounds in set up costs and annual administration fees to regulate the work being done by only 421 people currently. (See Financial Memorandum Paragraph 12.)

Wider Issues

8. Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?

We have no additional information to add here.

9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

Remuneration mechanisms will require to be factored in. Quantification cannot be determined until the subordinate legislature provides additional information.

This concludes the response of the Executive Committee of the Glasgow Bar Association. We provide our consent to the publication of this document.