



The Scottish Parliament
Pàrlamaid na h-Alba

Finance and Public Administration Committee

Audrey Nicoll MSP
Convener
Criminal Justice Committee

By email

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2 November 2023

Dear Audrey

Victims, Witnesses, and Justice Reform (Scotland) Bill

As you are aware, the Finance and Public Administration Committee (the Committee) is responsible for scrutinising Financial Memorandums (FMs) to Bills. As such, the Committee ran a call for views on the FM for the Victims, Witnesses, and Justice Reform (Scotland) Bill between 26 June 2023 and 8 September 2023, which received [seven responses](#). We in particular draw to your attention the submissions received from Police Scotland and the Crown Office and Procurator Fiscal Service, which provide further estimates on the material impact of the Bill, following analysis undertaken by these individual organisations. We have also written to the Scottish Government to highlight these costs and to request further information on how they expect these will be met. We will of course forward the Government's response to your Committee once received.

Part 1 of the Bill makes provision for the creation of a Victims and Witnesses Commissioner for Scotland. The FM states that "As the Victims and Witnesses Commissioner will be accountable to the Scottish Parliament, the creation of this role will result in additional costs to the Parliament. Current practice requires that the set-up and year one costs are paid by the Scottish Government, with the recurring costs thereafter met by the Scottish Parliament." It estimates that the set-up costs for the

Victims and Witnesses Commissioner are expected to reach £638,719, with annual recurring costs estimated at up to £615,149.

The Committee has previously expressed concerns regarding the increasing number of commissioners during our evidence session with the Scottish Parliamentary Corporate Body (SPCB) as part of our scrutiny of the Scottish Budget 2023-24. As you will be aware, there are currently seven officeholders supported by the SPCB, with a further commissioner - the Patient Safety Commissioner – recently agreed to by Parliament. More are envisaged.

As the SPCB highlighted, "the fact that we could be looking at having 14 Commissioners means that we are looking at a considerable increase". [...] The process is complicated, but we are moving into a period in which it is becoming regarded as a casual thing to suggest and implement the establishment of another commissioner, despite it being an expensive extension of our public sector."¹ This is of particular concern to the Committee in the context of our work on the sustainability of Scotland's finances and on the Government's public service reform programme. In the coming months, the Committee will undertake further work on the evolution of the overall landscape of commissioners since devolution, with the aim of proposing a more strategic approach to establishing and financing Commissioners. We will also continue to scrutinise the FMs associated with any future officeholder legislation and to draw concerns to the attention of the relevant lead committee where appropriate. In the case of the Victims, Witnesses, and Justice Reform (Scotland) Bill, we invite you to explore with the Scottish Government the concerns raised regarding the financial impact of establishing this Commissioner on the SPCB's officeholder responsibilities.

We would welcome the Criminal Justice Committee giving consideration to the above issues as part of its scrutiny of the Bill.

I am copying this letter to the Minister for Parliamentary Business and the Scottish Parliamentary Corporate Body for their information.

Yours sincerely

A handwritten signature in blue ink that reads "Kenneth J Gibson". The signature is written in a cursive style.

Kenneth Gibson MSP
Convener
Finance and Public Administration Committee

¹ [Official Report, Finance and Public Administration Committee, 10 January 2023](#)