

F/T: 0300 244 4000
E: scottish.ministers@gov.scot

Mr Kenneth Gibson MSP
Convener
Finance & Public Administration Committee
The Scottish Parliament
Edinburgh
EH99 1SP

13 February 2025

Dear Convener

Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill

Thank you for your letter dated 5 February and for your consideration of the Financial Memorandum of the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews(Scotland) Bill.

The primary purpose of Part 1 of the Bill is to make permanent a range of temporary justice provisions which have been in force since 2020 and introduce two new measures that support greater use of digital evidence. The second purpose of the Bill is to provide a legislative framework for Scotland's first national multi-agency Domestic Homicide and Suicide Review model which aims to learn lessons following a death and help prevent further deaths where domestic abuse is suspected.

In developing the Financial Memorandum for Part 1 of this this Bill we have closely worked with Police Scotland, Crown Office and Procurator Fiscal Service (COPFS) and Scottish Courts and Tribunals Service ensuring that their views are reflected in all of our financial assumptions. For Part 2 of the Bill, we have considered the views shared by all stakeholders who have contributed to this work through the [Domestic Homicide and Suicide Review Taskforce](#) and the associated governance structure. This includes stakeholders representing local authorities, justice agencies, social work, health, education, academia, and the third sector.

You have rightly pointed out the need for investment in infrastructure to support our ambitions for modernisation. As set out in the draft 2025-26 Budget, we will invest almost £4.2 billion across the Justice system in 2025-26, helping to keep our communities safe

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

including £1.62 billion on policing in Scotland, providing almost £57 million in additional resource funding – an increase of 4% to support police capacity and capability. This will also support service delivery and drive key areas of transformation as outlined in Police Scotland's [three year business plan](#) (which includes a specific milestones around upgrading and replacing of critical infrastructure as well as introduction and implementation of new technology). We are increasing capital funding to £75 million – an increase of over £10 million for investment in the police asset base including estate, technology, fleet and investment in Body Worn Video.

The Bill allows Police Scotland and COPFS to maximise the digital efficiencies delivered by our investment in both Body Worn Video and Digital Evidence Sharing Capability.

Part 1 – Criminal Justice Modernisation

I note that Police Scotland in their written submission to the FPAC and their evidence to the Criminal Justice Committee (CJC) on 29 January said virtual custody courts would cost between £1.7 million and £4.5 million, whilst also saying:

*“It is probably **a bit early to apply specific price tags** to the implementation of the legislation. At this stage, there are still questions about what Police Scotland's estate will look like in the future. We are undergoing a transformation review, particularly with regard to custody and the type and number of custody facilities that we have available. There are also other factors at play, such as the GEOAme contract, which is potentially up for retendering, so there might well be cost implications with that”*

Both SCTS and COPFS in their evidence to the CJC, highlighted the need for “a wholesale evaluation” of the virtual custody model so that it can benefit all court users whether that be victims, witnesses and accused or legal professionals and justice partners. That work is being taken forward by a dedicated group that includes COPFS, SCTS, Police Scotland, legal professionals and others, and we must allow all considerations to be fully explored including the resources needed to deliver a sustainable model. Against that backdrop of ongoing work, it would be premature at this stage to make any assessments of costs, particularly since they do not specifically arise as an outcome of the Bill.

Virtual custodies are one application of the provisions in the Bill around virtual attendance. The Financial Memorandum also sets out savings delivered by the use of the provisions to facilitate Remote Professional Witness Evidence. These are savings achieved in police officer time as well as travel, accommodation and subsistence. If we are to deliver a justice system that provides the best possible returns for investment, it is important that we continue to explore every opportunity to offset costs against savings.

My position has always been that the provisions in this Bill are to enable justice partners to deliver services through operationally efficient processes. The Bill does not mandate or compel justice partners to change their practices but instead supports them to adopt a flexible approach as well as explore collaborative ways of working such as through the Digital Evidence Sharing Capability and the Summary Case Management Pilot.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

INVESTORS IN PEOPLE™
We invest in people Silver



We are operating within a challenging fiscal and economic environment and we must be pragmatic and efficient in the way we deliver public services. The public rightly expect us to deliver value for money and this means it is right that criminal justice agencies explore if we ought do things differently to ensure that our justice system is efficient, effective and sustainable in the long term.

The Bill is necessary to protect the progress made since 2020 as without it processes and procedures would have to return to pre-pandemic practice. It will also enable future modernisation of the justice system by allowing greater use of digital processes. It does not in itself aim to compel narrow and specific reform but rather to provide a platform for ongoing and future innovation. The Financial Memorandum therefore does not set out specific levels of investment. If a decision is made to progress an initiative, like virtual custodies, , a business case will be developed with partners, including infrastructure and resources. An example of this, is where Scottish Government have invested in DESC.

Part 2 – Abusive Domestic Behaviour Reviews

When developing the Financial Memorandum for the Domestic Homicide and Suicide Review (DHSR) model the views of our stakeholders were also considered. In addition, our approach was also informed by a range of other sources including the costs reported in other jurisdictions for undertaking similar learning reviews, such as the key findings of a [2024 domestic homicide review survey](#) completed by all local authorities in England.

The most significant costs associated with the undertaking of DHSRs (70 per cent) are the cost of chairs, and those of the secretariat (28 per cent) established to support the operation of the model. The remaining 2 per cent of costs associated with undertaking reviews include costs relating to experts to provide specific input to reviews and translation costs.

Under the model proposed, all of these will be provided for by the Scottish Government. The Scottish Government will also cover several other associated costs, such as the costs for supporting families to be an integral part of the review process, the publication of reports, and the training and additional support for those participating in reviews. This is a significant difference when compared to other reviews that may lack similar funding and reflects our determination to ensure that Scotland's DHSRs set a high standard of quality.

You ask for an estimate of costs to SCTS, COPFS and Police Scotland so that they can contribute meaningfully to domestic homicide and suicide reviews. Given the anticipated volume of cases, it is anticipated that the cost falling on these agencies will be minimal. The reporting of deaths within the scope of the review model sits with Police Scotland, so it is anticipated that of the justice agencies outlined in your letter, Police Scotland will be the main justice agency involved in the reporting of deaths into the review oversight committee. Police Scotland currently undertake internal reviews following a domestic homicide and therefore such activity already forms part of its 'business as usual' costs, as it with other reviews as outlined in the Police Scotland response.

However, should costs be identified during the development of the accompanying statutory guidance, we will explore these with relevant organisations. as part of our ongoing engagement with these organisations through the Taskforce structure or otherwise.

We have worked closely with COPFS, SCTS and Police Scotland throughout the development of the provisions in the Bill and deeply value their contributions. We are

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

INVESTORS IN PEOPLE™
We invest in people Silver



committed to continue collaborating with them in the implementation of the Bill and identify any further financial implications.

Yours sincerely

ANGELA CONSTANCE

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

INVESTORS IN PEOPLE™
We invest in people Silver

