



The Scottish Parliament
Pàrlamaid na h-Alba

Finance and Public Administration Committee

Angela Constance MSP
Cabinet Secretary for Justice and Home Affairs
Scottish Government

5 February 2025

Dear Angela

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

The Finance and Public Administration Committee (the Committee) is currently undertaking scrutiny of the Financial Memorandum (FM) for the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill. As part of its scrutiny, the Committee ran a call for views on the FM between 15 November 2024 to 17 January 2025. We received responses from the Scottish Courts and Tribunal Service (SCTS), the Crown Office and Procurator Fiscal Service (COPFS) and Police Scotland (PS), all of which have been published on the Committee's call for views website¹.

The submissions received by the Committee highlight potential omissions in the FM on which the Committee seeks further clarity from the Scottish Government. We note that the FM considers Part 1 of the Bill to be broadly cost neutral, as many of the provisions are already in place and, as highlighted by the COPFS, not retaining them would have financial implications to reverse embedded practices. However, the SCTS and PS have raised concerns regarding the cost implications of expanding their use. In their submissions to the Committee, SCTS highlight that expansion in the use of electronic signatures and sending of documents, virtual attendance and national jurisdiction, will incur IT-related costs, while PS note the FM does not account for ongoing IT investment, expansion of infrastructure, or changes to processes to give practical effect to provisions relating to 'digital evidence'.

As part of our pre-budget scrutiny work, the Committee visited Estonia last year to learn from its public service reform and digitalisation programme. One of the many learnings we took away was the importance of continuous investment in IT programmes, and the growing burden of IT maintenance costs as these programmes

¹ [Published responses for Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews \(Scotland\) Bill: Financial Memorandum - Call for Views - Scottish Parliament - Citizen Space](#)

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Email FPA.committee@parliament.scot. We welcome calls through Relay UK and in BSL through Contact Scotland BSL.

mature. To respond to growing pressures, Estonia has, since 2018, earmarked 1% of GDP as “stable state funding for IT”.

We therefore asked, in our pre-budget scrutiny report, whether Scotland should create a similar permanent spending commitment on IT, which can endure beyond political cycles. While we are still engaging with the Scottish Government on this wider issue, we note the statement in this FM, in relation to the benefits of measures such as virtual attendance, that “to sustain and amplify these advantages, continuous investment and advancement in IT infrastructure will be imperative”. The FM however does not provide estimates or accounts for the financial impact of such investment.

We therefore seek clarification on—

- what action the Scottish Government is taking to invest in the development and advancement of the IT infrastructure required “to deliver significant longer term benefits and provide a basis for the future resilience, effectiveness and efficiency of the criminal justice sector”, as stated in the Policy Memorandum for the Bill, and
- how the Scottish Government expects to meet these costs.

An area highlighted by Police Scotland as having significant potential cost implications is the use of virtual attendance. We note that the FM provides illustrative figures for savings associated with remote witness evidence, stating that “these provisions also support ongoing innovation, development and partnership working to further expand the extent to which virtual attendance is supported in criminal proceedings. One example of that relates to the use of virtual custodies and the Bill will enable ongoing work being taken forward by justice agencies that explores a sustainable model for virtual custodies”.

Despite acknowledging that costs may arise following that development work, the FM does not reflect these potential costs, on the basis that “those costs are being considered as part of the ongoing cross sector work and do not arise as a direct consequence of the Bill which permits but does not require the development of a virtual custody model.” In their submission, however, PS assess the additional cost of facilitating virtual appearance from police custody on a permanent basis to be in the range of £1.5- 4.5m, which they note is not covered in current budget lines and could not be absorbed by PS as ‘business as usual’ costs.

We would welcome the Scottish Government’s view on the preliminary cost estimates provided by Police Scotland in its written submission attached for different implementation scenarios should use of virtual courts for first appearances from custody increase.

We further ask whether the Scottish Government has made a similar assessment of costs, how these compare to the ones provided by Police Scotland, and why they have not been included in the FM.

Lastly, we highlight the evidence received that, in relation to Part 2 of the Bill, the FM does not include costs to the SCTS, COPFS or Police Scotland “to meaningfully engage and participate in DHSRs with due diligence”. We ask the Scottish Government to provide an estimate of costs to these organisations so that they can contribute meaningfully to domestic homicide and suicide reviews.

In view of your upcoming appearance at the Criminal Justice Committee on 19 February, we would welcome a response by 14 February. We ask that the response is also copied to the Criminal Justice Committee to help inform this evidence session and their overall scrutiny of the Bill at Stage 1.

I am copying this letter to the Criminal Justice Committee for their information.

Yours sincerely,

Kenneth Gibson MSP
Convener