



The Scottish Parliament
Pàrlamaid na h-Alba

Finance and Public Administration Committee

Audrey Nicoll MSP
Convener
Criminal Justice Committee

5 February 2025

Dear Audrey

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 we received highlight potential omissions in the FM. We have therefore written to the Scottish Government to seek further information on these issues and requested that a response is copied to you in advance of the Criminal Justice Committee's evidence session with the Cabinet Secretary on 19 February. 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 raised concerns regarding the cost implications of expanding their use. In their submissions to the Committee, the SCTS highlight that expansion in the use of electronic signatures and sending of documents, virtual attendance and national jurisdiction, will incur IT-related costs, not accounted for in the FM.

Costs related to the potential expansion of virtual attendance were also highlighted by PS. In their submission, PS assess the additional cost of facilitating virtual appearances 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

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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absorbed by PS as 'business as usual' costs. PS therefore asked for "a more detailed and comprehensive financial analysis (including contingency funding for unexpected costs related to VC [virtual custody] and IT upgrades) [...] to support the smooth and sustainable implementation of the reforms provided for in the Bill".

The FM does not include costs to the police of implementing virtual custody courts, on the grounds that such costs "do not arise as a direct consequence of the Bill". We have, however, asked the Scottish Government how its own assessments compare to the preliminary figures provided by Police Scotland.

We have also asked the Scottish Government what action it 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, and how it expects these costs to be met.

In relation to Part 2 of the Bill, the FM sets out estimates costs per annum falling on the Scottish Administration, ranging from £421,454 to £891,552, with a central estimate of £656,504. With the exception of costs for the chair and deputy chair of the review oversight committee and the individual case review panel chairs, these costs are expected to be absorbed by existing budgets.

The FM does not include costs on other organisations in relation to domestic homicide and suicide reviews (DHSRs), despite all submissions highlighting financial implications for their respective organisations. The COPFS therefore concludes that, while the FM "is not inaccurate [...] it fails to highlight the costs to partner agencies to meaningfully engage and participate in DHSRs with due diligence".

We have therefore also asked the Scottish Government to provide an estimate of the costs on other organisations to be able to meaningfully contribute to DHSRs.

We hope that the above will be helpful to inform your evidence session with the Cabinet Secretary on 19 February and we invite the Criminal Justice Committee to consider, as part of wider scrutiny of the Bill, the written evidence received by this Committee, and the upcoming response from the Scottish Government.

Yours sincerely,

Kenneth Gibson MSP
Convener