



OFFICIAL REPORT
AITHISG OIFIGEIL

Criminal Justice Committee

Wednesday 13 September 2023

Session 6



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Wednesday 13 September 2023

CONTENTS

	Col.
INTERESTS.....	1
DECISION ON TAKING BUSINESS IN PRIVATE	2
PRE-BUDGET SCRUTINY 2024-25	3
NORTHERN IRELAND TROUBLES (LEGACY AND RECONCILIATION) BILL	59

CRIMINAL JUSTICE COMMITTEE

21st Meeting 2023, Session 6

CONVENER

*Audrey Nicoll (Aberdeen South and North Kincardine) (SNP)

DEPUTY CONVENER

*Russell Findlay (West Scotland) (Con)

COMMITTEE MEMBERS

*Katy Clark (West Scotland) (Lab)
Sharon Dowey (South Scotland) (Con)
*Fulton MacGregor (Coatbridge and Chryston) (SNP)
*Rona Mackay (Strathkelvin and Bearsden) (SNP)
*Pauline McNeill (Glasgow) (Lab)
*John Swinney (Perthshire North) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Lynn Brown (Scottish Police Authority)
Donald Cameron (Highlands and Islands) (Con) (Committee Substitute)
Deputy Chief Constable Jane Connors LVO QPM (Police Scotland)
James Gray (Police Scotland)
Ross Haggart (Scottish Fire and Rescue Service)
Stephen McGowan (Crown Office and Procurator Fiscal Service)
Eric McQueen (Scottish Courts and Tribunals Service)
David Page (Police Scotland)
Stuart Stevens (Scottish Fire and Rescue Service)
John Thomson (Scottish Fire and Rescue Service)

CLERK TO THE COMMITTEE

Stephen Imrie

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Criminal Justice Committee

Wednesday 13 September 2023

[The Convener opened the meeting at 10:03]

Interests

The Convener (Audrey Nicoll): A very good morning, and welcome to the 21st meeting in 2023 of the Criminal Justice Committee. We have apologies from Sharon Dowey.

Our first item of business is to welcome John Swinney to his first formal meeting of the Criminal Justice Committee. Sharon Dowey will attend her first meeting next week, because she has a prior commitment in London with the Public Audit Committee. I look forward to working with them both, and I repeat our thanks to Jamie Greene and Collette Stevenson, whom they replace.

I invite John Swinney to declare any interests that are relevant to the committee's remit.

John Swinney (Perthshire North) (SNP): There is nothing from my entry in the register of members' interests that I believe that I require to declare as relevant to the committee's work. However, I must state that, as colleagues know, I served in the Scottish Government until March 2023 and participated in collective decision making on issues that will come before the committee during the current parliamentary term. In addition, for the period from July 2022 to March 2023, I personally took direct decisions on the Scottish budget, which is relevant to material that is before the committee today and is likely to be on other occasions.

The Convener: Thank you. I also welcome Donald Cameron, who is attending today as Sharon Dowey's substitute. As this is his first time with the committee, I invite him to declare any interests that are relevant to the Criminal Justice Committee's remit.

Donald Cameron (Highlands and Islands) (Con): I have just one interest to declare; namely, that I am a member of the Faculty of Advocates.

Decision on Taking Business in Private

10:04

The Convener: Our next item of business is a decision on taking item 5 in private. Do we agree to take that item in private?

Members *indicated agreement.*

Pre-Budget Scrutiny 2024-25

10:04

The Convener: Our next item of business is the start of our pre-budget scrutiny of the Scottish Government's 2024-25 budget. We have two evidence panels today, and I intend to run each for up to 90 minutes.

I am pleased to welcome our first panel of witnesses. They are Deputy Chief Constable Jane Connors, crime and operational support; David Page, deputy chief officer; and James Gray, chief financial officer, all from Police Scotland. We also have with us Lynn Brown, who is the chief executive of the Scottish Police Authority, and, from the Scottish Fire and Rescue Service, Ross Haggart, chief officer; Stuart Stevens, deputy chief officer; and John Thomson, acting director of finance and procurement.

I refer members to papers 1 and 2, and I thank the witnesses who provided written submissions. I also thank the Scottish Police Federation and the Association of Scottish Police Superintendents for their written submissions, which were received after we put out our meeting papers. I also thank the Fire Brigades Union for its submission, which, likewise, was received after the papers were published. Those submissions have all been sent separately to members and are now published online.

Given the size of the panel of witnesses, I ask everyone to be succinct as possible in their questions and answers. If they can, members should direct their questions to one or more of the witnesses, at least initially. I invite each organisation that is present to try to field just one person to respond, initially.

Having said that, I will begin with an open question to get the evidence session under way.

During last year's budget scrutiny, all three organisations that are here today painted a challenging picture of the state of their budget, although that was relieved in part by extra money that was allocated by the Scottish Government. I invite Police Scotland, the SPA and then the Scottish Fire and Rescue Service to tell us briefly how the finances for 2023-24 have worked. What financial situation have you been working in, and what concerns or commentary do you have as we approach the 2024-25 settlement? I go first to Mr Gray.

James Gray (Police Scotland): The settlement that we received for the current financial year was a total increase in resource funding of £80 million. However, of that amount, almost half related to squaring the pay settlement that was agreed last

year. Therefore, it meant just over £40 million in new money.

When we were trying to set our budget during the year, that meant that we required to reduce police officer numbers, to reduce the level of overtime that had been seen in the previous financial year and to look to reduce police staff numbers by a figure commensurate with the reduction of 600 in police officer numbers, as well as to make non-pay savings in order to set a balanced budget. DCC Connors will be better placed than I am to talk about the operational implications of that, but, from a financial perspective, it has meant that our budget has been under considerable stress in the current year.

We have been reporting through Police Scotland and into the Scottish Police Authority that we have seen month-on-month overspends, which resulted in us having to put together a plan in August—it was approved within Police Scotland on 8 August—of £18.9 million-worth of additional measures that we would need to take in-year to bring the budget position back into line. That is primarily as a result of overtime being above what was in the budget, which is a consequence of the reduction in the number of officers and the additional pressure that that has put on the service. It has seen us overspend on overtime, although we are managing that carefully. Senior officers from across the service come together fortnightly to scrutinise overtime from across the service to see whether there are areas in which we could reduce the spend. However, we are still seeing overspends.

We are also seeing overspends in police staff numbers. We have a recruitment pause in place, which is causing organisational pain. That said, the usual turnover of staff has reduced considerably, so we are not seeing the level of savings that we would have expected from that measure. We are looking at other places, such as the budget that we set aside for investment for the purposes of transformation, to repurpose money and plug the gap that we have in the current financial year.

Therefore, I feel an element of trepidation about the next financial year, because, if we have a similar settlement that is below what is required for us to stand still and requires reductions in the overall service, the compounding effect will be that the situation becomes progressively harder.

The service achieved budget economies of £200 million through police reform in the early years, when there were big efficiencies to be made through economies of scale and procurement, as well as significant reductions in the estate. We recognise that there is further opportunity in the estate, and we are about to go

to the Scottish Police Authority to seek permission to start the consultation on the closure of 30 police stations. More can be done in that space; workforce reduction is the most challenging area.

If we continue on a track on which the settlement does not meet our requirements just to stand still, providing the real-terms protection that we saw in some years past, my concern is around the compounding effect on the service and the challenges with the overspend, which are already significant, as I have said, that will be presented.

The Convener: I will bring in DCC Connors in a second. David Page, is there anything that you want to add?

David Page (Police Scotland): As James Gray has said, we took on a £54 million budget challenge this year, alongside the reduction in officer numbers, and we are up against a £19 million mitigation plan at the moment, which we are struggling to meet. As James has touched on, we will probably go into our reform budget this year; £20 million had been baselined into our budget for reforms.

At the moment, we are reviewing all our projects and programmes to see which ones we can either pause or stop so that we can reallocate money to fund the budget gap. We are trying to protect the national roll-out of body-worn video and associated projects, because we have been looking to do that for a long time. However, the priority is to balance the books, and our transformation budget will have to take a lot of pain this year just to do that. The problem with that is that it delays our multiyear programmes into next year and, if we have to reduce the head count by another 800 as we go into the following year, I will be using the reform budget to prop up the overall budget at that point, and that will really slow down our capability.

We had been hoping that, as the workforce reduces in size, we could use capability enhancement to offset that. However, if we have to redirect our transformation budget into meeting budget pressures, we will find ourselves with workforce numbers going down and capability standing still, which effectively means that we backslide on it, with clear operational impact on our operational colleagues.

The Convener: DCC Connors, I come to you now.

Deputy Chief Constable Jane Connors LVO QPM (Police Scotland): I want to highlight the operational impacts that limited resources and capability will have on our ability to respond to different areas. We are looking at how we shape our service and define our core policing to ensure that we reduce demand and increase capacity. In our quarter 1 figures, we have already seen

changes in our service levels and a reduction in our ability to deliver to the public on our outcomes. We have already seen, and it is out in the public domain, some of the difficult choices that are having to be made in roads policing and prioritising things such as 999 over 101, so that we can ensure that we manage threat, harm, risk and vulnerability and protect the most vulnerable people in the communities of Scotland.

That is just an overview of the impact that our limited budgets are starting to have and of the hard choices and decisions that we are having to make around how we will deliver our service.

The Convener: Lynn Brown, I will come to you next, if you want to add anything to what we have already heard.

10:15

Lynn Brown (Scottish Police Authority): What you have heard from Police Scotland is consistent with the Scottish Police Authority's consideration when the budget was set. As you said, the budget allocation in 2023-24 was better than anticipated and, given the challenging fiscal environment that is being felt across the public sector, we recognise and appreciate that. When the budget was set in March 2023, the authority was quite clear on its priorities: it wanted a balanced budget; prioritisation around areas of harm and the vulnerable; and the maintenance of 999. At that time, when the authority considered the budget, the papers said that the financial year would see reduced levels of service around delivery and capacity as the authority adjusted to the new funding model. We have heard today about areas that the authority is expecting to be prioritised, as it expected them to be back in March 2023.

The Convener: I come to Mr Haggart.

Ross Haggart (Scottish Fire and Rescue Service): As we have outlined in our submission, we had received an additional £14.4 million from the Scottish Government in our resource budget for 2023-24, which took that budget up to just over £308 million for the year. Although we were grateful for that additional funding and its assisting with pay awards for staff, we have still had to achieve savings of £11 million this financial year.

Also as shown in our submission, our savings plan details areas of our budget that the Scottish Fire and Rescue Service board approved for this year. The savings that we have identified have come from across the whole organisation, including our service delivery arrangements and support functions. Similarly to Police Scotland, that has led to our having to make difficult decisions this year.

In respect of service delivery and based on our evidence-led modelling, we have temporarily removed from multi-pump stations 10 second or third appliances, which were selected as having the least impact on community safety. As identified in our operational strategy, we have also implemented changes to our higher-reach appliances by placing them in the most strategic locations where they can provide the most optimised and effective community safety response nationally. We have also amended the crewing arrangements for water rescue at Polmadie community fire station so that it is more in line with other water rescue stations throughout Scotland.

In addition to those service delivery savings, we have also identified savings from some of our support functions, an example of which is a recent decision to declare our office premises in Hamilton as surplus to requirements, which will yield annual recurring savings and a potential capital receipt for the investment.

On our financial position from 2024 onwards, we have modelled a number of scenarios, which largely depend on what future pay awards and inflation might look like for the organisation until 2026-27 and correspond to the timescales that have been set out in the resource spending review. Those scenarios illustrate that, based on the flat cash assumption in the resource spending review, we might need to make additional savings of between £14 million and £26 million next year alone; by 2026-27, our modelling indicates that those figures might rise to between £37 million and £48 million—as I have said, that is against the resource budget of just over £308 million.

We have also outlined in our submission the savings that have been achieved to date through reform of the fire and rescue service in Scotland since 2013. Our submission highlights how those savings have been realised, which have resulted in the structures in the organisation and the expenditure of the Scottish Fire and Rescue Service now being very lean.

We also highlight in our submission that around 80 per cent of the cost of the service covers staff costs, of which 80 per cent relate to operational staff. The combination of those factors means that little scope exists for us to make significant savings in the service without reducing firefighter—specifically, whole-time firefighter—numbers. Again, we have illustrated that point in the submission. We do not believe that we could reduce our firefighter numbers to the extent that our modelling suggests without impacting on the safety of the communities that we are here to serve.

Our submission also provides information in respect of our capital budget. As outlined, that has

remained at the current level of £32.5 million per annum for the past seven years. Over that time, the spending power of that money has diminished as a result of inflation and other factors.

We now adopt a risk-based approach to our capital budgeting. As a result, we believe that we require a sustained investment in our capital budget of £60 million per annum to address the significant backlogs. We have highlighted particular issues with 14 of our stations. Reinforced autoclaved aerated concrete, which is getting a lot of media attention across the public sector at the moment, has been used in the construction of the roofs of those 14 stations. We have been aware of that problem since 2019 and, although we have mitigation measures in place, permanent solutions are required, because those stations are key locations that we operate from across Scotland.

We have also highlighted the overall condition and suitability of our property portfolio. In particular, we recognise the need for us to prioritise firefighter safety in respect of contaminants, and we seek to provide dignified facilities across our estate for all staff and visitors to our premises.

We are committed to mitigating the impact of our activities on the environment. However, in recent years, we have not been able to invest in technological solutions to assist with that as much as we would have liked to, because of other risk-based priorities in our capital budget. We have been able to secure additional ring-fenced money from the Scottish Government for energy efficiency and carbon reduction initiatives, but not to the scale to meet our ambitions in that regard.

We are committed to safeguarding our communities from the effects of climate change and we have recently invested in increased training and equipment for our firefighters to deal with the increased risks that are associated with wildfire and flooding. We would like to prioritise those areas in the future.

Finally, we recognise the need for us to modernise as an organisation. Through modernisation, supported by the ability to reinvest internally generated savings and modest additional investment, we can do so much more to protect and enhance community safety and wellbeing across Scotland.

The Convener: Thanks very much, Mr Haggart. I am keen to open questions to members, so if you have anything to add, Mr Thomson or Mr Stevens, I ask that you keep it fairly brief.

John Thomson (Scottish Fire and Rescue Service): I will be very brief. We forecast that we will have an overspend of just over £1 million this year. That relates to the pressure of the £11

million-worth of savings and our overtime position. However, there is also pressure with regard to property maintenance—our service contracts and so on—as inflation has been added to those contracts. I just wanted to add that context for this year.

The Convener: Thank you for that. I will now invite members to ask their questions. Each member will have around 10 minutes.

Russell Findlay (West Scotland) (Con): Good morning. My question is for DCC Connors. A pilot project in north-east Scotland will see certain crimes not being investigated. Do you envisage that pilot being extended to elsewhere in Scotland?

Deputy Chief Constable Connors: The pilot project is being introduced in response to the changes that we face in the budget, the limited resources and the need to reduce demand and increase our capability. However, the first thing that I would say is that we want to ensure that the public phone us and report any crime. We do not in any way want people to have the perception that we are not going to record or investigate that crime. When somebody calls us, the call goes to the call centre and the operator will have a discussion with the caller to establish the nature of the crime. I do not like the term “minor offence”, because whether it is minor is very subjective for the victim of that crime, so I will not use that term. However, the operator will establish whether the crime is suitable to go through the process whereby our resolution teams speak to the caller and find out whether there are any proportionate investigation leads. If it does not appear that there are any proportionate leads in relation to it, there will also be a quality-assurance check by a police officer to bring a police lens to it. The case can then be closed and the caller will be told at that time that there will be no investigation.

The key part is that the operator will ensure that a threat, harm, risk, investigation, vulnerability and engagement—THRIVE—assessment is done. Each person’s assessment across all of those criteria is very different. Every call will be assessed against those criteria, and the assessment will be key to deciding whether the crime is suitable for the pilot process.

We need to see the results of the evaluation and the results on demand, but we also need to see what communities and our scrutiny panels in those areas feel about the pilot.

Russell Findlay: So, is it safe to say that there are no plans to roll it out further, at this stage?

Deputy Chief Constable Connors: We need to see the evaluation, but as we have said, the hard choices that we face and the lack of resources mean that we need to be able to reduce demand

in a proportionate way and ensure that we still manage any risk to the communities of Scotland while also providing a service.

Russell Findlay: This question is also for DCC Connors. It has been reported the cost of operation Branchform to Police Scotland has now exceeded £800,000. I know that we cannot and should not talk about the investigation, but can you provide us with an update on the cost and indicate whether it is expected to rise further?

Deputy Chief Constable Connors: I am not going to comment on anything to do with operation Branchform; it is an on-going investigation and it would be completely inappropriate for me to comment.

Russell Findlay: Even on cost?

Deputy Chief Constable Connors: It is an on-going investigation, and I will not comment on it—at all.

Russell Findlay: Okay. My next question is for David Page and/or James Gray. In its submission, the Association of Scottish Police Superintendents referred to Police Scotland having a problem with reinforced autoclaved aerated concrete. We have already heard from Ross Haggart that the Scottish Fire and Rescue Service has similar problems, with 14 stations identified and a cost of about £70 million to fix the issue.

I see no reference to that issue in Police Scotland’s submission. If it has been identified as a problem, what is the extent of it in terms of numbers of premises, and can you give an idea of the cost to fix it?

James Gray: We assessed for RAAC across our entire estate throughout April this year, when we identified some crumbling RAAC in the Fettes workshop as part of a routine repair. As a consequence, we have identified three locations across our estate where RAAC has been found.

Fettes is the most significant site in this regard, with 10 areas, covering more than 4,000 square meters, in which there is RAAC in the roofing. The estimated cost of repair at that site is just over £4 million. Given the age and the condition of Fettes—which has been underinvested in for many decades—it is not economically viable to carry out those repairs, and we are looking to go to the Scottish Police Authority next week to get permission to start a consultation on exiting Fettes and relocating elsewhere in Edinburgh.

The RAAC issue is not quite as significant at the other two locations. One is Baluniefield police station in Dundee. The estimated cost of repairs there is £1.25 million. I should say that there is no risk to anybody working at the affected sites; we have removed them from the affected locations and have put emergency pillars and safety nets in

place to ensure that there is no debris falling from the roofs.

The last site is in Perth, and a very small area is affected. The RAAC is in a boiler room, and only the estates team have access to the room. We have put safety measures in place there, and we do not propose to do any work on that site at present. We will continue to monitor the condition of it, but it does not pose any significant risk to anybody at this point.

In summary, there are three affected locations, at one location the issue is significant and at the other two it is quite manageable.

Russell Findlay: That is great, thank you.

On policing costs more generally, the submission from Police Scotland and the Scottish Police Authority talks about “hard choices” needing to be made and says that the revenue budget

“does not allow the organisation to maintain the workforce at the levels of previous years”.

In your opening statement, I think you said that the most recently identified number of police officers was around 16,600. Can you tell us what that number is just now and the best projection of where we might end up, based on the proposed budget?

10:30

David Page: As of last week, it was about 16,600, so we are at that number, give or take—it ebbs and flows as people resign. With regard to projections, as we have said, in Police Scotland, we have 16,600 officers and 5,500 civilian staff. We have talked about proportionate reduction in the workforce to try to maintain the balance. In Police Scotland, the officer numbers are large relative to the number of civilian staff, and because of the turnover—the attrition rate—on average, we would bring in about 200 probationers per quarter, so there are quite high volumes constantly coming in. If we need to reduce the workforce, the easiest lever is to reduce probationer numbers. The problem with that is that every time you are looking at a workforce reduction, the first place to go is to reduce the number of police officers. However, we do not want to make the overall workforce unbalanced between the mix of police officers and staff.

We are looking to reduce our staff numbers, but the regulations and rules in relation to civilian staff are very different. Therefore, we are investigating how we would rebalance the workforce better by pulling down the numbers of staff. Our attrition rates are very low in staff, so the natural attrition of staff does not allow us to have a natural rebalancing, unfortunately.

We have said that if the budget comes as flat, as we have to plan for, we expect that we would need to lose, on the face of it, another 600 police officers and another 200 staff going into next year. That number would need to be reduced by 1 April 2024 in order to have the cost played through the entire year.

We have taken the decision not to take the action now to reduce the workforce further to allow us to cope with a flat budget settlement for next year—which we would need to do due to the timeline—because we are already struggling to reduce the workforce on the staff side without turning off probationer recruitment for the balance of the year. We are wrestling with that problem at the moment, but with a flat budget, we would need to reduce the overall workforce as we go into next year.

Russell Findlay: I have a very quick question for Mr Haggart. I asked you previously about the electric fire engine that had been bought and deployed to Cambuslang. The most recent position from the Scottish ministers was that it was due to enter service this summer. Has it done so, has that incurred additional cost and do you plan to purchase more of those?

Ross Haggart: Personnel are undergoing training at the moment with the appliance. We needed to do some work at Cambuslang in relation to the electrical charging infrastructure. It is very much a pilot, which involves working with a local Scottish coach builder, so we are purchasing only one at the moment. There are no additional costs associated with any timescales. Electrical power is very much an emerging technology for heavy appliances. We are working with the contractor to undertake a pilot and we will evaluate it before making any decisions.

Russell Findlay: What is the most likely timescale for it going into service?

Ross Haggart: Training is on-going, and we hope to get it into service this calendar year.

Russell Findlay: Thank you.

The Convener: I will bring in Rona Mackay for the smallest supplementary.

Rona Mackay (Strathkelvin and Bearsden) (SNP): It is a supplementary to Russell's line of questioning, and it is probably for Mr Page.

You talked about probationer recruitment numbers. What are the current recruitment numbers in the police, and how is that balanced against the number of police that you are predicted to lose?

David Page: We have about 192 probationers starting next week, which is the September intake.

There is another intake planned for December, and another one planned for the new year.

The September intake will go ahead, because we are expecting those probationers at the college next week. The intakes for December and into the new year would both be around 190, given the current attrition rate. However, we are actively looking at the overall size of the workforce and the current budget pressures and considering whether we need to dial down the probationer intakes pre-Christmas and into the new year.

The effect on this year's budget will be relatively marginal, but it will help us as we go into the next financial year. Again, that will put more pressure on the operational side: it is the probationers who go into the front line—they go out into local policing divisions—so we would effectively be reducing the numbers who would go through there.

The Convener: I will now bring in Pauline McNeill, followed by John Swinney.

Pauline McNeill (Glasgow) (Lab): Good morning. My first set of questions also follows on from what Rona Mackay asked about. We need to understand, in some detail, what David Page said about the reduction in head count of 800. That is a significant number. To be clear, is that police officers and staff?

David Page: Yes. With regard to the planning that we are doing for 2024-25, we get our budget settlement around December, so we need to put in our submissions before then. Working on flat capital and flat revenue assumptions, which are the planning assumptions that we—along with the rest of the public sector—have been given, we have built into our planning the assumption of a 2 per cent pay rise. I am not saying that that is what we will or will not be giving, but we need to build something in. A 2 per cent pay rise, on our current budget, would need £50 million of additional savings.

Pauline McNeill: Why 2 per cent?

David Page: We have to build in a working assumption.

Pauline McNeill: But inflation is considerably higher than that. Are you projecting that it will come down to 2 per cent?

David Page: No, that is not our projection. The guidance to which we are currently working—

Pauline McNeill: Do you mean the Government guidance?

David Page: Under the public sector strategy, in terms of the policy document—well, it is not a policy document; it is a strategy document—we need to put a number into the budget to allocate some money for the pay settlement. We did the

same for this year. It is the most reasonable number that we can afford within the budget. Our biggest issue is that 85 per cent of our entire head count is staff. The non-pay budget is £200 million, and the pressure from inflation on that budget means that we are struggling to meet that number.

For next year, we have assumed a very modest 2 per cent, on the assumption that inflation comes down. If we have to save £50 million to pay that 2 per cent, we can make that saving through people. Effectively, 1 per cent is £11.5 million, which is roughly 225 staff; that is split between officers and staff. That is how we get to the figure of 800—it is a proportionate reduction in both officers and staff: 600 officers and 200 staff.

Pauline McNeill: Over what period would that be?

David Page: If the budget comes, as predicted, as flat cash, we would need to take the workforce down by that number by 1 April 2024. We actually cannot do that, because we do not have enough levers to pull. Even if we stopped all the probationer intake in December and in March, it would not get us down to the number that we need, so we would be looking to other mechanisms such as voluntary redundancy, or potentially coming to the Government and seeking compulsory redundancies—

Pauline McNeill: That is pretty stark, is it not? The committee has previously heard the projections on retirement numbers, given the pension changes. I take it that that is still on-going as well.

David Page: It is, but it is not as bad as it was. We had a surge in April last year, when the pension rules changed. We had a peak in officers who were 50 years old with 25 years' service who could leave, and that led to a number of retirals. That has evened off now, so we have a normal run rate. That is currently built into our attrition figures.

Pauline McNeill: Thank you very much; that is helpful.

DCC Connors, given what we have heard this morning, you must be concerned about the reputation of the Scottish police force. It is fair to say—I have said it in my 19-year career—that Scotland has had an exemplary force. We do things differently here, and there are many examples of that, including the 101 service. As the leadership of the police organisation, do you have concerns about that?

Deputy Chief Constable Connors: We obviously have concerns. Police Scotland's staff and officers absolutely want to deliver the best service to the public that they possibly can. At the moment, we are asking officers and staff to do everything that they have been asked to do but

with fewer staff, and that cannot continue. Difficult choices will have to be made about where resources are put, what the service looks like and whether it takes us longer to get to some places and deal with different things. Absolutely—the executive and every officer and staff member in Police Scotland are finding that really difficult, but that is the situation that we are in. Those are the difficult choices and processes that we need to go to, in order to make sure that we keep the public safe. We need to prioritise by looking at threat, harm and risk, and at where we need to put our energy. There have been some fantastic results this week in the media—

Pauline McNeill: I understand that you are concerned.

Based on an assumption from what we have just heard from David Page, I also have a concern about the cadet programme. Is it likely that you will have to reduce recruitment of new cadets or new police officers?

David Page: Do you mean probationers?

Pauline McNeill: Yes—probationers. Could that programme be compromised?

Deputy Chief Constable Connors: Depending on what the future looks like, one of the levers that can absolutely be looked at is what we need to do around probation and recruitment and how that stacks up with the numbers. Again, as Deputy Chief Officer Page has said, it is about the profile of Police Scotland in relation to experienced and new officers coming in, and how we maintain that balance. We always have to have a pipeline, because of the attrition rate. That is something that needs to be looked at, but that lever absolutely is among our considerations.

Pauline McNeill: Thank you. My time for questions is passing—it is amazing how quickly time goes, even though 10 minutes seems like a long time—so I will now ask the Scottish Fire and Rescue Service witnesses to answer one or two questions.

Ross Haggart, as you know, other members and I have raised the issue of decontamination facilities. I understand at least the basics of the difference between the revenue and capital budgets. What progress will we be able to make with regard to getting shower facilities and other required facilities to keep fire and rescue officers safe? Do you have concerns about your ability to do that?

Ross Haggart: Firefighter safety and community safety are our number one priorities within the service, and it is absolutely incumbent on us to protect our firefighters as they, in turn, protect communities. We are really committed to working with the Fire Brigades Union on the

contaminants issue. We have a dedicated contaminants working group in the organisation, which is led by one of our assistant chief officers and has Fire Brigades Union representation on it as well.

In essence, with regard to protecting firefighters, there are some procedural, practical things that we can put—and are putting—in place at the moment, but there is also a need to have an infrastructure within the organisation to make sure that our firefighters are able to properly decontaminate when they come back to the station. We have some figures in our submission that show that our estate is not at all suitable when it comes to contaminant control and people being able to decontaminate and clean when they get back to fire stations. That is a real concern for the organisation.

As I mentioned earlier, we have received £32.5 million of capital allocation for the past seven years, and it looks like that will be the case going forward. There is simply not enough capital money for all of the capital priorities that we have, but we are trying to work through that as best as we can. At the moment, we have a programme in place whereby we are looking to rebuild or refurbish three fire stations at a time on an on-going basis but, with an estate of 357 fire stations and our current budgetary constraints, that will take a considerable period to work through. We are also looking at alternative construction methods for fire stations.

We are doing some work at the moment to develop a business case, with partners and with the support of the Scottish Futures Trust, around modular premises that can be constructed off site and built to replace fire stations. We believe that that would be a solution, particularly in more remote rural areas of Scotland. The buildings are carbon neutral. Additional modules could be added on to the fire station, for other partners to use, creating community resilience hubs in more remote and rural parts of Scotland. We are looking at innovative solutions to the problem.

10:45

Pauline McNeill: Would it be possible for the committee to get some concrete examples of where that was going to happen? I realise that I have used up my time, but it would be helpful to know how that delivery is being rolled out.

Ross Haggart: We would be more than happy to provide any further information to the committee, off the table.

John Swinney: My first question is directed to Lynn Brown and to the deputy chief constable. I am interested in the interaction between the Scottish Police Authority and Police Scotland on

the design of the policing model and its sustainability, given the extraordinary pressures of inflation that public finances have been wrestling with. What role does the Scottish Police Authority take in scrutinising and challenging the plans and propositions of Police Scotland? Given the fiscal context in which we are all having to operate at the present moment, to what degree is the authority satisfied that Police Scotland is properly and fully considering the appropriate approaches to policing and, flowing from that—this is where the question is perhaps relevant to the deputy chief constable—the process that is undertaken by Police Scotland to assess its role and capacity? Although we are wrestling with extraordinarily high inflation at the moment, we are also experiencing some of the lowest crime levels in more than 40 years. Perhaps Lynn Brown could start on that point.

Lynn Brown: Thank you, Mr Swinney. The statute of the SPA has four rules. They are that we support the police, advocate on their behalf, maintain policing, and hold the chief constable to account. Against all those, we are very clear at the authority that operational autonomy sits with the chief constable. Our role is to give the public a window on to the chief constable and the operational decisions that are taken, and to hold them to account in a public space. I go back to my opening statement, in which I said quite clearly that the authority had key expectations on the budget that we discussed in detail in public with the chief constable. In the current year, the authority is focusing on capacity, which is about demand; capability, which is about technology; transformation; and culture, on the back of the statement on institutional discrimination by the previous chief constable.

On how we deliver our oversight, we have a system of committees, some of which have been referred to today. The resources committee holds its meetings in public—the papers and the discussions are public. That is the public window, in the public interest, to enable people to see how Police Scotland is delivering on its obligations.

We have a range of other committees. A very important one is the policing performance committee, which held a meeting yesterday. It focuses on some of things that we have touched on today, such as the north-east pilot and the downturn in performance, particularly around 999 calls. That committee understands that there are priorities, but it wants to understand how Police Scotland has decided on those priorities and, more important, it wants decisions and priorities to be communicated to the public so that there is understanding there. We are very clear that we have a role as a public window through which to hold the chief constable to account. However, the chief constable has operational autonomy.

John Swinney: That involves providing the necessary challenge to ensure that, from the public-interest point of view, policing approaches are commensurate with having exhausted every avenue for efficiency and effectiveness.

Lynn Brown: The authority is very much focused on that—for example, the authority meeting in August heard from Police Scotland on the challenges that it faces in delivering against its demands within its financial envelope. It was decided then that there will be a focus at the resources committee on exactly what changes or decisions Police Scotland is making in order to come back within budget. The authority wants to understand how that will impact on the priorities that we set and the community interest. We are holding Police Scotland to account for those decisions very much in public.

Deputy Chief Constable Connors: Lynn Brown has covered most of the question. In terms of holding us to account, there are a number of sub-committees that sit under the main SPA board where challenge and scrutiny come into play, and there are also constructive discussions at which Police Scotland brings forward its operational decisions. There is constructive but challenging oversight by the SPA of Police Scotland, which is as it should be.

John Swinney: I am interested in the part of my question that relates to our experience in society whereby crime is, comparatively speaking, now at a much lower level than it was. I am also interested in the implications of that and how consideration of such issues influences the size of the police estate. Points about police numbers have been raised this morning; I am interested in how that flows into your assessment of the degree of risk in society that has to be handled.

Deputy Chief Constable Connors: We have low levels of crime, but levels of certain crimes are increasing. Complexity levels in crime and investigation of crime are also increasing—for example, there are large online elements in areas of crime such as sextortion and threatened extortion, and many of the perpetrators are not in Scotland. There is also fraud. There is a lot of complexity in crime at the moment—that is one of the big changes.

The volume of crime is down in some areas, but the significant complexity requires us to have the capability and capacity to train staff to manage the different crime types that come along, but also to be in communities to deal with traditional crime, because people want us to be visible. How we do all those different things with limited resources is part of the work that we are doing on the service model; we are trying to project the different crime types that we will face.

Vulnerability is also increasing—not only in respect of mental health but in respect of other types of vulnerability. Covid has had an impact on society, as members know, and we see that in policing, which is why working with partners and being clear about how we can look collectively at systems is important. His Majesty's Inspectorate of Constabulary in Scotland has also mentioned working more collectively on looking at the systems.

To come back to the question, I note that the ability to look at the complexity, and not just the volume, of crime, and to deal with all the different elements needs to feature in how we move forward. That capability—our mobile ability, command and control, how we contact various people and how we manage cases and evidence—will be part of our requirements, going forward.

John Swinney: I will follow up on that point. I assume that you have seen the submission that the committee received from the Association of Scottish Police Superintendents. The fourth paragraph on page 3 says that

“The Scottish Government do have clear Strategic Objectives, but the public services are not sufficiently linked in at the tactical and operational levels.”

I am interested in that point, because it throws up the challenges that police officers experience because of the wider social questions that they face. I appreciate and have seen at first hand some of those challenges, having spent time with your officers in my constituency. However, when I saw the point that was made by the Association of Scottish Police Superintendents, it struck me that it is an area that is in need of further development. What is Police Scotland doing to drive the degree of connection that will be essential in ensuring that vulnerable members of the public can be supported through integrated services that stretch beyond what Police Scotland can do? How is Police Scotland enabling that?

Deputy Chief Constable Connors: It is very important to work at the divisional and very local levels, which Police Scotland does. We have central units and specialists, but they all link back locally. That is really important and, as a result, the confidence that we see at local level is higher than what we see sometimes at the overarching level.

It is, as I have said, important that divisional commanders are linked in through questionnaires and other mechanisms for getting feedback from the public in an inclusive way, so that we are able to hear different voices and so that different people to feed back to us. That is essential, because it enables us to form and devise our services as we go forward.

We do not take a top-down approach. We need to listen to the officers on the ground and to hear about their links with the community and use what they are saying to build our services, particularly with partners, to develop a much better approach.

Lynn Brown: Perhaps I can give the SPA's perspective on the impact on local areas. This year, a strategic partnership agreement was signed by the Convention of Scottish Local Authorities, Police Scotland and the SPA, with the aim of getting an understanding of what is happening in communities and deriving solutions in a much easier way. Councillor Maureen Chalmers of the COSLA leadership sits on our police and performance committee to bring that focus to the authority and to raise awareness of what is required in communities. There is strategic intent with local government.

John Swinney: Okay. Thank you.

The Convener: I call Donald Cameron, to be followed by Rona Mackay. I ask members and witnesses to be as succinct as possible, so that we can get in as many questions as possible.

Donald Cameron: I want to start with the Scottish Fire and Rescue Service and the reference that was made to the impact on community safety. Can you give me some concrete examples of what that might mean? What do you fear might happen with regard to public safety?

Ross Haggart: With regard to delivering services to communities, my response from a Scottish Fire and Rescue Service perspective would be similar to that from Police Scotland: the vast majority of our services are delivered locally by local personnel operating from local community fire stations. Those services are pretty much what you would expect to get from a fire and rescue service—that is, an emergency response—and we have robust arrangements across Scotland for providing that sort of response to incidents. Our front-line staff play a key prevention role, too; indeed, through our staff and their preventative work, we have been extremely successful in reducing the number of accidental dwelling fires. We would much prefer to prevent emergencies from happening in the first place than to have to respond to them.

Perhaps I can give you an illustration of the magnitude of the numbers involved and the impacts that they might have. Like Police Scotland, we have done some financial modelling on the basis of a flat-cash budget, and we have put together low-level, middle-level and upper-level scenarios that also take into account inflation and potential pay awards for staff. A conservative estimate of what we might have to save next year is £14 million, which would equate to 339 whole-

time or full-time firefighters. Reduction of the number of firefighters by 339 would mean that we would be unable to crew 18 appliances. Perhaps I can put that into context by saying that we have 116 full-time appliances across Scotland. That size of reduction would mean that we would not be able to crew a significant proportion of appliances. We would always model that and we would remove crew from appliances based on what would have the minimum risk to community safety. However, with changes of that magnitude, we would not be able to meet our current response times, so we would not be able to keep communities as safe as they currently are.

11:00

Donald Cameron: Is it a question of response times? Would there be a danger of not being able to attend at all?

Ross Haggart: At the moment, we attend every emergency. If we had fewer appliances, we would still send the same weight of response to an incident, but that could involve travelling from further afield to get to the incident. There are occasions when we need to stack calls on a risk-assessed basis—when there are floods, on bonfire night and so on—but generally we do not have a problem responding to every emergency call immediately. However, on average across the piece, our response times would undoubtedly increase if we had fewer resources to deploy.

Donald Cameron: I will turn to a similar operational matter for the police—namely, the issue of body-worn video cameras, which I think Deputy Chief Officer Page touched on. I think that you said that you are trying to protect delivery. Can you guarantee that body-worn video cameras will be rolled out from next year in Scotland?

David Page: No, I cannot guarantee that. Our budget is predicated on an assumption about the volume of policing. If a particular event took an awful lot of policing resource, thereby putting huge pressure on the budget, we would have to find the money for that from other sources. Therefore, I cannot guarantee roll-out of body-worn cameras. However, we are doing our utmost to protect the roll-out of not only the national body-worn camera project but of a number of underlying projects that need to be in place, including the digital evidence-sharing capability project for storage and transmission of data, and infrastructure projects in police stations to create storage for body-worn video cameras and the rest of it.

We are looking closely at protecting all the projects that need to be completed in order for the cameras to be rolled out. At the moment, that is protected, but I could not guarantee it.

Donald Cameron: The First Minister said in the parliamentary chamber last week that the Government will start to introduce that technology next year. Does your answer mean that, although the background technology might be there, you cannot guarantee that police in Scotland—uniquely in the UK—will be wearing them?

David Page: We are not in a position to guarantee that, but our current plans are that we will do it. However, I cannot predict what will happen in the next five months with regard to policing pressure. If, for example, there was a major emergency that required huge amounts of overtime, we would have to find the money for that. Our plan, however, is that we will continue to roll out body-worn video cameras nationally, as was outlined in our previous plans.

Donald Cameron: That is a particularly pertinent issue in the Highlands and Islands, which is the region that I represent and which I think has the highest number of attacks per officer. I am sure that you know that, but I want us to bear that in mind.

Finally, I think that you estimate in your submission that, by 2028, police numbers will come down by more than 2,000. That is based on assuming a 2 per cent pay deal. Is that correct? If the pay deal goes above 2 per cent, is there a risk that more than 2,000 officers will be lost in the window between 2024 and 2028?

David Page: Yes. If our budget settlements are provided in line with the resource spending review's flat-cash, flat-capital profiles over the next five years, we would have to make a decision about whether to give a pay rise. We do not run straight to workforce reduction as the only lever; we continue to run internal programmes to look for efficiencies and effectiveness.

However, as we have already said, 85 per cent of the budget is for the workforce; we have taken out £200 million and we took 1,600 civilian staff out of policing at the start of Police Scotland's journey. The resource spending review asked public sector bodies, quite rightly, to push ahead with public sector reform and collaboration, to reduce their workforces and to pay for their own settlements. We have striven to do that, but with a £200 million reduction already delivered, with a 1,600 staff reduction already delivered, with a non-pay budget of only £200 million and facing the inflationary pressures that we do, we do not have many places left to go.

Again, we discussed that with the board. Those are finance discussions that we have at force executive level; they are decisions for the chief constable, in discussion with the SPA board. The question this year was whether we would give a pay rise or have a pay freeze. The Scottish Police

Federation and the trade unions have been made aware of the very challenging circumstances in which the police operate, and the decision was to give a pay rise. We have just gone through that process. We put 2 per cent in the budget—we hope to be able to fund at least 2 per cent.

For our modelling purposes, that is where we are at the moment. I do not think that there is much more that we can do on efficiency. We will push very hard for efficiency, but it will not be enough to deliver the sums of money that are needed in order to give our workforce a reasonable pay rise that is fair and affordable. It is a large workforce.

Donald Cameron: If none of the other police witnesses want to add to that, I will hand back to the convener.

The Convener: Thank you. I will bring in Rona Mackay and then Katy Clark.

Rona Mackay: Thank you, convener. I will come to James Gray first.

In your opening statement, you acknowledged that you received £80 million extra in your budget. You said that half of that was spent on pay rises. Sorry if this is a bit simplistic, but can you say how the other £40 million was absorbed?

James Gray: As you say, the first £40 million went to settle the 2022-23 pay award because it ended up being higher than we budgeted for. Regarding the remaining amount, when we were building the budget, we had significant non-pay pressures coming through. Mr Thomson referenced some of the contract inflation for items such as building repairs. We had something similar, where inflation of 8 or 9 per cent was applied to a very large contract.

We were able to allocate an element of the £40 million towards a pay award, but it was somewhere in the region of 2 per cent because the other part of the new funding that we received this year had to go to manage non-pay pressures. Obviously, 2 per cent was never going to be enough to get to a reasonable position on a pay award, and that is why we built additional savings into our budget, in order to put an allocation aside that would be adequate.

In normal circumstances, in a 2 per cent inflationary environment, £40 million would have been a fantastic settlement, but this year, inflation has been so high. It is understandable—we are not sitting here being critical in any way at all. We recognise that the public finance environment and the wider economic circumstances are incredibly challenging.

The money helped us—as we have said, it was better than we thought it might be. It certainly helped us, and we are in a better position than we

would have been had we not received it. However, given the level of pressure and where we are on pay awards this year—as you know, police officers are at 7 per cent—these are extraordinary times. As a consequence, a huge amount of pressure has been put on the budget. In any normal time, the money would potentially have meant that there were opportunities to invest in new areas. However, that is just where we find ourselves this year.

Rona Mackay: Thanks. Mr Page, you talk about your reform budget. What is that exactly—what does that mean?

David Page: From 2013 onwards, the Scottish Government provided a £25 million reform budget to assist with the creation of Police Scotland—the reform of the eight legacy forces into a single Police Scotland force. That £25 million, which we received every year, was allocated to Police Scotland but was held by the Scottish Government, and we effectively made bids to the Scottish Government to draw down on that £25 million to make the reforms that we needed to make.

That has been absolutely critical to Police Scotland, to allow us to make some inroads into the digital data information and communication technology transformation and address many of the other aspects that you need to deal with when you bring eight legacy forces together. For this current financial year, the Scottish Government baselined the reform budget into our core budget, but with a caveat, quite rightly, that it be used for transformation purposes, which is really essential.

The difference this year is that it was £20 million, not £25 million, that was baselined into Police Scotland's budget; £5 million was held back by the justice portfolio for wider justice sector transformation, from which we will benefit in due course. The £20 million-worth of baselined reform funding in our core budget is the money that we use for transformation. All the projects that we talk about—national body-worn video, the core operational solutions programme and DESC—are funded from that budget.

This year, we sought permission from the Scottish Police Authority to allocate £5 million of our core revenue budget to prop up the reform budget, which got us back to £25 million. We had made assumptions based on £25 million being the money that was available. We have a lot of multiyear projects and when the budget was cut to £20 million, it left a gap, so we redirected £5 million of our core revenue budget into the reform budget to carry on with those projects.

Unfortunately, given where we are now with the budget pressures, we have already reallocated £3 million back into the core budget. We are just

about to look at reallocating more of the £2 million that is remaining from revenue back into the core budget, and I am looking at that part of the £20 million that we have not spent already and have asked for work by the change programme to see which projects we can pause or stop with the least impact on our policing capabilities, in order to save money that we can redirect to meet our current budgetary challenges.

Rona Mackay: I turn to body-worn cameras. In the previous session of Parliament, I was on the Justice Sub-Committee on Policing and we were talking about cameras then, which was seven years ago. Why has that not been a priority for you? Whose decision is it? Is it operational, or is it a decision for you? You could not give a guarantee that it would happen, so I am wondering who actually decides that.

David Page: It has always been a priority for us. The issue that we have had is that an awful lot of infrastructure is needed underneath the body-worn video cameras that people wear. There is no point in just buying cameras and giving them to people, because they cannot store the data and we cannot use it in a way that would be appropriate for evidence purposes and things like that.

We have had hundreds of legacy information technology systems. The digital data and ICT programme that we put forward in 2017 needed about £350 million-worth of infrastructure investment to address fundamental gaps in our technology capability. For example, an officer based in Strathclyde coming across to the Lothians could not arrest someone because they could not use their ID codes on our systems. Our systems were so disparate that we did not act like a national force.

Before we get body-worn video working, we have to put in place a programme that allows any police officer in Scotland, deployed anywhere, to be able to plug into the systems so that we can capture the video on a central database and use it for evidence purposes across Scotland.

We have always wanted to do that, because we were way behind the curve against England and Wales, but we have to bring eight police forces together and create national infrastructure before we can plug a camera into it. We are still some way away from that.

Even if we deliver national body-worn video in line with the plan, the pilot will not start until July next year, but we have the desk pilot, the core operational solutions pilots and some infrastructure work. We have quite a large estate, and there is an awful lot that we have to do to ensure that the officers who use the cameras can download the data. The wi-fi infrastructure in the

police station has to be strong enough that we can upload the stuff to the cloud and store it safely—

Rona Mackay: I am sorry to interrupt—where are we with that, then? Ten years seems like a long time.

David Page: A full business case is going to the board in January 2024; the pilot starts in July 2024. The phase 1 roll-out is currently planned for August 2024 to June 2025, and we are looking to roll out 10,500 body-worn video cameras to the front line. We will then go on to phase 2 thereafter.

There is quite a long timeline—it is a major project and there are a number of other technology projects sitting underneath it that we need to have in place before we can launch body-worn video. As I have said, we are trying to protect that project to the best of our ability, but the budget processes are stripping away the money from projects other than those that we are trying to protect.

You asked about decision making: that goes straight to the force executive and all decisions about operational priority for change delivery are led by operational policing colleagues. For anything that we do in relation to the estate, fleet, procurement, finance or the way that we manage the money, we produce options and present them to the force executive, which is the chief constable, the deputy chief constables and the assistant chief constables, supported by directors, to allow them to make a decision that is based on threat, harm and risk, and on what the operational priorities are.

11:15

Rona Mackay: I know that I am running out of time, but I will go back to James Gray, very briefly. You mentioned the closure of maybe 30 police stations. Would you put that money back into the capital budget, as the fire service is doing?

James Gray: It is our intention that the money would go back into the capital budget for reinvestment and that the savings that would be made on maintenance of those police stations could be reinvested. Hopefully, some of it could go into the retained estate so that we could get it up to a better standard.

Rona Mackay: Again just briefly, I have a question for DCC Connors. You talked about THRIVE assessments, and said that it would be up to individual officers to do that. How is training going for that? Also, you will know that we did quite a large inquiry into the mental health and wellbeing of police officers; how is work on that progressing?

Deputy Chief Constable Connors: The THRIVE assessment training sits mainly in our

contact, command and control centres. It has been rolling out and continues to be rolled out. It is embedded, and it is part and parcel of that work. We also have trauma informed practice and other mechanisms so that all officers and staff across the organisation have the ability to look at, assess and work with each individual.

In relation to officers' wellbeing, it is important that we understand the pressures that are coming down on all of our staff—not only officers, but police staff. The programme is led by Katy Miller and is on-going, with a lot of different workstreams. It is about having an open culture that encourages people to come forward when they feel that pressures are coming down on to them. It is about not only putting systems in place, but creating a culture in which we say, "Please be open and come and talk to us."

As I said, the difficulty for officers and staff in Police Scotland is that they want to deliver a service for the communities of Scotland and they are trying to do everything. That is the bit that we need to manage, so that we are able to do things well, deliver for the communities of Scotland and also look after the wellbeing of our officers and staff.

Katy Clark (West Scotland) (Lab): I would like to ask Ross Haggart some questions. The backdrop to this is a decade of cuts to the fire service in Scotland. Audit Scotland reported that the Scottish Fire and Rescue Service has an "insurmountable capital backlog" and information that was provided by the service to my office suggests that 45 per cent of the entire estate is assessed as being in either poor or bad condition, but in your reply to Pauline McNeill, you indicated that only five fire stations could be prioritised.

The FBU's decon campaign highlights the health risk of contamination and some of that risk relates to the condition of the estate: for example, the availability of showers. What consideration has been given to the legal duty of care that the service is obliged to provide to its workforce and to the risks of litigation and the legal responsibilities of the service?

Ross Haggart: As I have previously stated, the issue is a priority for the service. I am aware that there have been two debates in the Parliament on the subject. As I said, the safety of our firefighters is of paramount importance to the organisation. As I said to Pauline McNeill earlier, the estate is part of the solution and, ultimately, we need to be able to invest more in our estate to bring it up to a suitable standard for a 21st-century fire and rescue service.

Notwithstanding that, there are other matters that we are progressing through our contaminants group about policies, procedures and operational

practices so that we can mitigate—to an extent—some of the issues that we have with our current estate. Ultimately, a full solution will require policies, procedures, protocols and appropriate training for our firefighters to be able to safeguard themselves from contaminants. They should also have the ability to go back to a fire station that has proper dirty and clean areas and be able to shower within four hours of being exposed.

All of those things—the practical elements and the estates element—need to come together. However, we take our responsibilities in that regard, as well as everything else related to firefighter safety, extremely seriously.

Katy Clark: Have you had any advice about your legal liabilities and could you share that with the committee, perhaps in writing? Could you inform the committee, perhaps in writing, of the mitigation work that you referred to? It would be extremely helpful if you could keep the committee advised on that.

Ross Haggart: We would be keen to keep the committee sighted on the work that we are doing in that regard.

Katy Clark: Would you be willing to share the advice on legal liabilities with the committee? At the end of the day, all of us will have to pay the price if the fire service does not meet its obligations.

Ross Haggart: There is always a challenge when it comes to legal advice and things like that. However, wherever possible, we will seek to be as open as we can be with any information that we have in that regard.

Katy Clark: Thank you very much. As you know, we had a huge fire in the Highlands in June and two firefighters were injured. Across Europe over the summer there have been wildfires and extreme flooding—indeed, it is happening not just in Europe, but across the world. The implications of climate change must be at the forefront of your mind in relation to increasing demands on the Scottish Fire and Rescue Service. What work is being done to look at what those increased demands are likely to be and how we will have to respond to that?

Ross Haggart: I will bring in Stuart Stevens to give some of the detail on that because Stuart leads on all things relating to service delivery.

From a strategic perspective, we are acutely aware of the impacts of climate change. In my opening remarks, I spoke about what we are trying to do to mitigate our impact upon the environment. Clearly, we have a key response role to play, particularly in relation to flooding and wildfires. That is a priority in order to ensure that our firefighters are appropriately equipped and trained

to deal with those types of incidents, given that there is a much greater risk of them occurring, in terms of not just numbers but scale. Stuart Stevens can provide more detail around about the work that we are doing in that regard.

Stuart Stevens (Scottish Fire and Rescue Service): Good morning, everyone. We model the impact of wildfire and significant flooding events in the natural environment as part of our community risk index modelling programme. We then build strategies to respond to those. As an example, over the past year we have upgraded all our water rescue teams—all 20 of them—with new equipment in order to be able to respond to significant flooding events. As the chief says, alongside that we have our wildfire strategy, which is currently being implemented, which will see significant investment made in remote and rural parts of Scotland in order to mitigate the challenges of wildfire.

However, as you rightly say, there are various examples from around the world and the challenge and the risk are very real. We are alive to that. We are not immune in Scotland from significant wildfires—as we have seen up north. It was fortunate that they did not impinge on significant densely populated areas, but that is not to diminish the impact that they have had on the natural environment and rural communities. We need to make sure that we are prepared to respond to that. We have invested in wildfire resources and capability, which gives us a foundation to build upon, but as the chief has already highlighted, there are significant challenges with our capital budget. Significantly more investment would be required in order for us to continue to meet that demand.

Katy Clark: This is a budget scrutiny process, so what are the budget implications of those challenges? Have you looked at that?

Stuart Stevens: We produce a three-year capital budget and as part of that we factor in the risks to the organisation and prioritise what the capital spend should be. However, there are competing priorities around RAAC panels, dignified facilities, decon and wildfire, and we have to factor in and prioritise all those with a very minimal budget.

Katy Clark: I understand.

As you know, 10 appliances and additional height appliances were withdrawn across Scotland last week, close to 1,100 uniformed firefighter jobs have already been lost and Ross Haggart has indicated that a further 780 full-time firefighter jobs could be lost in the next four years. You have also indicated in your evidence today that firefighters may not be available for the appliances that you have—they will not be able to be staffed.

However, concerns are already being raised with us about the lack of availability of appliances and increased response times. I know that modelling has already been referred to this morning, but what work are you doing on the implications of the lack of availability of appliances for the public and on response times? What information are you able to share on what has happened since the 10 appliances were withdrawn?

Ross Haggart: The withdrawal of 10 appliances as of last Monday was risk assessed: we identified that withdrawing those 10 appliances would have the least impact on community safety across Scotland. As I mentioned earlier, if we have to make budgetary reductions at the lower end of our predictions of £14 million next year, that would equate to an additional 18 appliances that we would not be able to crew across Scotland. That is against a backdrop of 116 whole-time appliances, which has been temporarily reduced to 106. We would not be able to crew a significant proportion of our whole-time operational appliances with a reduced number of firefighters based on the budgetary pressures. That would have a significant impact upon the organisation and the services that we are able to deliver to communities.

As I mentioned earlier, we would seek to minimise the impact of that upon community safety, but we would not be able to remove resources of that magnitude without there being an impact upon response times and, ultimately, upon safety and risk within communities. Stuart Stevens spoke earlier about our community risk index model, which is one of the tools that we have used to underpin the work that we have done to date. We are doing a piece of work at the moment to look at what the outcome of that modelling would be, should we have to remove another 18 appliances from the front line. I emphasise that that modelling is on-going. We would always seek to minimise the impacts upon community safety as best as we can through those reductions, but ultimately reductions of that magnitude will impact upon our ability to respond to emergencies across Scotland.

Katy Clark: Is it fair to say that response times will continue to go up?

Ross Haggart: Based on the assumption that we will need to make changes of that magnitude, we would anticipate that, on average across Scotland, response times would go up.

Katy Clark: I understand. Thank you.

Fulton MacGregor (Coatbridge and Chryston) (SNP): I am last but not least—I hope.

I have a couple of questions. My first question is for James Gray and David Page. James mentioned earlier that Police Scotland is looking at

the issue of overtime. I probably will not be popular for asking this question, and I apologise to any friends in the police who are watching, because I know that they welcome overtime—as anyone would just now. How could that issue play out in your budgets? It would seem more sensible to reduce overtime in order to keep staffing numbers up. Are you looking at that? Can you expand on what the impact of overtime is, and say what the figures are and how savings might be made?

James Gray: I can start and maybe DCC Connors might want to speak about the operational benefit of overtime.

Our core overtime budget is around £1 million a month on average—in parts of the year it is higher, so it is profiled. This year, we have been spending around £1.6 million to £1.7 million a month. We have been overspending and the forecast is that we could end up about £6 million or £7 million over budget. As I said, we are trying to bring that back into line. However, organisationally, that is very difficult to do in some areas—in fact, it is unavoidable in certain circumstances. For example, if someone has a court citation, depending on the time period of that, the only way to manage it is through overtime. I do not want to get into too much of the operational side of it, so I will hand over to DCC Connors on that.

We have had a discussion around the relative amount of overtime because it is a more expensive resource, and about using straight time and potentially having more police officers. However, as we have reduced our overall number of officers, the feedback that I have been getting is that people would rather have a little bit more overtime so that there is the flexibility and resilience to do things in the context of having a smaller workforce overall.

Fulton MacGregor: What are your projections? What savings in overtime do you hope to achieve?

James Gray: In the current year?

Fulton MacGregor: Yes.

James Gray: At the moment, we are not looking to save anything; we are just looking to try to bring the overtime budget back into line. If we did that for the remainder of this year, that would bring us back about £5 million. That is a component of our overall savings plan of £19 million that we spoke about earlier.

Fulton MacGregor: Okay. Thanks.

11:30

Deputy Chief Constable Connors: To pick up on some of those points, the key thing to say is that policing is unpredictable and will always be

unpredictable. It is very difficult to project forwards, which is why overtime comes in. However, overtime can be really tiring and it puts pressure on officers and staff when they are kept on shift, or their shift patterns are changed. Although overtime may well bring money into the bank for people who are dealing with the cost of living crisis, it comes at a cost as well.

There are many things that we are trying to do to manage that. For example, in event management, we are trying to project forwards to events and large football games so that we can give people notice and reduce the overtime budgets around those. We have to make some decisions around proactivity—that is, which operations will be run, what the cost will be and what the benefit is—and the threat and prioritisation process. There is quite a lot of complexity in managing the whole overtime piece.

We are managing overtime as much as we can, but ours is a very spontaneous role, so we have to manage that as well. There is an impact on officers and staff when we rely on overtime to backfill or to deliver what we need to deliver because we do not have the resources that we need in various areas.

Fulton MacGregor: You mentioned sporting events, so you must have read my mind about my next question. At last night's Scotland match, there was a significant increase in police numbers compared to previous games—I have been at all the games recently as part of the five game package. Even my wee boy, who was with me, noticed and said, "Oh dad, there's loads of police tonight." I have to say that the police were great and they were interacting well with the fans and the kids.

How are those things thought out? I do not know what the exact numbers were, but there seemed to be a large police presence: I could see a police officer everywhere I turned. I suppose that is a good thing, but given that we are here to scrutinise the budget, how do you take into account and prioritise such events? I know that you cannot predict things—you just said that—and possibly, as I am sure you will tell me, what I am about to say was to do with the fact that there was a large police presence, but the atmosphere seemed fairly friendly last night and I did not notice any difficulties.

Deputy Chief Constable Connors: There are different ways of doing it. Most event management is based on intelligence and experience and what that is telling us about the particular crowds, the dynamics or the game, whether it is a friendly or a cup game, and so on. All that will factor into the intelligence. We then have the deployment model and whether we hold resources; we might have exactly the same number of resources at the

game, but they are held back, so you would not see them, or they are put forwards to engage with the crowds and talk to people. It comes down to the deployment model whether we put people forwards so that they are visible or whether we hold them back so that the crowds can manage themselves again.

The decisions are based around threat and harm, intelligence and professional experience. We consider the profile of a particular event as well as the deployment model and the style and tone that is required for that particular event.

Fulton MacGregor: Thanks very much. As I said, the police officers that were interacting with us last night were absolutely brilliant.

I have one further question on the police, which is again for DCC Connors, and follows on from Russell Findlay's questions about the pilot. Your comments in relation to the assessment of risk of harm and vulnerability are sensible, particularly given the cuts that we are all facing across the United Kingdom as a whole just now. What would you ask of us as politicians? Would you ask us to be responsible when talking about it? When I first heard about it last week, it was certainly portrayed differently to the way that you have done today. What would you ask of us as politicians, across parties, and as a committee, in relation to that pilot and how we relay information about it to the public?

Deputy Chief Constable Connors: One final stage in the pilot is for the local teams to look at those particular reports through a context of local knowledge, the particular areas and the different crime trends. They are looked at through lots of different lenses before it can be decided that we are able to close a crime and there will be no more investigation. For me, it is important to speak to local officers and local divisions, so that we can give a really articulate account of what we are trying to do. That is important in order for the public to get—not the truth, because that is not the thing—an accurate representation of what we are trying to do, which is to ensure that we have service delivery and do not create any risk to the public. The pilot will do that. Many people just want to report crime. We will be able to deliver that service, too. There are several checks and balances, including the local element, to ensure that nobody who needs to see the police will not see us.

Fulton MacGregor: It is very important that we help you to reflect that accurately. Thank you.

I have a couple of questions on the fire services—I will be quick, convener. The first question is for Ross Haggart. I did a bit of work with my local fire station at Coatdyke—it was not too long ago, but certainly pre-Covid and before

budgets are what they are just now—and there was some discussion about appliances. I think that there were some thoughts that an appliance might be lost from there. When I got involved and started speaking to senior officers about it, there was a lot of discussion about the fire service looking to move to new models anyway. How much of the appliance cuts are to do with budget pressures and how much are they to do with the direction in which the fire service is moving anyway? I suppose that the reverse question of that is, if there was a magic wand and you had all the money that you needed, would you be reinstating those appliances or would you be moving in a different direction?

Ross Haggart: Thanks very much for the question, Mr MacGregor. In relation to the current service delivery model for the Scottish Fire and Rescue Service, our work to identify risk across Scotland using our community risk index model predated the resource spending review. The model identified that there is currently an imbalance of fire cover. That is largely because the cover arrangements that are in place are based on legacy arrangements that we inherited from eight different fire and rescue services that deployed resources as they thought appropriate at the time. We had identified that there was an imbalance of fire provision across Scotland, both in terms of the duty patterns that are operated from stations and the locations of stations, as well as areas that have greater and lesser provision across Scotland.

We had set out a piece of work to look to harmonise that and to make the provision of service more equitable across Scotland. That was all part of our imperative to modernise the SFRS. There are key elements to that modernisation, including the role that firefighters play within communities. We have done a lot of really good work with the Fire Brigades Union to look at what an expanded and developed role for firefighters could be across Scotland. With some modest investment, we could do more for communities and do more to enhance community safety, both in terms of preventative work and emergency response.

We were also looking to rebalance our resources across Scotland so that it was more equitable. We fundamentally need to reform our on-call provision: on-call firefighters cover huge land masses, and play a huge and valuable role in protecting the community. However, it is a system that we struggle to maintain on a whole-UK basis because people are living and working in different ways. We also need to improve training for firefighters and use much more innovation and technology.

We understand that we need to modernise as an organisation and we believe that, with some modest investment in the SFRS, we can do that. However, the alternative to reducing budgets year on year is that we take more resources out of the front line, which will ultimately impact on community safety.

Fulton MacGregor: Thanks very much for that answer. My final question is on an issue that we have done a bit of work on in the Parliament: water safety. I have to say the SFRS does a fantastic job with us on water safety. Accessing wild waters is becoming more popular as a result of the pandemic and climate change bringing warmer weather. How much thought and budget resource has been put into that work? It is very good work that is welcomed by everybody who is in that field.

Ross Haggart: Stuart Stevens might want to come in with some more detail. We are committed to the water safety agenda across Scotland. We play a key role in Water Safety Scotland—an officer is seconded to the organisation to lead that work. In all cases, we would rather prevent accidents in the first place. A lot of the work that we do with Water Safety Scotland and with the Royal Society for the Prevention of Accidents is preventative and mitigation work in local communities. As Stuart Stevens mentioned earlier, we have 20 water rescue stations strategically located across Scotland and we upgraded their equipment recently. We are really committed to water safety from both a preventative and an emergency response perspective.

Fulton MacGregor: Okay. Thank you.

The Convener: That brings us to the end of our evidence. I thank all the witnesses for attending the committee this morning. We hope to have further engagement with the new chief constable in due course, and certainly by the end of the year.

There will be a short suspension to allow a changeover of witnesses and for members to take a brief comfort break.

11:41

Meeting suspended.

11:49

On resuming—

The Convener: I am pleased to welcome our second panel of witnesses, who are Stephen McGowan, Deputy Crown Agent, Crown Office and Procurator Fiscal Service; and Eric McQueen, chief executive, Scottish Courts and Tribunals Service.

I will begin with the same opening question that I asked our earlier panel. During scrutiny last year, both organisations that are here today painted a concerning picture of the state of your budgets, although that was relieved in part by extra funding. I invite the Crown Office and then the Courts and Tribunals Service to tell us briefly what your experience of the financial situation has been for 2023-24 and what, if any, concerns and commentary you have as we approach the 2024-25 settlement.

Stephen McGowan (Crown Office and Procurator Fiscal Service): I am grateful for the opportunity to come here this morning. After last year's evidence session, additional funding was provided to us, and we are grateful for that funding, which addressed some of our essential needs, including the Covid recovery costs in the justice system more widely, the investigation of Covid deaths and a pay parity challenge that we have had over a number of years with the Scottish Government's main pay unit.

We are realistic about the pressures on public sector funding generally and the need to deliver improved outcomes. Although that additional funding was very welcome, it did not address all the essential funding that we needed for 2023-24. There was a shortfall in a number of areas: funding for two additional High Courts to reduce the pandemic backlog; funding to establish an evidence by commissioner unit, so that vulnerable witnesses can give their evidence in a way that is more suitable to their needs; the cost of implementing new legislation; costs in relation to pathology services, which created an additional pressure on the budget; and costs arising from continuing high inflation, which added another pressure to the budget. Currently, we have £9 million of pressure on the budget. Due to the nature of the services that we provide, which are statutory and legal obligations, that is a tricky situation for us to be in. We have little room for manoeuvre in our budget, because 82 per cent of it is for staffing and much of the rest of it is committed to pre-contracted spending on things such as pathology.

We are working with the Government to make sure that we achieve a path to balance and that we balance the budget this year. However, it is clear that the financial outlook is challenging.

The Convener: Thank you very much.

Eric McQueen (Scottish Courts and Tribunals Service): Good morning. We are probably in a similar position to what Stephen McGowan has outlined for the Crown. Clearly, in the previous evidence session, we painted a picture of some quite dire consequences if we had ended up in a flat cash situation and, thankfully, that situation did not fully materialise. We did get

increases in our core budget, which largely covered the issues around what we thought pay increases would be at the time, as well as inflation in a lot of the areas. We also received significant in-year funding to make sure that the court recovery programme, which is obviously an essential part of our operations, was maintained in full. We also received additional capital funding to put towards some of our critical building maintenance-type projects. That put us in a relatively good position but, again, left some shortfalls and pressures in our overall budget.

We have been able to continually drive efficiencies and we have been scrutinising all budget lines. Through the good work of our procurement team, we have realised about £2 million in procurement savings over the course of the past year. Our whole approach in our digital strategy is to move away from having externally provided services and to bring those services in house. We are now making that move and we reckon that that will reduce costs by about 25 per cent. Again, we are doing those things to drive the efficiencies out, so that we can focus on delivering core business. Similarly to the Crown, about 75 per cent of our budget is tied up in people and buildings, so our area for manoeuvrability is quite tight.

On the buildings front, we have reduced our investment in backlog maintenance. That is a risk-based decision that we have taken on the basis that we have substantially brought down our backlog over the past four or five years, and it means that this year we are putting slightly less into it. However, although the risk is low this year, the position is not sustainable, and it will be an issue and a pressure pushing into next year.

Our biggest remaining concern with regard to finding the path to balance is primarily pay and pay increases. Our budget was very much based on public sector pay policy and, therefore, the expectation of a pay increase of around 3.5 per cent, but the Scottish Government has now settled at a much higher level that goes beyond what was in the pay policy. For the bulk of our staff, in effect it means an increase of around 7 per cent this year and about 5 per cent next year; that has put a real in-year pressure of about £3.9 million on us, and we are discussing with the Government how we can close that gap. It will also have a knock-on effect next year of somewhere in the region of £6.5 million.

We are doing our best to manage some of our pressures. With regard to overall court business, though, we are quite clearly seeing a continuing increase in the number of more serious cases coming through, and that is a big issue for the recovery programme. As you will be aware, there are also the on-going challenges with GEOAmev,

which are having quite a significant impact on the operation of the courts. A range of things are adding to the pressures that we need to work through to get on the path to balance by the end of the year.

The Convener: Thank you very much indeed.

I am going to use the same format that I used in the previous session and hand over to Russell Findlay, after which I will bring in Katy Clark. I should also say that I am looking at giving members eight or so minutes each, but I will bring in supplementaries if we have time at the end.

Russell Findlay: I will keep an eye on the clock and try to be quick.

My first question is for Mr McQueen. On a recent visit to Victim Support Scotland's offices in Glasgow, we were shown a new facility that should allow witnesses to give evidence directly to court from its premises. So far, though, it has been used only for a case involving a Canadian court rather than a court in Scotland. Do you know if the non-implementation of the facility—I was going to say "delay", but it is perhaps not that—has anything to do with budgets, or is it more to do with practical issues?

Eric McQueen: It is not to do with budgets—it is more about practical issues. We are looking at the technology connections from Victim Support Scotland's premises, which I must say are excellent; we have been out there and visited the organisation, and we are working very closely with it. We can use its premises for televisual links into courts, but the area that we are trying to find a technical solution to is bringing people in virtually to give evidence on commission. That is where the bulk of the work is going, but we think that we are fairly close to a solution and are working closely with Victim Support Scotland to make it a reality. After all, the ability for witnesses to give evidence in that environment is something that we all aspire to.

Russell Findlay: The Scottish Government is legislating for the creation of a new criminal court to deal with sexual offences. Have you done any work on evaluating how much that might cost? As it will not involve physically building a new court, is it not essentially a rebranding exercise, or will there be any costs?

Eric McQueen: It is a bit more than that. The issue will, of course, come back before the committee in that bill's financial memorandum, which has been submitted to us and on which we are submitting our views.

There will be costs to the Scottish Courts and Tribunals Service, as there will to every organisation involved. Perhaps the most significant area of cost will be evidence on

commission, given that the presumption behind the bill is that all complainers and witnesses in these cases will be giving evidence in that way, and so we have been modelling the overall costs of that. We now have four high-quality evidence on commission suites—in Glasgow, Edinburgh and Inverness, with the one in Aberdeen being commissioned as we speak—and we have funding from the Scottish Government to build another specialist suite next year in Dundee. That facility will be shared with Victim Support Scotland, which means that, as in Inverness, their staff will be present. We are trying to model the position with regard to overall capacity.

At the moment, we are dealing with about 800 evidence on commission hearings a year, which is a significant increase on previous years, and our current capacity would, if we were able to use it fully, give us a theoretical limit of about 2,000 hearings a year. What we want to achieve, though, is a fuller spread across all sheriffdoms to ensure easy access for people attending these hearings.

Russell Findlay: This is perhaps a slightly technical question, but evidence on commission happens already. It is recorded prior to the hearing.

Eric McQueen: It is, yes.

Russell Findlay: However, I am talking about live evidence being given from elsewhere. That is the issue that is being worked on.

12:00

Eric McQueen: There are two things there. Evidence on commission is in place at the moment for children in the High Court. The new bill will propose a presumption that everyone in the specialist court will give their evidence on commission. The whole theory of evidence on commission is to avoid people having to give evidence by live link when they participate in a trial and to allow them to give their evidence at a very early stage, in order to reduce the trauma for the individuals involved. That is the big step change that we would see coming out of the bill.

We already have quite extensive capacity across the country for live links, either from court to court or from individual premises. We have about 20 vulnerable witness suites that are external to court buildings and where people can currently give their evidence by video link.

Russell Findlay: My next question is for Mr McGowan. Something on page 16 of the Crown's submission, in respect of civil recovery, caught my eye. It says that the civil recovery unit

"has recovered over £20 million in cash and assets"

from criminals since 2003. Is that number accurate? It seems quite low.

Stephen McGowan: A lot of care was put into the submission, so I think that that figure is accurate, but we can double check it.

Russell Findlay: Given that that is 20 years' worth of cash and assets from organised crime, it does not seem to be very much at all. That would be helpful.

There was a notable absence in the submission of any reference to the scandal of the malicious prosecutions of people involved in the Rangers takeover. The most recent publicly available figure for the cost to the taxpayer is £57.4 million, with £5.7 million of that being for legal fees. I understand that the compensation payments included an undertaking by the Crown to meet any future tax liabilities, if those arose. Have any tax liabilities been met by the Crown or by the Scottish Government in recent months? Have the figures risen since they were published? What cost implications might the imminent inquiry have for the Crown's budget?

Stephen McGowan: The £57.4 million figure is the up-to-date one and there has been no change. As ever, I am limited in what I can say because litigation is still on-going.

We will have to budget for the inquiry when it comes. We have already dedicated some resource to that and I do not think that it will be a major line in the budget. The wider number of public inquiries that we have at the moment is a pressure on us, but it is one that we are absorbing and managing.

Russell Findlay: I have a very quick question about the increasing number of fatal accident inquiries. The relevant page in the submission is page 15, which says that 39 hearings are scheduled. Those are brand-new hearings for 2023. How many more hearings might be described as "works in progress"?

Stephen McGowan: I do not have a precise figure for the number of live cases in progress at the moment. The ones where the hearing is scheduled are the ones where the court has been petitioned. There will be a small number—and I do not have that figure—where there is an instruction but we have not yet petitioned the court. Our internal guideline is that we look to petition the court within six weeks of getting the instruction to do so and after discussion with the court.

The increase in the number of those cases comes from two things. First, there has been a significant increase in the number of discretionary fatal accident inquiries in the past couple of years, in part due to the complexity of the deaths that we are dealing with. We have many more really

complex deaths where there are issues of medical negligence, mistreatment and so on, which require ventilation before a court. We have instructed 10 such inquiries in the past year, which was more than in the year before and is a significant increase.

Russell Findlay: I suppose that there is an expectation from some families that fatal accident inquiries will take place and that the Crown has to consider those on a case-by-case basis.

Stephen McGowan: Yes, we have to consider those on a case-by-case basis.

We are doing other work in relation to that. We have the complexity of the general deaths casework anyway. We have a deaths improvement programme, and one aspect of that looks at the public confidence issue more generally. It looks at doing more to publicise what we do in our routine deaths investigations, where lessons are learned and what material comes forward that can prevent other deaths from happening in the future. It looks at how we can best publicise all that for routine investigations so that a full fatal accident inquiry might not be required, but there is still public confidence that lessons have been learned more widely.

Russell Findlay: It is not an FAI or nothing; there are lots of—

Stephen McGowan: Absolutely. There is a continuum of responses.

Russell Findlay: Thank you.

Katy Clark: One of the major challenges that we still face is the backlog of cases. I know that there has been progress on that, but it is still a massive problem that is having a huge impact on all the individuals involved. The Crown Office submission suggests that the level of resource funding that might be required is around £207 million for 2024-25, taking into account pay rises. Can you set out how that figure has been reached? What are the potential implications if aspects of that might change?

Stephen McGowan: The £206.8 million that we have set out in our submission comes, first, from our assessment of what has been necessary for this year; that was £182 million. It then takes into account the aspects of the budget that I have mentioned as being pressures this year—the additional High Courts, evidence by commissioner, the new legislation and so on.

Over the past few years, we have been on a journey on pay parity. Pay parity ensures that those working for the Crown Office and Procurator Fiscal Service are paid a similar amount of money to those in Scottish Government main, whether they be lawyers, support staff or information technology professionals—whatever they are,

historically they have been paid less. That was an issue for us; it led to issues with retention, in particular. There is a figure for that. We think that, in applying the Scottish Government pay policy, it will require an additional £10 million to fund the pay award to keep us at pay parity, so that the good work that is being done and the support that we have had from the Scottish Government recently in getting us to that level is retained.

We have given examples in the submission of what it would mean were that not done. It could mean a reduction in head count by about 200 people, which would be equivalent to Aberdeen not having a fiscal's office. We are not serious proposing that, obviously, but that is the equivalent, and it is significant. There is no doubt that, if such a reduction happened, it would have an impact on the service that we aspire to deliver to the public, and the service that the public could expect from us might be below the level that they can reasonably expect. Hard choices would require to be made.

Katy Clark: The pay parity issue is clearly very important because some staff and groups of staff have legitimate claims in relation to their treatment and issues around comparative pay.

However, from a public point of view, the backlog continues to be a major problem. There were additional Covid funds. There is always the answer that more resources are needed not just in one part but in all parts of the justice sector to address the backlog, but on what basis are you making your projections for what you expect to happen to backlogs? Some individuals who have come to the committee have described completely unacceptable backlogs in cases being dealt with. Can you outline your approach to that?

Stephen McGowan: There is specific funding to deal with the backlogs, which is there until 2026-27, and that is built into the budget.

The backlogs are generational. They are bigger than they have ever been, and they amount to a huge challenge. Over time, those backlogs are coming down. Cases have been taken off the summary backlog, and cases will be taken off all the backlogs as time goes on; we are progressing towards that.

It is undoubtedly the case, though, that there are victims at the moment who are waiting for their cases to come to court, or who have recently had their cases in court, who will have been waiting a very long time. I appreciate that that is very difficult for them. The additional funding that we have across the justice system as a whole will help us bring that down over time; gradually, the stories and experiences that you hear from constituents should begin to improve. However, we are on a multiyear journey to get to that point.

Katy Clark: Obviously, in this place, we pass legislation. We have just passed the Bail and Release from Custody (Scotland) Bill, and we are considering the Victims, Witnesses, and Justice Reform (Scotland) Bill. What implications will those bills have for your budgets in the coming year?

Stephen McGowan: In relation to the victims and witnesses bill, it is difficult to say, because it is still going through Parliament. Like the Scottish courts service, we are at the point where we are beginning to model what that will mean. If we increase evidence by commission, which is one of the bill's proposals, and do more work to engage with victims, it is almost inevitable that that will cost more money. That modelling is on-going, and we will discuss it with the Scottish Government as the year goes on. The subject will no doubt come back before the committee.

Katy Clark: I appreciate that that will not be a matter for the coming year's budget, but does that mean that you expect cases to cost more if those legislative changes take place? Are you saying that you expect the process to be, rather than cheaper and more streamlined, a more resource-intensive process that will cost the public purse more?

Stephen McGowan: My expectation is that it will be more resource intensive. More resource is required for a commission hearing than would be the case if everyone came to the court and evidence was given live. From the perspective of the prosecutor who is doing it, the preparation for a commission hearing is the same as the preparation for trial. Even though there might be only one witness, you still have to cover all the evidential aspects of the case so that appropriate questions can be asked. It will undoubtedly be a more resource-intensive process.

Some of the sexual offences cases go through the sheriff court at the moment, which costs less. With the establishment of a sexual offences court, the standard of preparation for those cases will change—I expect that it will be the same as that for the High Court—so there will be an additional cost for the preparation of those individual cases.

Therefore, I expect that the process will cost more, but we are still modelling the extent to which that might be the case.

Katy Clark: I understand. Do I have time for an additional question, convener? I know that we are under time pressure.

The Convener: You have time.

Katy Clark: In its submission, the Scottish Courts and Tribunals Service suggests that an increase of £13.4 million would be needed. Could

Mr McQueen briefly outline how that figure has been calculated?

Eric McQueen: The £13.4 million figure relates partly to the pay award. Based on current projections, we reckon that we will need £6.5 million to put towards that pay award.

Katy Clark: What is your projection around the percentage?

Eric McQueen: That figure is based on a projection that we will follow the line that Scottish Government main has taken this year of a broad 7 per cent increase, which would obviously impact on the baseline for next year. For the majority of staff next year—because most of our staff are on the lower-paid grades—it would mean an increase of around 5 per cent, and an increase of 2 per cent for staff on higher salaries. Our projections around the overall impact for next year are in the region of around £6.5 million.

On top of that, there have been recent pay increases to judges. Although we do not recruit or pay judges, how we operate is that we pay part of their pension; we also pay fee-paid judiciary. The costs of both of those has gone up, and we reckon that the increase will be in the region of £1.5 million. In addition, there are extreme pressures on the Mental Health Tribunal for Scotland because of the growing volume of business that is now going through it. We reckon that we will need in the region of £1.4 million in relation to the additional members hearings that we will need to hold in that tribunal next year.

The final part of the £13.4 million increase is largely to do with inflation. Although the projection is based on a lower level of inflation coming in next year, we still think that that will have an overall impact of about £4 million on our budget. That brings us broadly to the £13.4 million figure.

Katy Clark: Thank you.

The Convener: We come to Fulton MacGregor.

Fulton MacGregor: I hope that my first question will link this session with the previous one. My colleague John Swinney's line of questioning in the previous session was about joined-up thinking in the justice sector. It will come as no surprise to the witnesses—the point has probably been raised with you previously, maybe even by me at a previous session; I cannot remember—that we often hear from the police about the amount of time and resource that is taken up by officers having to attend the court. We all know about that. We have heard it many times, and we heard it again today; there was even talk about the impact of that on overtime budgets.

Is the SCTS doing anything to try to limit that? Is it doing any further work with the police to see exactly how that can be reduced? That would

have an impact on the police budget, which we have just heard about, and I presume that, to an extent, it would also have an impact on the SCTS budget.

12:15

Eric McQueen: I will kick off on that. We have been, and are, doing a number of things in that area. At present, all police witnesses can be on standby, so they do not have to come to the court building until the time that they are due in court. The whole idea was that police officers could continue working in police buildings before they were actually required to give evidence. That was put in as a stopgap quite a number of years ago.

From January 2022, police officers and expert witnesses in the High Court have been able to give evidence remotely from their place of work—so far, about 700 of them have gone down that route. We will do an evaluation of that approach in October, and we hope to roll it out shortly, during next year, across the sheriff courts.

Again, that is quite a game changer for the police, because it essentially means that anyone who is required to give evidence would simply do so from their place of work—from a police station, or from hospital if they are a national health service employee or consultant. That will significantly reduce the time that they would have to take in order to make that contribution. I think that that will have a significant impact.

The other area in which I think that we will start to see early benefits is the summary case management pilot. That is currently taking place in three courts—Dundee, Hamilton and Paisley—with a real focus on trying to bring cases to conclusion at the earliest possible stage, and trying to avoid the setting down and citation of witnesses for unnecessary hearings. The key part concerns the automatic disclosure of evidence at the earliest stage, before the case calls, to allow proper consultation and negotiation to take place between the Crown and the defence before pleas are made.

Through the pilot, we have started to see a significant impact on witness citations. In some areas, police witness citations have, broadly speaking, reduced by 50 per cent, and other witness citations have dropped by about 30 per cent. We are also starting to see the figures change with regard to earlier settlement.

The pilot is currently going through a full evaluation, and we expect that it will be completed in October, with a full evaluation taking place next March. We anticipate that, if the evaluation confirms the positive progress that has been made, the pilot could be rolled out to other courts

in the near future, pending the full evaluation that will take place in March.

A stream of things are currently in place that we hope will bring positive benefits to the police in particular, mainly by limiting the number of police officers who have to give evidence in the first place and, when they do have to give evidence to the court, providing a different means by which they can do so.

Fulton MacGregor: Thank you for that—it sounds really positive, because the issues with police officers' time have been on-going for a number of years.

Eric McQueen: Absolutely.

Fulton MacGregor: I was going to ask how the pilot that you are talking about might have an impact on resources across the board, so it is interesting to hear that there has been a decrease of up to 50 per cent in police witness citations.

However, do you think that that can really change the way in which we do things in courts? Will you be looking at the pilot project that the Police Scotland witnesses talked to us about earlier this morning? Will you be looking at risk and vulnerability, and the standardness—for want of a better word—of the case, and at where that can all be agreed early on in order to save that resource?

Eric McQueen: Absolutely. I am sure that Stephen McGowan will want to say a bit more about that, but our pilot is primarily about trying to take a very different approach. The key point is that it is judiciary led—it is being led by Sheriff Principal Anwar, who is now the sheriff principal in Glasgow and Strathkelvin. The whole emphasis behind the project is about sheriffs taking a much more focused, hands-on, proactive management approach to cases, with proper case management from the very start to the very end.

A key part of that is the very early sharing of evidence: ensuring that key evidence is available before the case calls in court and before pleas are tendered. We hope that that will reduce the number of cases that are set for trial and the numbers of witnesses and citations that we currently see, and that it will, at the end of the day, generate a much more effective and efficient system.

Stephen McGowan may want to say more from his perspective, as the COPFS role in that is critical.

Stephen McGowan: The summary system is inefficient almost by design, given the way in which the legislation operates in practice. Until now, it has assumed that everything will go to trial, but we know that the cases that go to trial are the exception rather than the rule—less than 10 per

cent of cases go to trial. We currently cite witnesses for cases at trials that are not going to happen, and we prepare for trials that are not going to happen. A huge amount of resource goes into that.

The summary pilots, through judicial case management and early targeted disclosure, are getting us to the point at which those cases that we know will resolve in a plea of guilty at some point down the line do so at an early stage, before we go to the extent of citing all the witnesses and doing all the preparation for a trial that will not happen.

As Eric McQueen said, the results that we have at this early stage are really positive. If we can reduce the number of citations to witnesses by about 50 per cent, that will have a huge impact on the public and the police. It also has a huge impact in terms of freeing up capacity for prosecutors to do other parts of our work, such as the FAIs and the serious crimes, such as sexual offences, that we have discussed, rather than preparing for hearings where we know that there is not going to be a trial. That eliminates some of the churn, and it is a positive aspect of our business, so we are really hopeful that we will get the results that we are looking for there.

It is important to say that that is being done without legislative change. It is being done within the parameters of the current legislation, through good judicial case management and initiatives that we are taking up. It is currently going so well that we have been able to put in some additional factors to enhance the pilots. For example, in domestic abuse trials, we are increasing and enhancing the amount of contact that we have with victims throughout the period. They will be contacted within two weeks by a prosecutor to discuss the case, in order to give them the reassurance that they need, and there will be a meeting with the prosecutor not just at the court but in advance of the case.

We are also supported in the emphasis on early disclosure by the DESC project, which was mentioned earlier this morning. The project, which has been funded by Government, allows us to do that early disclosure in a way that is convenient, logical and easy for people to use. There are significant benefits if we can get that, which will save resource along the way; they will also speed things up and provide a service that is much better for victims and witnesses across the piece.

Fulton MacGregor: It sounds very positive overall. However, what discussions are taking place with defence lawyers, who will play a key part in making that happen?

Stephen McGowan: They are involved in the discussions at a local level, in each of the pilot

courts. Their feedback on the pilot is important—in order to make this work, we need a properly engaged defence to be there and have those discussions with the clients.

We know that defence lawyers have some of these discussions with clients at a later stage, but the way that the system works does not encourage that to happen before trial. They are a key part of these important discussions about what material is disclosed at an early stage.

The Convener: I bring in John Swinney to ask a quick supplementary.

John Swinney: This will use up my slot, convener, because it is on exactly the same territory.

I do not want, in any way, to give off any non-encouraging tones here, but I am interested in why this has not happened before. I really welcome what is going on here, so please do not take anything discouraging from what I say. However, the COPFS submission, on page 19 of our briefing, states:

“This has been achieved without any additional funding or the need for legislation.”

Mr McQueen said that, in the pilot, there is now proper case management by sheriffs.

When I think about all that the criminal justice system wrestles with—the backlogs, the frustration around witness citations and the time that it takes for cases to be handled—it begs the question why this has not been done before and what else could be going on.

Eric McQueen: That is a fair question—it is a question that we could ask across a whole range of areas. The genesis of the pilot came about six or seven years ago. A major review of evidence and procedure was carried out by Lord Carloway, and a report was published back in 2016 on the future way in which we should think about taking evidence and the inefficiencies in the current system.

That report had a lot of wide-ranging implications and pushed a lot of what is now coming out of Lady Dorrian’s review. It was the genesis for the children’s bairns’ hoose, the first one of which is now being launched in Scotland. It was also the main emphasis for the pilot that has now been taken in. The pilot was put in place in 2019 but was halted because of the pandemic. The pandemic gave the opportunity to bring in judicial lead through the sheriff principal, to refocus the programme and the approach that had been taken, and to think hard about what we wanted to get out of it in relation to what case management would look like. That pilot has now been put back in place. It recommenced in September last year, but because of the difficulties

with legal aid in Government at that particular time, it was difficult for the legal profession to fully engage in it. With that part resolved, engagement started back in earnest in January time, and we are now seeing significant results.

You are right that we can always ask the questions, “Why not before?” and “Why never?”, but it has taken quite a long time to get from the pilot’s genesis to where we are now.

John Swinney: However, you will understand where I am coming from.

Eric McQueen: Absolutely.

John Swinney: We are sitting as a committee, and other committees in Parliament will hear about all sorts of issues to do with financial pressures. You are giving us concrete evidence of areas where no more money is required and the system is just undertaking improvements. I am pressing you on where else that can be done. When we consider the Victims, Witnesses, and Justice Reform (Scotland) Bill, I suspect that I will come at it from the perspective of saying, “Why does this need to cost more? Why does this need to involve more resources?”

Eric McQueen: Absolutely. If you look at the range of things that we are trying to take forward, you can see that same approach coming through. There is very much a recognition that one of the positive things that came out of the pandemic is that things can happen quickly and we can move quickly. The remote jury centres were a real example of how we moved in a very short number of weeks to a very different type of operating model. We are taking forward and pushing hard on the whole issue of police witnesses. We are now looking very seriously at how we roll out virtual custodies on a national jurisdiction basis across the whole of Scotland—again, that is partly driven by the problems that we are now experiencing in relation to GEOAmev. How do we drive that in a different direction?

We are doing work in relation to domestic abuse in Grampian and the Highlands and Islands, where we want to take the whole of domestic abuse and, essentially, move it into a virtual court world. We want to move to a position where complainers and witnesses of domestic abuse never have to come into the court environment; where, in a virtual world, we can get greater consistency in terms of specialised sheriffs and procurator fiscals; and where we can offer trial diets within four to six weeks, in order to prevent the disengagement that happens with witnesses over time.

I think that there is a real renewed energy and drive across all criminal justice organisations, because maybe the things that we thought were very difficult in the past are where we absolutely

need to focus now. The programme of change and reform epitomises all those things.

John Swinney: Thank you. Please see my line of questioning as encouraging.

Eric McQueen: I will do.

John Swinney: It did not sound like it, but it was meant to be.

Donald Cameron: I was very struck by Mr McGowan’s comment about the summary system. You said that, by its very nature, it is inefficient. If there is one part of the system that should be efficient, it strikes me that it should be the summary part. You gave your reasons, which I find very compelling, but I wonder whether you could expand a bit on those reasons, because it strikes me that it is a part of the system that should absolutely work like clockwork.

Stephen McGowan: The legislative provisions operate in the way that they probably operated at the end of the 19th century, because they assume that the police will bring someone to the court immediately and that there will be an immediate trial. The summary system really takes its nature from that. As time has gone on, obviously, things have become more complicated and more cases have got into the system.

As Eric McQueen has alluded to, some of the genesis of the pilots came from Lord Carloway’s work. Some of it also came from reflection, and, in the Crown Office, we certainly engaged in reflection on what happened in the previous attempt to reform the summary system in 2007, when the Criminal Proceedings etc (Reform) (Scotland) Act 2007 was passed. That took the Crown Office to a place where we thought that, in order to get proper judicial management, we needed to give the judiciary better tools, and the tool that we thought that we could give them was a copy of the summary of evidence from the police report. That allows the sheriff to look at what the case is all about and, with a more informed view, to start to identify what the issue is in the case and what is likely to be in dispute. That allows us to cite fewer witnesses and to have fewer items at court as productions. It allows us to begin to get to that point where we can do things. It begins to allow a greater focus on each case.

12:30

That, taken along with the journey that we have been on with Lord Carloway, has meant that, for us, there has been a bit of trial and error. We have had the opportunity to try those things. We tried some of them immediately before the pandemic and reflected on that during the pandemic. We are now out the other side of that with some really useful lessons and some good signs of progress.

As time goes on, the summary system should be the quickest part of the system, but the volume of cases and the fact that everything is sent to trial means that too many cases are called and too little happens in those cases because there has not been the focus that we are now beginning to be able to bring to bear.

Donald Cameron: I turn to the backlog of cases. Are you confident that we will ever reach pre-pandemic levels?

Eric McQueen: We have made it quite clear that we see that as being unlikely, because we see a continued increase in the number of serious cases coming through. The number of indictments in both the sheriff court and the High Court has increased by almost 38 per cent in the past five years, so any notion of returning to pre-pandemic levels went quite some while back, because of that continuing increase.

We have tried to set out what we see as our revised baseline in our modelling report. Previously, in an average year, the High Court would deal with about 400 trials. Realistically, we think that that figure will be closer to 600 or 650, and perhaps more. Within sheriff and jury business, there were previously about 500 or 600 trials, but 1,500 now looks like a more realistic figure. It is not just that we have a backlog; we are actually dealing with a different number of cases coming through the system.

Summary business is the one area where I think we will return to pre-pandemic levels, but when it comes to solemn business, there has been a continual increase in the number of case types that are coming through, and it looks as though that trend will continue.

Donald Cameron: Do you agree with that from a prosecutorial perspective, Mr McGowan?

Stephen McGowan: Yes. The longer-term trend in serious cases is up. There have been significant increases, for example in comparison with the number of sexual offences five or 10 years ago. There is no sign that the numbers will go down. The amount of serious business might go slightly up or down in a year, but the longer-term trend is that serious cases are on the up.

The system was starting to creak a little bit before the pandemic, when we were routinely extending time bars. The pressure is there, which is one reason why it is even more important to sort out the summary stuff when we have the opportunity to do so. That will build capacity in the wider system and will free up resources elsewhere so that we can begin to tackle the more serious cases.

Donald Cameron: On the issue of sexual offences, I notice that, in his introduction to the

corporate plan in April 2023, the Lord Justice General made the point that the number of indictments for sexual offences is rising. I think that COPFS's submission to the committee mentions an appeal case. Is that right?

Stephen McGowan: Yes, that is right.

Donald Cameron: That appeal may lead to a significant increase in cases. Can you say what budgetary impact that might have?

Stephen McGowan: As you will be aware, the appeal case, which is the Lord Advocate's reference number 1 of 2023, is awaiting a decision by the appeal court. It looks at some of the older cases, including a particular case called Smith v Lees, to see whether those have been correctly decided in terms of what evidence is required to bring a prosecution, in particular around issues of distress.

There is no doubt that there could be an increase in the number of cases that we are able to bring. We have not been able to do modelling that allows us to put a figure on that, because we are awaiting the decision of the court, but if that reference were to be successful, there would be an increase in the number of cases that we could bring. That would be the case not only at High Court level but at sheriff, jury and potentially also summary level, because such a decision would have far-reaching consequences for sexual offences and potentially also for offences such as domestic abuse.

The Convener: We move to questions from Pauline McNeill and Rona Mackay.

Pauline McNeill: Good morning. We will not have time to answer all my questions, but I would like to put a marker down to say that you are going awfully fast with the reform, and I plead with you to give the committee some time to understand it. Like John Swinney, I support a lot of the reforms because we need to end the churn, but I have some concerns about some of the human rights issues that are attached to virtual elements. You might have heard me talk about the shambles of virtual custodies at Glasgow sheriff court. The sheriff said that herself, and I agreed with it.

I moved an amendment to some emergency Covid legislation that the Government accepted so that virtual custodies could not proceed, so I do not understand why your written submission says otherwise. Can you explain that to me? How can you proceed against the legislation?

Eric McQueen: I am not sure about the amendment that you moved. Virtual custodies are in place, and they are covered by the existing legislation. That legislation is also in place so that they can be done on a national jurisdiction basis.

Pauline McNeill: Can we have a further exchange on that? I moved an amendment, as part of Covid emergency legislation, against virtual custodies, because I can assure you that I saw a complete shambles. That is my concern about the reform. Is there going to be some further discussion about that?

Eric McQueen: Going back to Mr Swinney's point about why we are not doing things faster, I think that if we look back from 10 years down the line, we will question why we put thousands of people into the backs of white vans every day and drove them all around Scotland. We will question why we were picking people up at prisons and police custody units at 6 o'clock in the morning, sticking them in a white van, driving them to the sheriff court and why we had them sitting in a sheriff court or a crowded cell for six or seven hours for a court hearing that might last a couple of minutes, and we will question why we put them in another white van at the end of the day to drive them back. I think we will look back and say that it was madness.

Pauline McNeill: Well, I see what you mean when you put it like that, but what is the point if the court proceedings then last twice as long as they used to?

Eric McQueen: We are trying to put in place a model that will allow it to be done in a much slicker and more efficient way. We put virtual custodies in place during Covid as part of an instant crisis-management situation. There was no great thought, and the technology was strung up, but we had to put something in place, and—predictably—it got us through but it did not work well.

We dealt with 20,000 cases by virtual links during Covid, and not all of the 20,000 were as disastrous as those that you saw in Glasgow on the particular day that you were there. The vast majority of virtual custodies that went through worked pretty well. It was not a model for the future, but—

Pauline McNeill: Yes, but they cost a fortune. Okay, what you are saying is that the investment will be different—

Eric McQueen: We are now putting in place—and we have agreement on this from all the justice organisations, the Law Society of Scotland and the Scottish Solicitors Association—a judiciary-led group that will look at virtual custodies and ensure that the model, technology and provisions that we build allow people to buy in to them and that we can deliver it all in a reasonable amount of time.

As I said, please do not—

Pauline McNeill: You can understand why I was—

Eric McQueen: Please do not link it back to the quick-and-dirty approach that we used during Covid.

Pauline McNeill: That was helpful. Delays in the High Court and the law on 140 days are long-standing issues for me, and in answer to Donald Cameron, you said that you do not see it reaching pre-pandemic levels. Is there a target that you are aiming for?

Eric McQueen: There are two things. One is that we have not actually seen the number of cases drop to pre-pandemic levels, but we anticipate that with a recovery programme in place the timescales will start to reduce.

We have now increased capacity in the High Court by more than 40 per cent compared to pre-pandemic; there are now 40 per cent more High Court trials daily than there were pre-pandemic. Our expectation is that over time—in about 18 months—we will get to the revised baseline, at which point we will still be dealing with a greater number of cases, but we will have started to reduce some of the timescales involved.

At the moment, a High Court trial can take on average 43 weeks. So, although we talk about extensive delays, there are three main parts to that. There is the part of the police, which is the incident and investigation; the part of the Crown, which is looking at evidence and making a decision to prosecute and then there is the part when it comes into court. At the moment, High Court trials take on average 43 weeks to get to that evidence-led stage.

We are currently fixing trials for the High Court in eight months' time, so some of those periods are starting to come down. As the recovery programme starts to bite with the new capacity that we put in place, we expect timescales to come down further, but we expect that case numbers will still be at a high level in 18 months.

Pauline McNeill: Finally, Stephen McGowan, what is needed to prevent losing the 200 people from the service that you mentioned to Katy Clark? Did you mention a figure?

Stephen McGowan: We are looking for a figure of £206 million—almost £207 million—for next year to cover all the things that we need to do and the pay impact. That is the figure that we are in discussion about.

Rona Mackay: I am conscious of time, so I will be quick.

The Convener: No, no—it is fine.

Rona Mackay: I am finding this a very encouraging session. Thanks for the efficiencies that you have made in the reorganisation. Eric McQueen, you talked at the start about how the

pay increase has been a bit higher than you had thought it would be. Is that helping you with recruitment and retention?

Eric McQueen: Absolutely. We welcome that the increase in the pay level is above what was in the public sector pay policy. The pressures on staff and the cost of living have been tough in the past 18 months, so I do not have any difficulty at all with the level that we are trying to reach agreement on. We just need to find a way of making it affordable and manageable, and that is the discussion that we are having with the Government. Making sure that pay levels for our staff are comparable across government and the public sector is a key part of retention and of how much we value our staff, as I have just expressed.

Rona Mackay: Stephen, is that the same for you in relation to trainees and new skills?

Stephen McGowan: Yes; it is the same. That comparability with the Scottish Government allows us to address the recruitment and retention problem.

Rona Mackay: Eric McQueen, can you say anything about capital funding predictions?

Eric McQueen: Capital funding is always tough for us. Our core baseline budget is £8 million, which is nowhere near what we require. In recent years, through in-year adjustments and funding, we have been sitting at around £17 million, which is really the minimum level that we need to run good and safe operations. Our capital budget predominantly covers our building and digital sides, which are both expanding and under pressure.

On digital, it is absolutely clear that we need to have the right underlying infrastructure in place, and we have done a lot of work on that in the past two years. That platform will support things in the future, such as the virtual custodies that we have talked about, but cybersecurity is an increasing risk.

It is a little bit like what David Page from Police Scotland said earlier about police body-worn cameras. It is not about putting more video links and video screens in; it is about making sure that the underlying infrastructure is not just put in place but that we maintain and continue to develop it. Our view is that a £17 million capital budget is the bare minimum that we need to make sure that we continue that type of development.

Rona Mackay: Incidentally, you mentioned virtual trials. I am very pleased about your plans for virtual domestic abuse trials. It is a huge step forward.

Eric McQueen: It is really exciting.

Rona Mackay: That is great. Do you have problems with RAAC—the reinforced concrete—in your buildings?

Eric McQueen: We carried out all the desktop surveys earlier this year in line with the guidance, and are now carrying out detailed structural surveys of 10 of our buildings that might be affected. The first of those was completed last week and it found that there was no trace of RAAC. I heard last night that the survey of the second building has identified that there are RAAC panels in the roof area. At the moment, the investigations show that none of the panels are damaged and that there is no deflection in the panels, so we think that it is a safe environment. Those structural surveys carried on through last night, and I expect to get further results this afternoon. We will have completed the other surveys as we get into October.

Rona Mackay: I have a few more questions, but I will leave it there.

The Convener: There is time for one or two more.

Rona Mackay: Well, I just wanted to ask Stephen McGowan about the part of the Crown Office submission that talks about

“the Appeal Court ... considering the scope of the law of evidence in sexual offences”,

and how that could lead to a significant increase. Are you saying that more staff will be needed for that?

12:45

Stephen McGowan: It is difficult to say until we see what the Appeal Court says. It might say that there will be no change and that the law as we have understood it since the mid-1990s will continue to be the law. If the court were to say that some of those cases were wrongly decided, we would have to read its ruling and see exactly what that would mean and what the impact would be. There is no doubt, however, that if it were to say that this particular case was wrongly decided, we might well be able to bring a whole series of other cases, and we would then have to scope and model the impact in that respect.

Rona Mackay: So we just need to wait and see.

Stephen McGowan: We need to wait for the Appeal Court to issue the ruling before we do that work.

Rona Mackay: Thank you.

The Convener: Eric, you mentioned white vans earlier, and I know that a joint decision has been made, albeit on a temporary basis, to set time limits in order to avoid late-night sittings in custody courts. Obviously that is very welcome for lawyers

and court staff in particular, but has any modelling been done on the impact of that? My immediate thought is that it might just create a backlog of cases that are not being dealt with in the evening hours.

Eric McQueen: We hope and expect that that will not be the case. Perhaps I can give you a little bit of background. The GEOAmev situation has been deteriorating quite significantly in recent months; we understand that its resource levels are now about 25 per cent lower than where they were expected to be, and we are seeing the impact of that across all courts. In the past six weeks, we have lost 48 trial days, because people in custody or prisoners have not been able to be brought to court, and a significant number of courts are now sitting quite late into the evening. A 7 or 8 o'clock at night finish is now becoming almost the norm for a lot of our courts, and a 9 or 10 o'clock finish is not unexpected.

You are quite right that that has led to a serious wellbeing issue for everyone working in the court environment. People are working 10 to 12-hour days and they are expected to be back at their desks the next morning, and that applies as much to lawyers and solicitors as it does to my staff and the judiciary. The system works on the good will of the people involved, but it is not sustainable in the long term to continue to ask people to work in that way.

After discussions with the judiciary, it has now issued guidance as a first step—and it is only a first step—to try to deal with the situation. An important part of that guidance is that for all procedural business the aim is to no longer bring people from prison, unless absolutely necessary, such as if they are unrepresented or are going to plead guilty. The same applies to anyone in prison being cited as a witness in a trial; again, they will be heard via virtual link. We hope that that will free up capacity in GEOAmev and allow it to focus on the areas where we have big gaps at the moment.

By setting time limits of 7 o'clock on Mondays and 6 o'clock Tuesdays to Fridays and by diverting resources, we hope that we can avoid the situation that we have been having. After all, if we end up with a whole number of people being remanded for a further evening, it might just compound the problem. This is about how we manage resources across the system to mitigate the impact.

It is not, by any stretch of the imagination, a long-term solution. Indeed, I have serious concerns about it. If resource levels are down 25 per cent at the moment, where will they be in four or five months? That is why we are working seriously, quickly and collaboratively with the legal profession and justice organisations on the question of how we can move very quickly to virtual custodies.

The Convener: That was a really helpful update.

Finally, I want to ask about the process of transferring information such as police reports, evidence and so on, from the police to the Crown Office. Forgive me if this has been covered in earlier responses, but I think that it is a welcome part of transformation and reform. I am therefore curious about whether you have any update on that work, particularly in the context of the potential budget implications for the Crown Office.

Stephen McGowan: Do you mean the desk programme and digital evidence capability that we have been talking about?

The Convener: Yes.

Stephen McGowan: That is being piloted in Dundee at the moment, and it has been really positive. It allows us to have a platform for sharing closed circuit television and video images and photographs with the defence at an early stage, and we have used the tool in the pilots to get early disclosure, early discussion with the defence and judicial case management.

It also has wider impacts. Previously CCTV and mobile phone footage, say, would have had to be burned on to disks and pen drives, but all that infrastructure—that handing out of things—can now be stopped. With disks, you run the risk of their being lost, which leads to all sorts of data protection implications, and it rules that sort of thing out. It is therefore a really important technical innovation. Digital images and videos are so much a part of life now, and we are finding a sensible way of introducing them into the criminal justice system without having to go back and burn things on to disks and pen drives, which, digitally, is prehistoric.

The Convener: I take it that, as far as the budget is concerned, that work will continue.

Stephen McGowan: There are separate funding streams from the Scottish Government into organisations for that. We need to use our own funding to ensure that our systems are compatible, but it is all built into the budget that we have set out in the submission.

The Convener: Thank you very much. That brings us to the end of the evidence session, and I thank the witnesses very much for their attendance.

There will be a very short suspension before we move on.

12:51

Meeting suspended.

12:54

On resuming—

Northern Ireland Troubles (Legacy and Reconciliation) Bill

The Convener: Our final item of business today is to review a supplementary legislative consent memorandum on the UK Government's Northern Ireland Troubles (Legacy and Reconciliation) Bill.

The LCM has been lodged because a small number of relatively minor amendments have been made to the bill since we last considered the issue of consent, and they impact on devolved competences. As outlined in the LCM, the new amendments fall within the Scottish Parliament's legislative competence, as they relate to the way in which the Independent Commission for Reconciliation and Information Recovery carries out its functions, in so far as they relate to Scotland, with regard to criminal investigations and the review and investigations of deaths or harmful conduct. The amendments therefore require the Scottish Parliament's consent.

Before we start, I point out to members that the new amendments do not affect the key parts of the bill that we have looked at and the Scottish Government has not changed its view that the Scottish Parliament should not consent to the relevant parts in this bill for reasons that we have already discussed and, after a vote, agreed with. I should also point out that, because of the timetable in the UK Parliament and our recess, the bill passed into law last night. Therefore, all we need do today is note this development.

If no one has anything else to add, do we agree to note the supplementary LCM?

Members *indicated agreement.*

The Convener: That concludes our business. Next week, we will be joined by Gill Imery to review the work of the response to deaths in prison custody group, and we will also consider our approach to the Police (Ethics, Conduct and Scrutiny) (Scotland) Bill.

Meeting closed at 12:56.

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