



The Scottish Parliament  
Pàrlamaid na h-Alba

## Criminal Justice Committee

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9 December, 2022

Dear Cabinet Secretary,

### **Pre-budget scrutiny**

I am pleased to enclose a copy of the Criminal Justice Committee's pre-budget scrutiny report for the forthcoming Scottish Government Draft Budget 2023-24 (see **Annex**).

I look forward to a response once the Scottish Government's budget has been published.

Best wishes,

Audrey Nicoll MSP  
Convener, Criminal Justice Committee

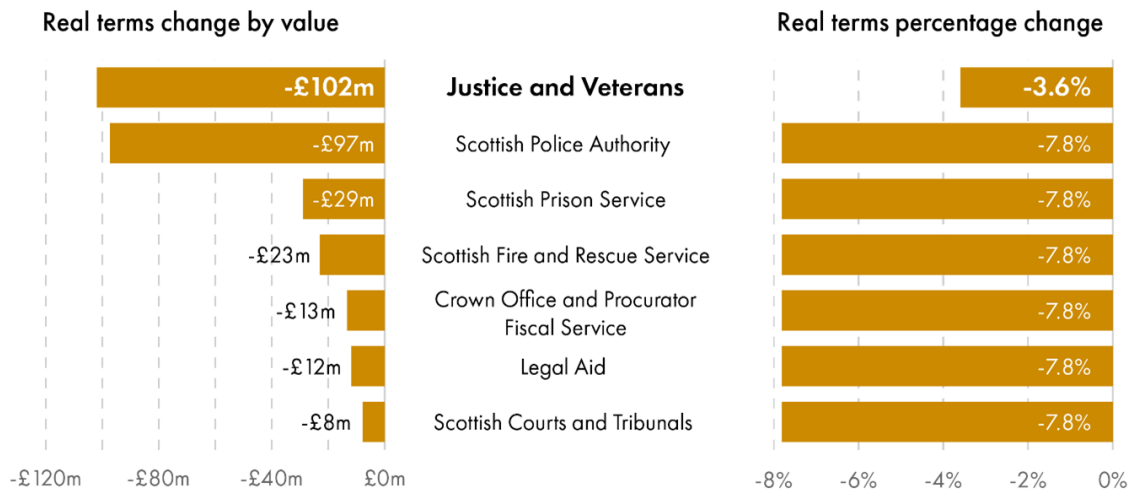
## ANNEX

### Pre-budget scrutiny by the Criminal Justice Committee for the 2023-24 Scottish Government Budget

#### Introduction

1. Each year, most committees in the Scottish Parliament take evidence in advance of the publication of the Scottish Government's budget for the next financial year and set out their views on spending priorities. This is known as pre-budget scrutiny.
2. **The focus of this year's pre-budget scrutiny by the Criminal Justice Committee was primarily on the possible implications of the proposed flat-cash settlement for the justice sector set out in the Scottish Government's [Resource Spending Review framework \(RSR\)](#).**
3. If implemented, the RSR for the justice sector would allocation of £11.6 billion of public spending to the Scottish justice system over the next four financial years as follows:
  - 2023-2024: £2,839 million
  - 2024-2025: £2,839 million
  - 2025-2026: £2,954 million
  - 2026-2027: £2,969 million.
4. With current inflation levels in excess of 10% projected to continue for a period, a flat cash settlement would represent a significant real-terms reduction in spending across the justice sector if the current trend of high inflationary pressure continues into the medium to long term.
5. As such, budgets for the police and fire and rescue services, courts, prisons, justice social work, the third sector and others would all be put under strain as spending limits would be kept level whilst the costs of staff, energy, construction and other costs would be increasing with the high inflation levels.
6. According to research carried out by SPICe (the Scottish Parliament's research services), resource spending could fall in real terms by £102 million, or 3.6% if the RSR projections came to pass; see Figure 1.

**Figure 1: Potential impact of the RSR on the justice portfolio (resource spending)**

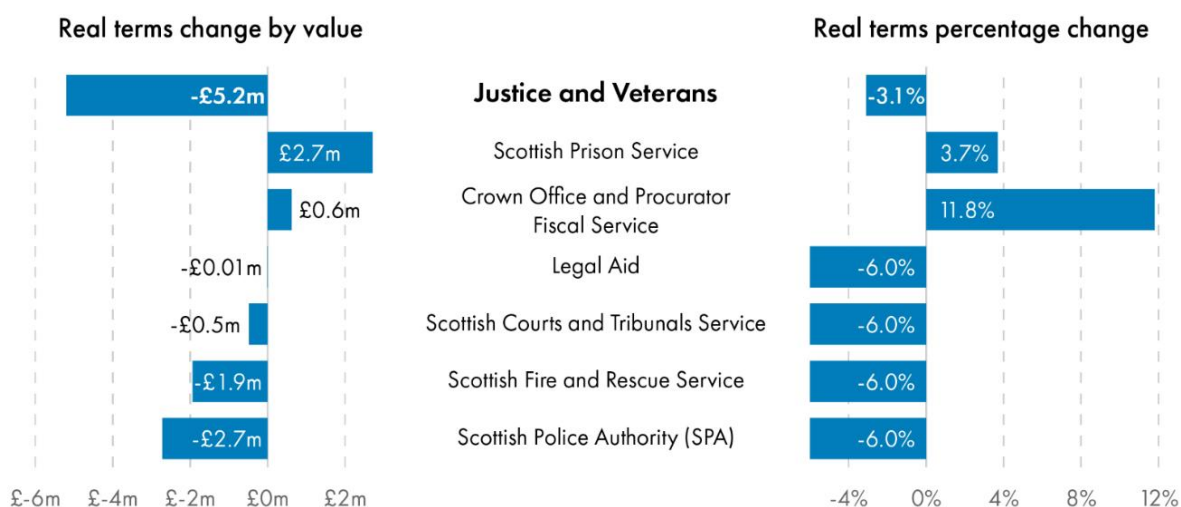


7. SPICe also projects that there could be a cut to resource spending of 7.8% across the portfolio. These might include the following reductions to the main budget lines within the justice portfolio:

- Scottish Police Authority and Police Scotland: £97 million
- Scottish Prison Service: £29 million
- Scottish Fire and Rescue Service: £23 million
- Crown Office and Procurator Fiscal Service: £13 million
- Legal Aid: £12 million
- Scottish Courts and Tribunals: £8 million

8. SPICe's analysis also suggests that capital spending may also decrease in real terms by £5.2 million, or 3.1%; see Figure 2.

**Figure 2: Potential impact of the RSR on the justice portfolio (capital spending)**



9. Alongside the RSR, there is scope for further pressure on the budgets within the justice portfolio. As part of the Emergency Budget Review for 2022-23, the Deputy First Minister announced a further £21.2m resource saving in the justice sector in November 2022, alongside the £9.1m reduction announced in September 2022<sup>1</sup>. The details of the proposed reductions are as follows:

- £14.2m from a projected saving on the Scottish Government contribution towards the UK-wide Emergency Services Mobile Communication Programme and resource/capital switch;
- £7m from a reduction in spend based on lower than initially anticipated requirement for demand led services within the Justice system as it continues to recover from backlogs. The Scottish Government says this “does not impact on service availability or delivery”;
- £5.5m from a forecast reduction in demand for Recovery, Renewal and Transformation funding to replace lost income; and
- £3.6m from various forecast changes across programmes in the justice sector based on demand.

### Our scrutiny

10. The Committee asked for views earlier in the Autumn, receiving 45 [written responses](#) from both organisations and individuals. All the responses are available online on the Committee’s webpage.
11. The Committee thanks all of those who have taken the time to respond to the call for views.
12. In addition to written evidence, the Committee heard in person from the following witnesses:

<sup>1</sup> <https://www.gov.scot/publications/emergency-budget-review-2022-23/>

### Wednesday 26 October

- Lynn Brown, Chief Executive, Scottish Police Authority
- David Page, Deputy Chief Officer, Police Scotland
- James Gray, Chief Financial Officer, Police Scotland
- Ross Haggart, Interim Chief Officer, Scottish Fire and Rescue Service
- Stuart Stevens, Interim Deputy Chief Officer, Scottish Fire and Rescue Service
- John Thomson, Acting Director of Finance and Procurement, Scottish Fire and Rescue Service

### Wednesday 2 November

- Eric McQueen, Chief Executive, Scottish Courts and Tribunals Service
- John Logue, Interim Crown Agent, Crown Office and Procurator Fiscal Service
- Teresa Medhurst, Chief Executive, Scottish Prison Service
- Gerry O'Donnell, Interim Director of Finance, Scottish Prison Service

### Wednesday 9 November

- Wendy Sinclair-Gieben, HM Chief Inspector of Prisons

### Wednesday 23 November

- Keith Brown MSP, Cabinet Secretary for Justice and Veterans

13. We also thank them for their time and their views.
14. This report was published later than the Committee had envisaged due to the need to accommodate the Cabinet Secretary's diary (he was not available on 9 November as originally requested) and the travel difficulties he encountered prior to his subsequent planned appearance of 16 November. We were able to hear from him on 23 November. As such, it is being published closer to the date of the publication of the draft budget than we had originally intended. Nonetheless, we expect the Scottish Government to give our findings due consideration and report back in the normal way.

## What did we hear?

### *Police, fire and rescue*

15. Police Scotland's and the Scottish Police Authority's (SPA) evidence to the Committee about the possible implications of a flat-cash settlement was stark. David Page said that Police Scotland faced two choices, a pay freeze or "cannibalising policing to pay for policing". He said that every 1% increase in police pay in the future would cost £11m per year to fund, which equates to around 225 staff. Hence a 5% pay increase would cost about £222m per year and equate to a reduction of just over 4,400 officers and staff if no extra money was forthcoming.
16. Lynn Brown noted that the figure of around 4,500 job losses would be "equivalent to having no police staff—none—in four years". She said, Police Scotland "might have the officers but there will be no staff to support them". She stated that 4,500 figure is "equivalent to either not having a contact, command and control operation or not having any police on the streets of Glasgow or Edinburgh".
17. James Gray set out the potential impacts of the RSR on some of the capital budgets. He noted that Police Scotland was facing a pressure of about £9m on its estates budget of £60m, describing the situation as "really acute". He described a flat-cash settlement of being of "real and significant concern".
18. In terms of potential impact on policing services, the Committee heard evidence from Police Scotland and the SPA that response times to 999 calls would "be slowed" and that there were questions about the 101 service. Mr Page said "Response policing, digital forensics and public protection will be squeezed. There is a real concern that we will not be able to discharge our duties as we currently do."
19. Mr Gray concluded—

"All the big elements of efficiency have already been delivered. As I said, we will continue to do that, but in the context of facing what looks like potentially another 20 per cent reduction on top of the 20 per cent that has been delivered, there is concern. I am not scaremongering or anything like that. That would be unprofessional and is not what this is about: it is about setting out the reality of what will happen if that reduction is, in fact, what we will face over the four years"
20. In their written evidence, the Association of Police Superintendents in Scotland<sup>2</sup> said that the proposed budgets in the RSR "will dramatically affect the ability of Police Scotland to deliver policing services of the same scale, quality, and scope that the public, and Scottish Government, have become accustomed to". ASPS also warned about the possible impact on officer mental health and stress.

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<sup>2</sup> [https://yourviews.parliament.scot/justice/budget-scrutiny-23-24/consultation/view\\_respondent?uuld=433214890](https://yourviews.parliament.scot/justice/budget-scrutiny-23-24/consultation/view_respondent?uuld=433214890)

21. Similarly, the Scottish Police Federation<sup>3</sup> warned that the “RSR proposals risk causing real damage to policing in Scotland” and they would “leave a severely hollowed out police service, under greater pressure than ever before, delivering sub-standard policing services to our communities”.
22. From the perspective of the Scottish Fire and Rescue Service (SFRS), Ross Haggart said that “a flat cash settlement in 2023-24 would require the service to make savings next year in the range of £12 million to £18 million”. In total, across the next four financial years, he said indicative savings of between £29m and £43m across the service’s budget would be required if the RSR was realised.
23. In terms of possible options, Mr Haggart said that SFRS may have to “consider the crewing arrangements for particular fire stations, which might mean changing crewing arrangements from whole-time to on-call firefighters, on a risk-assessed basis” and they may “have to remove fire appliances from service, and we might have to close some community fire stations too”.
24. SFRS told the Committee that savings of between £29m and £43m would equate to a reduction of approximately 780 whole-time firefighter posts, or around 20 and 25 per cent of the whole-time firefighting workforce. This equates to roughly to about 30 full-time fire appliances.
25. In terms of SFRS’s capital budget, its representatives told the Committee that it had a backlog of £492m of investment that was required, against a current allocation of £32.5m a year. SFRS said it would need to invest £63m a year for the next 10 years to make good that deficit. Its most pressing capital investment concern is the 14 stations that have been made with reinforced autoclaved aerated concrete. SFRS require them to be rebuilt, which they estimate will cost about £70 million. There was also a pressing need for dignified facilities as firefighters lack the ability to clean themselves properly after coming back from incidents.
26. SFRS noted that it had been able to invest approximately £10 million in green ways of working with regard to appliances and stations, but such investment relied on additional ring-fenced money from the Scottish Government.

### *Courts and the Crown Office*

27. During our scrutiny, we heard from senior representatives of the Scottish Courts and Tribunals Service (SCTS) and the Crown Office and Procurator Fiscal Service (COPFS) whose evidence was equally as compelling as that of the police and fire and rescue services.
28. Eric McQueen of SCTS said a flat-cash settlement was “not a viable position” and he had “serious concerns”. The RSR he said would “cut into our core service delivery” and “seriously jeopardise” reforms. The RSR would represent a potential gap of about £30 million over a four-year period for the SCTS.

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<sup>3</sup> [https://yourviews.parliament.scot/justice/budget-scrutiny-23-24/consultation/view\\_respondent?uuld=491191504](https://yourviews.parliament.scot/justice/budget-scrutiny-23-24/consultation/view_respondent?uuld=491191504)

29. Mr McQueen said that SCTS “might have to reduce summary and civil business by up to 25 per cent, cut back on the £3 million that goes into the budget to pay for part-time judiciary and look at the unpalatable option of reducing staff numbers.” He added that this could add around 4,000 cases to the backlog of trials and “it would be a reversal of all the good work that has gone in over the past two or three years.” He also suggested that SCTS might have to revisit the court estate plans, change some of the assumptions and “come back to Parliament to ask for its agreement to close court buildings.”
30. John Logue of the COPFS said that without continued investment at the current levels, progress would be “at risk” and “the system would be slower than anyone would like it to be.” He also said it would be “a system that would not be as informed about trauma and the impact of trauma as we would like it to be, and it would be a system that would not be able to focus on the victim and provide the services that victims need in the way that we would like to do.”
31. Mr Logue also referred to scenario planning within COPFS for the RSR where the prime impact was likely to fall on the ability of the organisation to recruit new staff as staff retired. He said this would be “a very poor way to respond to a change in the shape of your workforce, because it is not being done in a planned way or in the way that we have been able to plan our increase.”
32. Both Mr McQueen and Mr Logue sought to give the Committee a reassurance that the reforms necessary to take forward reforms from the review by Lady Dorrian of the prosecution of rape and sex offences would still be taken forward. Similarly, Mr Logue pointed to the additional £2m of public money from the Scottish Government which had been provided for the work of the new Covid deaths unit. He said this investment had allowed COPFS to expand the unit “to the point where we feel confident that it will be of the right size to deal with the scale of the increased reporting of deaths.”
33. Finally, Mr Logue was questioned on the continuing costs of the malicious prosecutions surrounding Rangers Football Club. Mr Logue stated that the “position remains as was confirmed to you last year by the Lord Advocate” and that “the costs associated with the litigation will not be met from the fiscal service budget”. He indicated that, at the time of giving evidence, the “costs have increased to just under £51 million.”

### *Prisons*

34. Our third and fourth evidence sessions focused on the budget implications of the RSR on the prison service.
35. On 2 November we heard from Teresa Medhurst, chief Executive of the Scottish Prison Service, and on 9 November we heard from Wendy Sinclair-Gieben, His Majesty's Chief Inspector of Prisons in Scotland.
36. In her written evidence to the Committee, Teresa Medhurst of the Scottish Prison Service<sup>4</sup> (SPS) said that “there is no or at most, very limited, opportunity to the scaling back of our operations without significant risk to health and

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<sup>4</sup> [https://yourviews.parliament.scot/justice/budget-scrutiny-23-24/consultation/view\\_respondent?uuld=1062650136](https://yourviews.parliament.scot/justice/budget-scrutiny-23-24/consultation/view_respondent?uuld=1062650136)



welfare support, reputational damage, the loss of services and the risk to operational stability across the estate.”

37. She indicated that a settlement in line with the RSR would mean SPS would have to focus on its core functions and those that it is “legislatively required to deliver”. For example, a minimum threshold in relation to access to meals, access to exercise in the fresh air etc. Initiatives such as purposeful activity, rehabilitation programmes and supporting people in their social endeavours during association would be at risk. Ms Medhurst said SPS “would have to retract, in a phased way, [from] activities that were not seen as being essential and go back to providing only those that were deemed to be essential in meeting our legislative requirements”. She explained that this would mean restricting the time that people have in association or out of their cell, and restricting engagement in purposeful activities”. She also said SPS would need to move staff from the roles and responsibilities for which they have applied to roles that support the daily operation of establishments.
38. In terms of other options for cost saving if a settlement in line with the RSR was realised, Ms Medhurst told the Committee that a reduction in staff “would be very difficult to achieve” and, equally, “it would be incredibly difficult to achieve a pay freeze” as this “would create significant challenges in our industrial relations environment and could result in some form of action by any one of the constituent trade unions”.
39. Gerry O’Donnell of the SPS estimated that SPS was facing a net cost pressure of £14.5m this year, exacerbated by the fact that 21 per cent of SPS’s costs relate to private sector contracts where SPS is contractually obliged to provide price increases based on retail prices index and consumer prices index numbers. Mr O’Donnell said that the cost pressure in 2023-24 was around £40m, with a further £15m in 2024-25. Some of this, for example, was down to a 47% net increase for SPS’s combined electricity and gas bills. SPS also pointed out that the age of some of their prison estate meant that heating costs, for example, were more challenging. They told the Committee that “the difficulty for us is that, particularly in our older buildings, when the heating is turned off and on it takes quite a time before the heating is mobilised.”
40. In relation to capital spend on projects such as the replacement for HMP Barlinnie, Ms Medhurst confirmed that there was a “potential gap” in funding in 2024-25 and 2025-26 for this project. She also noted that, in relation to HMP Highlands, the “additional cost pressure was somewhere between 25 per cent and 30 per cent.” She agreed that “a serious conversation” was needed with the Scottish Government.
41. In her evidence to the Committee<sup>5</sup>, Wendy Sinclair-Gieben, HM Chief Inspector of Prisons in Scotland highlighted several key concerns about the possible impact of a flat cash settlement on the prison service’s budget. She began by telling the Committee of her concern that a flat-cash settlement could have on the Prison Service which “holds the most dangerous, violent and vulnerable

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<sup>5</sup> Criminal Justice Committee Official Report, 9 November 2022:  
<http://archive2021.parliament.scot/parliamentarybusiness/report.aspx?r=13983>

people in our society. A good proportion of those people are also victims, and a good proportion have significant mental health issues” she pointed out.

42. In her view, there is an increasing risk of prisoner disturbance, both from sentenced prisoners and from individuals on remand because of grievances they may feel from the impact on day-to-day life in prisons. Ms Sinclair-Gieben voiced concern “that many human rights breaches will occur”, leading to more prisoner disturbances in Scottish prisons. Also, Ms Sinclair-Gieben stated that “prison staff numbers will be reduced to such an extent that we will end up with humane containment instead of the protection of community safety.”
43. Ms Sinclair-Gieben pointed to the risks of cuts to beneficial work regime that the Scottish Prison Service undertakes to help support and rehabilitate prisoners and to lessen the risk to themselves and the wider community when their sentence ends. She warned that “if we bring people into prison and do nothing with them, we will release them back into society angrier than they were when they came in. That is not appropriate.”<sup>6</sup>
44. She also warned that budget cuts could lead to:
  - possible confinement of prisoners to cells for longer periods than normal, as was the case during COVID lockdown;
  - conditions in prisons (e.g. the cost of living impacts on heating, food & canteen provision, education and training, gym and exercise/purposeful activity) deteriorating; and
  - increased prisoner concerns over the growing cost-of-living crisis on their families outside prison, leading to increased stress and mental welfare concerns.
45. The Chief Inspector of Prisons in Scotland also commented on the current private sector contracts for two prisons (Addiewell and Kilmarnock) and the GEOAmey prisoner transfer service.
46. In previous evidence, SPS confirmed that more than 21 per cent of its costs relate to private sector contracts, and it is contractually obliged to provide price increases based on retail prices index and consumer prices index numbers, which it described as “quite high at the moment”.
47. Ms Sinclair-Gieben stated that she believed that the rationale for taking the two private prisons back into the public sector was based on “ideology”, stating that HMP Kilmarnock was the “cheapest prison in Scotland”. She noted an example in England where a private operated prison was returned to the public sector at a cost of around £10 to £12 million in 2000. She agreed that it was possible to pause the transfer, at least in the short term.

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<sup>6</sup> Criminal Justice Committee Official Report, 9 November 2022, Cols 1-2:  
<http://archive2021.parliament.scot/parliamentarybusiness/report.aspx?r=13983>

48. Ms Sinclair-Gieben also commented on the current prisoner transport contract operated by GEOAmev. She described this as “failing” and that she worried that this was “potentially dangerous”.
49. The Chief Inspector of Prisons in Scotland also commented on the poor infrastructure in HMPs Barlinnie, Perth, Highland and Dumfries, describing Greenock prison as “shocking”. In terms of a replacement for HMP Barlinnie, she said there was “every possibility that the timetable will slip, because it will be difficult for the team to source materials and labour to enable it to meet the timeframes.”
50. The Chief Inspector was particularly critical of the condition of HMP Greenock. She said:

“a vast number of cells there are out of use because damp comes in and makes them uninhabitable. The roof regularly suffers from water ingress and the team is having to effect repairs. I think that the cost of maintaining Greenock prison outweighs its value. It is expensive, but the site is a good one and the opportunities for redevelopment could put money back into the Prison Service.”

51. She added that whilst she did not have the power to shut the prison down, she “could recommend that it be shut down “.

*Other parts of the justice portfolio*

52. Although the oral evidence taken focused mainly on the possible implications for the police and fire and rescue services, court and prisons, the Committee did seek and receive information from external groups representing other parts of the criminal justice sector. Their evidence was equally compelling.
53. APEX Scotland<sup>7</sup> stated that, for some spend, the reduced crime levels meant that some reduction was “inevitable” and “justifiable in some areas”. They said that there needed to be “significant disinvestment in the prison estate which remains one of the greatest drags on the justice budget.”
54. The Scottish Women's Convention<sup>8</sup> warned that third sector and voluntary bodies that supported women in sexual offences and domestic abuse cases were “overwhelmed and struggling to meet demand”. They warned that “further reducing police budgets will have a significant impact on women who have experienced sexual harassment or violence” and said that, in their view, “more funding is required for better training for officers around this topic.”
55. In their evidence, the Criminal Justice Voluntary Sector Forum<sup>9</sup> made a similar point on the third sector, warning that “the impact of possible real terms cuts will lead to further losses of third sector services and, indeed, entire

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<sup>7</sup> [https://yourviews.parliament.scot/justice/budget-scrutiny-23-24/consultation/view\\_respondent?uuld=121268936](https://yourviews.parliament.scot/justice/budget-scrutiny-23-24/consultation/view_respondent?uuld=121268936)

<sup>8</sup> [https://yourviews.parliament.scot/justice/budget-scrutiny-23-24/consultation/view\\_respondent?uuld=60209521](https://yourviews.parliament.scot/justice/budget-scrutiny-23-24/consultation/view_respondent?uuld=60209521)

<sup>9</sup> [https://yourviews.parliament.scot/justice/budget-scrutiny-23-24/consultation/view\\_respondent?uuld=188765071](https://yourviews.parliament.scot/justice/budget-scrutiny-23-24/consultation/view_respondent?uuld=188765071)

organisations.”, calling for “fair, flexible, and accessible multi-year funding to help plan through the crisis .... and annual inflationary uplifts for grant funding and contracts.”

56. The Scottish Solicitors Bar Association<sup>10</sup> warned about funding for legal aid and for access to justice more generally, which would “only be exacerbated by further real terms cuts to an already grossly underfunded legal aid system.” Similarly, the Law Society of Scotland said legal aid funding was “a critical concern”. They said a flat-cash settlement through to 2026-27 “will be catastrophic” and it would not be possible for firms to absorb the inflationary increases as a result of the volatile economic outlook with a cash freeze on legal aid expenditure.
57. The Scottish Justices Association<sup>11</sup> – representing most Justices of the Peace – said that a flat-cash settlement would place “additional strain on the criminal justice system.” They also reported anecdotal views of justices being unable to afford to serve in court because, in their view, “the loss of earnings allowance does not adequately compensate them, and the expenses regime generally does not appear to reimburse justices adequately for the costs they incur in attending court.”
58. Local authorities body CoSLA<sup>12</sup> warned that “a possible real terms cut in the funding for the Scottish justice sector for 2023/24 will make it ever more challenging for local authorities (and their partners) to meet the Scottish Government’s Vision for Justice in Scotland and deliver the Scottish Government’s National Strategy for Community Justice” and called for a move to multi-annual budgets as a more certain environment for investment.
59. Finally, the Scottish Human Rights Commission<sup>13</sup> warned of “the potential human rights implications of a real-terms cut in criminal justice funding.”

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<sup>10</sup> [https://yourviews.parliament.scot/justice/budget-scrutiny-23-24/consultation/view\\_respondent?uuld=378814712](https://yourviews.parliament.scot/justice/budget-scrutiny-23-24/consultation/view_respondent?uuld=378814712)

<sup>11</sup> [https://yourviews.parliament.scot/justice/budget-scrutiny-23-24/consultation/view\\_respondent?uuld=588251381](https://yourviews.parliament.scot/justice/budget-scrutiny-23-24/consultation/view_respondent?uuld=588251381)

<sup>12</sup> [https://yourviews.parliament.scot/justice/budget-scrutiny-23-24/consultation/view\\_respondent?uuld=221997946](https://yourviews.parliament.scot/justice/budget-scrutiny-23-24/consultation/view_respondent?uuld=221997946)

<sup>13</sup> [https://yourviews.parliament.scot/justice/budget-scrutiny-23-24/consultation/view\\_respondent?uuld=157756160](https://yourviews.parliament.scot/justice/budget-scrutiny-23-24/consultation/view_respondent?uuld=157756160)

## What did the Cabinet Secretary for Justice and Veterans say?

### *General*

60. In his evidence to the Committee, the Cabinet Secretary said that “it would not be honest or beneficial to our justice services to pretend that exceptionally difficult choices will not have to be made across all portfolios, including justice, in the final budget allocations.” According to the Scottish Government, “inflation means that [the Scottish Government’s] budget has already fallen by 10 per cent in real terms between this year and last year.”
61. In terms of capital budgets for the justice sector, the Cabinet Secretary said he was “not proposing a cut” but accepted that “that that might end up being the case, depending on whether there is a real-terms increase.” He concluded that:
- “the spending power of that capital budget has been eroded by inflation and now pays for significantly less as the cost of raw materials increases. However, we remain committed to substantial capital investment in the justice system. We have to keep it under review and how that is done will be part of our discussion and negotiation with the different parts of the portfolio.”

### *Prisons*

62. In relation to budgets for prisons, the Cabinet Secretary said that he intended that the replacement for HMP Barlinnie would be to “complete the project on schedule.” He accepted that a replacement for HMP Greenock would “depend on future capital allocations” which he said were “currently as constrained as I can ever remember them being.”
63. He also commented on the contracts for the two private sector prisons, stating that he would not have signed these if he was in charge then. He confirmed that, in relation to HMP Addiewell, the Scottish Government was “involved in discussions, but room for manoeuvre is extremely limited.”
64. In relation to the transfer of HMP Kilmarnock into the public sector, he said:
- “Returning to the point about Kilmarnock, we stood on a manifesto in 2007 saying that we believed that it was fundamentally the case that prisons, given their nature and the service that they provide, should be within the public sector. Decisions on Kilmarnock and Addiewell were taken before this Government came into office. It is no surprise, and we have made it clear, that we intend to take Kilmarnock back into the public sector, which is where we believe it should be.”
65. The Cabinet Secretary also confirmed that the contract with GeoAmey for prisoner transport was being looked at because of problems with retention and recruitment of staff.
66. Finally, in relation to the evidence from SPS that restrictions within prisons may need to be imposed because of budget pressures (e.g. more time in cells, less

access to work and purposeful activity etc), he said that he did “not intend to see Prison Service [introduce] restrictions of the nature [...] resulting from financial pressures.”

#### *Police and fire and rescue services*

67. The Cabinet Secretary was asked to comment on the evidence the Committee had heard from Police Scotland and the SPA that a settlement in line with the RSR could lead to a substantial loss of officers and staff. He said he had “no intention of overseeing a budget for the police force that results in 4,000 officers leaving.”
68. The Cabinet Secretary was also asked to comment on whether it was possible to safeguard the model for policing in Scotland if budget pressures continued. He indicated that this was currently part of the discussions in Cabinet around budget priorities and that there had been “extensive discussions on those issues with the chair of the SPA and the chief constable with the intention of ensuring that the Cabinet, the Government and the Parliament can support that plan in due course.
69. In relation to the conditions that the firefighters and staff of the Scottish Fire and Rescue Service face, the Cabinet Secretary said that he did not believe that equipment was “unsafe” and that he “acknowledged the challenge” in terms of the current backlog in capital investment. He said this had “been reviewed previously, and it is being reviewed again.”

#### *Courts, the criminal justice process and other matters*

70. The Cabinet Secretary was asked for his views on the forthcoming costs of implementing the recommendations from Lady Dorrian’s review of the ways to improve the prosecution of rape and sex offences. He said these costs were “substantial” but that the Scottish Government had “gone through the process to make sure that we have financial cover.”
71. The Cabinet Secretary also commented on previous decisions to provide extra resources for community justice, in part to ensure adequate provision for alternative disposals throughout Scotland. He said now, however, that the Scottish Government was now in a “different budget environment” and had to consider this investment “against other options”.
72. Finally, in relation to the costs resulting from the malicious prosecutions in the cases involving Rangers FC, the Cabinet Secretary said he could not say what the ultimate cost will be, because it depended on factors that were outwith his control. He did, however, “reiterate the point that the cost of that will not fall directly on the justice portfolio but will be borne across the whole of Government.” He also reiterated the First Minister’s commitment to a judge-led inquiry into the matter.

## Conclusions and recommendations

73. The Committee recognises the challenges that governments in the UK face when it comes to public spending over the next few years. We understand why the Scottish Government is having to review very carefully the budget for the criminal justice sector as well as for other parts of public sector.
74. However, the evidence we have taken during this year's pre-budget scrutiny is stark. Organisations that have usually managed to cope with lower than requested budget settlements, such as the police and fire and rescue services, courts and prisons, have all said that the situation is no longer sustainable and that painful decisions may have to be made if the projected flat-cash settlement for the next 4 financial years was realised.
75. The budgets for capital investment in the emergency services, prisons and courts have invariably been less than requested in recent years<sup>14</sup> and this trend seems set to continue. It now seems as if the budgets for day-to-day running costs are under threat because of the pressures on public spending and the high rate of inflation. The resulting options for cost-savings described to us by Police Scotland, the Scottish Fire and Rescue Service, the Scottish Prisons Service and the Scottish Courts and Tribunals Service are worrying, and all effort must be made to ensure they do not need to be realised.
76. Additionally, all effort needs to be made to look for any further efficiency savings that can be made across the justice sector, either within various organisations or by collective working on issues of mutual interest.
77. The Committee welcomes the statements from the Cabinet Secretary that he has no intention of cutting police officer/staff numbers, allowing the current policing model to unravel or allowing budget reductions to undermine the policing model or cause unrest in Scottish prisons. Nevertheless, achieving this will require more than just intent.
78. **It is for these reasons that, however challenging, the Committee believes that the Scottish Government must find extra resources in its budget to provide a better settlement for organisations in the criminal justice sector than that proposed in the May 2022 Resource Spending Review. Any extra resources that can be provided need to do more than just be swallowed up in any increased pay awards within the sector. If further budget is provided, the Committee would welcome a breakdown of the figures into capital and resource spending, as well as separating out any sums provided for pay increases.**

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<sup>14</sup> By way of example:

- SCTS said that its "current capital allocation of £8m does not support the continuation of major digital transformation projects or investment to improve our estate"
- SFRS said the "indicative capital funding for SFRS is inadequate against the investment needs of the Service and SFRS now estimate following undertaking a risk-based review, that funding of £63million per year is required to improve the current condition and suitability of our stations, fleet and equipment.
- Police Scotland and the SPA said the level of funding was "significantly short of the £463m capital required to improve conditions and equipment for the wellbeing of officers and staff; enable a better service to be provided to the public; and create time saving efficiencies through the use of newer technologies.

79. Not to do so runs a substantial risk of downgrading services in the justice system to unacceptable levels and preventing key priorities such as upgrading the prison estate, investing in efforts to improve the prosecution of sex offences or maintaining staffing levels in our police and fire services from being realised.