



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Finance and Public Administration Committee

**Tuesday 20 May 2025**

**Session 6**



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**FINANCE AND PUBLIC ADMINISTRATION COMMITTEE**  
**17<sup>th</sup> Meeting 2025, Session 6**

**CONVENER**

\*Kenneth Gibson (Cunninghame North) (SNP)

**DEPUTY CONVENER**

\*Michael Marra (North East Scotland) (Lab)

**COMMITTEE MEMBERS**

\*Ross Greer (West Scotland) (Green)

\*Craig Hoy (South Scotland) (Con)

\*John Mason (Glasgow Shettleston) (Ind)

\*Liz Smith (Mid Scotland and Fife) (Con)

\*Michelle Thomson (Falkirk East) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Alasdair Black (Scottish Government)

Professor Sandy Cameron CBE

Shona Robison (Cabinet Secretary for Finance and Local Government)

**CLERK TO THE COMMITTEE**

Joanne McNaughton

**LOCATION**

The David Livingstone Room (CR6)



# Scottish Parliament

## Finance and Public Administration Committee

Tuesday 20 May 2025

*[The Convener opened the meeting at 09:31]*

### Scottish Budget Process in Practice

**The Convener (Kenneth Gibson):** Good morning and welcome to the 17th meeting in 2025 of the Finance and Public Administration Committee. We have received apologies from Ross Greer.

The first item on our agenda is to take evidence from the Scottish Government on the Scottish budget process in practice. I welcome Shona Robison, Cabinet Secretary for Finance and Local Government, who is joined by Scottish Government officials Alasdair Black, deputy director, budget and fiscal co-ordination; and Jamie MacDougall, deputy director, spending and pay strategy. I intend to allow around 90 minutes for this session. Before I open up the discussion, I invite Ms Robison to make a short opening statement.

**The Cabinet Secretary for Finance and Local Government (Shona Robison):** Good morning. I welcome the opportunity to support your inquiry into the budget process in practice. You have heard from a wide range of stakeholders as part of your work so far, and I am pleased that that has included recognition of the significant progress and improvements that we have made over the parliamentary session. Those improvements include the transparency and comparability of financial information supporting public discourse and stakeholder engagement, both as part of the budget process and throughout the year. That progress reflects our commitment to continuous improvement, the important scrutiny role that is undertaken by the Parliament and, of course, the work of the committee and the very high quality of contributions and engagements from across civic society, for which I am very grateful.

We have come a long way from the work of the budget process review group in 2017 and from the finalisation of the written agreement. The fiscal landscape is increasingly complex and has included many unforeseeable fiscal challenges, which the Government has addressed through deploying the fiscal levers that are at our disposal.

Often, I am afraid, my meaningful engagement with the committee and the provision of sufficient

clarity to it is not helped by the approach of United Kingdom Government ministers towards devolved Governments. My counterparts in other devolved Governments and I called on HM Treasury to involve us at an early stage in the UK spending review and offered to work with it on areas of shared priority and common cause. However, its response has been somewhat disappointing and—frankly—has missed an opportunity to develop a new approach.

In particular, as I set out to you in detail in my letter last week, the Treasury has not prioritised meetings with ministers from devolved Governments, has refused further ministerial engagement and will not provide meaningful clarity on spending priorities across Whitehall departments until after the UK spending review has completed. That means that we will not have satisfactory clarity about the UK spending review's implications for Scotland in advance of its publication on 11 June, and explains the difficult decision that I took to delay the publication of the medium-term financial strategy.

I appreciate the difficulties that that causes for the committee and am committed to working with you to mitigate the impact. Publishing the MTFS after the UK spending review will allow reflection on the outcome of that review and will provide a more robust central funding outlook, which is key to our financial strategy and delivery plan. The accompanying fiscal sustainability delivery plan will set out the actions that this Government will take to deliver progress.

I am pleased to announce to the committee that, as part of the MTFS, I will publish a framework for the next Scottish spending review. That framework will set out the proposed timeline for our spending review and the approach that we will take in analysing budgets and spending proposals. I intend that approach to be anchored by this Government's four priorities and the need to ensure that Scotland's finances are sustainable.

Given the committee's views to date, and those of our stakeholders, I am considering publishing the conclusions of the Scottish spending review and the infrastructure pipeline reset in December, alongside the 2026-27 budget. That will allow us to present the Scottish Government's medium-term financial plans after we receive key funding information from the UK Government following its own spending review. I plan to provide the committee with formal written confirmation of that timeline in due course, ahead of publication of the framework, and would welcome the committee's view on that proposed timing and on other aspects of the spending review.

I look forward to our discussion.

**The Convener:** I will touch on the subject of your letter and the MTFs shortly, but will begin with other areas that we deliberated on in our report.

You rightly spoke about the improvements in budget transparency that the Scottish Government has delivered in recent years, not least the improvement in the quality of the spring and autumn budget revisions, but there are still some areas where I think that the Government could continue those improvements.

For example, more transparency and consistency of presentation is required, particularly in relation to in-year transfers. On a number of occasions, I have raised with ministers the fact that we see the same sums of money being transferred from the same portfolios to others every single year when it seems to me to be nonsensical that those sums are not already in the portfolios to which they are later transferred. I think that there is politics behind that because of the portfolios concerned and because people might say that money is being cut from one budget and put into another. I understand that, but if that is the case, the Government should be clear and frank about it because it is nonsensical that we keep seeing that.

Over the years, I have also raised the issue of public-private partnership sums. In the past couple of years, I have raised the fact that, if memory serves me right, although there was £133 million of PPP payments in the trunk roads budget, that money does not appear anywhere else to any degree. The committee is looking for a budget that is much clearer and more transparent and that will aid the public, stakeholders and anyone else who takes an interest.

Finally on transparency, I am sure that you would agree that more detailed information on pay and workforce is required, given the huge proportion of the overall budget that goes on that.

**Shona Robison:** I am always up for discussion about how further progress can be made and am keen to engage further on the detail of some of the areas that you have raised.

The only point that I would make about in-year transfers is one that I have made before. Policy direction quite often sits in one area while delivery sits in another so that, say, a policy could be set by education but delivered by local government. That is one example—there are many others. There is then a tension between the policy and its delivery. If all the money is transferred at the start, where does that leave policy decisions in that area of Government?

**The Convener:** I would accept that, were it not for the fact that the policy, as you put it, does not seem to change year on year. That argument does

not stack up if it happens five, six or seven years in a row. Although I and the committee understand that changes must be made mid-year, which is why we have the autumn and spring revisions, I do not think that it is in any way appropriate that the same resource shifts from the same budget every year. People want to be able to track where the money goes.

**Shona Robison:** Let me be helpful and say that I am very keen to work with the committee further on those areas. We might be able to make a distinction between the areas that are settled and those that are more prone to policy shifts, which might, in turn, shift the funding level. We could have a look at that.

I recognise the frustration that you reflected in relation to PPP, and we can discuss that further with the committee.

The fiscal sustainability delivery plan will have quite a sharp focus on workforce and you will be able to see some of the detail of those projections when it is published. Pay is clearly a huge element of the budget and I am very open to looking at ways of being more transparent about those costs and budgeting for them.

I am not shutting the door on any of the ideas, convener. If the committee wants to make more specific suggestions on those areas or others, I am happy to look at them in advance of 2026-27.

**The Convener:** Some of the evidence that we took from witnesses suggested a kind of wonderment as to why we were even having a fiscal sustainability plan as opposed to having such a plan in the medium-term financial strategy. The Fraser of Allander Institute, for example, thought that a separate document was unnecessary. Why is such a document necessary? We frequently hear from witnesses about the plethora of plans and strategies that the Government has. Although I understand why you would have a plethora across the Government, in finance alone there always seem to be plans and strategies that do not seem to be joined up. We have received comment that greater clarity on how the strategies join up would be good. Even better would be if there were one overarching strategy that incorporated everything, as opposed to all the different plans and strategies that seem to run in different directions.

**Shona Robison:** The aim of the fiscal sustainability delivery plan is to bring all the component parts across Government into one place, where we will set out actions and the pillars of the plan so that the Parliament, the committee and external stakeholders can see it all and track its delivery. It is an attempt to make that information more transparent and accessible. I will be able to set out our suggested review

processes. The plan will, clearly, be linked to the MTFS but it will focus on the how and the what, and we will be able to put some timeframes against the delivery of the actions that we need to take.

**The Convener:** Timeframes are really important—that is what I was going to ask you about next. We hear from the Government about plans for reform, but we do not necessarily get detail on what is to be reformed and by which date. It seems to be a moveable feast. I was thinking about my tax return—the reason why I filed it at the end of January is because the deadline is the end of January; if it were the end of February, I would probably do it then, because there is always something else to do. Not having deadlines means that things drift, and we have seen such drift quite consistently. Documents that are due never seem to arrive ahead of or on time—there always seems to be some drift in that. That is the same with the medium-term financial strategy.

Something that has also come up is that, when the Scottish budget is delivered, there does not seem to be detail on the outcomes that it is trying to achieve. It is a two-dimensional document in which we see the figures in certain portfolios either going up, staying the same or going down across the years, but we do not see what the Government is trying to achieve. You valiantly try to put that on the record in a 20 or 30-minute statement, but you cannot possibly get all that detail in.

09:45

I do not think that anyone wants to see a 500-page document—140 pages is sufficient—but there is room for more detail on outcomes. In particular, there is room to link the budget to the national performance framework to see how it ties in, because there is a view that the two do not seem to correlate as well as they perhaps should.

**Shona Robison:** The NPF is obviously under review at the moment. It is important that all those elements are coherent. That is an important point about reform and tangible timeframes and outcomes. That will be a key pillar of the fiscal sustainability plan, which will show what needs to happen to ensure that we can reduce our fiscal pressures and extract benefit from doing things differently.

The point about outcomes is a good one. There are many documents that are much more granular in detail and focused on outcomes. For example, the Verity house agreement or health board plans have more detail on outcomes at that level. However, I take your point that we can and should be able to more readily describe the outcomes that we expect from investments. We have kept

children out of poverty by investing in the Scottish child payment. We have put figures on that over the years by analysing how many children that will impact. As I described in a previous evidence session, we did the same with the lifting of the two-child cap, by working out how many children we expected to be kept out of poverty by that investment. So, in some areas, we have an analysis that is able to focus more on outcomes. However, I take your point more generally that we could make improvements.

**The Convener:** It is about inconsistency. You are right to hit on the Scottish child payment; a lot has been said about that. If outcomes can be tied to priorities, it is a lot easier for us and others to scrutinise where the Government is meeting the priorities that it has set for itself. It is a good discipline for the Government to see that its allocation of resources is doing exactly what it says on the tin.

Another issue that has been raised—the committee saw this when we were talking to Government officials in Estonia—is zero-based budgeting. That is about having a refresh every decade or so to ask, “Why are we doing this? Is it because we have always done it?” The value of that is to ensure that we get better bang for the buck. Is that something that the Government would consider?

**Shona Robison:** It is something that we should not discount. The starting point is usually the baseline. For the obvious reason, so much of the devolved spend is tied up in parcels that are the big chunks of spend—health, local government and social security. If we took a zero-based budgeting approach to health, for example, we would quickly reach the position of saying that, in order to keep the service functioning, it requires this level of funding.

Does that mean that we should not ask ourselves some fundamental questions about the outcomes for the chunk of funding that goes to local government, health, social security and everything else? We should ask ourselves those questions. Previously, we have attempted to have challenge in the system on why we are spending money on something and on what it delivers. It is, however, quite difficult to start with a blank sheet of paper when you have systems that you must operate. People expect to receive services. There cannot be a pause on all of that, so there is some essential spend.

**The Convener:** I do not think that it is paused; I do not think that the Estonian Government shuts down for a month while it is doing that.

**Shona Robison:** No, but it has more scope because it does not have the constraints.

**The Convener:** Private companies do it all the time. If you have a budget of £64 billion, even if 1 per cent of that has not been allocated efficiently, that is a lot of money. It is about going back to first principles and asking what we are trying to achieve from the spend and whether we are achieving it. That is really about it.

**Shona Robison:** The spending review might provide an opportunity to look a bit more broadly at the current position and also into the future around whether, for example, digital investment could help with reform and transformation. We could look at how we are embedding that and whether that means that things might be delivered a bit differently. It is not that I am against attempting it at all; it is just that, given the limited room for manoeuvre of large chunks of money, it would quickly become quite challenging.

**The Convener:** Thanks. I have a couple more questions before I talk about the letter.

The Convention of Scottish Local Authorities and the Scottish Trades Union Congress have said that early engagement could better inform the Scottish Government's public sector pay assumptions and could help local authorities with planning. I am sure that other colleagues will talk about that issue in some depth as we progress. Is the Scottish Government looking at engagement?

On the back of that, the committee takes a lot of evidence on the pre-budget process, and we produce a report. What impact does that have? What has the Scottish Government changed as a result of the work that is being done on pre-budget scrutiny?

**Shona Robison:** I have a lot of engagement, with COSLA in particular. We engage regularly on pay and many other matters pertaining to the funding of local government. This year, there was far deeper pre-budget engagement, and I think that even COSLA recognised that it was better—maybe not perfect, but better. Similarly, I had meetings with the STUC and individual unions to set some expectations around pay, given the constraints that exist.

On what has changed, I would like to think that there are iterations during every budget process based on what we have heard. The local government budget is a good example. Hearing COSLA's experiences of what did not work has led to a far more open-book approach for 2025-26. I would cite that as a strong example of where we listened and changed our approach. It was a much better way of getting to a place that COSLA was more comfortable and content with—it was perhaps not entirely happy with absolutely everything, but we got to a far better place.

**The Convener:** On the medium-term financial strategy, we understood in January that, when the

date of the UK spending review was set, the medium-term financial strategy would be published, too. We were quite surprised that there was a change to that date. In your letter, you say that the reason for that is that the UK Government has not worked closely with the Scottish Government, despite its assertions that it would do so and would reset the relationship between the two Governments, moving away from the relationship that existed under the previous UK Government. You specifically mentioned the Chief Secretary for the Treasury and his lack of engagement with the devolved Parliaments. Could you say more about that?

**Shona Robison:** I think that I was very optimistic, originally, because there was a pretty low bar with regard to the flow of information previously. As I have said to the committee before, the flow of information and the relationships initially significantly improved, and that remains the case to some degree. To be blunt, because of that, I expected near spot-on information to be shared with us around the spending review outlook. Not least, I expected direct engagement through the finance interministerial standing committee and bilateral meetings and that that would give us some certainty. The UK Government knew what the timeline was for the MTFS, so I thought that it would be able to give us that degree of confidence.

I have to say that, at the meeting that we had—it was not a FISC meeting—with all the devolved Administrations and the secretaries of state, when we asked questions around, for example, the spending department priorities and which departments were likely to be prioritised over others, what we were told was, in essence, what was in the public domain and nothing more. When a request to have bilateral meetings was declined, because the Chief Secretary to the Treasury said that there was no time because he was tied up with bilateral meetings with Whitehall departments that would not conclude until the end of May, we made the point that the outcome of those discussions would determine the funding envelopes for the devolved Administrations. After that meeting, I felt growing unease and receding confidence, not least given the defence announcement, because there were signs of shifts in spend without the ability to have any level of detail about that.

At one point, there was a kind of vague offer along the lines of, "If you give us some broad envelopes, we'll maybe tell you whether those are in the right ball park," but, even then, the UK Government was saying that it probably could not do that until the end of May and possibly early June. In the light of all that, I am afraid that I concluded that, out of a difficult set of options, the primary overriding consideration for me had to be



the accuracy of information, and I was not confident that I could provide accurate information at the end of May in advance of 11 June. We would potentially have to immediately revisit that information—two weeks later—if it turned out not to be accurate. I understand the committee's concern about the terms of the written agreement, but I had to make a judgment about what was paramount. I felt that the accuracy of information was paramount, and we just do not have that at the moment.

**The Convener:** During last summer, autumn and into the winter, you were saying that relationships had improved, so there is, obviously, concern if that is not the case. On 29 March, this committee and our Welsh and Northern Irish counterparts had a meeting with the Chief Secretary to the Treasury. It was meant to be an in-person meeting but, a few days beforehand, it was changed to an online meeting of 45 minutes. On the day, that was reduced to 30 minutes and, once he came on the call, it was reduced to less than 15 minutes. There were 11 political parties at the meeting who wanted to engage, and we could not. In fact, his own political party was probably the most critical of that engagement. Is there a wider issue with the UK Treasury or, specifically, with the CST? Obviously, we will have concerns if that is going to be an on-going situation. We do not want relationships to deteriorate as the months and years progress.

**Shona Robison:** No, we do not want that to happen. Perhaps there was a bit of a flush of a new relationship and the possibility that things could be done differently, which all felt very positive, but that seems to have waned. At the April meeting, I was genuinely surprised, as others were, when we were told point-blank that there was no time for any bilateral meetings with the devolved Administrations. We felt that it was important to have parity with Whitehall departments, to have a direct relationship and to get the information that we require. What has happened has landed quite badly, I have to say.

**The Convener:** Let me get this clear: your view is that the devolved Administrations are being treated with less respect or are being given less attention than UK Whitehall departments.

10:00

**Shona Robison:** Well, we have not been offered a meeting that is comparable with the meetings with Whitehall departments, which will be taking place throughout May. We understand the time pressures. I appreciate the time that it takes to have meetings with all the respective parts of the Government, but it was a bad message to send. I felt that that would have been

an opportunity to get, in confidence, an understanding that we were in—

**The Convener:** A steer, basically.

**Shona Robison:** —the right place. We just have not had that. It is important that we have a protocol with the Treasury. That has been good for the flow of information more generally and an important improvement, which we value, but there is work to be done to rebuild a bit of confidence, to be honest.

**The Convener:** The committee has written to the CST about our engagement with him, so I understand where you are on that.

Colleagues will have questions about this matter in relation to the wider issues that we are deliberating on this morning, so this is my last question on it. In your letter to the committee, you said:

“The Prime Minister’s announcement on the prioritisation of defence spending was a significant development, which came after my original decision on the date of the MTFs”.

What about the statement in March? Is that likely to have much impact?

**Shona Robison:** I had a general sense of shifting spend and we had no line of sight on what that would mean. We asked the Chief Secretary to the Treasury to give us a sense of the spending departments that were likely to be prioritised and protected, compared to those that were not. For example, we do not know where local government will sit in terms of Whitehall department priorities. He just said that he had to meet with all the departments, but, at this stage, they must have some sense of the priorities. I felt that all of it represented a bit of a shift. Compared to the assumptions that we had made, we are now in a different place, unfortunately.

**The Convener:** I will open up the evidence session to committee members. Michael Marra is first.

**Michael Marra (North East Scotland) (Lab):** Good morning, cabinet secretary. You have touched on issues around the advice that you take in relation to the budget, and I wonder about the tax advisory group’s role in that regard. On what the group made of your changes to income tax, Dan Neidle, who is a member of the group, said:

“Nothing. Because they didn’t ask us. It was pure politics.”

Why would you not ask a tax advisory group, commissioned and chaired by you, for its views on your tax policy?

**Shona Robison:** The tax advisory group—we were really clear about this with the members of the group and in our public communications—was not set up in such a way that we would say to it,

"This is our tax policy for the budget." Apart from anything else, if I were to do that before informing the Parliament, I would get myself into difficulty. The tax advisory group was not a group that we would, in essence, consult on the tax rates for each budget, and that was made very clear with the group at the start.

We work with the tax advisory group on things such as the public's understanding of tax and areas that we could improve in that regard and on ensuring that we look at all the component parts in the here and now and the areas that we might look at in the future. In essence, that is my response. I would not have been telling the tax advisory group about our proposals for tax. That would not be right, because the Parliament should hear about those first and foremost.

**Michael Marra:** You would not take any expert advice on that tax rate, then.

**Shona Robison:** We take advice from the Scottish Fiscal Commission. We give the commission the information and details of what we have been looking at. We give it various options, and it comes back with what they would mean in terms of revenue raised or potential behaviour change. We will also look at data from HM Revenue and Customs. We look at all those things, but the Fiscal Commission is the main body that will have done analysis in advance of our making decisions.

**Michael Marra:** The terms of reference for the tax advisory group say that the group will advise on the development of a tax system

"that is fit for purpose, delivers sustainable public finances and supports high quality public services and a flourishing economy ... the group should consider the total tax burden, including the relationship between local and national, devolved and reserved taxation, and may identify areas of further discussion".

It is clearly not the view of Mr Neidle, as a member of the group, that it should not have been consulted on such a significant change in tax policy. Will you be advising him or other members of the group that they were wrong?

**Shona Robison:** We were really clear with the tax advisory group about its role, what it would do and what it would not do. In considering areas of tax behaviour in a general sense, and in getting advice, it was clear that there were differing views in the room. For example, the STUC had a view on the role of tax and the tax burden that differed from that of some of the business organisations.

Those discussions were important. How can the public be made more aware of tax? That helps with people adhering to their tax liabilities. Some very important discussions and pieces of work were undertaken. However, the tax advisory group was never a group that would be consulted and

asked about a specific rate of tax, because that would not be appropriate. The Parliament is the place that hears about the Government's position on tax, not an advisory group. There would be a risk of the Government's tax proposals being in the public domain before the Parliament heard about them, and I would be getting into some significant difficulty if—

**Michael Marra:** When did the group last meet? The last published minutes are from November 2024.

**Shona Robison:** Yes.

**Michael Marra:** Are there any meetings planned for this year?

**Shona Robison:** One of the things that we were considering was the future of the advisory group and its future role. I can write with further detail on this but I recollect that, at the most recent meeting, I asked the group's members about its future and its role, and about what might be appropriate, given the position that we had reached. That discussion is still on-going, but I will write to the committee with an update of where we have got to.

**Michael Marra:** Under its terms of reference, the group is meant to meet four times a year. We are now in mid-May, and it has not met at all this year.

**Shona Robison:** Well, as I say—

**Michael Marra:** It sounds as if you are not sure whether it will meet again. Do you think that the group's work is completed?

**Shona Robison:** Some parts of the work of the advisory group were completed, but there might be more work to be done. The tax strategy was published: that was clearly an important milestone, and the advisory group had a lot of key input into it. That strategy was a product of its work. The publication of that strategy provided a natural point at which to discuss the future of the advisory group.

There is a lot of interest in new taxes, for example. Is there a role for the advisory group regarding what some of those may be? Similarly, there is a lot of interest in local government taxation. That discussion is on-going.

**Michael Marra:** There are no meetings scheduled, as far as you are aware.

**Shona Robison:** No, but I will come back to the committee with the latest on the review.

**Michael Marra:** I will move on. Turning to the advice from the Scottish Fiscal Commission, I was interested to note that, on 1 April, Graeme Roy told our committee that the Scottish Fiscal Commission had not been asked to do any work at

all on full fiscal autonomy, which is the stated policy of the Government. He said:

“we have had no instructions on that, so we have not looked at anything like full fiscal autonomy.”—[*Official Report, Finance and Public Administration Committee*, 1 April 2025; c 27.]

If that is the policy of the Government, as you set out to the Scottish Affairs Committee, would it not be best to take some professional advice as to what the implications of that might be?

**Shona Robison:** Angus Robertson replied to you on this matter just last week, Mr Marra. He said:

“The Scottish Government stands ready to engage at any point with the United Kingdom Government on substantial new fiscal powers for Scotland, following which we will model the impact of potential policy choices.”—[*Official Report*, 14 May 2025; c 9.]

We are ready to engage with the UK Government in looking at full fiscal autonomy if it is open to engaging with us on the detailed work for that. We have asked for a proper review of the fiscal framework—one that goes beyond just the margins—and we have asked the Treasury to do a more fundamental review of the fiscal framework. We have not yet had any indication that the UK Government would be up for a more general and wider review, but we will continue to pursue that.

**Michael Marra:** What would be the fiscal impact of full fiscal autonomy?

**Shona Robison:** We would have to do the detailed work at a point in time. It would clearly depend on the financial circumstances of that point in time—whether that was now, five years ago or 10 years ago. We would have to do detailed work with the UK Government and, if it was serious about wanting to engage with us, it would—

**Michael Marra:** So, you do not know. Full fiscal autonomy is the policy today, but you do not know what its fiscal impact would be.

**Shona Robison:** No detailed work has been undertaken on the basis of where we are at the moment and the current fiscal position. If we reached an agreement that such work should be undertaken, it would be done with the UK Government.

**Michael Marra:** The mechanical principle is that you are pursuing this area of policy with the UK Government and you have a view of what the destination should be for the fiscal framework, but you do not have any idea of what the fiscal impact would be—

**Shona Robison:** It depends on what is on the table. If we were to consider specific tax powers or areas of devolution or spend that we do not have powers over—corporation tax, for example—we

would have to know what was on the table in the discussion with the UK Government, so that we could model what that would mean. We have never hidden away from the fact that we want independence—or any powers short of that—for this Parliament. That is not a secret.

Detailed financial and economic modelling would have to be done on the basis of what we were talking about. For example, if there were to be a framework review that got into the detail of which areas would move, shift or be devolved, at that point, the detailed analysis would be done on each of the tax powers that would move to the Scottish Parliament.

At the moment, the policy is a principle. We would have to discuss this with the UK Government and do detailed work on what we had discussed and agreed on. Nothing has been agreed with the UK Government—

**Michael Marra:** David Phillips of the Institute for Fiscal Studies said that

“full fiscal responsibility would likely entail substantial spending cuts or tax rises in Scotland.”

That is some expert advice. Do you agree with that?

**Shona Robison:** We have an annual debate about “Government Expenditure and Revenue Scotland”, because the GERS figures are based on the current constitutional arrangements rather than on the opportunities that would come from Scotland being able to make its own decisions on tax and use economic levers that we do not currently have. Goodness—if ever we needed an example of why that matters, we could look at what happened to the fishing industry this week. These are points of principle that we clearly disagree on. You are not in favour of the movement to Scotland of any further powers, and I take a very different view.

We would need to get into the detailed work on what we were talking about. For example, if the UK Government were willing to have a more general review of the fiscal framework, we would identify what powers and levers we were talking about and, at that point, do the detailed work of asking what that would mean for Scotland under the current arrangements. In the absence of any of that, full fiscal autonomy is a principle that we adhere to, but—

**Michael Marra:** The GERS figures for 2023-24 show that the net fiscal balance was -£22.7 billion—

**Shona Robison:** That is under the current constitutional arrangements, which says quite a lot about those arrangements—

**Michael Marra:** That is 10.4 per cent of gross domestic product.

**The Convener:** It is the union dividend.

10:15

**Michael Marra:** You are talking about a move to independence and the assignation of the fiscal element, but the expert opinion is that such a shift in the constitution would have significant negative effects. You are acting to pursue full fiscal autonomy, but your Government has undertaken no analysis, despite the fact that the GERS figures are your figures—

**Shona Robison:** Well, the GERS figures—

**The Convener:** Hold on. Excuse me for a second. We are drifting quite significantly away from the issue on which we are supposed to be taking evidence, Michael.

**Michael Marra:** I take that—

**The Convener:** I have given you a lot of leeway, but you know what we are discussing today.

**Shona Robison:** Let me just put on the record, convener, that the GERS figures are based on the current constitutional arrangements and all their constraints. They take no account of the levers that we would have as an independent country or, indeed, if we had additional economic levers. GERS demonstrates the constraints of the current constitutional arrangements very well.

**Michael Marra:** I appreciate your point, convener, but exploring the issue of—

**The Convener:** I have given you a bit of leeway, but we have to stick to the Scottish budget process.

**Michael Marra:** I understand that. I will leave it at that point.

**The Convener:** Thank you. I will bring in Liz Smith, to be followed by John Mason.

**Liz Smith (Mid Scotland and Fife) (Con):** I want to deal with the facts about the current settlement. As I understand it, the Scottish Fiscal Commission—which we have great respect for across the Parliament, and particularly in this committee—sets out the facts of where we are when it comes to predictions, as well as what the current situation is. It is not allowed to advise on policy—that is entirely in the hands of Government. Cabinet secretary, when it comes to addressing concerns arising from the Fiscal Commission's statistics, whose advice do you take?

**Shona Robison:** Is that in relation to what we should accept or should not accept from the Scottish Fiscal Commission?

**Liz Smith:** That is correct.

**Shona Robison:** The Scottish Fiscal Commission will give us options that are based on what we ask it to analyse. For example, on tax, we might give it ranges of workforce assumptions and it would model those. We would have choices to make based on the information that we get back. Options would be put to me by my financial officials, using the SFC information, which would say, "If you do that, these are the implications and this is the effect." We would then have to make judgments about what we think is—

**Liz Smith:** How does the advisory group on tax strategy input into that?

**Shona Robison:** The tax advisory group looked at the overall tax position. It considered many themes, including the public's understanding of tax and the coherence of the tax system. For example, if you increase the public's understanding, are they more likely to then adhere to and pay their taxes? It considered the burden of tax, and we had a look at some of the HMRC data on behavioural issues. The group's input was more about tax in a general sense rather than on specific rates.

**Liz Smith:** I understand that. That is interesting because, if the group is providing advice about behavioural changes, surely that is extremely important for any decision that the Government comes to in relation to a strategy that will provide you with extra revenue and enable you to control public finances. How easy is it for you, as the Cabinet Secretary for Finance and Local Government, to be able to take on board the facts that the Fiscal Commission has given you and also the advice—and it is advice—that your tax group is providing? That advice includes behavioural change. The Fiscal Commission says that behaviour is crucial for the amount of revenue that you are likely to bring in, not just now but in years hence.

**Shona Robison:** I take the point. We just need to bear in mind the dynamics of who sits around the table in the tax advisory group. On the one hand, the STUC has a particular view of what should happen vis-à-vis tax, which is very different from the views of business organisations that sit around the table. They will say different things to me.

We then have the tax experts, who are a little bit more dispassionate, I guess, in their view of behaviour, and we also have local government, which has its own views. That means that there is not one view emanating from that advisory group, but a range of views. What I—and we

collectively—tried to do was to pull as much of that as we could into a coherent tax strategy. Nevertheless, many of those views will not be able to be reconciled.

**Liz Smith:** I understand that; they probably could not be reconciled at all. Nevertheless, you have to make a decision, in setting your policy, as to which views you consider most important, and that has to correlate—I would hope—with the information that the Scottish Fiscal Commission and the other economic forecasters have provided. It is on that aspect that there are some issues to do with a lack of transparency.

I know that it would be for the Parliament to decide on this, but does the Scottish Government have a view on the possibility of introducing a finance bill in this parliamentary session? Such a bill could be important as it would not only put the Government's tax-and-spend priorities on a legal basis but enable the Parliament to scrutinise that in the usual way during the passage of the bill. Is the Government open to doing that?

**Shona Robison:** Before I come to that, I will say something further about your previous question. All the advice in the round—whether it is the factual advice that the SFC has given us, the options that have been put through internal processes or the work and advice of the advisory group—have led us to make the decision that we have, in order to provide certainty for the remainder of the current parliamentary session on any further changes to income tax. The result of all that was a decision that we had gone as far as we could. Others will disagree with that, but it was the balanced view that we came to in the light of all the evidence. We heard the range of views and that is where we, as a Government, landed.

**Liz Smith:** A finance bill would allow us to scrutinise the Scottish Government's tax and spending proposals. It would allow the Parliament as a whole and not just committees to scrutinise the decisions that have been made in that regard. In addition, I would have thought that it would enable the Parliament to make greater use of the data that has been presented to it.

**Shona Robison:** I have no objections in principle to a finance bill—it would just be a very different way of working. I guess that it could be an annual bill, but it would not necessarily have to be; it could be regular as opposed to annual. We would need to think about the undertaking, not just for Government but for the Parliament, and about the parliamentary procedure and process. We would need to think through how that might work.

I can see some of the advantages to such an approach. I am thinking through some of the stand-alone legislation that we have had. For example, we had the Aggregates Tax and

Devolved Taxes Administration (Scotland) Act 2024, which showed that we can introduce tax amendments that require primary legislation, but other changes have been made via secondary legislation.

On whether or not we would bring all that together in an annual bill, it would be the case that, in some years, not many of the elements would change, whereas in other years, the changes might be more expansive. We would have to think that through. My answer is that, in general, we are not against a finance bill, and it might be something that we could do some work on.

**Liz Smith:** You have heard the criticism that has been levied that different committees of the Parliament—with the notable exception of this one—tend not to scrutinise the budget in huge detail because of all the other work that they are doing. Consequently, as the convener said at the outset, there is sometimes difficulty in understanding where various budget lines are, particularly budget line 4—in other words, where the money is. However, if we had a finance bill, the Parliament would scrutinise the different stages in considerable detail, which might help with some of the issues to do with the lack of transparency.

**Shona Robison:** We should undertake to have further discussions about it. I have no in-principle objection and I take the point that our engagement with the debate in committees was perhaps lacking some interest, so we need to reflect on that—we should not just ignore it. However, it would take some time to put in train the very different set of arrangements that would be needed for a finance bill. We should take the issue away and have further discussions about the implications not just for the Government but for the Parliament and parliamentary time. We are happy to do that.

**The Convener:** Liz, I think that you should rescind your retirement in order to progress that in the next parliamentary session.

**John Mason (Glasgow Shettleston) (Ind):** We are all very keen on multiyear and long-term plans, settlements and so on. The third sector wants them and the SFC is looking 50 years ahead, but here we are, 22 days before the UK spending review, and none of us really has any idea what will be in that. Is there any point at all in us looking further ahead when we are so dependent on Westminster?

**Shona Robison:** There is a point to our looking ahead if we can get into a regular cycle, and—credit where credit is due—that is one of the most important changes that the UK Government has made to the cycle, which, I think, is three years for

resource funding and four years for capital funding. I see that my officials are indicating that that is correct. That gives people the ability to have a line of sight of the financial envelopes beyond year-to-year funding, which matters because, in turn, that would enable me to discuss the potential for multiyear settlements with local government or other parts of the public sector that have difficulty with year-to-year budgeting. The third sector is another example of where that would make a difference. It would help if we were able to provide a line of sight, particularly for three years' resource funding but also for capital funding.

There is a caveat to that: what that amounts to in the funding envelopes is dictated very much by the UK Government's discussions with Whitehall departments that will take place. Indeed, those are taking place as we speak. By and large, those discussions will determine the bulk of the funding for the devolved Administrations.

**John Mason:** I have to admire your optimism. The UK Government has said that it will make those settlements every three or four years, but we have no way of knowing that. It is not bound by that in any way; it can just change its mind. There was meant to be a UK general election every five years, but the then UK Government dropped that.

**Shona Robison:** That is true, but there are probably advantages in that approach for the UK Government, given that the end of the spending review period will be 2028-29. You can see why that might be of some advantage to a sitting UK Government in relation to the election cycle.

On principle, leaving aside some of the cynicism—I totally understand why you have that—it is a good idea to have that cycle of spending outlook.

**John Mason:** I agree that it is a good idea. We will see whether it happens.

**Shona Robison:** Yes, that remains to be seen.

**John Mason:** You will have 14 days between 11 and 25 June. That is not very long, and I presume that things need to be printed and all that kind of stuff. Will you be able to do all that work in 14 days?

10:30

**Shona Robison:** It is a challenge. The teams know that it is a challenge, but they stand ready, once they have the financial envelopes, to rapidly run the numbers through to make sure that we can produce that information for 25 June. The only other option would have been to go to September, and I felt that, given the committee's strong views, that would have been even more challenging. I am keen to get that information out.

It will require a big effort, but some pillars of the work on the delivery plan and parts of the MTFs are being constructed now. The figures for the spending outlook will be slotted in.

**John Mason:** Various witnesses have raised the subject of public participation and involvement in the budget. A lot of the public seem to feel that we should just cut taxes and increase public expenditure, which some of us do not think works. As I said, you are an optimistic kind of person. Can we, as a Parliament and as the Government, somehow engage the public more in understanding where the finances go?

**Shona Robison:** I think so. That was one of the live areas in the tax advisory group's discussions. Research shows a low understanding of the different systems. Not everybody knows that we have devolved taxes or that income tax is devolved. That is not unique to Scotland, as people's understanding of the tax system generally is probably quite low, but we have a more complex system.

We have commissioned external research by Ernst & Young on international best practice in tax communications, and we will publish that at the end of May. It has helped to inform us on topics such as tax literacy. We know that the higher tax literacy is, the better the compliance level. If people understand tax and are brought into the system, if you like, they have better levels of compliance.

We want to continue to look at how we can raise awareness. The guide "Your Scotland, Your Finances" is quite a good explainer, but we want that information to reach a wider audience. There is more work to be done.

It might not be everybody's bag, but we are hoping to have the first tax conference in autumn. We do not want it to be attended by just the great and the good of tax experts and everybody who likes to talk about tax.

**John Mason:** All the committee members will be there.

**Shona Robison:** We are giving thought to how to involve the public more in that and make it a dynamic event, rather than something that is quite dry and just for people who are in that field. We are putting thought into that and the overall structure of how we might—

**John Mason:** Should schools be doing more?

**Shona Robison:** I think that there is something about financial literacy generally. It is important that young people are financially literate, not just about tax but about basic protections, given the amount of scams and people's level of vulnerability in the digital world. It is really important that young people have those tools so

that they can understand and navigate through a complex system and the risks. Anything that can be done to improve that would be good.

**John Mason:** What about MSPs? Do you think that half of them are clued up in finances?

**Shona Robison:** I could not possibly say. I would hope so—I would be disappointed if they were not.

**John Mason:** Liz Smith was very kind: she said that they tend not to scrutinise the budget because they are too busy, or words to that effect. To be serious, we sometimes feel that the other committees in the Parliament leave the financial stuff to this committee. A number of us have experienced being on other committees where it seemed that, if we did not raise issues of finance, nobody would. Is that just inevitable?

**Shona Robison:** I go back to the earlier exchange with Liz Smith. I think that we were all taking note of the lack of committee engagement; it felt very perfunctory, and we all want something better than that. The question is, what might work better? There might be a common cause to make some improvements. A finance bill might be one route forward, but there could be other routes, and we should have further discussion about that.

**John Mason:** I think that, when they do a bit of pre-budget scrutiny and report back, some committees wonder whether it really has an impact on the Government. However, linked to that, there is the idea that committees should look at financial matters throughout the year, which, I presume, would have an impact. Can you say something about the impact that committees are having on the Government in that regard?

**Shona Robison:** Obviously, we take careful notice of every committee report—what they say and the issues that are raised—and we try to answer queries and to reflect some of that opinion in how we might improve things at the Government end. There is a point to be made about the on-going level of engagement on budgets throughout the year and whether there is more that we can do to support committees in that work. Some committees will focus on certain large spending areas, but issues that can become quite public and controversial can involve small areas of spend. There was quite a lot of interest when we had to do the emergency budget review, with elevated interest among the public, in committees and in the Parliament. However, there is probably less interest in on-going routine scrutiny of the budget, so there might be things that we can do in that regard.

**John Mason:** An example at the moment is that the Education, Children and Young People Committee is looking at the situation at the University of Dundee. The issue is mainly

financial, although there are probably other issues involved, too. That matter is not specifically linked to the budget, but it is a budget or finance kind of thing—it involves questions about how universities are funded—so does the Government take notice of that kind of inquiry?

**Shona Robison:** Yes, of course. It is a very high-profile inquiry, and we are very much taking notice of it.

**John Mason:** Some witnesses have suggested that there should be a pre-budget statement. Part of me wonders whether we need that, because it would involve yet more information being produced, but I suppose that the argument is that it would set out a broader plan before budget plans had been finalised. Do you have thoughts on that?

**Shona Robison:** I am trying to think through what such a statement would contain. It would have to be fairly general in nature, otherwise we would, in essence, be doing the same thing twice, and I am not sure that that would be the best use of time. If there are big changes—for example, if something happens that will have a major impact—it is important to bring that to the attention of the Parliament. I would always try to do that, as we have done previously, if something was going to have an in-year impact.

**John Mason:** The convener mentioned pay policy. There was criticism previously that you had not spelled out your pay policy. This year, you did—from memory, it is 9 per cent over three years or 3 per cent for one year, but the national health service has quickly settled for a two-year deal of 4.25 per cent and then 3.75 per cent. Where are we going with this? It seems that the pay policy sets a basis for discussion but that people then negotiate beyond that.

**Shona Robison:** We can have a debate about how successful the process has been. One of the things that we were attempting to do through our pay policy was to really push multiyear pay settlements, and we have been quite successful in that respect, as we have significantly moved away from single-year pay deals. For example, ScotRail's pay deal is 6.6 per cent over two years, and I am not sure that we would have got there if we had not set the expectation that, if you want more than 3 per cent, it will have to be a multiyear settlement. In that respect, we have managed to really push multiyear pay deals.

NHS pay under the agenda for change should, in my view, be seen as a ceiling, not a floor. In previous years, that has meant that nobody has had a bigger increase in pay than nurses. We have on-going dialogue with local government on expectations to ensure that we reach settlements that are fair but affordable. There are discussions

with local government about a multiyear deal, which is helpful, because, if we can get to a position in which there is an outbreak of peace for a couple of years for everybody—including those on the union side—who is consumed with the enormous task of annual pay negotiations, we can buy a bit of time to be spent on other areas, such as reform and terms and conditions, which unions and particular workforces are keen to focus on. We could use those two years to make progress in those areas.

**Craig Hoy (South Scotland) (Con):** Good morning. Some of my questions are linked to what has been discussed already, so we will probably dance around a bit.

On financial literacy in schools, I received a written answer yesterday to a question about a Bank of England pilot project—which is taking place in England but could equally apply in Scotland—in relation to increasing the uptake of economics as a subject in schools. The written answer reveals that, in Scottish schools, there is uptake of economics at national 5 level in only 12 schools, at higher in 37 schools and at advanced higher in only five schools. In part, that could be because there is no demand, but might you be keen to join the Bank of England programme to ensure that people leave school with a level of financial literacy that would perhaps give them a greater understanding of tax and spending as they move forward in life?

**Shona Robison:** I will certainly look at that programme in more detail. I am always keen to look at new ideas and initiatives. If something is working elsewhere, I would be keen to look at it, so I will follow that up.

**Craig Hoy:** You said that work has been done to increase understanding of the tax system because that leads to greater compliance, but another way to achieve that would be to simplify the tax system. Have you taken external advice on that from either the tax advisory group or a consultancy?

**Shona Robison:** On simplification of the tax system and ensuring that people can understand it, including the different tax bands as well as what is devolved and what is reserved, the tax advisory group discussed that issue on more than one occasion. Obviously, in Scotland, we have a different bands system. I would argue strongly that the system here is more progressive, but I accept that it is more complex. Therefore, it is even more important that people are made aware of the fact that it is a different system. As I said earlier, greater awareness is likely to ensure closer compliance.

**Craig Hoy:** Mr Marra probably tested the convener's patience with his line of questioning, so

I will not seek to do that, but, in your letter to the Scottish Affairs Committee, you clearly asserted that full control over spending and tax—full fiscal autonomy—

“would create a fairer system that would protect public services and allow investment in our economy.”

What is your evidence for that? From whom did you commission that evidence to allow you to make that statement on the public record?

10:45

**Shona Robison:** It is no secret that I, along with my Government colleagues, believe that Scotland would be better served if we were able to make decisions on all aspects here, because we would have levers that we do not currently control and would be able to make decisions that we cannot currently make. That is a point of principle. Our position for more than a decade has been that that is what we would pursue, short of independence.

On the idea of incremental gains, one reason why I was keen to have a more fundamental review of the fiscal framework was to recognise the limitations. We are unable to respond to headwinds and events, such as a global pandemic or a war in Europe, as we would want to, because we are very constrained by the current fiscal framework. My assertion, and the Government's, is that we would be better served by having a full range of fiscal levers at our disposal. The point that I made to Michael Marra was that the detail of what that might look like would be the result of the work that we would do as part of any review of the fiscal framework, but that door is not open at the moment.

**Craig Hoy:** You are talking about a potential £9 billion black hole. That assertion does not put food on the table, and you should surely do that work before you make such an assertion.

**Shona Robison:** None of that takes account of the use of levers; it is all predicated on the current constitutional arrangements. The GERS position is, in essence, a failure of the current system when we should be looking at having a different system and at how those levers could be used. We can debate that—

**Craig Hoy:** That is probably best done in another place.

Turning from tax to spending, I note that public sector reform will be fundamental to future public spending proposals. Your letter to the committee says that the public sector reform programme and strategy will be published in June. Can you say when in June that will happen? Will it be before, alongside or after the publication of the medium-term financial strategy?



**Shona Robison:** That decision sits with the Minister for Parliamentary Business, and it will then have to go to the Parliamentary Bureau. I cannot give a specific date until that is agreed, but it will be important to set that out in detail, with a clear link to elements of the MTFS and to the sustainability plan, of which reform will be a key pillar.

**Craig Hoy:** If reform is going to be as bold and ambitious as it needs to be, given the current situation with the Scottish Government's budget, it will be fundamentally material to the MTFS.

**Shona Robison:** It will, of course, be material to that.

**Craig Hoy:** On more recent issues, it emerged over the weekend that you want to get civil servants back into work. It was also, and somewhat regrettably, reported that, at present, you cannot quantify how many civil servants are seeking to watch Netflix or surfing pornography on their work devices because the number is so high. On the culture of the public sector reform programme, how ambitious will you be about getting civil servants back to work or about ensuring that they are more productive wherever they are working? There seems to be a gap in that the additional investment that you have put into the civil service has not been met by a commensurate increase in productivity, perhaps because civil servants are getting up to things that they should not be doing.

**Shona Robison:** First, as is the case in any workplace, viewing inappropriate material is a disciplinary matter, as it rightly should be.

**Craig Hoy:** Would you sack those civil servants if they were identified?

**Shona Robison:** I am not in a position to sack anyone, because that is not what ministers do—

**The Convener:** Again, we are kind of drifting—

**Shona Robison:** —but I would expect line managers to enact the proper disciplinary procedures, as they are set out, if someone was viewing material that they should not be viewing during work time or on work devices. That would be the case in any workplace.

On productivity, I do not hold the assumption that you can be productive only if you are in the office. Staff can be productive wherever they work, as long as they are managed in an appropriate way and are meeting the goals that are set by their line managers. We have to be careful not to see some of the progress that has been made in relation to more flexible working patterns, particularly for those who have caring responsibilities, as a negative—I do not see it as a negative. However, elements such as being part of a team and getting to know colleagues are

important, too. There needs to be a balance, with people being in the office at an appropriate level to be able to do those things while making sure that productivity levels are upheld. The permanent secretary is seeking to achieve that balance through the guidance that was sent out to staff a couple of weeks ago. He will expect staff to adhere to that position, which I think strikes the right balance.

**Craig Hoy:** You talked earlier about making sure that targeted outcomes are driven by your spending choices. Recently, it emerged that the total cost of Government spin doctors has reached £100 million over three years—I concede that that figure includes spending by health boards. Will that kind of Government and associated departmental expenditure be included in your public sector reform programme? Before you allow such a significant increase in the future, would it be better to tie that expenditure to a public service outcome target? What could the public service outcome target be for increases in expenditure on spin doctors as opposed to doctors, for example?

**Shona Robison:** When you use the term “spin doctors”, I think that it is in reference to the entire communications staff across every public sector organisation. I will write back to the committee on that. The special advisers take up a couple of desks in the office on the fourth floor of the Parliament. The idea that there is an army of hundreds of them is not the case—no way. I think that that figure captures every communication officer in every public body in every part of the public sector, including every NHS board and probably local government, too, in order to make it a big figure. If your question to me is about what the value of those roles is, I think that it is important that there is communication from our public organisations, not least the NHS. Public organisations must have an effective way of communicating, and that is what the people concerned are tasked with doing.

There is a challenge in making sure that we are able to sustain our public services and that we prioritise and make our front-line public services sustainable. Without getting too far ahead of what will be set out regarding the workforce and the public sector in the reform programme, that will inevitably mean changes to how things are delivered. The use of technology and digital will help us in our ambitions to make those changes, but some support functions will look different over the next few years. That will all be set out in due course as part of those plans.

**Craig Hoy:** My final question goes back to the convener's question about large in-year transfers. I want to close this one issue down. A number of stakeholder bodies that have come to the committee have said that they would like what the

convener described to happen and that it happens elsewhere. Are you saying that it is impractical, undesirable or impossible? Which is it?

**Shona Robison:** No, I am not saying any of those things. I am just setting out the reasons why there is sometimes a delicate balance of policy and spend for the number of police officers or teachers. The delivery sits in a different place to the spend, and it is about making sure that there is still policy coherence if we make changes to the delivery. The point that the convener made earlier was that there are some areas of spend that are quite stable and remain the same. There may be a distinction to be made between those areas and some of the more fluctuating policy and delivery areas, where keeping the spend the same would be trickier. I am not against looking at that, and I do not want you to get the impression that I am. I am just setting out that there are sometimes good reasons why those in-year transfers happen in the way that they do. However, I am very happy to look at that.

**Michelle Thomson (Falkirk East) (SNP):** Good morning. I just have a couple of wee questions, because most areas have been covered.

I visited the Legislative Assembly of Alberta recently. For your information, all oil and gas receipts accrue to the Alberta Government's balance sheet, and it has no limitations whatsoever on its borrowing powers. Perhaps it is a matter of education for members in this Parliament—perhaps even for this committee—why that would be a good thing. Seriously, particularly when we think about capital borrowing provisioning and how the Scottish Parliament compares with other areas and jurisdictions, there is a general ignorance in this Parliament as to the considerably higher number of powers that there are in other jurisdictions—and, critically, what is able to be done with those powers.

Do you think that it might be helpful for people to understand a bit more about that? I do not want to go off topic and get a row from the convener, but those powers must surely serve a purpose, and that purpose must be to grow the economy.

**Shona Robison:** Absolutely. We sometimes need to raise the horizons. The debate sometimes feels a bit sterile; we talk about just the GERS figures, rather than the evidence of what other jurisdictions have been able to do—short of independence, in some cases. You have cited one case, and I do not think that people in Alberta would be hankering after having those powers removed.

We need to get beyond the sterile debates and have a debate about a sensible set of arrangements that would give us the ability not just to grow the economy, but to manage some of the

headwinds. Our very limited borrowing powers do not enable us to do that. That gets us into difficulty, because we rely on the UK Government, of whatever colour, to negotiate—for example, as it has done around the impact of the global pandemic, which was an exceptional event. We want to be able to mature our powers and levers to a position where we are able to do more of that ourselves. I do not think that that is a terribly controversial thing to say.

Where that gets into the principles and the details is where it would require a lot of negotiation with the UK Government. That would have to be done in good faith, but that door is not open at the moment.

**Michelle Thomson:** Obviously, this morning's session has been about the Scottish budget process in practice. In your earlier remarks, you alluded to the inefficiency of the process. If you were going to adopt a process, I certainly do not know anybody—whether the Fiscal Commission or any other organisation—who would start from this position. However, what always interests me is whether we are able to collect the cost of the inefficiencies.

You said earlier that the devolved institutions are not accorded the same respect as other Whitehall departments when it comes to projecting the UK spending review. What that means is that you will have to make some assumptions. You will have to put the time and effort into doing those and then, presumably, have to redo them when you get told the details, later on.

To what extent are you able to—or do you—collect the costs of that inefficiency in the process, or are you just continually responding to it? I think that focusing on those figures could be quite illuminating, because we all know that we have quite a difficult crisis in public sector funding generally.

**Shona Robison:** We do not collect the costs in that way, but it is clearly inefficient to have to go backwards and forwards to extract information. The protocol was probably an attempt to streamline the process and have an agreement that could help to move that forward. We are pleased that we got that, but it is then about the custom and practice. You would have thought that it would have been good for the same time, effort and priority to be given to a sit-down negotiation with each of the devolved Administrations, rather than our having to negotiate and spend all that time with Whitehall departments. By and large, our budget will be set by the fallout from that.

11:00

**Michelle Thomson:** That is inefficient.

**Shona Robison:** It is inefficient, and I will tell you about another thing that is inefficient. We offered to work with the UK Government around some of the economic opportunities. At the meeting that was not the FISC, I made the point that, if we aligned our economic energies and efforts—and, sometimes, our funding—so that they faced in the same direction, we could get a lot more out of that. For example, the Scottish National Investment Bank should be able to access the National Wealth Fund, rather than being the recipient of decisions that are made elsewhere. How could we align and agree to get more bang for the bucks from the investments that we are making? That was our offer.

**Michelle Thomson:** How has that been received?

**Shona Robison:** The Acorn project is a good example of that. We have offered to increase funding in order to push the UK Government down the road of approval of Acorn, and it remains to be seen whether that happens at the spending review. There is an inefficiency in not aligning the investments, strategies and leverage that we have as Governments. We should be trying to face those in a similar direction.

**Michelle Thomson:** Particularly if there is a shared endeavour around post-Brexit economic growth.

**Shona Robison:** Exactly.

**The Convener:** I have just one question to finish off the session. Audit Scotland recently produced a report on the Scottish National Investment Bank. It praised the bank and said that it has generated income in excess of its operating costs, that it is “well run” and that

“It has a rigorous process for investing public funds”.

The report said that SNIB has invested some £785 million and has a return of £1.4 billion in private investment sector funding that has leveraged into that. Audit Scotland said that

“The Scottish National Investment Bank will not ... end its reliance on public funding”

unless ministers convince the UK Treasury to change its rules, which mean that the bank is unable to keep financial returns and reuse them for future investments. Audit Scotland goes on to say that there is a

“lack of flexibility around the bank’s budget”,

because of

“the barriers presented by UK Treasury rules.”

Have ministers taken action to address that with the Treasury? If so, what response have you received so far?

**Shona Robison:** We have raised those issues with the Treasury in order to find solutions. Additional budget flexibility could also assist in managing SNIB’s financial position. We are keen for SNIB to be given the same status as the National Wealth Fund, because they are both public sector financial institutions, and that would enable SNIB to have more flexibility. I think that the latest from the Treasury is that it has not closed the door on that.

**Alasdair Black (Scottish Government):** The Treasury has not closed the door; it is prepared to engage with us and recognises the need to ensure that there is equity of treatment and that these fiscal powers and responsibilities are properly taken forward in Scotland. There are conversations with SNIB and with us, so we are engaged with the Treasury on that.

**The Convener:** We should maybe revisit that.

**Shona Robison:** We will keep you informed of any substantial developments.

**The Convener:** Thank you for your evidence. Do you want to make any further points before we wind up?

**Shona Robison:** I have just been reminded that I am chairing a meeting of the tax advisory group in late August.

**The Convener:** Great stuff. I hope that it does not clash with our away days on 26 and 27 August, but there you go. We will certainly ask you about that in the not-too-distant future.

As a committee, we will consider the evidence that we have received and, next month, we will publish a report on the Scottish budget in practice.

We will take a five-minute break, now, to allow for a change of witnesses.

11:04

*Meeting suspended.*

11:10

*On resuming—*

## Scottish Public Inquiries (Cost-effectiveness)

**The Convener:** The next item on our agenda is to take evidence on the cost-effectiveness of Scottish public inquiries. I am pleased that we are joined by Ross Greer. Ross had the difficult job of being in two places at once this morning, but it is great that he is with us for this session.

This is our first evidence session in our inquiry. As stated in the committee papers, our aim is to foster greater understanding of the current position with public inquiries in Scotland; to enhance clarity around the purpose, framework and decision-making process for establishing public inquiries and their terms of reference; to ascertain whether public inquiries deliver value for money; and to identify any examples of good practice or alternatives to the current model. However, we will not make recommendations on the merits, or otherwise, of individual Scottish Government decisions on whether to hold a specific public inquiry, or on recommendations made by individual public inquiries.

I am delighted to welcome to the meeting Professor Sandy Cameron CBE. Professor Cameron, we have your fascinating and thought-provoking written submission, so we will move straight to questions. I have to say that your submission is a bit of a showstopper. It is short, sharp and certainly to the point, so let us get into it. You said that you can

“confidently predict that ... inquiries will last longer than anticipated and cost more than budgeted for.”

Why is it that inquiries always seem to overrun, both in cost and time?

**Professor Sandy Cameron CBE:** That is based on the evidence in your papers in relation to inquiries that have been set up, how long they have taken to run and their budgets. Before the Scottish child abuse inquiry began, I was asked to do some preparation with colleagues in the Scottish Government. One of the things that I said was that you can be almost certain that the inquiry will last longer and cost more than you think it will. Why is that the case? It is perhaps because we do not have a mechanism for striking a balance between ensuring the independence of inquiries and focusing on how our costs are to be contained and constrained.

**The Convener:** You were directly involved in the Jersey care inquiry, which was supposed to last six months and cost £6 million. However, it cost £23 million and took two years, so it was four

times longer and more expensive than anticipated. You said that

“The cost level was in many ways ... the result of difficulty in managing the legal costs and holding the solicitors to the Inquiry to the budget.”

To what extent are legal representatives motivated to keep the cost in the budget to a minimum?

**Professor Cameron:** Legal colleagues work very much on the basis of doing what they believe that they need to do, rather than looking at how to contain and manage costs. The expectation is, “This needs to be done. We will do it and we’ll keep going until it’s done.” There is a reluctance to look at other ways in which they might have done it and other ways in which they could have contained costs. To some extent, that is about the way in which legal colleagues always practice.

One question that I have is whether we could find alternative ways of conducting inquiries that would manage the costs more effectively and deliver more rapidly for people. One problem is that, when inquiries last for a very long time, the public lose interest in them—they lose sight of the inquiry. For inquiries involving victims or survivors, there is the issue of how long it feels for them that the inquiry is taking to get to a conclusion. The Jersey inquiry was long, at two years, but other inquiries have taken much longer than that and are continuing to take longer than that.

**The Convener:** There are a number of things in your answer. First, are firms motivated to limit costs? There seems to be no real incentive for them to do so.

**Professor Cameron:** I do not think that there is an incentive for costs to be limited. Inquiries are set up in a quasi-judicial way, with firms there to do the job. In many cases, they do a very good job, as they have expertise and what have you. However, the focus is not on containing the costs. The attitude is, “If it has to be done, it has to be done, and that is the cost.” There are models for other ways that elements of inquiries can be undertaken—they can be undertaken by people who might not cost so much to do them. The question is, what would the options be, and how can the costs be constrained?

11:15

**The Convener:** Independence is fundamental, as is justice not only being done but being seen to be done. However, is justice done if an inquiry takes five, 10 or 15 years? Some survivors of an incident might not still be alive after five, 10 or 15 years. One wonders whether the frustration of waiting to see justice delivered perhaps has a very deleterious effect on survivors.

**Professor Cameron:** I am sure that it does. People have often waited a long time for their day and for an inquiry to be set up. Once the inquiry is set up, people have high expectations that it will resolve issues for them. They want their voice to be heard, and that is important. However, if the inquiry goes on for a long time beyond that, it may well add to the sense that people are not being heard or understood, and that they have been lost sight of.

As you say, there is the risk of inquiries taking a long time, particularly with inquiries into historical issues, as was the case in Jersey. For those inquiries, we are talking about a population of witnesses who may be quite elderly and frail and may not see the end of the inquiry. That is an issue when we are dealing with inquiries—how can we make them sharply focused and get to the point for people so that they do not drag on forever?

**The Convener:** The Scottish child abuse inquiry has already cost more than £95 million and has been going for nine or 10 years. That is clearly a concern.

You have made suggestions on alternatives. People who demand inquiries are often looking for a judge-led inquiry, because they say that that is the gold standard. However, in your evidence, you say that witnesses, when meeting round a small table with a panel to give their evidence,

“either individually or in small groups”,

and when

“lawyers were not involved”,

found that to be

“much less formal and intimidating”

but that it

“nonetheless added considerably to the information the panel were able to take into account.”

Your view is that that is probably a more expeditious, less expensive and—for the people who are giving evidence—less daunting prospect.

**Professor Cameron:** Yes. The Scottish child abuse inquiry is now nearly 10 years old, and I do not know whether there is any sign of it coming to an end. How long will that go on for?

In Jersey, we had the opportunity to try a different way of dealing with gathering evidence. A substantial part of the inquiry was held in the traditional format, with statements being taken and with counsel to the inquiry and the panel questioning witnesses in a quasi-courtroom setting. However, for the final part of the inquiry, we tried having a meeting in a much smaller room, round a table that was a bit smaller than the one that we are sitting at now. Our view was that that

worked. In many ways, it was similar to what the committee is doing here. It gave the opportunity to have a conversation with people, not necessarily just on their own but sometimes in smaller groups, about their experience and what they thought.

We did that in public, with the public being able to sit round or behind the table—it was still in a public environment. However, it was quite close and it felt quite intimate. People felt comfortable having those conversations. We were able to gather the information that way, without the panoply of legal processes and statements and the way in which the courtroom setting works.

**The Convener:** When inquiries have completed their deliberations, one area of frustration is that the report can take donkey’s years to write. You said that you tried with your report—which still took a year to write—to make the recommendations “as short as possible” and that there were eight recommendations. Some inquiries have as many as 86 recommendations and some have only one. Are you suggesting that they should try to make recommendations as punchy—for want of a better word—and impactful as possible?

**Professor Cameron:** For some inquiries, the report runs to several volumes, which raises the question of who will read it and what will happen with it. The Jersey report came in three sections: one set out the basis of the inquiry, the second was a large volume that contained the evidence that had been heard and a shorter final document contained the findings and recommendations. We determined that we should write that document in clear and simple terms, be quite specific about the recommendations and why we were making them and keep the number of recommendations as small as we could. If we reached a conclusion, we made sure that it would make a difference in that jurisdiction.

Outwith the eight recommendations, we also made a final recommendation that the panel should go back in two years to check progress against the recommendations. We did that because we were concerned that inquiries can sit for a long time, write voluminous reports and make recommendations, but then we do not know what happens to them. What do we know about whether the recommendations were the right ones? Do we research that? Were they implemented fully, and if not, what are the reasons for that? Inquiries make recommendations, and the Government or other parties might not accept them, but they need to be clear as to why they do not accept them.

In the Jersey inquiry, we made the recommendation that we go back in two years, and that was accepted by the Chief Minister of Jersey. We went back after two years, at which

point we met for two weeks and visited a range of people to ask for their thoughts and hear their views. After that, we speedily produced a short report on the progress that had or had not been made. After two years, some of the recommendations had been implemented or were in the process of being implemented, but some were still quite far away from being implemented.

One issue with going back was that many of the victims and survivors, who were particularly concerned, asked whether we would go back again in another two years. We took the view that we should not do that, because there had to be a point at which the States of Jersey took responsibility on its own and delivered on the recommendations. I suspect that we would have been very welcome if we had gone back after another two years, and then maybe after a further two years.

All of that is a challenge, but there needs to be a process and mechanism for following through on the recommendations as part of identifying whether there was value for money in the inquiry.

**The Convener:** The fact that you followed up on the recommendations by going back two years later was of great interest to me. You are absolutely right that some inquiries spend years taking evidence, then a report is published, something is published in the media and the Government might make a statement in Parliament, but that is it. Whether the recommendations are delivered and in what timeframe is an issue. The Government might say, “We will accept these recommendations,” but it does not say that it will implement them in a year or in two, three, four or five years. It does not say that it will implement them by date X.

That goes back to the issue of getting justice for the people for whom the inquiry was set up in the first place. As you will be aware, inquiries are sometimes set up by Governments that are under pressure and think that an inquiry is a good way of kicking things into touch. However, I was quite amazed that you seem to be the only one who has actually followed through and used the process of returning. That jumped out from your statement, as did many other things.

In your written submission, you state:

“The first UK Inquiry was held into the death of a foster child Dennis O’Neil in 1945. It was chaired by Sir Walter Monckton KC who commenced in March and reported in May. His report was 15 pages long and the recommendations he made have been repeated in every child care inquiry since then.”

Basically, you are saying that, in some inquiries, there is a reinvention of the wheel whereby recommendations that were made some 80 years

ago, which would probably still have some validity now, have still not really been implemented.

**Professor Cameron:** We often hear from victims and others that they need an inquiry so that lessons will be learned and the situation will never happen again. However, sadly, when we look at the history of inquiries, particularly child protection inquiries and child abuse inquiries, we find that the same issues—such as failure to do certain things, failure of communication and not looking deeply enough at issues—come up over and over again.

That raises the question of how well we learn the lessons from inquiries. Some of the things that Monckton said all that time ago in that very early child protection inquiry into the death of a child in foster care are still coming up over and over again. We need to think carefully about whether we actually learn the lessons and, if we do not, whether there is a reason for that.

**The Convener:** Yes. One would think that we should also learn lessons from other jurisdictions. Similar issues happen in other places at other times, and one would think that looking at what is happening elsewhere might be better than starting afresh on every occasion.

**Professor Cameron:** I have a couple of points on that. There are differences in jurisdictions. I understand that, in Scandinavian countries, different processes are in place, which means that things are dealt with differently and more speedily. Looking at the information on the Covid inquiries in your background papers, it is striking to see how long they have taken and what they have cost in other jurisdictions compared with what is happening in the UK and Scotland. That raises questions about whether our much more expensive inquiries are more effective, or whether other jurisdictions are able to do those things equally effectively.

**The Convener:** You mention the fact that, in the Jersey inquiry, two solicitors were required to be involved, “at considerable hourly rates”. In the Scottish Covid inquiry, the rate for senior counsel was capped at some £200 an hour, with around 40—but possibly 60—hours a week, which means that, for that individual, the rate could effectively range from £8,000 to £12,000 a week. So far, the Scottish Covid inquiry has cost £34 million and is still on-going; the UK one has cost £164 million. That is a lot of hours for lawyers, is it not?

**Professor Cameron:** It is indeed a lot of hours. Jersey is obviously a small place, so it did not have a whole lot of resource and we, as a panel, had to do quite a lot of the legwork at the start of the inquiry. The Jersey inquiry’s panel was set up with a chair—Frances Oldham QC, now KC, who is a very experienced barrister—and my colleague

Alyson Leslie and I sat as panel members. We had to do a lot of work to set that up.

At that early stage, we had to appoint solicitors to the inquiry. We interviewed a number of companies, and part of the process was negotiating the fees down as low as we could, because we were aware of what those fees would amount to. Counsel is expensive—in Jersey, we were paying senior and junior counsel to the inquiry something in the order of that £200 an hour. Once we got into the process, we found that solicitors to the inquiry were saying that the statements needed two people—the first to ask the questions and the second to write the basis of the statements, which would then go backwards and forwards.

A lot of process goes on, all of which costs money, because all of it is done on the basis of billable hours, and you then have that dilemma of how to control those hours. How do you say to a solicitor that they have spent too much time doing something when they answer, “Well, this is the time that it took—it needed to be done”? That is where you get into those difficult dilemmas about ensuring the inquiry’s independence and that it has been done properly, but equally asking whether it really needs to be that way and whether we could find other ways of doing it.

**The Convener:** I believe that the Sheku Bayoh inquiry has, so far, cost £17 million in legal fees alone. That means 85,000 hours for senior counsel—although they are not all senior counsel—even at £200 an hour. Eyebrows have certainly been raised over the costs of those inquiries.

Let us compare with elsewhere. Australia is not greatly different from the UK in many areas, and its Covid inquiry took 13 months and cost £4 million. New Zealand’s inquiry has been on-going for two years but it has cost £7 million so far—so a lot less than Scotland’s. Norway, Sweden and Finland have all concluded their inquiries within a year or so, so there are ways in which the process can be done more efficiently and effectively.

You have talked about an inquisitorial approach, for example. Could there also be a more standardised approach to the practicalities in relation to start-up time and reduced costs? We have already heard that the Caldwell inquiry took some 13 months to be set up after it was announced. That family had to wait day in, day out, wondering when it would happen, for more than a year. We are also aware that more than £1 million has been spent on the Eljamel case before any evidence has even been heard.

11:30

**Professor Cameron:** We need to look at whether we could set up a structure or unit to be the starting point for inquiries, so that everything is ready and we do not have to reinvent the wheel for every inquiry. That was one of the considerations in the work with universities that was led by my colleague Alyson Leslie to look at expert views on the matter. We hoped that we might get to a point of being able to argue a case that a unit could be set up, perhaps in a university or elsewhere, that could form the basis of supporting inquiries and training people to get over that initial period.

As you say, it can take a long time for an inquiry to get under way. There is all the setting up to do. There are many practicalities around premises and document management systems—for example, the Jersey inquiry had well over a million documents to deal with, and other inquiries will have much larger amounts. There are also the arrangements for transcription. Many practical things that the public do not see need to be put in place behind the scenes. Much of that could probably be standardised. There could be a ready-made approach, but part of that has to be about what model will be used.

The reality of the judge-led inquiry model that we have, although we see it as inquisitorial, is that it tends to be adversarial, because that is how people in that environment work. Could we find an inquisitorial method that would be much more interrogative in terms of trying to find out what happened? Perhaps things could be done much more speedily.

To go back to the issue of reviewing recommendations, one of the issues is that, when the inquiry is finished, it no longer has status, but we were able to get around that in Jersey and say, “Irrespective of that, we will go back. We do not need powers to summon witnesses and documents—we are beyond that.” The kinds of issues that are thrown up can be resolved. If we have the will, we can resolve those issues and say, “Let’s do things differently. Let’s try things out and see if they work.”

**The Convener:** My degree was in economics, so I love to read the phrase “opportunity costs” in a submission, and you raise an important point on that issue. People see the costs. In Scotland, £230 million has been spent on public inquiries, and the figure in the UK is £1.5 billion, but those are only the above-the-surface costs. Inquiries can be like an iceberg—you see only the bit above the surface.

You talk about the hidden costs to participants, such as local authorities, for redaction, the preparation of documents and staff time. You also talk about the emotional impact on not just the

victims or alleged victims, but people who give evidence from a professional point of view. We understand that, in at least one of the inquiries that we have been looking at, the real costs, if you want to call them that, are double the stated costs, because of those opportunity costs. Those costs have to come out of a public service or local government, so that money is not being spent on public services if it has to be redirected into the cost of an inquiry. Could those hidden costs be brought more into the public domain, so that people can see the true impact of inquiries?

**Professor Cameron:** It would be important if inquiries reported on the total costs of everything that was involved in the inquiry. When I was doing the briefing and preparation for the Scottish child abuse inquiry, I also did some work with local authorities. I said to them, "You need to get ready for this. This will take you time. You will need look out historic documents and files, and you will need to look at redacting those. Your services will need to devote staff time to that." There is a cost that goes along with that, and, if the inquiry goes on for a long time, that cost goes on and becomes an ever-accruing cost.

The other aspect of the opportunity costs relates to the total cost. What might we have done in relation to the issue that the inquiry is looking into? In Jersey, for instance, at the start of the inquiry, I met various organisations to tell them about the inquiry and what we would expect from them. I was conscious of the fact that the inquiry was expected to cost £6 million while I was meeting representatives of third sector organisations in Jersey that were having their budgets cut. It felt awkward for me, as a former director of social work, to say that we were going to be having an inquiry that would cost all that money—although it was important and we needed to have it—while those organisations were potentially having to shut down services. That was a difficult balance to think through in relation to opportunity costs.

**The Convener:** I will ask one last question. Colleagues are, understandably, keen to come in.

On this issue, you have said:

"There is a need to examine ways in which the costs of inquiries can be contained without being seen to compromise independence. Could inquiries be expected to work to set budgets and timetables as opposed to the somewhat open ended arrangements which pertain at present and which too often result in escalating costs."

Surely, they should be expected to do that. I cannot think of any other area of government where there is an open-ended timescale or budget. We do not set a capital contract and say, "Just take as long as you like and spend as much as you want." That is not said explicitly to inquiries, but it is almost said implicitly. No one says it, but

that is almost the way it appears to be when one considers how inquiries are rolled out.

In the Vale of Leven inquiry, for example, the health secretary at the time said that they were looking for a report within 15 months. The judge said, "We'll do it as soon as possible," but that turned out to be five years. Do you believe that there should be parameters for costs and timescales, as there are in any other area of the public sector?

**Professor Cameron:** You should certainly consider how you can set parameters and hold inquiries to account for delivering. You might say that you want to get a report by a given time, but it may well be that issues emerge and there is a case to be made for extending the inquiry. At least there would then be a reference back and a process for agreeing an extension of the timescale, rather than the current situation whereby inquiries just go on for as long as they want to.

**The Convener:** There is also an issue of conflict of interest when legal firms that are directly involved in a specific inquiry are themselves suggesting a deepening and widening of that inquiry.

**Professor Cameron:** That is one of the challenges. I do not know whether that happens consciously, but we may ask what interest there is in a legal firm suggesting, "Let's do this more quickly," or "Let's cut this down." It is always possible to say that there is more to be examined—"Let's look at this aspect," for instance.

There needs to be discipline and a clear focus on not going down that route: "We are dealing with what we are dealing with." Some of that needs to be embodied in the terms of reference at the outset, so as to be clear about what the inquiry should be looking at. Inquiries can sometimes diverge or grow arms and legs into other areas, which extends the timescale. Few people who are involved in an inquiry are likely to ask for the process to be cut down or slowed down.

**The Convener:** Thank you. That will have whetted the appetite of colleagues around the table.

**Michelle Thomson:** Good morning, and thank you very much for joining us. I, too, was intrigued by your written submission. It is worth quoting one sentence that jumped out, as it is compelling:

"It has to be recognised that inquiries are a source of substantial income for some large legal firms and as such the question arises as to the extent to which they are motivated to keep costs to a minimum and within budget."

That is a very powerful sentence.

In preparing for this evidence session, I looked up your background and I found that you have a



very long and compelling hinterland. Is there any other arena that you have dealt with, in the course of your career, where there is no cost control whatsoever although millions of pounds are involved; where the terms of reference do not ordinarily contain a budget; where there are no stage gates or phasing of the inquiry; and where there is no active monitoring? Have you ever come across that in any other walk of life in your career?

**Professor Cameron:** No, I have not. You are aware of the legal processes involved and how all of that works, but, once you embark on the inquiry, you have no real way of knowing what the costs are going to be. That worries me, as the worry about costs can be a reason not to engage in some of those legal processes. Inquiries, in particular, are set up and are then open ended.

You might look at the bloody Sunday inquiry, which went on for a very long time and cost a great deal of money. Lord Saville, who chaired that inquiry, said that the lawyers were “expensive, very expensive”, but he was very resistant to the idea that he should curtail the inquiry or stop it. His view was simply, “That’s the way it is, and if you want me to do the job, that’s what it will be.”

**Michelle Thomson:** To go back to the convener’s earlier comment, we have seen examples of lawyers acting on behalf of clients making a call in the media—which can be vigorous—for a public inquiry. One can take the view either that the lawyers are doing the right thing for their clients or, alternatively, that they understand that the opening of a public inquiry means that their costs are going to be covered by the Government of the day.

I know that your experience was with Jersey, but are you aware of any checks and balances in the process whereby people think, “Wait a minute—if this action goes to a public inquiry, it is, in effect, a licence to print money”? Were you subjected to checks and balances, or was it you yourselves who were putting the checks and balances in place?

**Professor Cameron:** We were putting the checks and balances in place. Because of the experience of the other panel members, we were very conscious of the fact that the inquiry could end up costing a lot of money, so we did our very best to constrain the costs. Arguably, we failed miserably, given that the initial figure that had been worked out by a firm of consultants, which was based on what they thought would need to happen, turned out to be far from the truth. We had a very difficult process in that we had to say to the Chief Minister in Jersey, “This is going to cost more.” However, he was basically in a corner at that point, because he could not really say, “No—we’re not going to fund it.” Having started the

process, he could not say, “No, that was the wrong idea; let’s pull back from it.” That is one aspect.

Clearly, there are lawyers in Scotland who are very important in ensuring that people are properly represented and that their cases are heard. Underlying it all, however, there is a business aspect as well, and we need to acknowledge and recognise that, particularly if we are thinking of whether there is another way to do things. There will be resistance to doing inquiries differently, and we need to be alert to that business aspect in looking at whether they could cost less and be delivered more speedily.

**Michelle Thomson:** In the inquiry that you were dealing with, how much pressure did you come under from Government to keep a lid on costs? How much active monitoring was there by Government, or was it you yourselves who were pointing that out? You mentioned that you had to go back and say, “Look—costs are going to increase.”

**Professor Cameron:** We were not put under pressure by the States of Jersey, in all fairness to them. We were having conversations with them about the costs. They were anxious about the costs, and we were doing our best to manage those. Again, it comes down to the balance between pressure from Government and the need for independence. If you are seen to be pressured by Government, particularly in inquiries where there are victims, they will end up feeling that justice has not been done.

In Jersey, there was a lot of suspicion. The term “the Jersey way” was often used, and it was believed that there was a conspiracy against people. We had to be very clear—and the Chief Minister was very clear from the outset—that nobody from Jersey could be involved in the inquiry, so that it would be seen to be independent. That was a real strength of the inquiry, but it highlights some of the potential dilemmas.

**Michelle Thomson:** I presume that, within that, there was active consideration of where potential conflicts of interest might occur.

People say that the good thing about Scotland is that everybody knows everybody and that the bad thing about Scotland is that everybody knows everybody. I imagine that it is similar in Jersey. It sounds as though Jersey was very aware of the potential for conflicts of interest where there were existing relationships that might be mutually beneficial.

**Professor Cameron:** Yes. We were very conscious of that. Jersey has a population of just over 100,000 and measures 9 miles by 5 miles. People recognise one another. It also has very different structures for how things work. It was

absolutely right that, at the outset, the Chief Minister, in appointing the panel, who were all from outside Jersey, made it clear that he wanted nobody from Jersey to be involved in the running of the inquiry. We had a liaison person from the States of Jersey, and, interestingly, after the first week, one of the victim witnesses said, "What's he doing here?" They recognised that that was not what he normally did. We made sure that, from then on, he was not on the premises other than when he had to be. It can be as sensitive as that. Scotland is much bigger, but, in the arena of such inquiries, people will know one another.

11:45

**Michelle Thomson:** It is about the principle.

You comment in your submission about the further cost of redacting statements and allude to the fact that that is very expensive. It would be useful, given that we are at the start of our inquiry, if you could set out why that is so expensive. Is it simply about time?

**Professor Cameron:** It is about time. It is about going through documents and identifying what needs to be redacted. When documents are going to end up in the public domain, you have to be sensitive about what can be included in them. Redaction is quite a long and slow process, because you need to be sure that all documents are being checked, and, if that is being done by solicitors on hourly rates, the cost is high. The question arises whether other people could be trained to do the redaction, although you do not want information to get into the public domain that could present a hazard to somebody. Redaction is an important element of what goes on in an inquiry, but people tend not to be familiar with it.

**Michelle Thomson:** You have mentioned the concept of billable hours, as has the convener. There really is no other walk of life in which someone would charge on a billable-hours basis without some attempt at negotiation to fix the costs up front, particularly when the costs are going to be significant. Is that just precedent—is it just the way that lawyers like to operate?

**Professor Cameron:** It is the way that it works. I do not know. You would need to ask lawyers about that.

**Michelle Thomson:** I think that we will.

**Professor Cameron:** These days, there is more pressure from clients to look for a fixed price. Can you do that? It would be very difficult to do that for an inquiry. The issue is the negotiation to get the rates down. We used the Treasury rates as the baseline for getting the rates down as low as we could, but it is a contentious issue.

**Michelle Thomson:** I have one last wee question. One of the people who gave us evidence commented on the unintended impact of what was called the Maxwellisation process, whereby somebody in the report had the opportunity to have early sight of the report and seek modifications to it. To what extent could that affect the outcome?

**Professor Cameron:** The Maxwellisation process, which is a safeguard for people who have given evidence, is important. But, again, it is a process that can take quite a long time.

**Michelle Thomson:** And therefore money.

**Professor Cameron:** I do not think that it affects the findings or the recommendations, but it will potentially affect the evidence that is summarised in the report.

**Michelle Thomson:** Thank you.

**John Mason:** I declare an interest in that I am a chartered accountant. I think that some of my colleagues charge by the hour.

I was going to draw a kind of comparison. A company's accounts have to be audited, and I think that most people would say that, although auditors get it wrong at times, they are independent. However, the financial arrangements for companies are very different. There is a legal requirement for financial accounts to be submitted, usually within nine months or thereabouts, and audited. In the case of banks, the timeframe is even shorter than that. I come from that background and might be biased, but do you think that there is scope for an audit of a public inquiry? That would still be independent. You spoke about finding the balance between independence and controls. Could the legal side learn from the accountancy side?

**Professor Cameron:** I think so. An audit process would at least raise questions about why expenditure was necessary—and expenditure should be justified rather than the Government simply saying that that is the way things are done.

**John Mason:** Is there a different mindset? If I have it correct, you said that if something has to be done, it has to be done. Within the accountancy profession, someone would know that they had a month in which to do the very best that they could, and that principle applies in other workplaces, too—the cleaners in this building do the best that they can in eight hours, and the cooks in the canteen do the best that they can in a set amount of time. There is a different kind of mindset in inquiries, and I sometimes wonder whether it is impossible to change that.

**Professor Cameron:** I am not sure how easy it is to change the way that the legal profession works, so the question is whether there are other

ways that inquiries might operate. Does everything have to be done on that basis? Some of it might well need to be, but there might be other ways for inquiries to work, with people carrying out interviews or doing other elements of the investigation in ways that would cost less.

**John Mason:** There is an idea that inquiries must be chaired by a judge, and we seem to have got into a position whereby there is a hierarchy. People think that it would not be good to have a politician chairing an inquiry but that having a judge in the chair is the gold standard, which means that everyone wants that. It is difficult to unwind that, is it not?

**Professor Cameron:** There is now a public—or media—perception that where there has been an issue there should be an inquiry and that it should be judge led. That is what is said. I do not know whether there is a lot of thinking behind the idea that inquiries should be judge led—it is not a legal requirement. The UK inquiry into child sexual abuse was chaired by Professor Alexis Jay, who is a social worker. So, it can be done by other people, and they will bring a different perspective.

I have worked alongside judges on the Parole Board and in other places, and I have great respect for them, but they operate in a particular way because that is how they have been trained and that is the environment that they operate in. They might be uncomfortable with the suggestion that we should find another way of doing things. We do, though, need to raise the question of why every inquiry is judge led. There is an opportunity cost to that, because of the number of judges and retired judges in Scotland who are tied up in inquiries that go on for a long time.

**John Mason:** I understand that you were involved in the inquiry in Jersey because, although you were an outsider, you are an expert in that field. I would have thought that, in a specialised area such as medicine, there would be a strong argument for having a medical person rather than a legal person in charge of the inquiry.

**Professor Cameron:** There is an argument for considering who would be the best chair for an inquiry, based on the terms of reference and on what that person would bring to it.

The other element is the question of whether to use the Jersey model, as has been done with the independent inquiry into child sexual abuse—IICSA—in London. That would mean having someone chair the inquiry but also having a panel of people with different expertise. In Jersey, the inquiry was chaired by Frances Oldham KC, who was a defence barrister in the main but who also had experience of sitting as a judge, and she had a panel consisting of two of us who came from a social work background. We worked together and

our important role was to question witnesses on the basis of our experiences and expertise.

**John Mason:** There were three people on the panel. In retrospect, was that good or would it have been better to have had five people on it?

**Professor Cameron:** It was sufficient to have three, because that meant that we were able to work as a unit. If you add more and more people to a panel, you just add complications. We could also divvy up the day-to-day management of the inquiry and the report writing between us.

**John Mason:** Someone else raised the point that people are hoping to get different things out of a public inquiry. The victims or their families, or the survivors, are the group that is key to the whole process, and they are often the ones who are demanding a public inquiry. In your experience, or as far as you know, are they, on the whole, normally satisfied with the public inquiry when it gets to the end? Jersey would be one example.

**Professor Cameron:** I think that the answer to that question is that we do not know, and we should know. We need to ask people who have been victims or survivors, and those who have been witnesses in the inquiry, whether, at the end of the day, they felt that justice had been done and their voice had been heard. People may feel that, if they have their day at the inquiry, that will bring closure for them, but unfortunately it quite often does not. In some cases, it brings back the issues that they have experienced, so there needs to be proper support for people who end up distressed as a result of giving evidence. We do not know enough about that aspect.

**John Mason:** We sometimes see people on television who have got the result of an inquiry and are very open about the fact that they are not satisfied with it. They may want revenge or somebody's head to roll, and, if that does not happen, they are not satisfied.

**Professor Cameron:** Yes—to some extent, in that respect, we have to make it clear to people what the inquiry is about and what is going to happen.

The victims and survivors want their voice to be heard, and they want to be believed. We cannot say, "We're going to believe everything you say," because we need to test that out. Essentially, however, they want to be in an environment where their voice is heard and they are believed. They want to understand what has gone wrong in the past, and there is undoubtedly an element of wanting—arguably—to apportion blame. Perhaps, to put it more positively, they want to be able to attribute responsibility in that regard. They need to feel that those objectives have been achieved for them, and I think that we do not test out sufficiently

regularly whether those things are being achieved for people.

In Jersey, we asked people about that informally after we had published the report. The victims, who were the main group of people who had been calling for the inquiry, indicated that they were satisfied, not least because we had made recommendations about things that they had not expected us to touch on in that environment. People thought, “They won’t do that,” and we did. In many ways, that was important for people.

**John Mason:** Maybe I should have known that. Was blame part of your conclusions? As you just said, some people expect that. Does that vary among public inquiries in that some would attribute blame while others would not?

**Professor Cameron:** I think that there is an issue around responsibility. In our report, and in taking evidence from and questioning people, we would have said, “Why didn’t you do this at the time?” We need to hold people to account for the actions that they took or the failures that resulted, or for why they behaved in particular ways. It is important that we do that. Sometimes, there is a misconception among people that they would like to see prosecutions. However, in the main, there is agreement that there will not be prosecutions based on the evidence in an inquiry.

**John Mason:** I do not know what knowledge you have of other countries, but we are hearing that the Nordic countries are doing inquiries in a much simpler and quicker way. Have you any idea of whether the public in those countries are satisfied with that?

**Professor Cameron:** No, but it would be worth finding out about the perception in that regard, given that we, in Scotland and the UK, have got to the stage of having so many inquiries that are so expensive and so long.

**John Mason:** That is great. Thank you.

**The Convener:** I call Liz Smith, to be followed by Craig Hoy.

**Liz Smith:** Before I ask my questions, I put on the public record that I am very heavily involved in providing case notes to one of the inquiries—on a non-pecuniary basis, obviously—which might be used in evidence as that inquiry progresses.

Professor Cameron, when it comes to the decision whether an inquiry is judge led or not, to what extent is the main deciding issue about compelling witnesses to appear? That has been a concern for many of the victims who have been involved; they are very keen indeed—rightly so, in my opinion—to see specific witnesses compelled to give evidence.

**Professor Cameron:** That is a feature of it, but that does not mean that a judge needs to chair the inquiry. There certainly needs to be legal involvement in the process. The power to compel witnesses and documents in many inquiries is important, so that people feel that there is no escaping from giving evidence.

12:00

**Liz Smith:** Do people demand judge-led public inquiries, because they believe that that person will have the legal authority and standing to get more out of the evidence?

**Professor Cameron:** People might think that that is the case. I think that, when people call for that sort of thing, they are thinking that the process will be—and should be—like a court, whereas if we had a more inquisitorial model, it could be a different kind of environment.

**Liz Smith:** In answer to Mr Mason, you implied that the demand for public inquiries was growing. Is one of the reasons for that increase the fact that public services in the UK, not just in Scotland, are not delivering satisfactory answers when something goes wrong?

**Professor Cameron:** It is difficult to know why there is growing demand. It has almost become the automatic response to an issue; people say, “We need a public inquiry”—which, often, becomes a demand for a judge-led inquiry—instead of their saying, “Yes, we need to find out what went wrong, but is there another way to do that?” Often, because these things happen a long time after the event, it can take a long time to argue that corner. Public authorities need to be open about the issues that they have got wrong and they need to be able to say so.

**Liz Smith:** My personal view, which is not just a result of the inquiry that I have been involved with but from reading extensively about other inquiries, is that victims do not feel that there is sufficient accountability in public authorities. In other words, the reason for the demand for public inquiries is that people are dissatisfied with the lack of accountability of different public bodies. If that is the case, that is a major issue. Therefore, in order to ensure better accountability, should there be more Government input into ensuring that whistleblowing is effectively responded to, or should there be other structures in the Government that can hold bodies to account?

**Professor Cameron:** It is important to hold bodies to account—absolutely. Victims or survivors—if it is that type of inquiry—need to feel that the people concerned, if they are still in post, are held to account for the actions that they took. That is not a matter for the inquiry itself; what is a matter for it is its report and what it says has gone

wrong. It is then for those institutions to decide how they are going to deal with that, and that will be part of the follow through.

**Liz Smith:** Indeed—I really think that that is quite a serious issue, and it is one of the reasons for the increasing demand for specific public inquiries. Actually, I think that it is also a reason why inquiries are taking longer—the to-ing and fro-ing that is needed to get the information required takes an awfully long time, and the costs multiply. It is partly the hidden costs that result in the process taking such a long time; redaction, for example, is vital for data confidentiality and so on.

However, there is a real issue with the amount of time that the process itself takes. There is frustration with that, because some of the answers should have been provided before by some of the agencies that have been accused of a lack of accountability and of not taking responsibility. That is a major issue. Do you have any thoughts about what we can do to improve that?

**Professor Cameron:** When I look back at my career as a director in social work, I can say that my approach was always that, if something had gone wrong, we would deal with it straight away. Sometimes, colleagues in other places thought, “We’ll wait till there’s an inquiry.” My view was that it would be better for us to deal with the matter internally and to take whatever action was necessary so that, if it came to an inquiry, we would be in a position to say, “That has been addressed—and here is what we did.” There is a process so that we do not let things settle but are seen to be dealing with them and doing so openly.

**Liz Smith:** My last question is a general one—I am not talking about any specific inquiry. Do you think that there has been an increasing temptation for the Government—any Government, not just those of a particular political colour—to accept a public inquiry because doing so gets it out of the responsibility of taking decisions that perhaps it should have been taking?

**Professor Cameron:** That is certainly the suspicion of many people. It feels as if an inquiry might be a way of, as Kenneth Gibson has suggested, kicking something into the long grass. Once an inquiry has been announced, it allows central or local government to say, “I cannot say anything about that, because it is the subject of an inquiry.” If that inquiry goes on for years, it moves the matter away altogether. There is an issue about how to keep it in the moment.

**Liz Smith:** Thank you.

**Craig Hoy:** Good morning, Professor Cameron.

I have been looking back at the use of royal commissions in the past, and I counted that, in the 1970s, there were 12 such commissions. Now

they are very rare; presumably, the Government, the Parliament and the public weaned themselves off that form of inquiry and found different ways of making those big decisions. Is that the kind of seminal tipping point that we have got to now, do you think? Should we be looking at a fundamental alternative to public inquiries?

**Professor Cameron:** I think so. The fact that you are having this inquiry is welcome, because you are at the point of asking, “Could we be rethinking what we do? Is there a different way of doing this?” Have we reached the point of saying, “We cannot keep going like this”, and are now thinking of other ways of achieving justice for people or finding out what went wrong and ensuring that we learn the lessons from it? So, yes, this could be an important point.

**Craig Hoy:** I hate to dampen your optimism, but the other problem is that, when we look back at other Parliaments and other public inquiries, we see that they, too, carried out retrospective analyses that identified the shortcomings that we are identifying here.

For example, the Thirlwall inquiry looked at past recommendations on healthcare issues and found that many had not been acted upon; subsequently, we have seen the same issues happening. The Grenfell tower inquiry recommended that there be

“a publicly accessible record of recommendations made by select committees, coroners and public inquiries”,

which the Government was to use to track the progress of implementation or, otherwise, explain why it had failed to implement recommendations. That has not happened. Moreover, only last year, the Public Administration and Constitutional Affairs Committee held an inquiry similar to this one, which came to some of the same conclusions that we will, rightly, come to.

One element, which you identified in relation to Jersey, is the scepticism about Government engagement with public inquiries once they are established. However, there should not be a similar level of scepticism about parliamentary engagement in oversight. We do not want to make work for ourselves or be accused of a power grab but, on the basis of your experience so far—not that I want to short-circuit our inquiry—do you think that the Parliament is the solution to some of the problems that we see here? Instead of the Government being in the driving seat, once an inquiry was established, the Parliament would have oversight and an on-going commitment to observing what was happening.

**Professor Cameron:** It is important that there is a degree of independence in reviewing what the outcome has been in relation to the recommendations. You could argue that the Parliament is independent from the Government in

that sense, so it could have that role. Whatever happens, there is a need to look at what can be put in place to look at the recommendations, what has happened with them and whether they have been followed through. That is a major gap in inquiries at present; as you have highlighted, things get repeated over again when changes have not happened, and that undermines public confidence—if there is still public interest.

That is the other thing about this issue. If an inquiry goes on for years, the people who might have been fired up at the beginning of it lose track of where it is at over those many years.

**Craig Hoy:** On the issue of royal commissions, it is very like Sir Humphrey Appleby in “Yes Minister” to call for a royal commission to kick an issue into the long grass. Do we need greater engagement with the public on such matters? Their first demand will be for an inquiry, and a judge seems like an independent person, but the outcome is that, 10 or 15 years later, nothing has happened; people have died; and victims are left without answers. Should the conversation be more inclusive than it is at the moment and should we level with the public that such an approach is not working for them?

**Professor Cameron:** Yes. One of the issues is that we do not know what the public really think, and we do not know what the parties, or the victims, have thought about the inquiries in which they have been involved. Did they serve their purpose? Those are gaps in our knowledge, because we do not do those things routinely.

**Craig Hoy:** On the issue of judge-led inquiries, Sir John Sturrock, in his submission, bemoans the fact that there is a “judicial, detailed forensic approach”, which he calls “overly legalistic”, and which he says leads to an adversarial system. However, it does not have to be that way, does it? Presumably, we can smash that approach and start again.

**Professor Cameron:** As I said, the inquisitorial mode worked very effectively in Jersey. We sat around a table with people and had a conversation with them, just as we are doing now. You can probe, you can ask for more and you can get the information; you do not need to have very formalised questioning by counsel against a statement that has been made. A concern often felt by people was that they had gone through the process of drawing up a statement that had been expensive and what have you, and then when it came into the hearing room, counsel basically asked the same questions. It felt more like a process than engagement.

People need to feel that they are being engaged with and that they are able to tell their story. An awful lot of an inquiry, particularly when there are

victims, comes down to the need for people to be able to tell their story.

**Craig Hoy:** Finally, in relation to mission creep and budget creep, I presume that there are downsides to setting a limit on or a budget for an inquiry. Based on your experience, what could be the negative consequences of such a move?

**Professor Cameron:** The obvious danger is that you curtail the inquiry and miss out on what needs to be there. You can set a budget with the opportunity for it to be increased, provided that a case can be made for that, so that it does not just drift on. To some extent, that is what happened in Jersey; the initial budget was £6 million, but it became apparent that that was not going to be enough money. We had to go back, make representations as to why more was needed and get that agreed.

**Craig Hoy:** Thank you.

**The Convener:** I should point out that New Zealand’s Covid investigation is a royal commission. It is chaired by an epidemiologist, and the panel is made up of a former Government minister and a treasury secretary rather than a judge. Its deadline for concluding is next February.

I call Michael Marra.

**Michael Marra:** Thank you, Professor Cameron. Your evidence so far has been very stimulating and useful evidence. Why did you take on the role on the independent Jersey care inquiry?

**Professor Cameron:** I thought that it would be interesting, and that I would have something to contribute from my experience. I had been chairman of the Parole Board for Scotland until just before the approach was made, and I thought, “Well, I have the opportunity to go and do that.” It was a learning experience for me. Being in that setting was a new experience, and because of the people with whom I worked on the panel, who had different experiences, it was a very valuable experience, too.

People say to me that it must have been very harrowing. We were dealing with difficult issues and hearing difficult evidence, but, equally, we felt that we had something to contribute. When it came to the recommendations, I was able to apply my experience to the things that needed to be done as a result of the past failings.

**Michael Marra:** Do you think that it was worth while?

**Professor Cameron:** I think that it was worth while for Jersey, because it needed to move on from the global publicity that it had attracted over the Haut de la Garenne issue. As you might remember, it was believed that bodies had been buried under that children’s home, but at the end

of the day, no bodies were found. There was no evidence of that.

Jersey needed to move on, not least of all because of the adverse publicity that had been attracted, which was potentially affecting its trade and business, mainly in the finance world, but the victims, who felt that they had not been heard, were certainly sceptical at the outset. Would we really delve into the issues? Would we really question people and hold them to account? At the end of the day, when they saw that that was what we did, they were very positive about it.

**Michael Marra:** Jersey has a population of 100,000 people, and the inquiry budget was £23 million. You have already mentioned the budget restraints in social work departments, which, indeed, you have led. At the same time, social workers are protecting lives in those communities, and you were quite conscious of that, too. Would you call it a trade-off?

12:15

**Professor Cameron:** Yes, absolutely. We were cautious about the cost of the inquiry against the pressures of the budget. People assume that Jersey is a wealthy island but, although there is a lot of money there, it has the same budget constraints on its services as other places. After the inquiry, we felt that we particularly needed to revisit some of the work that Alyson Leslie had begun with the Scottish Universities Insight Institute to look at whether inquiries could be done differently, on the basis that there must be a better and more cost-effective way of dealing with those issues.

**Michael Marra:** I just want to follow up on some comments that colleagues have made. First of all, it strikes me that there is an issue with the design of inquiries—I will come to their method in a moment. There is often a lack of trust around the state's role in the delivery of a service or justice, and the Government is often pushed into a position where, often under pressure, it must find a means of trying to find some solutions to that question. As a result, there is often a bit of a one-size-fits-all process.

It is not just about inquiries being judge led—we have talked about the tendency towards that approach and our perhaps becoming fixated on that aspect. Is it possible that, in different fields, entirely different approaches to dealing with some of those issues might be appropriate?

**Professor Cameron:** I would have thought so. The subject matter will vary, and we need to explore different models that fit different purposes. The approach to the Edinburgh trams inquiry, for instance, will differ from the approach to the child abuse inquiry, because the trams inquiry is not

dealing with victims or survivors but looking into a whole range of technical and legal issues. That is one type of inquiry. Inquiries that involve victims or people who have been directly affected—whether it be the child abuse inquiry, the Sheku Bayoh or Emma Caldwell inquiries or whatever—might well lend themselves to a different approach.

**Michael Marra:** At the moment, in the Scottish system, who do you think designs the public inquiry?

**Professor Cameron:** I think that, at the outset, each inquiry is designed by its chair, with Government, as it needs to agree the terms of reference. How the inquiry will be set up is one of the issues, which brings us back to the question whether we could have a more standardised approach to the design of the inquiry and how it will work.

**Michael Marra:** So, you think that there is a discussion between the chair, once selected, and the Government. There must be a process where, in essence, the Government pre-designs the inquiry, because it must appoint the appropriate person; for a Covid inquiry, that person might be a senior epidemiologist, as the convener suggested, or, for a legal situation, the person might be a judge. There is some pre-construction of what will happen by the Government.

**Professor Cameron:** Arguably, that is where there would be merit in the Government having an array of options available to it. It could consider what would work best for the situation and say, "This is how we will approach this issue", instead of being pressured to go down one route, with a one-size-fits-all approach.

**Michael Marra:** Would it not be better if we had, perhaps, a judge-led public inquiry unit? Once the Government had pressed the button, the entire design, including the question of who was to be the chair and that of the independence of the structure, would be passed to that group. The group could then be charged with, say, going back and making representations if the budget had reached its threshold and a case had to be made in that respect, as you have suggested.

**Professor Cameron:** Whether that public inquiries unit would need to be judge led is a moot point, but there would certainly be merit in having such a unit—that is, a body that could look at developing the approach to inquiries, deal with their mechanics and help with standardisation of some of their processes in order to say, if you like, "Here is your starter for the inquiry."

**Michael Marra:** In my head, I am trying to consider how we deal with the trust issue. People are looking for a high bar and threshold. My view is that the decline in trust in public institutions and

politicians is part of the question that must be dealt with and on which people are seeking recourse.

**Professor Cameron:** That is where you must be sure that whatever process is followed is seen to be credible and to have integrity, so that the public can have faith in the expertise and integrity of the people leading it. That is really important.

**Michael Marra:** You have talked about methods and said that the redaction of documents and so on—and we are talking about potentially huge screeds and massive volumes of evidence—is being charged at an hourly rate. Surely some of that work does not need to be done by hourly-rated solicitors.

**Professor Cameron:** I think that we could find other people who could do that work. They could be trained to do it, would know what they were doing and could be employed in the business. Redaction officers could deal with the first go, at least. Although there might be a need for some oversight by legal eyes at the end of the day, a lot of those processes could be done by other people.

**Michael Marra:** Thank you. I should, like Liz Smith, put on record my involvement with a public inquiry as a constituency MSP who will, in all likelihood, provide information and testimony to it.

**The Convener:** Liz, did you want to come in?

**Liz Smith:** I have just a very short question. Do you think that the Parliament needs to look at the Inquiries Act 2005?

**Professor Cameron:** That would be part and parcel of considering what the future should be.

**Liz Smith:** Okay. Thank you.

**The Convener:** Thank you very much. I really found this opening session of the inquiry fascinating. Would you like to add anything further to the evidence that you have provided today before we wind up, Professor Cameron?

**Professor Cameron:** No. I will say only that making the changes will not be easy, because there will be resistance to them. However, I believe very strongly that it is important to bear in mind the need to satisfy victims and the need for people to feel that the process has been worth while. Anything can be changed—it is possible. We do not have to do things that way. Having been director of social work in the Borders, I am very familiar with the phrase, “It’s aye been,” and a degree of that applies here, too. However, it does not always have to be that way—we can do things differently.

**The Convener:** Yes, I do not think that we are pushing at an open door here, to be honest with you. Nevertheless, we shall certainly valiantly pursue our aims.

Thank you, Professor Cameron, for your very helpful contribution, for taking the time to speak to the committee and for your excellent submission. We will continue to take evidence on the inquiry next week, when we will hear from two panels of witnesses.

That concludes the public part of our meeting. The next item on our agenda, which we will discuss in private, is consideration of our work programme.

12:22

*Meeting continued in private until 12:53.*



This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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