



OFFICIAL REPORT
AITHISG OIFIGEIL

Criminal Justice Committee

Wednesday 5 November 2025

Session 6



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CRIMINAL JUSTICE COMMITTEE

29th Meeting 2025, Session 6

CONVENER

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

DEPUTY CONVENER

*Liam Kerr (North East Scotland) (Con)

COMMITTEE MEMBERS

*Katy Clark (West Scotland) (Lab)

*Sharon Dowey (South Scotland) (Con)

*Jamie Hepburn (Cumbernauld and Kilsyth) (SNP)

*Fulton MacGregor (Coatbridge and Chryston) (SNP)

Rona Mackay (Strathkelvin and Bearsden) (SNP)

*Pauline McNeill (Glasgow) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Detective Superintendent Steven Bertram (Police Scotland)

Lynn Brown (Police Scotland)

Chris Brown (Scottish Police Authority)

Chief Constable Jo Farrell (Police Scotland)

Dr Emma Forbes (Crown Office and Procurator Fiscal Service)

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con)

Alasdair Hay (Scottish Police Authority)

Fiona McQueen (Scottish Police Authority)

Ash Regan (Edinburgh Eastern) (Ind)

Deputy Chief Constable Alan Speirs (Police Scotland)

Liliana Torres Jiménez (Law Society of Scotland)

CLERK TO THE COMMITTEE

Stephen Imrie

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Criminal Justice Committee

Wednesday 5 November 2025

[The Convener opened the meeting at 09:30]

Prostitution (Offences and Support) (Scotland) Bill: Stage 1

The Convener (Audrey Nicoll): Good morning, and welcome to the 29th meeting in 2025 of the Criminal Justice Committee. We have received apologies from Rona Mackay. Ash Regan joins us online, and I also welcome Rachael Hamilton to the meeting.

Our first item of business is continued scrutiny of the Prostitution (Offences and Support) (Scotland) Bill. We have one panel of witnesses for this item, and I intend to allow up to 75 minutes for our discussion. I refer members to committee papers 1 and 2.

Our witnesses are Dr Emma Forbes, national lead for domestic abuse and head of victims and witnesses policy at the Crown Office and Procurator Fiscal Service; Liliana Torres Jiménez, secretary of the criminal law committee at the Law Society of Scotland; and Detective Superintendent Steven Bertram from Police Scotland. I extend a warm welcome to you all, and I thank those of you who were able to provide a written submission.

Just before we start, as ever, I make a plea to everyone to keep their questions and responses as succinct as possible.

I will begin by asking a broad opening question, to set the scene. I will put this to Dr Forbes first and then work my way along the panel. What are your overall views on the bill? Is there anything in it that you particularly agree or disagree with or which you think could be improved?

Dr Emma Forbes (Crown Office and Procurator Fiscal Service): Good morning. COPFS supports the proposal in the bill to criminalise the buying of sex off street within private dwellings.

I know that you have received many consultation responses with a range of views and that you must consider individual choice and the fact that there are some voices calling for that, but I want to make the point that, as prosecutors, we act in the public interest and that, as part of that public interest test, we take into account the views and interests of a victim of any offence.

With any exploitation or abuse of women or children—this a gendered offence; our statistics

and crime stats show that—our starting point is to presume that the prosecution of that is in the public interest because of the wider societal harms and the wider harms on them as individuals. We know that many women who are involved in prostitution are victims of myriad other offending and experience abuse and vulnerabilities. We are proud to be part of and active participants in the Government's equally safe joint strategic board.

We support the policy intention behind the bill. I do not want there to be a but, but there are evidential difficulties in proving the offence. That does not mean that we should not do it and that the difficulties are insurmountable, but it is important that it is recorded that any intimate offending behind closed doors in private will always be more difficult to prove.

Liliana Torres Jiménez (Law Society of Scotland): Good morning. The Law Society's position regarding the bill, particularly the policy intentions behind it, is neutral. Our submission comments are focused on some of the legal implications that we envisaged from the proposals. I will highlight three of them.

The first point relates to the definition of "performance of a sexual act" as part of the definition of the new offence that is proposed in the bill. We consider that further clarification should be provided on what is understood by that new concept or the concept in the terms of the bill.

The second point that I want to highlight is the proposed penalties and whether those are consistent with the current sentencing provisions and practice.

The third point is on the debate about whether to provide for a statutory pardon or quash historical convictions. I know that this committee has heard evidence previously on which of those two approaches would be better for meeting the policy intention behind the bill, but we have some concerns on the proposed quashing of historical convictions.

I am happy to expand on any of those points or respond to any questions that the committee might have.

Detective Superintendent Steven Bertram (Police Scotland): Good morning. Thanks for having us along today.

Similarly, Police Scotland is supportive of the proposed criminalising of the purchase of sex through the bill. I will probably speak about consistency a lot today. We recognise that much of the challenge that we face is in bringing a national, consistent and effective approach to policing all aspects of criminal sexual exploitation. We work under the equally safe strategy part of that, and we have worked really hard over the past

couple of years, taking account of the current Scottish Government's strategy and challenging men's demand for prostitution.

I return to the issue of consistency. It is already illegal to buy sex in some circumstances, and we have the means to challenge demand for on-street prostitution. However, there is a gap currently as no legislation provides for the policing of prostitution that is off-street and behind doors. Also, we have separate legislation that tackles human trafficking and exploitation. There is a gap in the middle. That is the reason that we remain supportive of the bill—it would send out a very consistent message on what we are trying to achieve and how we police that. I guess the issue is about understanding when the crime would be complete. Whatever legislation comes in needs to be effective for policing.

We will probably discuss what our colleagues in the rest of the United Kingdom and Ireland have done, which I think has been discussed in previous evidence sessions. I have certainly linked up personally with my opposite numbers in those areas and I know the challenges that they are facing. My only reservation is that, whatever comes in, it needs to be effective and allow us to police effectively in Scotland.

The Convener: Thank you very much. We are keen to cover a lot of issues that were raised in previous sessions. One of the key ones is the application of the proposed new criminalising offence, so to speak, in the context of off-street crime and off-street prostitution.

However, first I will come back to Detective Superintendent Bertram. One of the provisions in the bill relates to placing a responsibility or a duty on the Scottish ministers to ensure that support is provided to women who are working in this industry. We know that Police Scotland is already heavily involved in extensive collaborative work as part of operation begonia. As a north-east MSP, I am very aware of how well established and strong those collaborative partnerships are.

I am interested in your reflections and commentary on how important the support—the non-criminalising—element is to the work on tackling prostitution and the demand for prostitution. How could that be improved? Where are there gaps in the provision that relate to the bill that would be helpful for us to understand?

Detective Superintendent Bertram: Partnership working and support go hand in hand—we would not see success without both. Whenever we plan work, we always ensure that we have in place key support. Sometimes, it can be a bit of a postcode lottery with services, with some that are available in parts of the country maybe not being of the same standard as they are

in other parts. That needs to be looked at and addressed to ensure, again from the support side, that there is consistency.

Operation begonia and operation waterdale are the two national operations that we ran in order to target the areas where we had an on-street prostitution footprint. Edinburgh, Glasgow, Dundee and Aberdeen are the four areas where we were aware that it existed. In each of those areas, we now have really good local and national links in place. Operation waterdale, which was the operation that ran in Glasgow, had more of an intensification period and worked hand in hand with the routes out service. That partnership was absolutely key and played a huge part when it came to judging whether we had made any difference in that space. Stepping back and reflecting is the important part.

The work that happened in Glasgow over the four or five months at the end of last year and the start of this year led to a bit of a breakthrough in challenging men's demand, providing support and giving the best opportunity for anyone selling sex—it is all women in that area—to exit safely. Some of the challenges that the police face are around commercial sexual exploitation, which is one part of the many crimes and forms of violence against women and girls that we are trying to address. It is a constant process of juggling priorities, managing demand and assessing risk. However, a longer-term approach to that process would be really effective.

I am sorry, because I can be a bit of a talker.

The Convener: I have a final question on sustaining support and, specifically, on funding. I am interested in the current picture of support across Scotland. For example, in the north-east, the fairer Aberdeen fund is used for the work to support women. I am interested in how reliable and sustainable funding is, given the context of the bill that we are looking at today and the existing support provision.

Detective Superintendent Bertram: Aberdeen is the only area that gets that external funding. Everyone else uses the existing police budget in order to prioritise resources in that area. We have engaged a few times with the Scottish Government and obtained additional grants, which we have used for overtime. A lot of times, when we struggle to resource the normal working day, we put overtime in place in order to stand up patrols. I should have some of the numbers on how many patrols have been put in place, but I would need to come back to you on their cost.

The Convener: That would be appreciated. Thank you very much.

Liam Kerr (North East Scotland) (Con): Good morning. My first question is to Liliana Torres

Jiménez, and I remind colleagues that I am currently regulated by the Law Society of Scotland, of which I am a member.

Liliana, in your submission and opening remarks, you talked about your concerns about the definition of sexual acts and the proposed penalties. Will you expand on your concerns and tell us what needs to be amended to address them?

In your submission, you brought up the policy memorandum, which specifically says that the bill aims to

“reduce the amount of prostitution in Scotland”.

Will the bill, as drafted and/or amended, achieve that?

Liliana Torres Jiménez: To begin with the last question, we do not know. It is for the Parliament to evaluate the bill's policy intention and to consider whether it can be achieved. I do not have an answer to that question, but I can expand on your two others.

To start with, our concern is mainly focused on the definition of

“performance of a sexual act”.

Section 9(1) provides a definition of the performance of sexual act for the terms of section 1, which is on the

“Offence of paying for the performance of a sexual act by a person”.

Section 9(1)(a) indicates that the

“performance of a sexual act”

is an act that is

“intended to cause sexual arousal, gratification, or stimulation of any person”.

However, section 9(1)(b) includes some exclusions—in particular, for

“striptease, pole dancing, lap dancing, or other erotic performances.”

Our concern is that it is not clear what is understood by “other erotic performances”, and it is crucial that that is understood, because we are talking about an exclusion from the definition.

09:45

When an offence is drafted, it should be as clear as possible for everyone to understand what is and is not prohibited. We can envisage problems in drawing the line between an erotic performance and behaviour under the limits of section 9(1)(a), so we recommend either providing specific exclusions—as is provided for striptease, pole dancing and lap dancing—or defining “other erotic performances”.

Regarding your question on penalties, we highlight in our written submission that the bill proposes penalties of, on summary conviction, imprisonment not exceeding six months and, on conviction on indictment, imprisonment not exceeding 12 months. The maximum penalty that the bill proposes—12 months in prison—can be achieved by summary proceedings, so we are not clear why the offence would be triable in both types of proceedings. The Scottish Sentencing Council also highlighted that concern in its written submission. We would welcome clarification on why that is the case for the offence as drafted.

The second concern that we raised regarding sentencing is about how such sentences match with the presumption against short sentences. If you give me a second, I will refer to my notes.

Section 204(3A) of the Criminal Procedure (Scotland) Act 1995 prevents courts from imposing “a sentence of imprisonment for a term of 12 months or less”.

I heard Ms Regan say in her oral evidence that she envisages, based on that provision, that not many offenders will go to jail and that other types of sentences will be imposed. However, if it is not thought that the imprisonment penalty will be imposed, it is legitimate to ask why it is in the bill. I imagine that it has been included for very serious cases that probably involve other types of offences, but, if there has been further criminality, there are mechanisms for addressing that in existing legislation. That is our concern.

Liam Kerr: I am grateful for that answer.

Dr Forbes, you say in your written submission that the Crown Office

“is concerned that police and prosecutors in Scotland will face similar evidential barriers to enforcing the proposed new offence”

to those faced in Northern Ireland and Ireland. You also talked about evidential issues in your opening remarks. Will you expand on what you mean by that? How would the Crown Office envisage prosecuting the offences that are set out in the bill?

Dr Forbes: We must remember that the United Nations has recognised the sexual exploitation of women as a human rights violation, so our starting point would be to presume that prosecution of an offence such as the one drafted in the bill would be in the public interest, but we can prosecute only when we have sufficient evidence.

I know from hearing Ms Regan's submissions and reading the policy memorandum that she was hopeful that we would be able to prosecute without the evidence of the women involved in prostitution. However, I have to say that, as a prosecutor, I struggle to see how we could do that consistently.

There might be occasions when that might be possible, but we have to manage the committee's expectations and say that, in reality, the women's evidence would be important.

The other important thing to say about those women's evidence, given that there are huge barriers to securing that evidence safely, is that the only way that we have any realistic hope of securing it safely is if the support that the bill provides for is fully resourced and available. Dealing with violence against women and girls is a strategic objective for the Crown; we are really committed to it, and we have worked hard across a lot of areas. Everything that we know about the prosecution of intimate offending, sexual violence, domestic abuse and honour-based violence points to the fact that, without proper support for women, we will not secure that evidence. Therefore, the support is critical. It is much wider than just the nuts and bolts of what, as a prosecutor, I might need to prove a case. It is also about supporting women and enabling them to safely give evidence.

Liam Kerr: You successfully pre-empted where I was going with that question about the contradiction between what Ash Regan told the committee on 25 June about not necessarily needing women's evidence and your suggestion in your opening submissions. You referenced specifically the situations in Northern Ireland and the Republic of Ireland. Is the matter of whether people in prostitution need to give evidence the only evidential challenge that has been faced there, or have you seen other evidential challenges that cause you concern?

Dr Forbes: Like Detective Superintendent Bertram, I have had the opportunity to discuss the issue with Irish colleagues. I am not qualified in Ireland, but my understanding of the legislation there is that the definition is narrower. Their police powers are different and, although I am not qualified to answer on that question, I think that that might make a material difference. I do not think that their police have the same common-law powers as Police Scotland has, but I would want that to be clarified by someone who is an expert in policing.

The legislation in Ireland does not have a reasonable inference test, which will narrow quite substantially the scope of what they are able to prove. However, to go back to Liliana Torres Jiménez's point about the caveats in the bill, some of what is precluded from the definition might be what would allow police to infer a reasonable inference in the first place. Does that make sense?

Liam Kerr: Yes, it does—thank you. I am going to press you, Dr Forbes, simply because your submission specifically says that the Crown Office is "mindful of the challenges" in enforcing the legislation in Ireland and is

"concerned that ... prosecutors in Scotland will face similar evidential barriers".

What are those evidential barriers that you might face that would be similar? I am trying to understand that.

Dr Forbes: There are perhaps differences in the law that mean that Ireland faces greater evidential barriers than we do, but that does not detract from our concern that there are evidential barriers to proving such cases here. That does not mean that we should not try to prove those cases, and it does not mean that, in principle, the bill is not well founded; it just means that we have an obligation to say that these are difficult cases to prove. It is intimate offending in private.

The Women's Support Project has done amazing research and work with women involved in prostitution in Scotland. The organisation knows that 77 per cent of those women have been the victim of serious violent offending, sexual abuse or domestic abuse, and they are victims of other offences. They are fearful of talking to the police and telling them what has happened to them, for a range of reasons. They might be involved in substance misuse or facing homelessness. They might have been convicted for lower-level offending.

I know that the bill seeks to address some of those issues, but there will be other reasons why those women might have come into conflict with the law, given the nature of their lifestyle and the limited choices and sphere of agency that they have. I imagine that, because of that, they perceive a lot of barriers to talking to law enforcement about what has happened to them. That is a reality.

Sharon Dowe (South Scotland) (Con): Good morning. I will start with questions for Detective Superintendent Bertram. How would Police Scotland envisage policing the offence that is set out in the bill?

Detective Superintendent Bertram: There are a few questions here. An important one for me is, when is the crime complete? That is where some of the issues come in Ireland in trying to identify criminality.

To make comparisons, I note that, with on-street prostitution, we do not use the evidence of any of the women; we use the observations of the police. That is really important. Dr Forbes and I—or Police Scotland and COPFS—need to look at that in a bit more detail and consider the threshold in those matters, case by case, because every case will be different, with slightly different circumstances.

In the on-street space, when we have the observations of police officers seeing somebody

who is quite clearly in an area to buy sex, the threshold is met, which is when the offender is stopped and charged. Off-street prostitution is more difficult, because, behind closed doors in a block of flats, we might not always see which door somebody has gone into. Are they new to the area? Do they have links to another part of the building?

However, there are cases in which the police are in attendance at an address that has been reported by a member of the public, because they suspect that a brothel is operating from the address, which could be anywhere in Scotland. The police attend to make inquiries and to check safety, and, while they are there, they might be faced with a situation in which there are two women, or whatever, in the house, as well as a guy who has no link to the address.

That is the part that we need to explore in a bit of detail, because taking mobile phones is challenging. If we look at other offending—the abuse of children through mobile phones, say—we see that the work that police teams do to extract the downloads from phones stretches them beyond capacity. To put the capacity of such teams under further stress due to the scale that we are looking at with this issue would be problematic and challenging.

We would need to find a model that allows us to be satisfied that the crime of the purchase of sex is complete. Would that be when, as happens in some cases, we find the offender in an area or house where we know that sex is being sold and there are certain circumstances from which we can infer that they were in the act shortly before the police came? Would that be the threshold? That is probably the part that we need to thrash out, using individual case studies to say, “The threshold is met here; it is absolutely not met there,” and consider what more we would have to do.

Sharon Dowey: Given the issues that police currently have in trying to arrest or charge somebody, can we work with the bill as drafted, or do we need something totally different? Could we make amendments to the bill that would help the police to be able to arrest and charge people who are causing harm to women and girls?

10:00

Detective Superintendent Bertram: Possibly. You must consider the issue of scale. A scoping exercise that we undertook showed that, last year, there were just under 1 million adverts in Scotland for sex. I think that the ballpark number was 962,000, and we struggle to police that volume of adverts. Almost daily, somebody phones Police Scotland to report a potential brothel, for lots of

different reasons, including concern for the women in the house and concerns about a number of guys coming into a particular area. Even trying to police that demand is a challenge, and, if we were looking at surveillance, that would be very resource intensive, given the numbers involved.

That is where we probably need to look at the policing approach and consider the implications. For example, if police action on those 962,000 adverts and the almost daily calls about potential brothels were to involve going to the address to do a “safe and well” check and investigate the circumstances, could we deal with the number of guys that we would encounter in those places? That would be the starting point, before we got to any surveillance, which, as I said, would be extremely resource intensive.

Sharon Dowey: Your submission states:

“Police Scotland recognise that we have sound legislation in place to be able to challenge demand for ‘on street’ prostitution”

and that there is

“appropriate legislation”

to address situations where trafficking is apparent. That suggests that we need to strengthen the legislation regarding off-street prostitution. However, the submission says that Police Scotland is fully supportive of the bill’s proposal to repeal section 46 of the Civic Government (Scotland) Act 1982.

Everybody talks about the need for tools in their toolbox, but would repealing that section not remove some tools, causing you issues?

Detective Superintendent Bertram: That section involves criminalising the seller, and we are not really doing that at all—that is not the model that we are operating under just now, so I do not think that that would impact on us.

Sharon Dowey: So, you are fine with that.

My final question is for all three witnesses. Can you estimate the scale of any costs for your organisations arising from the bill, and are they adequately represented in the financial memorandum?

I ask Dr Forbes to respond first, as she said that the Crown Office and Procurator Fiscal Service had not been consulted in advance of the preparation of the financial memorandum.

Dr Forbes: In fairness, I think that the member who introduced the bill made efforts to seek that information in advance, but there was a breakdown in communication and their request went to the wrong place. I want to clarify that it is not the case that that was not done.

At this stage, when there are questions about, for example, the appropriate forum for procedures, how the cases would be prosecuted and what would be in scope, it is difficult to narrow those issues down and make an estimate of costs. We would anticipate that, as with any new criminal legislation, the case load would be absorbed within existing resources, but I think that the answer to your question depends very much on how the bill looks at the end of the legislative process. I am sorry, but it is difficult today to give a definitive answer on the cost.

On the question that you asked Detective Superintendent Bertram about the repeal of section 46, Police Scotland reported 46 charges to us between 1 April 2020 and August this year, across 10 cases. Of those, we have prosecuted two, which were at the solemn level, because there were other charges. That scale demonstrates that there is a principled approach by the police and the Crown not to criminalise the seller.

Detective Superintendent Bertram: Our legislative team looked at two specific costs. One involved the physical update that is required to add an additional charge or offence to the crime management system, and the other involved building the training package and then taking officers off the front line to self train using that package. I think that the figure in total was £636,700.

The legislative team did not look at the operational side. I do not have figures for that side in front of me, but I could certainly get them pulled together. However, again, the cost is dependent on the approach that is taken. If somebody phones the police to say that they suspect that a brothel is operating at an address and police officers go to that house, they will do work there—they will not just walk away. Even now, though this legislation is not in place, if they catch somebody in that house, a lot of work will be done, mainly around support. If the approach involved setting up an investigation around every incident, that would involve a lot of officers, which would have an impact on cost. It is quite tricky to work out the costs on the policing side of things, but the absolutely bolt-on figure is that sum of £636,700 for the change in the crime management system and the production of a training package around the adoption of the legislation.

Sharon Dowey: If you could send us any other figures, that would be helpful. However, as things stand just now, do you think that the figures in the financial memorandum will rise?

Detective Superintendent Bertram: Yes.

Katy Clark (West Scotland) (Lab): Emma Forbes, you referred to 46 prosecutions. Is that

correct? Would you perhaps clarify exactly what that number refers to?

Dr Forbes: I referred to 46 charges that were reported to us by the police.

Katy Clark: What was the nature of those charges?

Dr Forbes: They were for contraventions of section 46 of the Civic Government (Scotland) Act 1982.

Katy Clark: I am grateful for that clarification. I was going to ask you about that legislation, because this bill provides for the repeal of the offences that are set out in that section of the 1982 act, which criminalises street prostitution.

You have given us an indication of the number of charges that have been brought. Can you say a little bit more about the use of that offence in recent years and whether you support its repeal?

Dr Forbes: The last time that the Parliament's justice committee looked at that offence was prior to the Human Trafficking and Exploitation (Scotland) Act 2015 coming into force. The policy memorandum and the evidence that was placed before the committee at that time said that, in Scotland, we were prosecuting more women for prostitution than men. We can see that there has been a real cultural shift in society, the police and the prosecution service over the subsequent decade.

As I said, we have prosecuted two women under that section since the start of lockdown in 2020. I do not know the details of those cases, but I can see that they were prosecuted at the solemn level, which means that there were other charges to warrant that being on indictment—that is, there was significant other offending to justify the prosecution. We have not prosecuted any women for selling sex, as a stand-alone offence, in the past five years.

Katy Clark: That is helpful. Do you support the repeal of that legislation?

Dr Forbes: As prosecutors, we recognise our obligations under the United Nations conventions. We see violence against women and girls as a human rights violation, and we support the repeal of that section of the law.

Katy Clark: That is helpful. Do any of the other witnesses have a view on whether the offences in the 1982 act should be repealed?

Detective Superintendent Bertram: In the activity that we are engaged in through operation waterdale, our focus is absolutely on the buyers. I am aware that there have been a couple of arrests of women, which we responded to after we became aware of them the following day, and we have told officers that that was not the focus of the

operation. Sometimes, that comes down to a lack of training, but it does not match the messaging around what we are trying to achieve. We understand that there are a lot of vulnerabilities in those situations, and we are not focused on prosecuting those women.

Katy Clark: That is helpful.

The bill seeks to quash existing convictions. I know that Emma Forbes has concerns about that, and one alternative that has been suggested is that people who have been convicted should be pardoned. What are your views on the quashing of existing convictions and the alternative of a pardon?

I will go to Dr Forbes to start, given that she has already expressed a view.

Dr Forbes: I do not think that it was me who expressed a view.

Katy Clark: Apologies. Perhaps it was Liliana Torres Jiménez.

Liliana Torres Jiménez: It is fine. I am happy to respond.

We would prefer a statutory pardon, because that would be consistent with other acts that had a similar intention to the one in the bill—in particular, the Historical Sexual Offences (Pardons and Disregards) (Scotland) Act 2018. There have been two cases in which the Parliament has provided a statutory pardon. The 2018 act was the first, and the second was the Miners' Strike (Pardons) (Scotland) Act 2022. However, after reading the policy memorandum for the latter, I do not think that the situation was the same as or similar to the situation that is covered in the bill that we are studying today.

The bill is more similar to the Historical Sexual Offences (Pardons and Disregards) (Scotland) Act 2018. Basically, in that legislation, the Parliament took a dual approach. It first provided a statutory pardon that had a symbolic effect on those who were convicted of sexual offences—in particular, for same-sex activity between men. The 2018 act also provided a scheme for people who had been convicted of historical sexual offences to apply for a conviction to be disregarded in order to perhaps diminish any negative impact that the convictions might have had in their lives.

The bill proposes quashing convictions, as happened in the Post Office (Horizon System) Offences (Scotland) Act 2024, but we do not think that that is the appropriate way to address the problem that is raised in the policy memorandum. That is because we think that it is not a matter for the Parliament to quash convictions that were safe in principle and were made by a Scottish court. With the 2024 act, there was compelling evidence that challenged the evidence that was used to

convict postmasters at the time that the offences were prosecuted. Accordingly, a redress scheme was needed to allow people who were wrongly convicted to access compensation.

However, we understand that that is not what is proposed in the bill. The bill proposes to remove any record for those who were convicted under section 46 of the Civic Government (Scotland) Act 1982. The aim is to provide better services and to allow women who are involved in prostitution to carry out other activities that allow them to exit prostitution.

To summarise, we do not think that quashing convictions should be the path, as that would have an implication for the rule of law and the principle of separation of powers. In particular, it would give the Scottish Parliament the ability to quash safe convictions. We understand that that happened in the past in the very exceptional circumstance of the Post Office case, but we do not think that the circumstances are the same with the bill because, in this case, we are not discussing the conviction itself; we are discussing the fairness of the consequence of a safe conviction.

Katy Clark: I understand the distinctions that you make. Are there any other reasons why you feel that it would be wrong to quash existing convictions? I have heard other reasons given for that, and I want to be absolutely clear whether that is the reason that the Law Society of Scotland takes the position that it is taking, or whether it has any other concerns. Is it just that the Law Society believes that, if the evidence was there at the time and there was an offence at the time, it would be inappropriate to quash the conviction, although it is appropriate to pardon. I fully understand the point that you make, but does the Law Society of Scotland have any other reason for its point of view, or have you articulated the position?

10:15

Liliana Torres Jiménez: That is the main reason. However, when I was preparing for this evidence session, I saw a discussion that took place about the Historical Sexual Offences (Pardons and Disregards) (Scotland) Act 2018. One of the reasons that was provided at that time for going down the statutory pardon route was that a proactive record search would be unnecessary. I understand that avoiding a record search is proposed to diminish the negative impact and, in particular, the retraumatisation that might be experienced by women involved in prostitution who receive a communication saying, for example, that they need to apply for a scheme in order to have their conviction disregarded.

I understand that, but, at the time of the discussion on the 2018 act, for which the policy

issue is similar, two reasons were provided for avoiding a record search. The first was that many of the men who had been convicted had passed away, so it would be a waste of resources to try to reach them. The second, which I think is more relevant here, is that many of them would not want to know anything about the disregard of their conviction because they would have passed through that episode of their life and would not want to be involved. Therefore, contacting them to say, “You don’t need to do anything, but your conviction has been disregarded” could retraumatise them.

We can learn from that experience for the bill. It could provide the choice for women to apply to a potential scheme. The Government would not need to identify the women and send them a communication saying that they need to apply; there are technological tools that could address the problem of identification better.

Katy Clark: We are straying from the central issue about whether it should be a pardon or quashing, but I understand the point that you have made. Do any of the other witnesses want to make any points on quashing convictions or a pardon?

Dr Forbes: I do not have anything to add.

Katy Clark: There are currently a range of offences that deal with issues such as human trafficking and the running of brothels, which the bill does not seek to change. Is there a need to strengthen or otherwise reform other offences that are relevant to prostitution?

Detective Superintendent Bertram: The human trafficking legislation is good, and we use it effectively. There is still work to do on benchmarking human trafficking cases, but we would not change many things in that legislation.

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): A lot of the ground that I hoped to touch on has been covered already. I will focus on the proposed repeal of section 46 of the Civic Government (Scotland) Act 1982.

It was instructive to hear from Detective Superintendent Bertram that, in effect—I am paraphrasing his evidence—Police Scotland is not currently operating cases under that section. The figures that Dr Forbes has provided certainly seem to substantiate that. Just to drill into those a little further, Dr Forbes, you mentioned that there were 46 charges in 10 cases during the period from April 2020 until August this year. Does the figure of 10 cases mean that 10 individuals were involved?

Dr Forbes: Yes, unless there was more than one—

Jamie Hepburn: If you do not have that information just now, that is okay.

The Convener: You could perhaps follow that up later.

Dr Forbes: There were probably multiple charges against one person, but I would need to check that.

I was interested in the gender breakdown, so I did check that, and the individuals reported in all 10 cases were women.

Jamie Hepburn: The fundamental point is that there were two prosecutions. You said that that would probably have been because there were other associated charges.

Dr Forbes: There must have been, because those prosecutions were on indictment.

Jamie Hepburn: This might be a difficult question to answer, but in circumstances in which section 46 of the 1982 act did not exist, is it likely that there would have been enough grounds for those prosecutions still to have proceeded?

Dr Forbes: I cannot answer a hypothetical question.

Jamie Hepburn: That is fair. I recognise that that might not be a question that could have been answered. I also understand that we do not want to stray too much into individual cases. However, if you were able to provide more information on the context, that would be useful.

I am not suggesting that you will have this information to hand, but it would also be useful and instructive to have a historical comparison. Clearly, you are referring to the basis on which the system has operated for the past five years, if not longer, but it would be useful to find out what the experience was over a longer period of time. I presume that there would have been far more prosecutions, but it would be useful to have the evidence to back that up.

Dr Forbes: There was evidence that I looked at just prior to introduction of the human trafficking legislation, which I think would be easy to provide to the committee. I can do that. It painted quite a stark picture of a change.

Jamie Hepburn: That would be useful in helping our understanding.

There are two ways of looking at the issue. Given the basis on which cases are operating at the moment, the obvious question might be: what would be the purpose of repealing section 46 of the 1982 act? Maybe that gets to the heart of Sharon Dowe’s question about whether it is still useful to have that provision as part of what we might call the armoury that is available for use in investigations. Alternatively, if it is not being used, why should we keep it on the statute book? What is your perspective on that?

Dr Forbes: As long as the provision is still on the statute book, it can still competently be used, and there are occasions when it is used. We should not underestimate the declaratory power of the law and the fact that, at the moment, the message is that, if acts of prostitution are going on behind closed doors, the law defines the women involved as criminal, whereas the men are not. Given our UN obligations, our commitment to the equally safe strategy across all justice partners and the landscape in which we operate in Scotland, whereby, through multi-agency relationships, we work to strengthen our response to violence against women and girls, that is an unfortunate message.

Jamie Hepburn: Do others have a perspective on that?

Detective Superintendent Bertram: It is probably just a reflection of the changing times. We now have a better understanding of the issue. As Dr Forbes said, we now recognise the violence that is perpetrated against women and girls, but in the past—I do not know how long ago—we probably did not have the same clarity of understanding of the issue. Although the provision is still there, we look at the Lord Advocate's guidance on the matter, which gives the police discretion. It is not as though we turn a blind eye; the police have discretion, in recognition that there are many vulnerabilities and a great deal of violence in the background.

Jamie Hepburn: There have been differences of opinion in the evidence that we have taken thus far. Some people feel strongly that, if the proposed new law were to be introduced, it would drive activity underground. As a consequence, that could make the environment less safe and more violent for those who are involved in the selling of sex. That is pretty concerning to hear. I accept the point that others have made, which is that we can never make the environment truly safe. I understand that. Some say that the evidence suggests that the approach that the bill advocates would not lead to an upturn in violent behaviour, but we have heard that it would. Have you a perspective on the likely outcome?

Detective Superintendent Bertram: I am happy to answer that. Huge levels of violence already happen behind closed doors. We are already in a situation where such violence is happening, including sexual violence, and I do not think that it would be pushed any further underground.

With regard to women who sell sex, there is a lot of underreported criminality, for many different reasons. I go back to the point about the volume of calls that Police Scotland gets. Almost daily, somebody will phone the police with concerns about a suspected brothel, so I do not think that

we could ever push that activity underground. People understand exploitation a lot better than they did a long time ago, and they now feel more encouraged to phone the police, depending on why they want to report something. I go back to those figures of just under a million adverts in Scotland last year, right across just about every community in the country. I do not think that we would push things any further underground.

Jamie Hepburn: Do you dismiss the notion that such a change could increase the risk of violence against those involved in selling sex? That is the fundamental question—would it increase that likelihood?

Detective Superintendent Bertram: That is a difficult question—it is hypothetical. What we can say is that we see high levels of violence already. Much of that goes unreported to the police, and it is only by looking elsewhere that reports actually come in. Just because something has not been reported does not mean that it is not there. The aim is to open doors to rebuilding people's trust and confidence and to say, "Our goal is to have those reports coming in so that we can actually target the dangerous offenders who are out there."

Jamie Hepburn: It is clear that there is a perception of that risk, though. Is that something that your officers will hear when engaging with those involved in the selling of sex? Will they have heard that this change is coming in, and would they be concerned about that?

Detective Superintendent Bertram: I hope so. Through the educational aspects of policing work, we have been very vocal about what we are trying to do.

Jamie Hepburn: With respect, I do not think that "I hope so" would be your answer to the question I was asking. I asked whether your officers hear from those involved in the selling of sex about whether, if this change comes in—

Detective Superintendent Bertram: No, we have not heard that.

Jamie Hepburn: Do others have a perspective on the likelihood of the proposed changes making the environment more dangerous?

It seems that no one has such a perspective. That is okay.

The Convener: If not, I will move on, because we are slightly tight for time and other members want to come in. May I interject and move you on to your next question?

Jamie Hepburn: Certainly. This will be my final one. Only Police Scotland responded to the point about whether there should be a statutory right for people involved in selling sex to access support services. Everyone on the panel is entitled to

answer, of course, but I put my question to Detective Superintendent Bertram in particular. What should such support look like?

We heard evidence that experience of such changes in Sweden did not result in an improved relationship between those selling sex and the police there, but that the Irish experience was different and the change has improved that interaction. How would the situation here link to those experiences?

Detective Superintendent Bertram: We understand that we can work hand in hand with key agencies to put that support in place. We also understand that not everybody wants to speak to the police, so it becomes a question of knowing when to withdraw, while being happy that we have good support in place that builds confidence and that people know that the police's door is always open. As I said earlier, those things work hand in hand, but support needs to be in place first.

Jamie Hepburn: What sort of support should there be?

Detective Superintendent Bertram: To give a snapshot across the country, some areas of Scotland have good support in place now, and we are examining the work that is already on-going. I have made reference to that already. There is an impression that there can be a postcode lottery in achieving the same provision of support across the country, but I do not think that there is. We have seen those gaps. If there were to be a good operating model for support services in, for example, Glasgow, it would be good to replicate that. It would absolutely be the right thing to replicate that across the country.

Jamie Hepburn: I do not know whether other witnesses have a perspective on what that support should look like.

The Convener: We are coming up to having around 15 minutes left. Two committee members are looking to come in, and one wants to come back in with a follow-up question, so I must ask for succinct questions and responses if possible.

Pauline McNeill (Glasgow) (Lab): Good morning. Dr Forbes, you have spoken to the committee many times about violence against women and girls, and you have given us excellent evidence. What you have said to us about the harm to women is clear. As you have told us many times, the backdrop to the proposed legislation is the rising trend in serious and violent crime against women and girls.

10:30

Would such harm to women extend to those who are not involved in prostitution or in the sale of sex? We have heard evidence about the

decriminalisation of sexual services. If we did that, and selling sex were to be legalised, would harm be caused to women and girls more widely and not just to those who are involved in prostitution?

Dr Forbes: You are not talking about the criminalising of the buyer, but about repealing—

Pauline McNeill: A lot of witnesses have presented evidence to the committee that we should decriminalise the sale of sex, for the reasons that Jamie Hepburn mentioned, including the safety of women, but others have said that they believe in choice.

Dr Forbes: You are asking about decriminalising it altogether.

Pauline McNeill: Yes. We have heard a lot of evidence that we should just decriminalise it. However, if we did that, my concern would be that the harm to women who are involved in prostitution that we have spoken about—

Dr Forbes: It is not just about the harm to individual women who are involved in prostitution. Whether that is a harm is not a question for me as a prosecutor; it is a sociological question.

As prosecutors, however, we know that women who are involved in prostitution are more likely than others to be the victims of other offending such as serious violent offences, sexual violence and domestic abuse. We also know that those who are involved in buying sex, whether on the street or off it, are more likely to be perpetrators of domestic abuse and involved in other forms of violence against women and girls more broadly in our society through their treatment of other women. From a public interest point of view, the issue needs to be seen through a wider lens.

Pauline McNeill: Liliana Torres Jiménez, you have spoken about the technicalities involved in the framing of the legislation. What is your view of the issue of consent, which is an issue in sexual offences such as rape?

Outside the committee, I went to a meeting held by Ash Regan, which was attended by women who had been involved in the sex trade in various countries such as Canada and Sweden. I appreciate that those countries have different laws. However, the women spoke about the difficulties there in prosecuting crimes of rape and other sexual offences that turn on the question of consent when the sale of sex is legal and—to use the phrase that they did—a contractual matter.

Do you see similar problems in Scotland for women who face the same threats as others who are involved in the sex trade and who might be the victims of crime even if the act of selling sex were to be lawful?

Liliana Torres Jiménez: To clarify, are you talking about a scenario in which there is no prohibition of any prostitution activity or about the law as it is right now?

Pauline McNeill: If the sale of sex were to be lawful, would the issue of consent cause any difficulties in dealing with sexual crimes?

Liliana Torres Jiménez: I will need to come back to you on that. It is a good question, but it might require further investigation.

Pauline McNeill: Yes; it is not a straightforward question. I asked it only because, in the briefing for the meeting that I mentioned, the women said that, in their countries, where the selling of sex had been legalised, it became difficult to prove consent in a court of criminal law. I would be interested to hear whether you have any views on that.

I want to ask Detective Superintendent Bertram about cases where the sale of sex happens in brothels. We have looked at the situation in Germany, where an estimated 1.2 million men buy sex every day and where sex work was legalised in 2002. We have heard evidence that legalising or decriminalising sex work does not really affect brothels, and would not lead to a proliferation of them, but the experience in Germany would suggest otherwise. Do you have a view on that? As we have heard evidence on decriminalisation, I would be interested to hear your view on whether that would lead to more brothels, for example.

Detective Superintendent Bertram: That is a tough one. On the decriminalisation side, police would still be needed to act as a barrier.

I base that view on aspects of the operational work that we have done. I go back to operation waterdale in Glasgow, which was a prolonged initiative that sought to criminalise the buyer on the street. A worrying trend was that a lot of the guys we were interacting with had really bad criminal histories involving violence against women, both within and outwith domestic settings, including a lot of serious offending through sexual crime. We would not want those guys to come into contact with any women. We certainly would not want them to come into contact with women who sell sex, who have a particular vulnerability. Decriminalising the buyer side would make it difficult for the police to engage with those guys. I think that the work that the team in Glasgow did prevented a lot of offending and violence.

I do not know the answer to the question whether we would see more brothels. I would imagine so, because people would make money. With the scale of activity that we see just now—moving away from the off-street side and looking at the human trafficking side, which my team actively investigates, where there is organised

crime and we see exploitation at the highest level that is happening in plain sight—lots of money is being made. I fear that, if the buyer side were to be decriminalised, people would capitalise on that right away and say, “There’s money to be made here. Let’s move in.” When there is no threshold for the police to investigate criminality on the purchase side, does it give us, as the police, a fighting chance to be able to target dangerous offenders?

Pauline McNeill: Thank you. For completeness, does Dr Forbes want to contribute anything from the prosecutor’s perspective in response to my question to Liliana about consent?

Dr Forbes: Only to say that we are keen to learn more about issues of consent for women who are involved in selling sex. We have been working with the Women’s Support Project and have lined up training that will take place through a workshop model. The project has provided some really complicated scenarios based on lived experience, where consent comes into play as an issue. We plan to run training for prosecutors on those. We want to make sure that we are as well informed as we can be and are able to prosecute cases, because we want women to feel able to report issues and that they will be taken seriously.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Good morning. Our witnesses’ evidence thus far has been really useful. I have just a couple of direct questions, given the convener’s point about time.

My first question is for Detective Superintendent Bertram. Police Scotland’s submission says—and you mentioned it earlier—that there is a gap in the legislation that affects your ability to police off-street criminal sexual exploitation. Would the bill fill that gap?

Detective Superintendent Bertram: If the legislation were to be absolutely clear on criminality and about when a crime had been committed, it could do so.

Fulton MacGregor: How would you police that if the bill were to be passed? I know that because Sharon Dowe touched on that earlier there is a risk of your repeating yourself in reply—I am sorry about that; it sometimes happens when you are asked to respond to the last questioner on the committee. How would you fill that gap?

Detective Superintendent Bertram: We are doing lots of work in that space already. We are trialling various approaches across different areas.

For example, we will always respond if someone calls the police to report that a brothel might be operating. We deal with what is in front of us. We have looked at doing joint “safe and well” visits. Those involve going along with support in place so

that if someone does not engage with the police they can withdraw, leaving support with the person to ensure that they are safe and well. Such an approach could build trust and confidence and could target any exploitation or sexual offences that were happening.

There is also work to target landlords and people who give up their addresses to short-term lets to facilitate such activity. That work is on-going and is another area for us to look at. We are also looking at adult services websites and at the part that they play in facilitation. We need to look at all those areas.

Such work is part of a phase that we have moved into fairly recently. We used to concentrate on what was happening on the streets, but we now focus on off-street activity. It will be interesting to see what works well and what is not effective.

Fulton MacGregor: I have a question for Dr Forbes and Liliana Torres Jiménez. As Jamie Hepburn pointed out, neither of your submissions commented on the proposal for a statutory right to assistance and support.

Dr Forbes, if the bill is enacted, would such a provision help with the other concern that you raised, which was about women being witnesses? If they were given trauma-informed support, would that help them to be witnesses?

Dr Forbes: Yes, absolutely.

Fulton MacGregor: What do you think, Liliana?

Liliana Torres Jiménez: I have nothing to add. That would be supportive, but there must be resources to provide such services if the support is to be meaningful and fulfil the bill's purposes.

The Convener: Liam Kerr has a quick supplementary question.

Liam Kerr: I will direct my supplementary, which follows Sharon Dowe's earlier line of questioning, to Detective Superintendent Bertram. You were asked about the cost to the police. On 1 October, the *Daily Record* reported—this is not a quote; it is just my summary—that Police Scotland had warned that it could not afford to enforce a crackdown on paying for sex if MSPs were to back criminalisation, and that the force had not budgeted for such a change. It said that the force estimated that the bill could cost more than £500,000 in the first three years of its implementation, including capital and opportunity costs. Do you recognise that as a fair reflection of the implications for Police Scotland if the legislation were to be passed?

Detective Superintendent Bertram: I did some digging into that article, because people would usually come to me for a comment about the crackdown.

We are doing work in that space. The figure is probably not entirely accurate but, as we discussed earlier, how that looks could have an impact on policing. As of now, though, work is on-going, day by day and in every city across Scotland, to target prostitution offences.

Liam Kerr: Thank you.

The Convener: Rachael Hamilton has a brief question, and I ask witnesses to be brief with their answers.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): My question is for Detective Superintendent Bertram. You spoke about having the powers to deal with trafficking, but we have heard that terrifying numbers of women are being enslaved, raped and financially controlled. My question is one that I asked previous witnesses: should the bill extend criminalisation to those who facilitate prostitution rather than criminalising only the buyers?

Detective Superintendent Bertram: That is certainly one of our focuses just now. We are looking at landlords and also keeping an eye on adult services websites, because the problem is much wider than just the buyers.

Rachael Hamilton: Your written evidence says:

“There is a gap in the current legislation though with being able to police ‘off street’ CSE”—

which means child sexual exploitation—

“when there are no Human Trafficking indicators present.”

Is there any mechanism in the bill that would allow that gap to be filled?

Detective Superintendent Bertram: I point out that CSE means “commercial sexual exploitation” as opposed to “child sexual exploitation”.

Rachael Hamilton: I am sorry; I meant to say that. I am reading the acronym wrongly.

Detective Superintendent Bertram: It is important to recognise that the gap is there. We have to nail our colours to the mast and know what the legislation would look like. That is the important part. I go back to the issue of when the commission of such a crime would be considered complete, because that would have a massive impact on how we police such activity and on our ability to bridge that gap.

The Convener: We have run out of time. I thank everyone for their contributions, which have been really helpful. We will now have a brief pause to allow for a change of witnesses.

10:45

Meeting suspended.

10:50

On resuming—

Pre-budget Scrutiny 2026-27

The Convener: Our next item of business is the commencement of our pre-budget scrutiny. Today, we will focus on policing. We have two panels of witnesses and I intend to allow up to 60 minutes for each panel. I refer members to papers 3 and 4.

I welcome to the meeting Chief Constable Jo Farrell, Deputy Chief Constable Alan Speirs and Ms Lynn Brown, the head of finance at Police Scotland. Thank you for sending your written submission. I invite the chief constable to make a short opening statement, and then we will move to questions.

Chief Constable Jo Farrell (Police Scotland): Good morning. Policing in Scotland is at a crossroads. Urgent decisions are needed to address the threat, harm and vulnerability that we are now seeing. Reform of policing is a success and an outlier in the Scottish public sector. Against a backdrop of a reducing workforce, we have improved professionalism and competence while taking on new and more complex work.

We are securing answers for families of murder victims and policing major events that contribute to Scotland's international standing and prosperity. We are empowering women to leave abusive relationships and improving our response to violence against women and girls. We are safeguarding the integrity of Police Scotland and implementing new legislation. Continuous reform is the new normal for Police Scotland. We are cutting bureaucracy and using technology, including artificial intelligence, to deliver best value and redirect resources to front-line services.

However, we need some of the savings of reform. More than £2.5 billion—more than double what was initially proposed—should be invested back into policing. A flat cash funding allocation for 2026-27 cannot be delivered; we would immediately have to stop recruitment and reduce workforce numbers through retirement and resignation. However, that would not achieve the savings that would be needed. Such attrition would further reduce officer numbers to fewer than 15,500 by March 2027, with a significant reduction in visible policing, prevention work, delays in responding to calls from the public and a severe impact on our ability to respond to major events. Difficult decisions would be required.

A minimum of £104.9 million uplift in cash terms would enable us to stand still after accounting for pay awards, increased national insurance contributions, non-pay inflation and other

unavoidable costs. Any allocation below that would mean that our workforce would shrink further. Existing pressure on our performance and our people, such as the strain on the public's confidence in our ability to prevent and investigate crime and the high level of work debt that is owed to officers and staff, would be exacerbated.

I do not want to maintain a status quo in which we are already seeing those warnings. I am often asked whether I can keep Scotland safe with the funding that is available. Scotland is safe, and it will remain so. We prioritise our response to those who face the greatest threat, risk or harm, and we always will.

Poverty, geopolitics, cybercrime and civil unrest are driving a high level of demand, and the challenge for policing is evolving rapidly. That is illustrated by the increase in online harm and threat and in violence associated with organised crime, as well as a high level of protests. The threat is now.

The extent to which policing can work with the whole system to be preventative and proactive and to respond is impacted by the budget that is available. A further £33.7 million, which is equivalent to a 2.2 per cent cash-terms uplift, will allow us to strengthen the workforce to address harm and vulnerability, contribute to community cohesion, ensure public trust by sharing information, and ensure public confidence that policing can prevent crime and tackle antisocial behaviour.

I want to strengthen our response to digitally enabled and globally connected crime and to target the sex offenders, organised criminals and extremists who are radicalising, recruiting, exploiting and abusing our children and bringing illegal drugs and violence to the streets of Scotland. We must continue to improve our response to violence against women and girls and investigate cold cases, including Covid-related deaths. Importantly, I want to underpin that with additional local police officers to give communities identified contacts, put more hours into street patrols, help communities to prevent crime and antisocial behaviour and give victims a better response.

This is a crossroads, not a crisis, but decisions must be taken now to enable policing to deliver fully and at the pace that is needed on our vision of safer communities, less crime, supported victims and a thriving workforce.

The Convener: Thank you, chief constable. I commend you for the written submission, which is extremely detailed and very helpful in reflecting the changing demand across Police Scotland.

In your written submission and your comments a moment ago, you referred to the requirement for a minimum cash-terms revenue uplift of £104.9 million in 2026-27. In addition, the Scottish Police Authority has told us that policing needs £93.9 million of capital investment for the same period to deliver the basic rolling replacement programme for fleet, systems and policing equipment.

What discussions have you had so far with the SPA and the Scottish Government about those figures? What would be the consequences of a settlement that was less than what you have asked for?

Chief Constable Farrell: I will start with the ask on revenue. To stand still and to meet our unavoidable costs, we require £104.9 million. Over and above that, we have put in our submission a request for an additional £33.7 million to meet the threat, harm and risk that we are facing and that we can see before us.

On capital, the figure is for a mixture of rolling replacement in relation to estate, digital equipment and the equipment that we need for policing. In addition, an element of transformation is built in, which relates to our arrangements around public contact and digital ways in which the public can contact us, as well as developing and investing in technology and automation to drive efficiency.

11:00

I will talk specifically about the threat picture that presents itself today. Over the past year or so, that threat picture has changed significantly. As I said in my opening submission, that is driven by technology, conflict across Europe and the world, geopolitics and poverty. Those elements present new threats. For example, new technology presents new opportunities for people to commit crime and exploit vulnerable people. We are seeing rapid change in the way in which crime is committed in relation to its complexity, its diversification and its reach beyond Scotland and the rest of the United Kingdom to Europe and across the world. Increasingly, young people are being targeted by such crime.

I am sure that the committee keeps a close eye on the numbers of police officers and staff. It is important for me to say that, today, there are 900 fewer police officers and 700 fewer police staff than there were at the inception of Police Scotland. We can consider the way in which the world has changed in that time, particularly since I was last here, 12 months ago.

I will give some examples of how the threat picture is changing. We see increased activity around terrorist threats, including in relation to countering state threats, with which people will be familiar.

You will also be familiar with the organised crime feud across the central belt that started earlier in the year. There are currently 62 people on remand in relation to that feud. We are managing 90 mapped serious and organised crime groups. That represents 1,000 people involved in serious and organised crime, and some of them are children.

There has also been an increase in the use of cyber to commit crime, including fraud, and that has had an effect on the reach of such crime. Money laundering is on the rise, as we know from our partnership work with banks, which highlight suspicious activity.

I will give one additional statistic on an issue that needs careful attention as we discuss future funding for Police Scotland. People will be familiar with the online abuse of children, which is often identified to Police Scotland through other law enforcement bodies. Last year, we received just in excess of 700 notifications in relation to suspicions, information and intelligence about online harm relating to children. In one year, that number has increased to nearly 1,500. On receipt of such notifications, a considerable amount of work goes into identifying where the risk is, who the risk is against, how we safeguard the children, what the investigation should look like and then, obviously, moving into the criminal justice system. I will repeat that statistic—the number of notifications increased from 700 to 1,500 in just 12 months—because committee members might be asking themselves why this matters for the future funding of Police Scotland. That statistic tells you why.

We are seeing online-enabled violence against young people. The positive is that there is higher reporting of rape, sexual offences and domestic violence, which demonstrates confidence in our organisation, but the work that we need to be directly involved in is complex.

I will finish off by making a couple of further points. Over the past 12 months, protest activity—you will be familiar with this—has increased rapidly in terms of numbers, locations and the different dynamics that play out with people who want to make their feelings and points heard. There is extra demand in that area. In three years, the number of protests has doubled from just over 1,000 to more than 2,000. Obviously, such activity has an impact, predominantly at the weekend but also during the week.

Going back to your question about the ask, I have just outlined why that ask sits across our community policing footprint and an increase in resources there, and we have sought to identify for you the additional specialist support required to ensure that we can keep people safe and give people trust and confidence in Police Scotland.

The Convener: Thank you for that very comprehensive response. I do not have a follow-up question, so I will hand over directly to Liam Kerr, to be followed by Sharon Dowey.

Liam Kerr: I am very grateful, convener. Good morning. Chief constable, in your written submission, you set out that, should you not receive the additional £113.4 million funding requested for strengthening the front line, workforce modernisation savings will have to be identified. Can you put numbers on that in terms of officers? What would be the practical implications for policing, should you have to make those savings?

Chief Constable Farrell: I will ask my colleague Lynn Brown to come in on the numbers, but what I can say is that, when I have been before the committee previously, we have talked about the workforce mix. Police officer numbers are clearly important, but as crime and technology change, the skills that we need in our workforce have to change, too. This year, we have diversified, modernised some of our posts and brought in civilian investigators. We have brought in people with expertise in data science and the use of automation, so that we can drive efficiencies in how we do our business.

However, I will ask Lynn to answer your specific question about the impact of not getting the money.

Lynn Brown (Police Scotland): Good morning. The written submission details workforce modernisation, which is essentially about how we can release warranted officers to strengthen the front line and support the overall proposal with regard to community policing, organised crime and so on.

Workforce modernisation predominantly involves around 232 staff posts, and, really, the funding is required to enable that workforce modernisation to continue. Essentially, if we do not get the funding or if the funding settlement is less, we will have a funding gap and we will need to find savings.

Liam Kerr: I understand.

Chief constable, your written submission also talks about increased capital investment of £93.9 million that is required

“to deliver a basic rolling replacement programme of fleet, systems and policing equipment.”

What will be the implications if you do not get that £93.9 million? In particular, will body-worn camera roll-outs be delayed?

Chief Constable Farrell: Progress on body-worn video is moving at pace. We are more than 50 per cent through the roll-out, which is really

positive not just for us as an organisation but also for individual officer safety and for driving efficiencies in the wider criminal justice system.

Elements of that capital ask will enable us to replace equipment and kit and to service our estate—I will ask DCC Speirs to talk specifically about the estate in a moment—but something that I am keen that we do, and which features in that ask, is modernise the way in which the public can contact the police. If you want to contact us, you have to do so predominantly by telephone. Clearly, in a modern age, we need to be able to offer people different ways of contacting us that are convenient for them and that can allow us, in turn, to capitalise on any efficiencies that are generated and drive efficiency in our communication rooms.

That is one element. There are, as I have said, other elements such as the additional equipment that will allow us to modernise some of the ways in which we use our data and systems and, in addition, equipment that is required by policing across a whole range of functions.

Coming back to your specific question about the increases, I will ask DCC Speirs to talk about the estate.

Deputy Chief Constable Alan Speirs (Police Scotland): The committee will be well aware that Police Scotland inherited a large estate that has shrunk in recent years. We have gone from having about 550 premises to having about 330. The harsh reality is that many of the premises are not fit for purpose. Much of our spending on the estate is, quite simply, to keep the mechanical and electrical elements working. In the current year, an investment of £21 million is being spent across our estate, and we have 140 live projects. We are halfway through the financial year and we will spend the entire estate budget.

We have improved custody facilities in Tayside, refurbished the Braemar mountain rescue centre, relocated the Forfar police office and developed a fleet solution for our vehicles in Edinburgh. To support the welfare and wellbeing of operational officers, a number of cosmetic enhancement projects are running in the current year to improve the facilities for them across the country. Most importantly, we have a five-year capital spending plan to transform and develop the estate.

To answer Mr Kerr’s question, the challenge is our inability to realise the benefits of the transformation of the estate. In recent years, it has proved difficult to address the estate spend through our year-on-year capital budget. Our hope is that we will be able to have a multiyear plan that will give us the ability to develop and transform the estate over the next five years.

Liam Kerr: The figures before us that project what is coming up in future will have been prepared over a considerable time. However, the Scottish Government is proposing to release up to 1,000 criminals early between now and April. Did the Scottish Government seek advice from the police, based on previous release programmes, on the costs that Police Scotland might incur as a result of any early release? In any event, do you take a view on the Scottish Police Federation's recently launched "Assault the police? No early release" campaign?

Chief Constable Farrell: We have been present during the discussions with officials about the impact of overcrowding in prisons. The committee will know that Scotland has a higher proportion of people in prison than is the case in a number of European countries. When you look at that, you have to think that we have not got it right. Why do we have a disproportionately high number of people in prison, with the accompanying on-going issues of violence and overcrowding?

In our bid, we talk about an increase of 600 community police officers, who play a role in prevention and proactivity and who provide a visible presence on the street. They also have a role in working with local people and young people to try to get ahead of problems with alcohol and drugs and other issues that drive criminality. With regard to prison numbers, it strikes me that investing in good, strong community policing that gets ahead of some of the issues and takes a broader view on them is part of the answer to the question of ensuring that we have the right provision while also dealing with the underlying elements of offending.

On the early release scheme, the increase in prisoner numbers to more than 8,000 is symptomatic of a group of people who are going in and out of prison regularly. Collectively, we have to break the cycle by working locally to identify the precursors to criminality and get ahead of the issues.

I think that I am right in saying that it costs £47,000 a year to keep someone in prison and it costs £5,000 a year to wrap good support around them to prevent reoffending. It strikes me that that is where our focus needs to be.

I know that the former chair of the SPA has done some work on behalf of the cabinet secretary on how we can strengthen community justice. In some cases, I would be supportive of that, with the right community policing footprint. That is not to say that it is not right and proper that people who commit crime go to prison and feel the full force of us as an organisation and of the justice system—I say that just so that nobody has any doubt about that. However, you will all be able to think of youngsters in your constituencies who have had

poor young lives. Collectively, we want to break that cycle. Part of the answer lies with us working with partners on prevention at a local level.

11:15

Liam Kerr: I have one final question. You have been very candid and robust in your written submission and in your remarks. Last week, I read in *The Sun* that a senior police source has suggested that, if the police do not get the money that you say that you need and that you have asked for in the submission, you will not be able to do what you want to do and you would, therefore, consider your position. It is only fair that I give you the opportunity to respond to that report and say whether it is accurate. Regardless of the accuracy, how serious would it be for you personally, given how frank you have been, if you do not get the money that you say that you need?

Chief Constable Farrell: That reporting is inaccurate. Within my tenure, I have outlined a clear vision for Police Scotland: safe communities, less crime, supported victims and a thriving workforce. I am fully committed to that. I have operated within austerity in policing elsewhere, in 2008, 2009 and 2010, so I am familiar with driving efficiencies and making difficult decisions.

I am presenting to the Government and the committee my professional judgment in relation to the rapidly changing landscape in which we in policing are operating across Scotland and more broadly, and, based on data, the requirement for the organisation to ensure that we can deliver on that vision. That is absolutely my commitment, but it is set in the context that it will require more resource.

Correct me if I am wrong, but we are probably unique in being the only public sector organisation in Scotland, maybe with the exception of the Scottish Fire and Rescue Service, that has seen a reduction in resources since its inception. We are still operating and keeping the people of Scotland safe, and we are meeting all those additional demands, but we are at a crossroads. My ask in the submission is that there is reinvestment of some of the money that has been saved so that we can meet the threats and so that, with partners, our policing creates confidence and trust among the people of Scotland.

Liam Kerr: I am very grateful to you all.

Sharon Dowey: Good morning. Following on from Liam Kerr's line of questioning, the written submission says that you require £113.4 million in additional funding for 2026-27, which will go towards funding 850 officers and 348 staff. How have you concluded that those are the numbers of new officers and staff that are required for the

workforce? Will that funding be sufficient to meet the front-line demand?

Chief Constable Farrell: When I was here last year with my colleague Deputy Chief Constable Jane Connors, she spoke specifically about taking a more strategic view of our resourcing and the type of people who we need in the organisation. The written submission highlights and details three key elements—we have outlined those to make it digestible. There is an ask for 600 police officers for community policing to strengthen our existing community policing footprint. Then there is an ask for an additional 250 police officers to work in our serious and organised crime departments and on counter-terrorism, public protection, offender management and the management of our major investigations.

Over and above that, there is an ask for 348 police staff, who would be working in specialist roles in relation to the collective effort to manage threat, harm and risk. For example, on intelligence development, we work with the prisons to identify the individuals who pose the highest risk; we can operate across different communication networks; we do digital forensics and have forensic accountants who follow money that criminals move around; and we are investing in additional software engineers and data scientists. I hope that, from that, you can see that there is expertise that does not sit with police officers that is required to meet the threat that we face. We need the correct workforce mix in order to meet that threat.

Sharon Dowey: I understand that there will be fluctuation in the number of officers and civilian staff that you need, because someone who has digital expertise and is looking at cybercrime would not necessarily be on the front line. I understand that the figures change, but I want to make sure that there would be enough officers on the front line. When I am out and about, speaking to the public, I often hear about who have to stay on the line for half an hour or an hour on 101 calls and not getting a response on 999 calls. The submission says that some crime statistics are falling or are staying the same, but an awful lot of reporting says that crimes are not being reported in the first place, because people do not have the time to sit on a 101 call or a 999 call and then not get a response.

There is an increase in antisocial behaviour. I spoke to retailers last week and heard of one case in which a shoplifter threatened to stab a retailer with a needle, and, when the retailer phoned 999, they got no response. Of course, they then see huge media publicity around somebody who is being charged with breaking an umbrella. Is there enough funding for you to be able to go and sort out those problems? Will you be able to put in place enough officers and civilian staff to fix the

situation so that we do not have recurring issues with the public?

Chief Constable Farrell: We prioritise 999 calls over 101 calls according to their nature. I talked earlier about investment around modern contact with our communication rooms, so that it is not all by phone and people can contact us in the same way that they contact others in their daily lives. As part of that, I would seek to use technology and investment in technology to improve our performance in relation to the points that you outlined.

Theft from shops is an element of acquisitive crime that we have seen rise. That goes to my point around the additional 600 community policing officers—I mean “community” in the broadest sense, as in a residential area, business communities, our high streets or our shops. We want people to feel safe to go to such places and the people who run those businesses to know that we will identify those who are responsible for crimes that affect them. In some places, there is organised crime relating to shoplifting. We have seen good results from the additional £4 million that has been invested in our retail task force. I want to see that level of response across the whole country.

Sharon Dowey: I will move on. In your written submission, you state that the costs of new legislation

“have not always been accurately described or illustrated in previous pre-budget evidence submissions.”

You also note that it is estimated that dealing with new legislation will have

“a financial impact of £4.5m on policing for financial year 2026-27”,

which will rise to

“£22.9m by 2028-29.”

That is a huge difference.

Are you satisfied that the costs of new legislation, including the Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025, will be covered by the Scottish Government? If the funding is not received, what will the impact be?

Deputy Chief Constable Speirs: One of the challenges for us with legislation has been that there is a hidden cost. We have failed or struggled to identify the implications and impact of the introduction of new legislation.

In our submission, we have tried to be clear about the cost of that. Some of that cost is an opportunity cost, which relates to drawing resources away from other areas and taking officers away from their day job for training purposes. We have worked hard to be clear about

the impact of legislation, given how important it is, and about how we will deliver that programme.

We can see a number of pieces of legislation coming together at the current time, and we are confident that we have been clear about the implications and the associated costs.

Sharon Dowe: Have you put something in place so that the costs in the financial memorandum will be a lot more accurate, so that we can see the costs of a bill before it is implemented?

Deputy Chief Constable Speirs: Yes. In our recent submissions on the Police (Ethics, Conduct and Scrutiny) (Scotland) Bill, for example, we outlined at the outset what some of the costs would be. We quantified those in our submissions to the Government.

Sharon Dowe: There is a big difference between the £4.5 million figure for 2026-27 and the £22.9 million for 2028-29. What is the reason for that?

Deputy Chief Constable Speirs: That is because a range of different legislation is coming in. Elements of some of the legislation that is coming in will have an impact on a proportion of the organisation, and there is broader legislation that will have an impact right across the organisation. It is a matter of working out the precise implications of any particular piece of legislation.

Sharon Dowe: If you do not get the full amount for the implementation of legislation, what will the impacts be?

Deputy Chief Constable Speirs: Our challenge is prioritisation. There is a real commitment from Police Scotland to deliver, and we work with the legislation that supports the services that we provide. That brings me back to the point about difficult choices: if there is a choice, we will have to choose to prioritise training that relates to new legislation, rather than what might be considered less essential training. Our focus would be on prioritising our workload, and some things would have to come back from that.

Jamie Hepburn: Good morning. Chief Constable Farrell, you have talked about the need for the budget to cover the increased national insurance contribution costs. Could you tell us what the cost has been to Police Scotland this financial year and what the forecast cost is for next year?

Chief Constable Farrell: I invite Lynn Brown to respond.

Lynn Brown: Our written submission outlines the impact of the national insurance costs, which were a result of the changes that were announced

by the UK Government in October last year. That has meant £25 million-plus of pressure for policing in the current financial year, so that is a cost that we are incurring now. We have managed that in the current financial year through additional in-year funding from the Scottish Government, with some one-off, non-recurring benefits within our own budget, although that is not sustainable.

As I said, we are incurring that cost now, and it involves our workforce. Given that our budget is spent predominantly on the workforce—86 per cent of it is—that is a committed cost. That is why we outlined in our submission that we really need that funding to be baselined in future. We have positioned that slightly differently in that we want it to be baselined into our funding settlement, because it is an existing cost. That has been captured as part of the pressures, and it forms part of the £104.9 million figure that we have put forward.

Jamie Hepburn: Do you have a forecast cost for the coming year?

Lynn Brown: That cost is caught up as part of the overall impact. I do not have a specific national insurance figure for 2026-27. It is included as part of the £61.2 million for pay award and uplifting costs.

Jamie Hepburn: Focusing on the figure of £25 million that you mentioned, approximately how many police officers would that pay for?

Lynn Brown: Five hundred.

Jamie Hepburn: That is useful to understand.

Your submission has been helpful, and I thank you for sending it to us. You have also touched on this point in some of your responses thus far, chief constable. One section of your submission discusses “emerging issues”, and I want to go through a few of those that you have set out. I appreciate that you might not have an answer as to the specific costs, so you might have to come back to us on that.

You noted the

“anti-immigration protests focusing on hotels”.

I do not know whether there is a way of working out what the costs of that to Police Scotland have been.

You also mention having to police

“the proscription by the UK Government of ‘Palestine Action Group’.”

Again, I do not know whether you have a figure for the cost of that to Police Scotland.

There was also operation roll 2 for the visit of President Trump. You mention

“the significant demand placed upon policing in Scotland”,

which we would all understand would be the result of such a visit. What was the cost of that?

11:30

Chief Constable Farrell: We are seeing a significant increase in protests, which is driven by the things that I have mentioned and that you are well aware of. We are involved in the policing of protests, which are predominantly at the weekend, although we are seeing more activity during the week. My professional view is that the number will continue to rise, given some of the United Kingdom-wide and broader issues that people feel very strongly about. We have seen a doubling of protests over the past three years.

In addition, we are seeing an increased requirement in relation to sporting events, and we are seeing increased violence around football matches. The impact of that manifests itself in a number of ways and relates predominantly to our officers. We are cancelling more time off to meet the requirements. If we cannot give our officers the days back within 90 days, the regulations say that we need to pay them for that time. That is set against the reduction in the number of police officers, so we are seeing pressure on the organisation and on the people—we are cancelling their time off, paying overtime or subsequently paying them additional recompense three months later.

That is putting stress and strain on people, and it is not a sustainable position in terms of the impact on individuals and on the budget. In effect, we are having to use the budget for this year—we are overspending in relation to our overtime because of those additional demands. We can see that impact.

Jamie Hepburn: Is that quantifiable? I realise that you probably cannot give me a figure now, but could you tell us the costs of policing anti-immigration protests and hotels? Could you tell us the costs of policing the proscription of Palestine Action by the UK Government and of operation roll 2? In addition, do you have information on the costs of policing violence associated with sporting events—primarily football? It would probably be helpful to understand that, too.

Deputy Chief Constable Speirs: We absolutely can give you that information. It largely comes down to officers' time. Even in the weekend just past, in addition to policing planned sporting events—largely football—which involved more than 1,000 officers over the weekend, 300 officers were deployed to support protest activity across the country. As the chief constable said, we are drawing on people's own time and we are paying overtime, which is having a negative impact. At times, we are drawing officers away from

communities. In the month of September, our overtime spend was £3 million, a large part of which was driven by the demand that is being placed on services. We can certainly come back with the precise costs around operation roll 2.

Jamie Hepburn: It would be useful to have the costs broken down for each of those areas.

I think that you have answered the question. In effect, you just have to deal with those issues within the budgetary envelope. It is not as though you can forecast or plan for that. What is the operating assumption at the start of any financial year for that type of activity?

Chief Constable Farrell: Some events are a given, so we know in advance. We have a strong track record in relation to sporting events and other major events. We always anticipate some level of protest—it is a democracy and that is about supporting people's human rights. However, to take you back to what I said at the beginning, events worldwide are affecting what happens on the streets of Scotland.

With some protests, tactics change. Although some of the numbers are not at the level that we have seen previously, the protests happen very much at short notice. We do not have the luxury that we have with sporting events, when we know the programme well in advance. We are making quick decisions on our ability to support the protests that are popping up at short notice.

We have a strong track record of engagement with the people who are involved in individual protests and their rights regarding that. However, the tactics always change, because people want to make sure that their voice is heard. We see that, and we are constantly having to evolve in that space.

Jamie Hepburn: If we could get that information, that would be really helpful.

Chief Constable Farrell: Sure.

Jamie Hepburn: Thank you.

Fulton MacGregor: I have a supplementary question on the exchange about sporting events. I want to home in on football in particular. We have heard about that issue at the Criminal Justice Committee for a long time, going back to the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, if you remember that. It always seems ridiculous that the police have to pick up the massive cost in resources for that.

The requirement for policing does not relate only to the events themselves—that is, the actual matches. There have been protests at Rangers and Celtic matches recently, which a police presence has been required for. What discussions

are taking place with the clubs about them managing their fans? This might be more a question for the Government than for the police, but has there been any discussion about clubs picking up some of the cost of that?

Chief Constable Farrell: I will talk a bit about the costs, and then I will ask Alan Speirs to come in on the broader issues.

I cannot remember which year it was—it goes back many years—but there was a judgment through the courts that had a specific impact and that drew a line as to who picks up the cost for policing football matches. The judgment was that the clubs would only pay for the policing within the stadium. You can picture what the impact of that is in relation to policing before the match starts, around the stadium in whichever city or town we are in, and then following the match. Most of the cost is picked up through the individual policing organisations. I think that people have sought to challenge that ruling, but it has stood for some considerable time.

Deputy Chief Constable Speirs: We are well engaged with football clubs and with local authorities, but our policing challenge regarding football is never in and around the stadium; it is in the broader context. I will again use the example of the old firm game at the weekend. We had a relatively small footprint in the stadium, but we had more than 800 officers deployed in and around the stadium and in and around Glasgow. The demand on resources in the broader context, which allows people to go about their day-to-day lives, is really important. European football brings additional challenges, which we will also see this week in Glasgow.

That is where the draw on our resources is. From our perspective, it feels as though it is a challenge for us to address, and we bear all the costs that are associated with policing the broader event.

Chief Constable Farrell: I would not want members of the committee to think, “Why have you not done anything to make some improvements in that space and maximise those resources?” We are working through a programme in which officers who have jobs that are more office based or week based are now required to offer some additional support at the weekends. We have to maximise our resources and to, as I call it, wring out as much as we can within our workforce.

However, that comes at a cost, because an officer who works at the weekend—maybe at an event or a protest—will need to go back to their core role. We are trying to squeeze as much out of the organisation as we can to meet these demands. To further illustrate that point, in excess

of 90 officers have been moved from more back-office functions—when I say “back-office functions”, I do not mean that they are not important—to front-line roles.

I would not want members to think that we are not considering opportunities to maximise the resource where we see those increased demands, whether that is at weekends or specifically in relation to areas of business where we need additional capacity.

Fulton MacGregor: Thank you.

Pauline McNeill: Chief constable, I want to ask you first about the closure of police stations. A number have closed for different reasons, although it has mainly been for budget reasons. There is a list of proposed further police station closures, although I believe that some of those are being held back for the budget outcome. The situation is concerning for communities, as well as for police officers. If I consider my constituency in Glasgow, were Stewart Street station to close, Baird Street would be the nearest. There are implications for everyone.

If the Government acceded to your request for budgetary capital and revenue, what would that mean for those police stations? Would it give you room for manoeuvre to save some of them?

Deputy Chief Constable Speirs: It would make a difference to how we develop our estate. One of our key themes is about transforming the estate. You highlighted Glasgow, and we would like there to be a different model there. We recognise that buildings such as those on Stewart Street and Baird Street are of a certain generation. They are not fit for purpose, and they are expensive and difficult for us to operate. We would like there to be a different response and community policing model.

In recent years, we have worked hard on co-locations—we now have more than 70 co-locations across the country. We would look to transform Glasgow in a way that acknowledges that response officers play a particular role. We could have them in different locations. We would look to develop a more effective community hub model, so that our community officers and some of those response officers and teams could be more accessible to the public. That would allow us to realise a more innovative way of using an estate.

Pauline McNeill: Chief constable, you told the committee that, with the exception of the Fire and Rescue Service, the police might be the only public sector organisation that has taken such a reduction in its budget. Have you had that conversation with the cabinet secretary and put that to her directly? If so, what was the Government’s response to that? It is alarming to hear that, given what you have outlined to the

committee about the challenges of policing and how important it is to communities.

Chief Constable Farrell: I have discussed with the Cabinet Secretary for Justice and Home Affairs everything that we have discussed here today. She is fully aware of the details that you have heard. She is also fully aware of the threat landscape, as I describe it, and how that has changed in the past 12 months. Discussions with her are on-going.

Pauline McNeill: I want to be clear in my mind about the numbers, because there are a lot of numbers. You told the committee that you have already lost 900 officers. Over what period did that happen?

Chief Constable Farrell: Those 900 officers have been lost since the inception of Police Scotland. DCC Speirs will take you through the history of how the numbers have changed.

Deputy Chief Constable Speirs: The variation in police officer numbers between the summer of 2013 and the summer of 2025 is around 900, and there has been a sharper reduction in police officer numbers in the years since Covid. Even in the current year, simply to make the budget work for us, our officer numbers have gone from 16,600 to 16,500. We reach that target only on one or two days a month, and that is because officers retire. We have a new intake of officers on Monday, which will take our numbers to 16,531.

In parallel, there has been a slightly smaller reduction in staff numbers in the same period. Around 1,600 employees have left the organisation over that period.

Pauline McNeill: If there is no improvement to the proposed budget, would that take the numbers down further than the existing establishment?

Deputy Chief Constable Speirs: Eighty-six per cent of our budget is spent on employee costs. We have very little movement on non-employee costs, so any reduction in elements of the budget would have an impact on our workforce. We report monthly to the Government on police officer numbers, and any movement in the budget would have an adverse impact on those numbers.

11:45

Pauline McNeill: Chief Constable Farrell, I think that you said that the ask in the budget was for 600 community officers and 250 officers to work on the challenges of serious and organised crime. I presume that that would be experienced officers, but you can tell me if that is not the case.

Chief Constable Farrell: The officers are for work on serious and organised crime, counterterrorism, major investigations and public

protection—safeguarding and investigation of sexual offences and domestic abuse. We are asking for 850 officers and 348 staff. That is over two years, as we say in our submission.

Katy Clark: I will pick up on some of the points that have just been made. Chief Constable Farrell, I hear clearly what you are saying, particularly in relation to the increased threats. However, over many decades, we have seen a shift in policing, and the constant complaint of people and communities that elected politicians hear—and have heard over many decades, because this is not new—is that, increasingly, when someone calls the police when there has been an incident, they do not come and that there are fewer police around.

There used to be police in communities, including in small towns—there was visible policing—and there has been a move away from that over a long time. That has been a deliberate policy; a decision has been made that that is not the best use of policing resources. I have had that justified to me by people from the police on many occasions over many years. They have told me that there is a need to centralise resource into some of the priorities that you have highlighted, such as counterterrorism work and work to tackle organised crime and cybercrime.

There is absolutely no doubt that there has been some success in that regard. You have also spoken about the number of organised crime offenders who are in prison, which is another example of some of that success. There have also been many successes related to the work at Gartcosh, for example. However, the cost for local people and communities is that, when they phone the police—in justifiable circumstances, about a crime—they are not getting the service that they believe that they are entitled to, that many other people believe they are entitled to and that, I have no doubt, you would wish people to be entitled to.

Part of the ask that you have come to the committee with today is for community police officers, so can you say more about what you mean by “community police officer”? If we were able to persuade the Scottish Government to agree to your request, would that mean more visible policing in communities and that, when there was an incident, it would be more likely that the police would be available to provide that service? Will you expand on that? If you want, you can also talk about some of the pressures that you face, but I ask you to comment on how we drive resources so that there is a better service in communities.

Chief Constable Farrell: I will go back to what you described in the early part of your question. You spoke about a deliberate decision, and I think that deliberate decisions were made. That goes

back to the threat picture. Over time, we need a response to modern slavery and we need additional resources in relation to safeguarding, vulnerability and domestic violence. Those were all right and proper decisions.

However, what is left is not the community policing footprint that I would want but what you describe as a situation that does not meet the needs of communities. That is not to say that we do not have good community policing, but, in my view, it needs further investment, so that we have police visibility. We need named individuals who people know. We need to build relationships with people and to play our part with partners in safeguarding people and ensuring that we deal with those matters, because although some of those cases might be at the lower end of the scale of antisocial behaviour and criminality, that does not mean that they do not have a significant impact on the people concerned.

You point to some of our successes in tackling serious and organised crime. All of that happens in communities. Those criminals are people's neighbours—the people they see across the road with money and cars. Therefore, with regard to the investment that we have asked for, it is important for the committee to consider that that is for what I have described in the submission as an ecosystem. We need strong community policing that people can rely on and that is responsive; people need to know that they are going to get a good-quality initial response and investigation; and, at the same time, that needs to form part of the ecosystem that supports the more specialist areas of business, but those areas need to operate as a whole.

The response to operation portaledge involved different resources, including community police officers who were visible in those communities and who were trying to reassure people at a time when they were seeing criminality that I do not think that we had not seen for some time, if ever. It is important to me that what you could expect to see from the additional investment are: a better response; better-quality investigations; a visible presence to get ahead of issues; and working with partners on problem solving and prevention.

Katy Clark: Therefore, you are saying that those 600 community police officers primarily would be community focused. I appreciate that they might get called off to do other things on occasion, such as when there is a big event, but, in broad terms, they would be focused in communities, so you would hope that that would increase the visibility of policing in communities and the feeling in communities that they are getting a better service. What kind of impact would 600 officers make across Scotland?

Chief Constable Farrell: It would be 600 in addition to what we already have.

Katy Clark: Do you think that that would be sufficient to make a tangible difference?

Chief Constable Farrell: The Scottish Police Authority has scrutinised a piece of work, specifically on policing our communities and on what is reasonable and what would bring about the differences that you describe that people need to see.

The Convener: We are a little bit over time, but I have a final question that relates to some work that is going on in the Parliament, across the committees, which are looking at their individual sectors and portfolios in the context of what public sector organisations are doing to reduce emissions. Collectively, we are looking to address climate change. Will you comment briefly on what work is on-going in Police Scotland to reduce carbon emissions?

Deputy Chief Constable Speirs: Police Scotland has a sustainability team. At the previous SPA board meeting, we presented an annual report on sustainability, which showed considerable progress on reducing our carbon footprint. During that meeting, it became really evident that, in some ways, we have taken the work on the estate as far as we can. We have an incredibly strong fleet, a large proportion of which is made up of electric vehicles, and our ambition is to continue to progress that. We report regularly, and we look at our progress, which we quantify, at our monthly meetings; that information was publicly presented at the previous SPA board meeting.

The Convener: Is that important work included in the budget submission that you have provided? We are looking at issues from a budget perspective and considering the implications of that work in the context of your policing budget.

Deputy Chief Constable Speirs: Lynn Brown will be able to say more about the budget, but we have been very successful in recent years in looking at what other grant opportunities exist to help us in that regard, and we have been able to draw down additionality to make progress on that. Whether our spend relates to the estate or the fleet, sustainability is at the heart of our decisions.

Lynn Brown: The sustainability team is funded through our core budget, so that is included in the revenue budget.

As Deputy Chief Constable Speirs mentioned, fleet and the estate are key areas of investment with regard to sustainability. We want to have a modern, fit-for-purpose estate. That is outlined in our written submission, which includes the capital expenditure plan on the investment that is required

in the fleet over the medium term and the investment that is required in the estate. However, the key aspect is the multiyear impact of the investment.

The Convener: I apologise that we have gone over our time. Thank you, all, for a really helpful session.

The committee will suspend briefly to allow for a changeover of witnesses.

11:55

Meeting suspended.

12:00

On resuming—

The Convener: From the Scottish Police Authority, I welcome to the meeting Fiona McQueen, who is the chair; Alasdair Hay, who is the vice chair; and Chris Brown, who is the chief executive and accountable officer. I warmly welcome you all and thank you for your written submission. I remind members that I intend to allow around 60 minutes for the session. I invite Fiona McQueen to make a short opening statement. We will then move to questions.

Fiona McQueen (Scottish Police Authority): Thank you very much for the invitation to contribute to the committee's pre-budget scrutiny. When developing a budget for the years ahead, the Police Authority has two essential objectives: first, allocating funding that delivers an effective and sustainable police service for Scotland; and, secondly, continuing effective financial management through setting a balanced budget and ensuring best value. Our focus is on ensuring that the budget sets out clear priorities, supported by evidence, realistic timescales and transparency about any implications, thus enabling public understanding and effective Police Authority oversight.

Policing in Scotland continues to be a strong example of what structural reform can achieve. Although reform was not without challenge, it has delivered equity of access to specialist services for every community across Scotland, it has improved operational performance and it has demonstrated that significant efficiencies can be achieved through amalgamation and collaboration. Police Scotland's performance remains high, from managing major events to maintaining one of the strongest homicide detection rates in the UK, and the service is held in high regard nationally and internationally. Reform has also delivered on the wider expectations of public service reform: prioritising the front line, working collaboratively with partners and aligning with Government

priorities on sustainability, fairness and economic resilience.

However, as we heard this morning, the operating environment for policing is becoming increasingly complex. Crime is changing, civil unrest is rising, workforce pressures are real and public confidence has declined, unfortunately. We cannot ignore those signals. The chief constable has set out a clear 2030 vision for a modern, responsive and sustainable police service—one that strengthens the front line, supports victims and builds safer communities. The Police Authority fully supports her operational assessment and the additional investment required next year to maintain the trajectory.

We recognise, however, that even maintaining current capability will require a further £104.9 million by 2026-27 simply to meet unavoidable cost pressures such as pay, inflation and the implementation of new legislation. Capital investment remains a critical constraint: although the £93.9 million proposed for 2026-27 will sustain essential replacements of fleet systems and equipment, it falls short of what is needed for modernisation and technology-driven efficiencies. Multiyear allocations, retention of capital receipts or restoring borrowing powers could all help to ease the pressure.

I want to reassure the committee that the Police Authority recognises the importance of effective oversight. We are proud and supportive of policing, but we are equally committed to robustly testing and challenging the service to ensure efficiency, effectiveness and continued improvement, and to provide the Parliament with clear assurance that policing is delivering best value for the people of Scotland.

The Convener: Thank you for that opening statement. I have a general opening question, which is similar to the one that I asked the chief constable in our earlier session. Does the Scottish Police Authority support the case made by Police Scotland for uplifts of nearly £105 million in revenue and £94 million in capital for the year 2026-27? If so, what discussions have you had with the Scottish Government on that? What action might be required if the settlement for Police Scotland is less than what has been requested?

Fiona McQueen: We have had discussions with the Scottish Government and many conversations with Police Scotland about its budget ask. We are supportive of its ask, which is needed to move forward. At the same time, we are constantly looking for evidence of continuous improvement in policing standards, as well as broader efficiency savings, although, as Alan Speirs rightly said, they are difficult to make, given that a large proportion

of Police Scotland's budget is spent on the workforce.

We have had wide-ranging discussions, and whatever budget is delivered next year will affect the action that Police Scotland will need to take. I ask Chris Brown to say a bit more about that.

Chris Brown (Scottish Police Authority): It is always worth reinforcing the point that the £104 million that the chair mentioned would be the standstill position—that is the funding that would, in effect, result in no change from today. It would cover pay pressures, national insurance increases, which we have spoken about, and some inflationary pressures.

An additional £33.7 million is required to begin the chief constable's ambition to recruit 850 extra officers and 340 additional members of staff. If that £33.7 million is not provided, those plans will be jeopardised immediately. Anything short of £104.9 million would mean that some kind of reduction would be required. As we heard from our colleagues in Police Scotland, given that 86 per cent of the cost base is spent on the workforce, realistically, that would mean that there would need to be a reduction in the workforce.

The Convener: One of the issues that has come up in our budget scrutiny over the past few years has been the benefit of multiyear funding. In your written submission, you say:

"We continue to seek more appropriate funding arrangements",

including multiyear funding, which would provide

"the ability to carry forward ... reserves and statutory borrowing powers".

Have you had any conversations or engagement with the Scottish Government regarding multiyear funding? Have you made any progress in that regard?

Chris Brown: To be honest, multiyear funding has been part of the conversation since I can remember. If we see the next budget round as a spending review, we certainly hope to have some multiyear certainty, particularly on capital spend. The specific issue with capital is that we are entering into long-term commitments to spend money, so living hand to mouth every year is definitely a suboptimal position to be in. Any multiyear certainty on capital spend would be particularly welcome, although it would also be welcome on the revenue side. When you try to land precisely within a capital budget every year, you might make decisions that, ideally, you would not make in relation to value for money.

Having multiyear certainty, coupled with some ability to carry forward reserves or even to borrow—we have made that argument consistently over a number of years—would

certainly help us to better plan for the future and build the momentum that we need to address, in particular, the legacy estate.

The Convener: Fiona McQueen, in relation to that landscape, Katy Clark asked the previous witnesses about embedding community policing as a clear part of the policing response in Scotland. The chief constable took a fair bit of time to outline the complexities and challenges related to shifting crime types, which we all understand. How confident are you that it is possible, in the fiscal climate that we face, to achieve an optimum policing response that provides reassurance in communities and is able to effectively respond to the more complex policing challenges that are emerging and that the chief constable set out?

Fiona McQueen: The chief constable referred to the fact that Police Scotland has had dialogue with us on providing the evidence for the community policing service. She also talked about the ecosystem. In people's minds, we have community policing, response policing and other, more centralised services, but they are all interlinked. We expect the police performance committee, which Alasdair Hay chairs, to look at the evidence that we provide. With any additional budget that Police Scotland might get, we would look for evidence of effective implementation and would ensure that it was used for the intention of community policing.

Some of that is about measurement—how many officers are there on the beat and so on? Some of it is about other data, such as on public confidence, which we would expect to increase. That is how we would approach it.

The Convener: I will perhaps come back to that later. In the meantime, I bring in Liam Kerr, followed by Jamie Hepburn.

Liam Kerr: Chris Brown, you heard me earlier investigate the potential consequences for the police workforce if they do not receive the additional resource funding that they have requested. In your remarks to the convener earlier, you said that that would mean fewer personnel. What do you understand to be the implications that not receiving the full funding requested and a reduced workforce would have on policing in Scotland?

Chris Brown: It would depend on how much of a shortfall there was against what is being asked for. There are a range of scenarios, including Police Scotland receiving a flat-cash settlement, standstill funding or—the scenario that we support—additional funding for the extra resource that the chief constable has asked for. If we take flat cash as an extreme—in other words, no additional year-on-year revenue funding—to be blunt, we would not be able to set a balanced

budget in 2026-27. It would not be possible. It would take two years of recruitment freeze, in essence, to balance the budget under that scenario.

The reason that that is the case is that so much of what is being asked for is already committed. The genesis of most of the ask is the two-year pay award that we agreed with staff and officers earlier this year, and there is obviously the national insurance increase on top of that, too. In the extreme case, that would mean mothballing the police college for two years. The implications of that for policing in Scotland are very serious, but I emphasise that that is the extreme scenario if it was to be flat cash. Using the ready reckoner that my colleague Lynn Brown used earlier, I note that every £25 million of shortfall would equate to roughly 500 officers or staff.

Liam Kerr: You heard me earlier talk about the capital side of things. The SPA submission says that

“underinvestment in the police estate and technology remains one of the most pressing investment issues for policing”

and that the move to the single force has exacerbated that. The submission suggests that Police Scotland requires an increased capital investment of £93.9 million

“to deliver the basic rolling replacement programme of fleet, systems and policing equipment”,

which does not include some other things that would ideally be done. Again, this begs the question what would not receiving the increased investment mean for that basic programme, and what are the practical implications for policing?

Chris Brown: The first thing to say is that the integration of the legacy forces has not in itself exacerbated a problem of underinvestment. It has simply been a function of how much capital there has been at any point. Those two things are probably slightly independent of each other.

12:15

There is a fairly good argument that some of the investments that we have made have been possible only as a result of having an integrated organisation whereby things are delivered once rather than multiple times. That applies specifically to technology-type investments. The estate is completely different. Integration opens up possibilities to consolidate and reduce the footprint and so on. However, I digress slightly, because, with the estate, in particular, when there is a shortfall of £93 million, there is a bit more of a retrenchment into basic health and safety and maintaining buildings. For context, the maintenance backlog for our estate currently sits

at £245 million, and that number will only get bigger if the estate is not modernised.

The chief constable added a bit of nuance earlier. The £93 million is not only for rolling replacement. It is about starting to build some momentum in technology and the estate to ramp up to a higher level of capital spend year on year, to reach the £150 million mark. We are starting from £70 million this year, so next year would be a transitional year to ramp up to the level that will be required to address the legacy estate and properly modernise it. That has not been done to any great extent during the past 10 years.

Liam Kerr: Just to clarify, I made my point about the single force because, in your submission, you said that borrowing powers were lost as a result of becoming a single force. That is an important point.

Jamie Hepburn: I will focus my questions on the Police Authority’s corporate costs and corporate function. It is important that you are appropriately funded in your oversight role. Your submission makes it clear that the corporate function was allocated 0.4 per cent, or £5.5 million, of the policing budget in 2025-26. The submission said:

“When benchmarked against other similar policing oversight bodies, this reflects favourably.”

Can you evidence that? Which bodies are you comparing yourselves with? What is the equivalent amount of funding that they receive?

Fiona McQueen: We would argue that we provide value for money as an oversight body through cost effectiveness. A recent move from Pacific Quay to Dalmarnock has demonstrated efficiency savings, which have meant that we have been able to live within our flat-cash budget. Anything else can go to Police Scotland.

I will ask Chris Brodie to say a bit more about the overall benchmarking.

Chris Brown: We benchmark favourably in comparison with the Metropolitan Police and the Police Service of Northern Ireland, for example. Those are the two that I can remember off the top of my head.

The other thing worth remembering is that the costs that we incur as a corporate body include costs that benefit all of policing, including Police Scotland and forensic services. An example is internal and external audit fees, which are in the region of many hundreds of thousands of pounds. Therefore, the circa £5.5 million that the chair described includes costs that do not specifically relate to our oversight function.

Jamie Hepburn: The comparison is with the other UK authorities.

Chris Brown: Yes.

Jamie Hepburn: It might be worth us looking into that a lot further.

What is the cost to the Police Authority of the increased national insurance contributions? I asked Police Scotland a similar question.

Fiona McQueen: We clearly have an increased cost. I will hand over to Chris for more detail on that.

Chris Brown: I do not know what the specific amount is. It will pale in comparison with the cost to Police Scotland, but the number that was provided earlier was for the whole of policing, including the authority and forensic services. The £25 million includes all of that.

Jamie Hepburn: That is useful clarification and is helpful to understand.

The chair of the authority has given an indication of how some of the savings have been achieved. The submission talks about the savings delivered during this year amounting to around £300,000. Is that against the budget of £5.5 million—meaning that expenditure will be £5.2 million—or would the budget otherwise have been £5.8 million?

Chris Brown: The budget would otherwise have been £5.8 million.

Jamie Hepburn: Again, that is useful to understand. Your submission goes on to say:

“we remain committed to driving further efficiencies in our own activities.”

Can you set out at this stage what that might mean? Is there a quantifiable figure at the moment, or will it emerge down the line?

Chris Brown: I could not put a figure on that now, but we are constantly looking at ways to organise ourselves and, to put it simply, spend as little as possible. We take our position as a scrutiny body very seriously and, therefore, we must live by the standards that we seek to impose on Police Scotland, so to speak.

Jamie Hepburn: That, too, is helpful to understand. The committee would be interested in hearing what further steps are taken in that regard as that emerges.

Sharon Dowey: Good morning. My questions are similar to those that I asked the previous panel. In its written submission, Police Scotland stated that the costs of new legislation

“have not always been accurately described or illustrated in previous pre-budget evidence submissions.”

Are you satisfied that the costs of new legislation, including the costs associated with the Police (Ethics, Conduct and Scrutiny) (Scotland) Act

2025, will be adequately covered even if Police Scotland’s budgetary requests are not met in full by the Scottish Government?

Fiona McQueen: As the oversight body, we absolutely have to ensure that Police Scotland responds to new legislation in a safe, proportionate and effective way so, through our oversight, we will ensure that that happens.

If the additional costs were not met, they would need to be met through additional moving of budget around. Sometimes, that is not as concrete as we would like it to be, but we would certainly see that as part of our oversight, through reporting—either through the people committee, if the costs related to training, or through the policing performance committee, if they related to enactment of new legislation. Clearly, our complaints and conduct committee will look at the new police ethics legislation.

Sharon Dowey: What will the implications be if you do not get the full budget settlement for that?

Fiona McQueen: Money would need to be moved from elsewhere in the budget. That might involve staff reduction in other areas or the stopping of a particular piece of training. Resources would need to be shifted to prioritise that.

Sharon Dowey: I also want to ask for an update on the work that is being done on forensic services and the potential future impact on revenue and capital budget requirements. Your submission says:

“Forensic Services are being delivered at a cost of £47.4 million in the current 2025-26 financial year. This represents 3.2% of overall policing budget and ... we don’t expect this percentage to significantly change in the year ahead.”

We have a big drug problem and there has been an increase in drug driving. In the submission, you mention that public confidence is declining. There seems to be a correlation between that and the fact that there are far fewer road traffic officers. The increase in drug driving might be a result of not having enough toxicology checks. There has also been an increase in accidents. Are you confident that the budget increase that Police Scotland has requested will allow more road traffic officers to go out? Do you have enough money for forensic services?

Fiona McQueen: The prioritising of the deployment of police officers is a matter for the chief constable. I will bring in Alasdair Hay to talk about how policing performance is overseen and reviewed, whether in relation to road policing or accidents.

With regard to drug driving, as you know, the Government committed money to provide all traffic

officers with the new drug driving swabs. There has been a successful pilot in Shetland, and the programme is being rolled out gradually. As you might know, it is coming to East Ayrshire and, I think, Aberdeen. We are rolling it out gradually so that we can test how much additional drug testing will need to be carried out by forensic services for drug driving. That will be monitored. We are satisfied that, certainly for next year, we will have sufficient money within the forensics budget. We will have to outsource some of the testing, but we are satisfied that we have sufficient funding to do that.

I ask Alasdair to say a bit about how we monitor performance.

Alasdair Hay (Scottish Police Authority): Good afternoon. When it comes to performance, we start off with the strategic policing plan, which our 2030 vision feeds into. In the 2030 vision, the chief constable has set out the ambition for safer communities, less crime, supported victims and a thriving workforce.

We have agreed a new performance and accountability framework this year, which has a number of strategic indicators on whether progress is being made towards those ambitions—and, importantly, through them—towards the delivery of the strategic policing plan. Sitting underneath that are key performance indicators and, underneath those, detailed management information. We have the opportunity to scrutinise and delve down into management information if the strategic or key performance indicators indicate that that is necessary.

One of the areas that have come up as concerns, which you have highlighted, is roads policing. At the recent policing performance committee meeting, we had a presentation on roads policing from the newly appointed chief superintendent, who is introducing a strategy for it. As that evolves, we will be able to exhibit a real curiosity around that issue, to check and test the projections that the chief superintendent is making and the evidence that the resource that is required is delivering against the ambitions that are contained in that strategy, and to see how they feed into the ambitions that the chief constable has set out in vision 2030.

A comprehensive oversight, performance and accountability framework surrounds all of that. If things are not going as planned, we will ask for explanations. However, to be fair to Police Scotland, if things are not going as planned, it uses the management information that it has to make adjustments. Decisions on how the chief constable will allocate the resources that are available to her will ultimately—rightly—lie with her, as the chair has said.

Katy Clark: Alasdair, you used the word “curiosity”. I am interested in understanding a little more about how the authority identifies issues of concern. We know that there has been a reduction in public confidence, which has been referred to; we have had very serious allegations about sexism and misogyny; the Sheku Bayoh inquiry has been going on for a lengthy period; there are clear allegations about racism in the police force; and we also have concerns about the policing of some protests, such as those by Palestine Action.

How do you and your organisation identify issues of concern? You have spoken about the matter in quite a managerial way, but I am trying to understand how you work to drive the changes that you identify as being required in the police, given some of the concerns that the public have raised.

Fiona McQueen: We gain data and information on the issue of discrimination—sexism, misogyny, racism and other forms of discrimination—in a number of ways. We do our own public polling, our complaints and conduct committee looks at complaints, and we also have our internal survey. Indeed, there are two components, internal and external—that is, towards the community—to the issue of sexism, misogyny and racism.

We expect to see a response from Police Scotland that demonstrates commitment, and we are absolutely confident that the chief and her senior team are committed to ensuring cultural change. We receive reports, whether through the policing performance committee for some aspects or, more likely, through the people committee for others, and we see the practical differences that that change is making for people.

We recognise that cultural change takes time. I am not being complacent—the culture continues to need improvement. However, we are confident that there is a commitment from Police Scotland to make changes. When we consider the evidence that it is putting changes in place, we look at evidence of the effectiveness of those changes and whether they are making a real and practical difference.

At a recent authority meeting, we considered the report on the policing together strategy, which takes on all the discriminatory points and the cultural change. At that meeting, we also received reports on the policing of protests, and we expect a further update on that at our next authority meeting.

We have to work through our systems and processes, but we use a variety of methods including triangulation, testing out what is happening—as long as we get the data—and the independent polling that the authority does.

12:30

Katy Clark: What is your organisation's assessment of the scale of the challenge and how bad it is? It would be helpful for the committee to know that.

Fiona McQueen: There are many areas of good practice across Police Scotland, where people are treated with respect and without prejudice. That happens from day to day on our high streets, in people's living rooms and at the big incidents. There are also areas where improvement is needed, and that is where we have to focus. We want to build on success and ensure that we shine a light on what is good about the action that is being taken, but we recognise that we must not be complacent and that there is still some way to go to make real and tangible changes.

We have, as an internal element, the your voice matters survey, the results of which we are expecting. We have the baseline from last year, so this will be the first year that we should see—I hope—improvement. However, we will see what the data shows us with regard to taking things forward.

There are some areas where things are going well; we can see and measure that, and it is tangible. However, in other areas, we are continuing to press for significant improvement until we finally eradicate discrimination.

Alasdair Hay: I want to expand slightly, although not specifically, on the discrimination aspect by pointing out that we have very strong links with local government, too. We regularly meet local scrutiny conveners, and the Convention of Scottish Local Authorities regularly attends our policing performance committee. It has a standing invitation to take part so that we can get its opinions, thoughts and views. We also have the third-party assurances from people such as Audit Scotland—our best value report is due in the near future—and His Majesty's Inspectorate of Constabulary in Scotland. There are a wide variety of stakeholders whom we feel that it is important to listen to and take advice and evidence from in order to inform us as we move forward.

The Convener: At this point, I want to come in with a few questions, the first of which is a question that I asked the chief constable at the end of the previous evidence session about tackling climate change and the climate crisis. That is an issue that all public sector organisations are looking at with regard to reducing emissions. How is Police Scotland working with the SPA to address operational emissions in line with the Scottish Government's quite ambitious net zero targets? Specifically, what oversight can you offer Police Scotland in that space?

Fiona McQueen: With regard to oversight, we have an annual report, as DCC Spiers pointed out. That report came to our most recent meeting, which was in August. We had a detailed dialogue and discussion and we noted and recognised the good progress that is being made in many areas. Additional funding has been sourced and made available. Moreover, things such as routine maintenance and the refurbishment of properties can help us to move things forward in meeting our climate targets. There are certain operational issues to take into account, too, such as how we manage to provide food and fluids for officers at big events.

Our approach is wide-ranging. It runs from the practical—for example, reducing the use of plastics—to bigger and more strategic issues such as what is happening with our buildings and how we manage to respond to those issues and green them in a safe and effective way.

Chris Brown: Two really important points came out at that board meeting, both of which relate to the estate. First, embarking on a programme of modernisation allows the organisation to design in efficiency from the beginning, instead of having to patch things up later. That underscores the importance of the estate modernisation programme, not only in providing a great place to work in and for communities to interact with, but in addressing carbon emissions.

The flipside of that is that some of the reductions that we saw in Police Scotland's carbon emissions related to the disposal of buildings. Many of those buildings will go elsewhere in the public sector, which potentially simply moves the problem somewhere else. When it comes to the estate, in particular, a more holistic approach is needed to ensure that the actions that we collectively take are, in the round, contributing to reducing emissions.

The Convener: That is helpful. You made an interesting point at the end of those comments. I had not really thought about that, but it makes sense.

I will broaden out the discussion. I am interested in your comments on the on-going public service reform strategy. How is that supporting the SPA and Police Scotland to carry out a range of reforms? Does it present challenges, too? That is quite a general question, but I am interested in hearing how that strategy is supporting Police Scotland as one of our public sector organisations.

Fiona McQueen: There is an opportunity for other people to learn from the reform that Police Scotland and the SFRS have undergone and what that has meant for them. Police Scotland has so many partners. If there was reform to streamline the number of partners that Police Scotland links

and liaises with, that might be helpful and make those partnerships more efficient.

Alasdair Hay: I underscore that Police Scotland has been an exemplar of reform. That has not been without challenges, as the chief constable recognised. Police Scotland can add real value in relation to two aspects. It is a national service and it is a powerful convening force that can bring partners together. That plays into the team Scotland ethic that we are a collective public service. Police Scotland has been an exemplar of that. If others look at us, they will see that, by working closely together as a whole, we will deliver far more for the people of Scotland than we will if we remain isolationists and protective of our boundaries.

The Convener: Thank you for that. My next question shifts us into the mental health space. I know that the SPA has been very invested in that over the past few years. We are aware that Police Scotland and staff organisations have been looking at mental health perhaps more robustly than they have before. In their written submissions, they outline some of the current workforce pressures on police offers, including the levels of assaults, overtime—the chief constable spoke about that earlier—and the time that is due to officers.

What work is being undertaken on officer and staff wellbeing? Another aspect is the operational demands from people who are in distress. How does that impact on budgets? We know that that is one of the biggest policing challenges, if not the biggest police challenge.

Fiona McQueen: On the mental health distress of members of the public and the policing response to that, what is important is that such people get a timeous response to their needs and that the right person is able to help them. In many such cases, the police will be the first part of the response. Thereafter, what is important is the handover, whether that is to health or social care.

As the convener mentioned, a lot of work is being done strategically across services, including by local authorities and health colleagues, to provide support to officers and give them advice about what to do. Work is also being done to provide people who are in mental health distress with timeous assessments to determine the best support for them. A number of pathways have been developed so that people can receive the right care and the support that they need. In some areas that is going very well.

I do not know whether we have information to hand on the number of police officer hours that have been saved as a result of those interventions, but we can certainly provide that information to the committee. Rather than those

officers having to sit in emergency departments or having to support someone who is in mental health distress in their home, they are able to provide support and then hand over to another colleague so that they can get back to their policing duties. We want that approach to be rolled out across the country. We work in partnership with local government, the Scottish Government and our health colleagues to make sure that support is provided timeously.

One of the most important things that we can do is support the physical and mental health and wellbeing of the workforce. Over the past 12 to 18 months, there has been a change in the approach to provide a psychologically safe and supportive working environment for staff. No matter how much we do not want this, it is the case that, more than anyone else, police officers and staff see some of the most distressing consequences of human activity, and they will be exposed to trauma and stress. We need to ensure that the right managerial and supervisory arrangements are in place and, where necessary, that the right back-up and support is made available for staff, whether that is clinical or from occupational health.

Those support services report to the people committee, and reports have shown that an improved level of service has been available. Again, we want to see tangible evidence and data on those outcomes, because having a thriving workforce is absolutely key to providing a developing service. That is one of the chief ambitions of our 2030 vision.

Chris Brown: I will add a few numbers to what Fiona McQueen has just described. In 2024-25, the work of the mental health task force saved the equivalent of 20,000 hours across just over 4,000 referrals. However, that is against a backdrop of the police having to respond to 650 mental health-related incidents a day. Police Scotland has given an enormous commitment to policing those incidents, and work is under way that is making progress on that, but it is obviously a big issue to address.

Alasdair Hay: From the performance data that we receive, we recognise that there is a significant work debt to officers. At the moment, the time off in lieu balance is standing at more than 25,000 hours and there are more than 28,000 re-rostered rest days. Officers require time off and decompression time when they are dealing with a challenging and difficult job, and those figures are not at the level that we would hope for. The people committee has focused on that on many occasions. There are other stresses, too. There was a question earlier about overtime. The overtime cost is up by 12 per cent on last year, which is another indicator of the stress that the workforce is under.

Police Scotland has a lot of support mechanisms in place to look after the welfare of staff. However, when we ask in staff surveys whether staff are getting enough time to recuperate and whether their workload is manageable, the answer from a significant number of staff is no. We are looking at those things and challenging them with Police Scotland. That is part of the reason why the chief constable has made her ask on the increase in police numbers.

The Convener: You have set out the workforce pressures very well. I note that the Police Scotland submission sets out some detail on work debt, as it describes it. We have always accepted that there has been a significant demand on police time, but it feels as though that is becoming ever more acute, so I am pleased that the chief constable is focused on that priority.

We are a little ahead of time, but, if no member has any final questions, I will wind up the session. I thank the witnesses for their time. The session has been helpful.

12:45

Meeting continued in private until 13:16.

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