



OFFICIAL REPORT
AITHISG OIFIGEIL

Criminal Justice Committee

Wednesday 17 December 2025

Session 6



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CRIMINAL JUSTICE COMMITTEE

35th 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:

Siobhian Brown (Minister for Victims and Community Safety)

Angela Constance (Cabinet Secretary for Justice and Home Affairs)

Jeff Gibbons (Scottish Government)

Pam Gosal (West Scotland) (Con)

Graham Robertson (Scottish Government)

CLERK TO THE COMMITTEE

Stephen Imrie

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Criminal Justice Committee

Wednesday 17 December 2025

[The Convener opened the meeting at 09:00]

Sentencing Bill

The Convener (Audrey Nicoll): Good morning, and welcome to the 35th and final meeting of the Criminal Justice Committee in 2025. We have received no apologies. We expect to be joined later by Pam Gosal MSP.

Before we begin, I thank Kirsty Deacon from the Scottish Parliament information centre for all the help that she has offered to the committee over the past few years. Kirsty is moving on, so I want to say a big thank you to her for the support that she has given members throughout her time with the committee. We wish her well in her new role.

Our first item of business is an oral evidence session on a legislative consent memorandum, LCM-S6-67 on the United Kingdom Government's Sentencing Bill. I welcome Angela Constance, Cabinet Secretary for Justice and Home Affairs, and the Scottish Government officials: Kevin Fulton from the community justice division and Ruth Swanson, who is a solicitor from the legal directorate. I refer members to paper 1. I invite the cabinet secretary to make some opening remarks on the LCM.

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): I am grateful for the opportunity to discuss the legislative consent memorandum on the amendments that have been tabled to the UK Government's Sentencing Bill. I thank the committee and the Parliament for their co-operation in expediting the work so that the Parliament's view can be expressed before the final stages of the bill's progress in early January.

The UK Government introduced its Sentencing Bill on 2 September this year to take forward recommendations that were set out in the independent sentencing review led by the Rt Hon David Gauke, the report of which was published in October 2024. The bill intends to make significant changes to the sentencing framework and the management of offenders in the criminal justice system in England and Wales. That includes making changes to the sentencing for lower-level offences, release provisions for some prisoners, community order requirements and restrictions that are available for post-prison supervision. The areas of law that are covered by the bill are largely reserved, or the provisions extend to England and Wales only.

However, on 14 October this year, during the bill's progress, the UK Government tabled amendments that seek to extend the sentencing and release arrangements that currently apply to individuals who have been sentenced for terrorism offences to individuals who have been sentenced for a national security offence. That means that all such prisoners will be considered for parole after serving two thirds of their sentence, rather than those who are serving short sentences being subject to automatic early release after serving 40 per cent or 50 per cent of their sentence, or those serving long sentences being first considered for parole halfway through their sentence, as would otherwise be the case. As a result, several consequential and technical amendments are required to ensure that those provisions can operate as intended in Scotland.

The Scottish Parliament's legislative consent is required in relation to those amendments, as we consider that the changes that are being proposed will alter the executive competence of Scottish ministers in relation to their functions concerning the release of prisoners of that type. Operationally, both the Parole Board for Scotland and the Scottish Prison Service have confirmed that those changes will have little to no impact, as no individuals are held in Scottish prisons under a national security offence.

The legislative consent of the Scottish Parliament is essential to ensure that there is consistency between Scotland and the rest of the UK with regard to the sentencing for national security offences. Reflecting those changes in Scotland will also ensure that Scotland cannot be seen as a more attractive location for state threat actors compared with England and Wales.

I therefore urge the committee and the Parliament to support the LCM.

The Convener: As no member wishes to comment, is the committee content to recommend to the Parliament that consent should be given for the relevant provisions that are covered by LCM-S6-67?

Members indicated agreement.

The Convener: Are members content to delegate responsibility to me and the clerks to approve a short factual report to the Parliament on the LCM?

Members indicated agreement.

The Convener: I thank the cabinet secretary for attending the meeting. I suspend the meeting to allow for a change of witnesses.

09:05

Meeting suspended.

09:11

On resuming—

Prevention of Domestic Abuse (Scotland) Bill: Stage 1

The Convener: Our next agenda item is evidence taking on the Prevention of Domestic Abuse (Scotland) Bill. We have one panel of witnesses today, for which I intend to allow up to 90 minutes. I refer members to committee papers 2 and 3.

I welcome to the meeting Siobhian Brown, the Minister for Victims and Community Safety; and Scottish Government officials Jeff Gibbons, the head of the violence against women and girls unit, and Graham Robertson, the head of the public protection unit. Thank you for joining us.

Before we start, I remind you all to be as succinct as you can be in questions and responses. I invite the minister to make a short opening statement.

The Minister for Victims and Community Safety (Siobhian Brown): Good morning, and thank you, convener. First, I acknowledge Pam Gosal's aim of tackling the horrendous crime of domestic abuse, which is an aim that we all share.

Although violent crime has reduced significantly over the past 20 years, I am, of course, concerned about the increase in incidents of domestic abuse, though I acknowledge that that will reflect increased confidence in reporting and is due to new offences being brought in through the Domestic Abuse (Scotland) Act 2018. I also welcome the fact that the number of convictions has increased, with recent statistics demonstrating that Police Scotland has used those offence powers, further increasing public confidence in reporting domestic abuse.

Tackling domestic abuse remains a focus of the Government, and we will always consider actions that can enable just that. However, as we have set out in correspondence, and as the committee has heard in evidence-taking sessions, we are not sure that the bill will achieve its aims.

On the specific proposals in the bill, we still do not have a clear understanding of how they will interact with existing processes and procedures. That is particularly a concern in relation to part 1.

The committee is aware that those with domestic abuse convictions can already be managed under the multi-agency public protection arrangements—MAPPA—and the disclosure scheme for domestic abuse Scotland, which allows individuals to obtain information and make an informed decision about their situation when they may be at risk in a relationship. Without a

clearer understanding of how the bill would interact with those existing programmes, the risk of duplication, competing demands on resources, associated inefficiencies and confusion is high.

Although the concept of a domestic abuse register seems to have been withdrawn, the bill would introduce notification requirements, with the suggestion that being on a list of some description would be a disincentive to offending. As stakeholders have noted—we agree with them—that assertion remains unevidenced, and consequently it remains unclear what added value, if any, the proposal would deliver.

09:15

In relation to part 2, the Scottish Government is already investing in the valuable rehabilitation work that is done through the Caledonian system, which uses an integrated whole-family approach to address the domestic abuse of women by men in Scotland. It is important to recognise that the Caledonian men's programme is a court-ordered programme and that legislation is not required to expand it.

In relation to part 3, although the Scottish Government recognises that more could be done on data collecting and reporting, we consider that that can be achieved without placing statutory duties on Police Scotland, the Crown Office and Procurator Fiscal Service, and charities to request and record data from victims. I have noted charities' concerns about how onerous that would be for them.

Part 4 of the bill would contradict the discretionary, non-statutory approach to the curriculum that is currently in place in Scotland. Moreover, we have significant concerns about how the establishment of duties on education authorities in relation to the promotion, facilitation and support of domestic abuse education would operate in practice. That remains unclear.

As we have consistently outlined, the Scottish Government remains committed to tackling domestic abuse to ensure that those who perpetrate violence and abuse, the majority of whom are men, change their actions and behaviour, and we are taking a range of actions in that area. We recognise that more can be done, but we do not see the bill's provisions as being the most effective focus, for the reasons that I have outlined. The bill would involve significant administrative impact and cost, and many of the proposals in the bill are not clear or defined. It is not clear what the bill would provide that would be additional to what we already have.

That leads me to the conclusion that the bill does not strike the right balance in the outcomes that it aims to achieve. Because of that, paired

with the costs to public bodies and charities to which it would give rise, the Scottish Government cannot support the bill as it is currently drafted.

I am happy to take questions.

The Convener: Thank you for that statement. You have comprehensively set out your views on various parts of the bill.

I want to come back to part 1 of the bill, on the notification requirements and monitoring under MAPPA. In Scotland, we already have a well-established multi-agency risk management approach to domestic abuse, which includes processes such as the multi-agency risk assessment conference and multi-agency tasking and co-ordination. Would the bill improve the existing risk management approach? More specifically, would it improve or add to the current approach? What benefits might the bill's provisions bring with regard to that approach?

Siobhian Brown: I might go into a bit more detail on what is currently involved and the fact that we are not convinced that the bill could be integrated into the current system. I have quite a bit of detail to go through, if that would be all right, as it might be helpful for the committee.

Although I know that there has been a move away from defining the approach in the bill as one that would involve a register, it would, in effect, deliver the same product. It remains unclear how the proposals would work in practice, including their perceived interaction with existing schemes, such as MAPPA and DSDAS, and the operational and financial challenges that would be presented, especially for Police Scotland. It is not clear to us or to stakeholders such as Police Scotland what benefit people being on such a register would bring. There is no clear case for incurring the significant administrative impact and costs, including opportunity costs, that would be involved in managing a cohort in the way that is proposed.

If the register were to bring people under MAPPA, the proposed approach might be at odds with Scotland's aspiration for MAPPA to be led less by offence category and more by assessed risk. Policing by offence type rather than by risk would have an adverse impact on police resources. That was a key finding from the Creedon report on the independent review of police-led sex offender management.

Individuals with domestic abuse convictions can already be managed under MAPPA—under “other risk of harm”—on the basis of the level of risk. The bill suggests the creation of a domestic abuse register. It is assumed that that would involve creating a new information technology system from scratch, which would be undesirable for duplication and affordability reasons. Therefore, the most likely way to put the register into effect

would be to amend the system that is used for recording details of sexual and violent offending that justice partners can currently access, which is the violent and sex offender register—VISOR—system. The current VISOR dangerous persons database is a Home Office system that operates UK-wide, so it is not solely in the gift of the Scottish Government to amend it to make changes on the scale that is suggested in the bill. Such changes would also incur a cost.

Scottish systems are already in place, such as the central level of service and case management inventory system, which is a comprehensive general offending assessment and management planning method that can produce an overview of the risks and needs of all the cases that are going through court, and work is under way to explore linking that system with court outcomes. The collection of further data on domestic abuse victims can be achieved through non-legislative measures, and the question of whether to provide such information remains for the individual. The bill, as it is drafted, has a lot of detail, but, given the current system that is in place, we are not convinced at this stage that it would add value.

The Convener: Thank you for that. To go back to part of your earlier answer to the question, am I right in saying that offenders convicted of higher-tariff domestic abuse offences could possibly be managed under the MAPPA process?

Siobhian Brown: Our position on the proposal is that if the register brings people under MAPPA, that might be at odds with Scotland's aspiration that MAPPA be led by risk instead of offence.

The Convener: That is a helpful clarification.

Liam Kerr (North East Scotland) (Con): Good morning. I want to go back to your opening remarks, minister. You said that the bill will not achieve what it intends to and that it lacks an evidence base, at least in relation to part 1. I am sure that you will acknowledge that many individual respondents to the committee's call for views said that they feel let down by the current justice system and feel unsafe. Might the provisions in part 1 go at least some way to preventing or reducing incidents of domestic abuse and making victims feel safer? If not, what is the Scottish Government doing as an alternative?

Siobhian Brown: At this stage, I do not believe that the provisions will make victims feel safer. Members will be aware that a range of things are happening in the justice system, including legislative reforms in the Victims, Witnesses, and Justice Reform (Scotland) Act 2025 and the Regulation of Legal Services (Scotland) Act 2025, and we are updating the victim notification

scheme. A lot of work is going on throughout the justice system.

My officials might want to add something more specific to answer your question.

Jeff Gibbons (Scottish Government): We looked at the evidence base for the proposed register, which was initially proposed by the previous UK Government, and you will be aware of the work at the University of Essex. The evidence suggests that there are huge doubts about whether it would deliver its intention, which is to disincentivise offending. In our discussions—and I think that the committee’s evidence sessions reflect this—none of the stakeholder groups has said that a register is the appropriate intervention. Rather, stakeholders are considering how we can enhance and improve existing service provision, and that is what we have been focused on, as the minister outlined.

For example, we are looking at DSDAS and how we can expand the power to tell and the right to ask—how we can potentially increase the use of third sector organisations to increase the use of the power to tell. We are looking at the data that is held in that scheme and how we can widen public awareness of the scheme. That is one aspect that we are considering. Another aspect is increasing access to data in that particular area.

There is wider work going on, but the premise that the register will enhance the situation or have additionality is not evidenced, in our view. We have discussed the proposal with other stakeholders, devolved Administrations and the UK Government.

Liam Kerr: Thank you. I would like to follow up on something that Jeff Gibbons just said. You have both spoken about the disclosure scheme for domestic abuse Scotland—DSDAS. In your letter, minister, you talk about holding

“a workshop in September to recognise the 10 years that the Scheme has been in operation and to consider what more could enhance its operation further.”

To reassure the committee, could you give us a more detailed update on that and any work that you have planned in relation to the disclosure scheme, given that we have received specific evidence that there is a lack of awareness of the scheme?

Siobhian Brown: Of course. In October, officials met justice partners and key stakeholders to recognise that DSDAS has been in operation for 10 years, to reflect on how it has operated and to gain feedback from support organisations with regard to how we can build on its success. The key outcomes of the discussions at the meeting in October included agreement that the group would meet again in the new year to look specifically at how to widen awareness of the scheme,

particularly among seldom-heard groups and in relation to the power-to-tell aspects of the scheme. Other considerations include further discussions on the role of the third sector organisations that support the disclosure process. Meetings are going on to see how improvements can be made.

Jeff Gibbons might have more to say on that, as he is involved in those meetings.

Jeff Gibbons: The groups met once, and we are planning to meet again as part of the Police Scotland domestic abuse forum. We are integrating the various groups because there are quite a lot of them.

It is fair to say that there is a lack of awareness of the scheme, even 10 years on. That is acknowledged by Police Scotland. We have discussed whether branding it as DSDAS, as opposed to Clare’s Law, which is more commonly known in England and Wales, is one of the reasons why it is not as recognised. Also, the minister provided you with data on usage in her letter, but Police Scotland does not regularly promote that data, which I think is quite important.

We recognise that challenges have been raised around the scheme—true or otherwise—and we are addressing some of those. For example, there has been feedback from victims to the effect that the online process has not been as straightforward as they think it should be. It is important that there is a mechanism to allow such views to be fed back.

As I said, there are two other key elements, which will be discussed at our next meeting, in January. One concerns seldom-heard groups. Data is quite critical in that regard. We do not really have a good grounding of who is accessing the scheme and where there might be challenges, so that is something that we will focus on with Police Scotland. The other element concerns the power-to-tell aspect, which is always challenging for Police Scotland for various reasons—I think that it outlined that to you in a previous meeting. There might be a role in that process for a third party trying to make that power more available and easier to use.

The key part of the discussion was an acknowledgement that we need to do more to highlight the use of the scheme, which statistics show is significant.

Liam Kerr: I have one more question. Some domestic abuse organisations and, indeed, the member in charge of the bill have said that the notification requirements could act as a deterrent to domestic abuse offenders. The Crown Office and Police Scotland have said that they have not seen an evidence base for that, so it is crucial that the committee understands the issue. What are your views on that, minister? Do you think that

there is a read-across from the deterrent value of the sex offenders register?

Siobhian Brown: From watching all of your evidence sessions, I would say that this is untested ground. There is no jurisdiction that has such data, so it is hard to confirm whether the proposal would be a deterrent. I do not believe that we should be moving forward with legislation that is simply meant to be a deterrent. In principle, legislation should be deliverable and affordable and not just put in place as a deterrent.

I know that the Law Society expressed concerns about the effect on the perpetrator's decision to plead guilty if they know that they might go on a register. The Law Society also highlighted the possibility that manipulative offenders might change their names. I have not heard any strong evidence, in your evidence sessions or elsewhere, that the proposal would be a deterrent. I hope that that answers your question.

Liam Kerr: I am grateful.

09:30

Sharon Dowey (South Scotland) (Con): The bill as drafted proposes to introduce notification requirements for domestic abuse offenders who are sentenced to at least 12 months' imprisonment in solemn proceedings.

The committee has heard that there are existing frameworks in place, such as MAPPA, through which some domestic abuse offenders will already be subject to notification requirements. However, the bill aims to fix gaps that have been identified in the frameworks. Could the notification system, specifically for the most dangerous offences, make a difference in cases and catch individuals who fall through the gaps in existing systems?

Siobhian Brown: From the evidence that I have heard, I do not believe that it can. As you know, we have MARACs, which are multi-agency risk assessment conferences, which focus on the safeguarding of high-risk victims by creating safety plans. We also have MATAC, which is multi-agency tasking and co-ordination, which focuses on identifying and managing serial perpetrators to prevent them from reoffending. We have DSDAS, which is the disclosure scheme that we touched on earlier, and we also have domestic abuse protection orders.

What is not clear to us as a Government is how what is proposed would fit in with the current processes and work in practice. That is our concern.

Sharon Dowey: We also received evidence from COPFS, which raised the concern that it is currently unclear what proportion of domestic abuse offenders are subject to MAPPA notification

requirements. We know that some domestic abuse offenders are subject to MAPPA, but it is unclear how many. Are there issues with data collection and monitoring? If there was work to improve data collection for the current systems would there be less concern around the notification scheme under the bill, because we would have a better idea of how many people are under MAPPA?

Are you able to tell us how many domestic abuse offenders are currently being monitored by MAPPA?

Siobhian Brown: I have stats for domestic abuse, but I do not have that specific information, unless my officials do. I am happy to write to the committee on that specific point.

The issue of data collection has been raised in the evidence sessions—I am acutely aware of it, and there needs to be improvement there. Data improvement has been a clear focus of the domestic abuse justice partners round table, and work to date has included reviewing and mapping domestic abuse-related data held by justice partners, with particular reference to data on protected characteristics.

The group is currently progressing a working paper that will draw together the findings of the data-mapping exercise, including identifying data gaps and what opportunities there might be for data improvement.

I agree that we need to improve data, but there is work on-going. Graham Robertson might have more stats for you.

Graham Robertson (Scottish Government): Currently, about 8,300 individuals are managed under MAPPA, and sex offenders make up the majority of those—about 95 per cent. There will be overlap between sexual offending and domestic violence offending, and there will be all kinds of other types of offending in there.

There were about 63,867 instances of domestic abuse in 2023-24. That probably illustrates our point about what bringing in this cohort in its entirety would mean in relation to the scale of management under MAPPA. The minister mentioned MAPPA being risk led, so people with domestic violence convictions can be brought under it where the risk warrants that level of management. Bringing them in as an entire group would potentially significantly increase the number of people who are managed under MAPPA, and the concern of our stakeholders is that we would then be administering a large group where the risk does not warrant it.

Sharon Dowey: You mentioned a lot of figures there. Do you have a specific figure to tell us how many domestic abuse offenders are actually under MAPPA?

Graham Robertson: We do not have that figure.

Sharon Dowey: You do not. We would need to improve the data collection to get that figure.

Graham Robertson: It depends on your aim. If you are trying to understand where all those with domestic violence convictions are in the system, we would have information on that through the LSCMI system, which informs court reports. That informs the processes by which the system manages those individuals. Although it is not a publicly available register, that information will be known to the justice partners.

Sharon Dowey: What if we bring in the measure only for the most serious offenders? It sounds as though we are already monitoring the most serious domestic abuse offenders under MAPPA anyway. What would be the problem with introducing that through the bill? Last week, Dr Forbes referred to offending levels by the top 2 to 3 per cent of perpetrators. If we were to bring in the measure, what would be the problem with using the current system?

Graham Robertson: The current system already allows individuals to be brought under MAPPA. We are trying to work out what the measure would give you, beyond assessing people's risk and working out whether they are to be brought under multi-agency management.

Sharon Dowey: This is my last question. Police Scotland said that it was a bit concerned about the measure being too bureaucratic, but if we tighten up which offenders to include and sufficiently align the notification system with existing arrangements, such as MAPPA, would that address that concern?

Siobhian Brown: I will come in, and I might bring in Graham Robertson to provide more detail.

One of the concerns that I raised in response to your first question was how the proposed notification requirements would integrate into existing arrangements. If there was to be, for example, a new information technology system for the notification scheme, as I said, that would be for the Home Office to introduce—it is not in the Scottish Government's power to do that. That would be quite complex; it would not just be a simple process. As I said, it is not clear exactly how the measure would sit within current processes.

Sharon Dowey: Is that something that you could work with the member on? We have said that it is complicated—I understand that. My colleague Pauline McNeill will ask more questions about risk. If we tighten up the measure, and given that we are already monitoring some domestic

abuse offenders under MAPPA, why could we not use the current system for that purpose?

Graham Robertson: I am still not quite sure what the measure would provide, beyond what the current system offers, which is working through what people's risk levels are and then bringing them under MAPPA if they have convictions for violence or for domestic violence.

As the minister was saying, if you bring in offence types, you would be treating one big group in the same way, rather than dedicating the valuable resources of the police, prisons, health boards and local authorities—those that work under MAPPA—to focus on the people that we collectively think are the riskiest.

Sharon Dowey: I know that questions are coming on risk, so I will leave it at that just now.

Pauline McNeill (Glasgow) (Lab): Good morning. As Sharon Dowey said, risk is my area of interest. We have heard quite a lot about the long register in the bill, so I understand all those points. What Sharon Dowey is getting at is whether we could explore a shorter list of the most serious domestic abuse offences—you would have to assume that sentencing reflects the level of seriousness. That is what I want to explore.

I think that I know what you will say about this, but let me just develop the point first. I am trying to understand who is covered by MAPPA and the differences between MAPPA and a register. I do not know whether Graham Robertson wants to come in, because he has already responded on this issue, but I think that it is important for the committee to understand who MAPPA covers. I am not asking about those who have committed a sexual offence but about those who have committed a domestic abuse offence. I think that it would be helpful to understand that. I know that you cannot give us the numbers.

Graham Robertson: Automatic entry into MAPPA is by virtue of the conviction. That might be for sexual offending, for restricted patients or for those who fall under the "other risk of serious harm" category. That is where assessment establishes the risk, and MAPPA can choose to manage those individuals. That can include all types of higher-tariff offending, including domestic violence.

Pauline McNeill: At what point is that done? In a high-level domestic abuse offence, the person will have served a sentence. Does the process start on their release?

Graham Robertson: Notification will be in advance of release, so that the planning can start earlier.

Pauline McNeill: Who identifies, and decides, whether a domestic abuse offender—not a sexual offender—will be covered by MAPPA?

Graham Robertson: While somebody is in prison, all the information about that person's risk will be collated and there will be planning for their release. As part of that process, there could be a referral to MAPPA.

Pauline McNeill: And then it is decided under MAPPA?

Graham Robertson: Yes.

Pauline McNeill: When an offender who has committed a serious domestic abuse offence is released, who handles the monitoring arrangements for them while they are out? Is that done under MAPPA?

Graham Robertson: Yes.

Pauline McNeill: Are you saying that that serves the same purpose as a register? I know that there are other problems with a register, but would putting those offenders on a domestic abuse register fulfil the same purpose?

Graham Robertson: I think that we have to look at what the purpose of notification is generally. It offers the partners—the Scottish Prison Service and Police Scotland—the opportunity to ask a number of set questions of a person in order to capture data about them.

Your question is a good one, because it gets to the heart of establishing how the bill adds value. The partners would collect the information at the point of notification, but that is in addition to a rich amount of information that they will already have from the risk assessment and triage processes that are undertaken for the active management of somebody.

Pauline McNeill: I think that people are interested in the idea of having a register, although we can see its faults, because there would be concrete legal requirements for an offender to say that they are, for example, going on holiday or moving house. It seems straightforward that notification requirements might add something if there is currently a much shorter register of only the most serious offenders. Does MAPPA replicate that?

Graham Robertson: It will depend on the individual's assessed risk and how it is managed. Also, there could already be a number of controls on people's behaviour. Somebody might be under licence conditions. Somebody might have behavioural orders in place. Other measures will be tailored to the risk level that the person presents.

Pauline McNeill: Lastly, I am trying to understand the process for all domestic abuse

offenders who are released. You say that some offenders could be identified as being in that high risk category, but others are not. What are the monitoring requirements for them on release? Are there any monitoring requirements for them, or is that variable?

Graham Robertson: Again, it depends on the form of release. Most people who had a longer-term prison sentence will be on licence, with licence conditions tailored to their risk levels.

Pauline McNeill: Okay, so they can be brought back in. Is there anything else?

Graham Robertson: The suite of behavioural orders would be available. The police can manage somebody as a potentially dangerous person. The information about their offending will also be known to the police, who can make public interest disclosures at any point, if they feel that that is warranted in a relationship.

Pauline McNeill: Minister, I understand the arrangements for MAPPA, and that there are variable conditions for those who are released who are not covered by MAPPA. Have you considered whether there could be an advantage in doing something else, as there is no way of tracking those offenders? An offence has to be quite serious to be covered by MAPPA, so maybe there should be some measure in between. For example, a serial offender on release might not be covered by MAPPA. That person might have monitoring conditions, but what if they do not? Might there be a gap there?

Siobhian Brown: Apologies—I am not sure that I understand 100 per cent what you are asking for. The bill seeks to create a domestic abuse register, so we are assuming that that would require a new IT system. That would cause—this is where I was talking about the Home Office being involved—a lot of duplication. Are you asking that we try to attach the register to the MAPPA computer IT?

Pauline McNeill: No.

Siobhian Brown: Okay. So you would be wanting a new register and a new IT system specifically for domestic abuse, as in—

Pauline McNeill: No, my question is more general than that—I will rephrase it. When domestic abuse offenders who have been tried in a solemn case—so we are talking about serious offenders—but who are not covered by MAPPA are on release from prison, victims worry about their safety. I have a few such cases at the moment, and in fact we all have. Having notification requirements involving the police that are like the requirements for people on the sex offenders register might give victims some peace of mind, because those would be more serious monitoring requirements. I know that there would

be lots of problems with a register, but I am just posing that question. Is there perhaps a gap?

09:45

Siobhian Brown: We could consider that, if it could be integrated into the current system in future. As I said, the Scottish Government is open to considering anything that could be implementable and valuable.

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): I have a few questions on the back of the letter that the minister kindly sent to us yesterday. My first question relates to the Government's assessment of the financial memorandum and the cost of the bill. You set out that there would be significant costs for local authorities, which have been estimated—I will not give the precise number—to be about £4.7 million under part 2 of the bill and about £4.8 million under part 4. The memorandum indicates that those costs are likely to be underestimates. What led you to that conclusion? Do you have a more realistic figure for the specific costs for local authorities, as well as for the cost of the bill as a whole?

Siobhian Brown: The significant costs have been estimated to be £4,747,000 for part 2 of the bill and £4,800,000 for part 4. Those are likely to be underestimates at this stage, given what we have spoken to stakeholders about. Jeff Gibbons has had those conversations and may be able to give more insight into that.

Jeff Gibbons: One of the unknowns is the extent to which the register would operate in isolation from other schemes, whether it is new and how it would interact with existing schemes, which is unclear. The technical challenges across different systems alone raise complications before we look into some kind of integration, which we would want to achieve, not least if it would improve data collection. There are lots of unknowns in relation to where the scheme would sit alongside existing schemes and whether it would duplicate or replace those schemes, which makes it difficult to work out what the likely cost would be. Integration with existing schemes would always add additional cost, because of the unknowns around the technology. That information is key to addressing some of the concerns that the committee has already raised about evidence gaps and consistency. It would also present opportunities around the data, but there is a balance between introducing a new concept and addressing perceived gaps within existing schemes. That is a different way of looking at the issues.

Jamie Hepburn: Part 2 relates to rehabilitation work, and part 4 is about education. What have

local authorities been saying about the expectations on costs?

Jeff Gibbons: Initially, the main focus has been on the aims of the bill—what it is trying to achieve and where it fits in. However, there have been concerns about additional cost pressures and who would look after the register, as well as data protection issues to do with who would access the register, which have all caused concern about costs. There is also a general concern about the existing pressure on service provision and how the additional costs would be met. That has been part of the conversation.

Siobhian Brown: Yesterday's letter to the committee set out that the estimated annual cost of the bill would be around £14 million to £19 million in 2025-26 terms. The costs would increase to between £17 million and £23 million in year 5, and the figures are likely to rise annually. As the minister who is responsible for the legislation, I want to ensure that it is affordable and would make a real impact. At this stage, the Scottish Government does not feel that the bill as drafted is worth the costs that have been outlined in the financial memorandum.

I will touch briefly on education, under part 4. As you know, we do not take a prescriptive approach to the curriculum in Scotland. It is very much up to individual schools and local authorities to decide what approaches they use and which external partnerships they build to help them to deliver relevant and engaging learning. The curriculum already includes learning and teaching about domestic abuse, and it places a requirement on Scottish ministers and education authorities that would also create a precedent.

Curriculum for excellence contains learning experiences and outcomes that are designed to ensure that children and young people learn about abuse and power dynamics in relationships. Education Scotland's website contains a section with domestic abuse information for educators that includes links to various teaching resources. We would be setting a precedent if we were to dictate that there should be specific domestic abuse education in schools.

Jamie Hepburn: I take that point. You said that there are a couple of other areas of the memorandum that you want to explore. In relation to part 2, on rehabilitation, you talk about the commitment to expanding the Caledonian system more widely across Scotland, and you set out some of the activity that is under way. Will you expand on that? I guess that the how and the when are the key points there. Can you set out the work that has been undertaken and say when the system is likely to be more widely available across Scotland? Ideally, it will be available across the entirety of the country—that must be the aim. Is

that being worked towards, and when is that likely to happen?

Siobhian Brown: The Scottish Government is committed to ensuring that perpetrators of domestic violence are held to account. That is why we are proud to sponsor the Caledonian system, which works with men who have been convicted of domestic abuse and related offences, to assist in reducing reoffending, and offers integrated services to women and children.

In 2025-26, the total ring-fenced budget allocation for the 23 local authorities that are operating the Caledonian system is close to £4.5 million, and the Scottish Government has provided a further £1.4 million to local authorities this year. The Caledonian system is operated by local authority criminal justice social work departments, and the Scottish Government is committed to rolling it out across Scotland. At the moment, 23 of the 32 local authorities are delivering it, and it will be rolled out in a further two areas by summer 2026. That is an example of how we can roll out more support without having legislation in place.

Jamie Hepburn: There will be seven local authorities left in which to roll out the Caledonian system. What is the impediment to its going further?

Siobhian Brown: I would like to see it rolled out in all 32 local authorities.

Jamie Hepburn: Indeed. What do the ones that are left say is the issue?

Graham Robertson: There are a number of positives here. We are up to 25, and a further two are talking about starting it during the latter part of 2026.

There is no significant impediment to rolling out the system. People are working on the roll-out at a pace that suits them. With the additional money for the Caledonian system this year, we have seen significant interest in moving to start delivering. Some areas have existing programmes that they propose to move away from, and in some it is about scheduling the training and central support so that they are ready to go.

Beyond that, some groups in the islands have struggled to work out how they might configure services to deliver. We are engaging with them to discuss whether any reasonable adaptations can be made to the programme or whether we can do anything to take account of the challenges that they face, which are often to do with smaller numbers and the geography. That might involve group work, and some constituent parts of the programme might need a bit of additional work so that they can establish how they can best deliver for their areas.

Jamie Hepburn: That means that significant progress will be made by the end of next year. Are you confident that we will be able to roll the system out across the country in due course?

Siobhian Brown: Yes.

Jamie Hepburn: My final question is about part 3 and data collection. You said that you recognise that more can be done in that regard but that you think that it can be achieved without legislation. You also talked about a concern about a significant burden—you used that specific term—being placed on charities, which are clearly not constituted to gather data. It is a different thing to ask courts, Police Scotland and the rest, who will gather data all the time. What leads you to conclude that it will be a significant burden? Have charities raised that as a concern when speaking with the Government?

Siobhian Brown: I will bring in my officials to say whether charities have raised those specific concerns with them. They have not done so with me. I have been watching the evidence sessions, and we recognise that the issue has been raised as a concern and that there has to be improvement in data collection. In my response to Ms Dowey, I mentioned the work that is being done with the domestic abuse justice partners group, for example, on a data mapping exercise that will include identifying the gaps and possible opportunities for data improvement.

I do not know whether Graham Robertson or Jeff Gibbons is able to provide any insights on conversations that have taken place with charities about that.

Jeff Gibbons: I do not have any insights on conversations specifically with charities, but part of the work of the justice partners group, which includes the Scottish Courts and Tribunals Service, Police Scotland, the Judicial Institute for Scotland and the Crown Office and Procurator Fiscal Service, is the exercise that we are doing to map the non-public-facing management information data that is collated and what that tells us, and what is in the public domain, to see where there are gaps and inconsistencies, and how we can look to address those. Once we have looked at what is available in the Government sphere, the second part of the discussion will be about what is available through third sector organisations, which have more regular interaction with potential victims of incidents, and how that factors into policy and operational development.

We are taking a two-stage approach to improving data collection. It is recognised that the data can always be improved. We are thinking about why we collect the data, rather than just collecting it for the sake of it, and how that approach will be applied. The biggest gap that we

have noticed relates to the inconsistencies in how the data is aggregated in different organisations. We need to think about how we manage that.

The justice partners group has been meeting for more than a year to look at different areas, and that is one of its key focuses. As the minister outlined, next year we hope to have a paper that will clarify the position as regards the justice agencies. The next step will be to have a conversation with the third sector about how we gather that data, recognising that we do not want to put a huge burden on third sector organisations, which collate far more information than we do in certain instances. That is the focus.

Jamie Hepburn: So, next year we will have greater clarity on what the next steps will be.

Jeff Gibbons: Absolutely. We are also thinking about whether we can put more data in the public domain, but there must be a clear purpose in doing so. That is where the importance of data lies. In itself, data will not necessarily drive change.

Jamie Hepburn: Is there a concern that the bill could cut across that and divert activity away from what has been the purpose of the discussion thus far?

Jeff Gibbons: There is always a question as to whether it is necessary to legislate to gather data or whether organisations should look to do that themselves. If there is a failure to deliver that or to collate such information, that is often seen as a question mark. There is already data out there; the issue is how we increase that. I do not think that it is necessary to legislate for organisations to do that, because we all recognise that the more data we have, the more effective we can be in the work that we are doing to develop policy.

Rona Mackay (Strathkelvin and Bearsden) (SNP): Good morning. I want to ask about part 4 of the bill, which is about school education. In your letter to the committee, you note that there are issues with prescribing the content of education in legislation. Respondents to the call for views highlighted the equally safe at school programme and the relationships, sexual health and parenthood education that is provided. Could the Scottish Government achieve the things that the bill is attempting to achieve in other ways, in order to address the wider issues around gender inequality in schools?

Siobhian Brown: I apologise, as I have already talked about education in response to Mr Hepburn's questions.

As I said, the curriculum already includes learning about domestic abuse. Imposing a requirement specifically for domestic abuse education would set a precedent. Curriculum for

excellence contains learning experiences and outcomes that are designed to ensure that children and young people learn about abuse and the power dynamics in such relationships.

In addition, the Education Scotland website contains a section on domestic abuse, and "Preventing and Responding to Gender Based Violence: A Whole School Framework" contains resources on domestic abuse to assist all school staff to support children and young people who experience domestic abuse.

Work is on-going in that area, but, as I have said, we are always keen to consider what more we can do, and I would be happy to work with any members who have ideas about how that work can be improved.

Rona Mackay: I think that you are saying that part 4 is another example of the fact that the bill would result in duplication of work that is already being done.

The Crown Office and Procurator Fiscal Service questioned whether giving parents the right to withdraw their child from domestic abuse education, as the bill seeks to do, would be compliant with the United Nations Convention on the Rights of the Child. What is your view on that?

Siobhian Brown: I think that article 8 of the UNCRC is on the right to education. I am not a lawyer, so I cannot answer that question, because it is complex. I do not know whether anyone else has any insight as to whether that would breach the UNCRC.

Jeff Gibbons: Education colleagues are aware of that issue. I think that there are a couple of other areas where a potential opt-out already exists, but I cannot remember exactly what those are. It is more about the focus and the intent of the education, and children being taken out of something, particularly where that may well be for other reasons. That is something that will need to be—

10:00

Rona Mackay: That would need to be examined.

Jeff Gibbons: Yes. It would clearly need to be compliant with the UNCRC, but there are broader implications around not reaching the target audience if children are being taken out for different reasons.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Good morning. I have a few questions that are scattered about a wee bit, so I ask you to bear with me.

For the first couple of questions, I am going to put on my old criminal justice social work hat. I

want to ask about the use of community payback orders and whether you think that there is more that we can do with those in this area. Social Work Scotland told the committee that an alternative to implementing the notification requirement could be to include something in the community payback order.

Community payback orders are designed to be quite broad. Could we make more use of those to capture some of the aims of the bill? Does the Government have any thoughts about that?

Siobhian Brown: My understanding—my officials will correct me if I am wrong—is that courts currently have discretion to use community payback orders, and the Caledonian system if that is suggested by the courts.

Graham Robertson may want to come on the protection side.

Graham Robertson: At present, a programme requirement can be part of a community payback order, which could involve an intervention such as the Caledonian system. I am not quite sure what the witness to whom you referred was suggesting.

Fulton MacGregor: I probably did not ask the question very well. I was not talking about specific programmes such as the Caledonian programme, which can be part of a community payback order. It was more about whether, as an alternative to implementing a notification requirement, something that mirrored that requirement could be included in a community payback order. CPOs are broad, and I am sure that such a requirement could be included; perhaps some sheriffs are doing that. However, I think that what Social Work Scotland was getting at when it spoke to the committee was that something more standardised and more regular could be useful.

Graham Robertson: Conduct requirements can also be included in a community payback order. One of the activities that the Government is already exploring, which is relevant to the community payback order, concerns changes to the LSCMI IT system, through which we are putting in additional risk tools such as the spousal assault risk assessment—SARA—which is principally used to assess the risks of domestic abuse. That data will be held automatically in the central system—all the social workers who make assessments for court reports will complete that tool and all the information will be able to be aggregated and reported on, so there will be very rich information about the cohorts. That might provide one of the elements that notification would otherwise provide, if it is a question of understanding the numbers and nature of the cohort. That information will be held in a central point.

Fulton MacGregor: To finish that line of questioning, as the chair of the cross-party group on social work, I know that Social Work Scotland will be keen that I ask this: on the basis of what we have just spoken about, would the minister be happy to meet Social Work Scotland at some point to discuss that?

Siobhian Brown: Absolutely—yes.

Fulton MacGregor: That is good. Moving on, I want to come in on the back of an earlier line of questioning from Jamie Hepburn on the Caledonian system, which we have just spoken about. Does the Government have any data about where the Caledonian system has been used in relation to courts making decisions, as opposed to where that approach is not used? Does it have any data to suggest that the Caledonian project has given courts confidence in the areas where it is in place, as opposed to those areas where it is yet to be put in place?

Siobhian Brown: I do not have that detail with me—I do not know whether any of my officials do.

Graham Robertson: We know where the programme is in place, and we know that, in those areas, it has been used in high numbers.

We are seeing the number of programme requirements continuing to rise, so we take it from that that there is confidence in the approach. The programme has been accredited by the independent Scottish advisory panel on offender rehabilitation, so its design meets the highest standards. Some of the work that I mentioned is about getting really strong data for the purposes of evaluation for its next accreditation. We know that some of the areas that are not delivering it have alternative programmes in place. As we mentioned earlier, we want to engage with those areas to find out what they need or want and whether the Caledonian system could help to address those needs.

In answer to your question, we take confidence from the levels of usage, which show that it is a measure that the courts are finding helpful.

Fulton MacGregor: Thank you—that is a really positive answer.

It is stated in part 5 of the bill that the substantive provisions in the act, if it was passed, would come into force two months after it gained royal assent. What are your views on that timescale?

Siobhian Brown: On it coming into force two months after royal assent?

Fulton MacGregor: Yes. Do you have any views on that timescale?

Siobhian Brown: I do not believe that it is realistic. As I said, once legislation has received

royal assent, we have to go through a budgetary process to make sure that we can afford it, so a two-month timescale is very ambitious for a bill like this.

The Convener: We have a bit of time in hand, so I would like to ask a question that relates to your letter to the committee at the end of July, in which you outlined that the process of providing information to the Parole Board for Scotland on rehabilitative measures and support programmes

“could be strengthened ... without the requirement for legislation.”

Would the Scottish Government be willing to commit to looking at that further? Could other elements of the provisions in part 2 of the bill also be achieved without recourse to legislation?

Siobhian Brown: Investment in the Caledonian system is one example of how that could be done without legislation. As I mentioned, we are looking to roll that out across Scotland, and we are making progress on that. We are also watching with interest to see whether, when the sentencing and penal policy commission makes its recommendations next year, they will include any recommendations about parole.

We are doing a range of things at the moment, and we are happy to take on board any further recommendations.

The Convener: I have a final question on training. When we introduce any new process, particularly around risk management and risk assessment, a level of training is required for the staff and police officers who are going to use that process. We have not touched on that specifically to a great extent in relation to the bill, but I am generally interested in what training commitments and costs can be involved when a new process, such as a risk management or notification process, is introduced, particularly when it is introduced across more than one stakeholder or organisation.

Siobhian Brown: Graham Robertson might want to come in on that in relation to the protection side. It is quite a specific question. Each piece of legislation would differ in terms of what was being implemented, so the cost of the training involved would be very variable.

Graham Robertson: Yes, it is a very difficult question. The answer very much depends on the nature of the change. Some changes affect a more general approach to risk management. In such cases, some of the central offering around use of the LSCMI tool could be tweaked. Community Justice Scotland has offerings to support staff through training relating to changes affecting more specialist use of tools. A whole-systems type of change will involve upskilling the

whole social work workforce, the prisons workforce and others. Therefore, it very much depends on the nature of the training. Generally, big policy changes will require staff to be well trained.

The Convener: If there are no more questions from committee members, I will bring in Pam Gosal.

Pam Gosal (West Scotland) (Con): Good morning. I would like to ask a question about the existing systems that are in place. Do you believe that the sex offenders register and the notification requirements that are imposed by it help to keep the public safe?

Siobhian Brown: There are some things that can be done with regard to sex offences, which is a different subject. However, in relation to your bill, I think that there are processes in place. I know that the member is passionate about this area. It is unfortunate that we are not in a position to see how the bill's provisions could fit in with the system that is already in place for domestic abuse.

Pam Gosal: My question was about the sex offenders register and the notification requirements that are imposed by it. Does that register help to keep the public safe?

Siobhian Brown: It should do, yes.

Pam Gosal: If you believe that sex offenders should be required to comply with notification requirements, do you not believe that the same should apply to those who are guilty of crimes of domestic abuse?

Siobhian Brown: I am listening to the evidence from stakeholders. I have not been approached by anyone in any of my meetings who has said that such a change would make people safer.

Pam Gosal: In your letter, you said that you agreed that claims that notification requirements act as a deterrent for potential offenders were “unevidenced”. If so, why is that system still in place for sex offenders?

Siobhian Brown: That is because it has been in place for quite a while now. Today, we are looking specifically at domestic abuse, not sex offenders—we are discussing your bill, which is about domestic abuse. We have heard evidence and we know that the proposed register is untested. That is why, at the moment, the proposals in your bill do not fit with what the Scottish Government is currently doing. In saying that, I know that you are passionate about the issue, and I am open and willing to work with you to make progress with the Caledonian data, but, at this time, unfortunately, we do not feel that we can support your bill.

Pam Gosal: I have a couple questions about some other areas. Could you tell us which public bodies collect data on protected characteristics?

Siobhian Brown: I will bring in Graham Robertson, who might be able to tell you that.

Graham Robertson: I would have to write to you with that information. I do not know off the top of my head which public bodies collect what data.

Pam Gosal: My bill has been in progress since 2022, and I have been talking about data since then. We are three years on. If I am not wrong, you noted in a response to one of the committee's questions that you would be looking at data next year, which would mean that data has not been collected for the four years since my bill was lodged.

I have spoken to people with disabilities and people from an ethnic minority background, which I myself come from, who have been domestically abused. I know that they are very worried that, when they go into a police station to report a crime, their background or disability is not taken into consideration. Sometimes, they cannot even correspond, in a way. That crucial data is not being collected. Why should the data not be put into statute? Four years on, the Government has not done anything about it.

Siobhian Brown: Work has been done on that, which I raised in my answers to earlier questions. Data improvement has been a clear focus of the domestic abuse justice partners group. Work has been done to date to review and map the domestic abuse-related data that is held by justice partners, with particular reference to data on protected characteristics. We will write to the member specifically on her question about which public bodies are currently collecting that data. Work is on-going, and the group is progressing with a working paper, which will come out next year.

Pam Gosal: It is good to hear that 23 out of 32 local authorities have rolled out rehabilitation work, and that that could increase to 25. However, Glyn Lloyd from Social Work Scotland said last week that there is

"no consistency across the 32 local authorities."—[*Official Report, Criminal Justice Committee*, 10 December 2025; c 15.]

He also said that the Caledonian system is the only accredited programme in Scotland. An election could change that. A new Government that comes in in May could decide that it is not worth rolling out the Caledonian system across the country. If you agree that we could guarantee access to rehabilitation programmes, would it not be better to enshrine that in law so that it does not become a postcode lottery?

Siobhian Brown: You will know where we are in the Parliamentary session—it is not possible for that to be done in time. Our approach gives us some flexibility. As Graham Robertson said, there are issues in island areas with setting up the Caledonian system. The Scottish Government is looking at how we support the system, which we want to roll out across the 32 local authorities. Currently, it has been rolled out across 23; that will be 25 by next summer, and I think that Graham Robertson said that another two would be coming online next year. The Scottish Government is committed to the Caledonian programme and will keep rolling it out to provide support to people who have experienced domestic abuse.

Pam Gosal: Are you satisfied that the equally safe at school programme complies with the UNCRC?

Siobhian Brown: Yes, I am.

Pam Gosal: If you agree that there is nothing wrong with the equally safe at school programme and that it complies with the UNCRC, why would there be a problem with guaranteeing in law that it should apply to domestic abuse education?

Siobhian Brown: My understanding is that, even though the equally safe at school programme is rolled out through the Convention of Scottish Local Authorities and local authorities, it is not prescriptive for local authorities to take it up.

The Convener: That concludes our evidence session. I thank the minister and her officials for joining us. We appreciate you giving us your time.

I wish everyone a happy festive season when it comes and a peaceful recess.

10:15

Meeting continued in private until 13:07.

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