OFFICIAL REPORT
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Criminal Justice Committee

Wednesday 4 March 2026

Session 6

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CRIMINAL JUSTICE COMMITTEE
9th Meeting 2026, 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:

Phil Chapman (Police Investigations and Review Commission)
Angela Constance (Cabinet Secretary for Justice and Home Affairs)
Chief Constable Jo Farrell (Police Scotland)
Claire Martin (Scottish Government)
Laura Paton (Police Investigations and Review Commission)
Linda Pollock (Scottish Prison Service)
Sarah Roughead (Police Scotland)
Robert Scott (His Majesty's Fire Service Inspectorate in Scotland)
Deputy Chief Constable Alan Speirs (Police Scotland)

CLERK TO THE COMMITTEE

Stephen Imrie

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Criminal Justice Committee

Wednesday 4 March 2026

[The Convener opened the meeting at 09:02]

Decision on Taking Business in Private

The Convener (Audrey Nicoll): Good morning, and welcome to the ninth meeting in 2026 of the Criminal Justice Committee. We have received no apologies this morning.

Our first item of business is a decision on whether to take items 7 and 8 in private. Do we agree to take those items in private?

Members *indicated agreement*.

Budget 2026-27 and Scottish Spending Review

09:02

The Convener: Our next item of business is an evidence-taking session by way of reflecting on the budget proposed for 2026-27 and the Scottish spending review. This morning, we are focusing on Police Scotland. I refer members to papers 1 and 2.

I welcome to the meeting Chief Constable Jo Farrell; Deputy Chief Constable Alan Speirs, who is Police Scotland's DCC for professionalism and enabling services; and Sarah Roughead, who is chief financial officer. A warm welcome to you all.

We have around 60 minutes for this evidence session, but I remind everyone to ask succinct questions and to provide succinct responses. I start by inviting the chief constable to make a short opening statement.

Chief Constable Jo Farrell (Police Scotland): Good morning, and thank you for the invitation to provide some reflections on the budget and the spending review. Throughout our evidence to inform the committee's pre-budget scrutiny, we have been clear about the pressures on policing. I also recognise the acute pressures on public finances.

There is recognition and consensus, in the Parliament and in the Government's reform strategy, of the reform that has been achieved by policing, which has included significant workforce reductions. I am grateful for the committee's explicit call for achievements to be reinvested.

The budget was outlined in January. Notwithstanding the fact that the allocation was less than requested, I have made difficult decisions that prioritised front-line services for our communities to ensure that we can maintain officer numbers at 16,500 in the coming year.

I recognise the difficult choices that are faced across the public sector. I believe that the Scottish Government's support is welcome recognition of the reform that has already been achieved by Police Scotland. Our recent best-value audit highlighted our clear vision of safer communities, less crime, supported victims and a thriving workforce, as well as policing's hard-won track record of strong financial management and a commitment to collaboration.

Policing has demonstrated value to communities and to the public purse. The spending review, however, highlights the scale of the challenge for the public finances moving forward. Pressures on policing and other areas are driven by unmet mental health need, a strained

criminal justice system, growing online harms, poverty, civil unrest, geopolitics and a heightened assessment of counter-state and terrorist threats, as well as an increasing demand to service public inquiries.

I underline my commitment to continue to maximise capacity from the resources available through strategic planning and supporting more people back to work. We will continue to drive improvements and efficiencies to cut out bureaucracy and to automate and rationalise processes in the middle and back-office functions so as to focus every possible resource on our front line.

I am leading a cultural shift that is prepared to carry a greater risk appetite and that draws clearer lines with ourselves and our partners about where policing starts and where it must finish. I will work with the Scottish Government and across the public sector to ensure that policing continues to be a good partner and that we are in good partnerships.

The potential for further savings must continue to be set against the threat, risk and harm that I have outlined and the service that our communities need, deserve and expect, with an understanding of the pressure on officers and staff. My focus will be on keeping people safe, giving victims of crime a professional, trauma-informed service and supporting our front line relentlessly. We can all support a whole-system prevention approach that delivers better outcomes and value and that reduces the demand that is placed on policing and the criminal justice system.

Police Scotland will continue to play its part in striving to meet those ambitions, while we do our level best to respond to the existing need, demand and risk in our communities, online and across borders.

The Convener: Thank you very much. We will move straight into questions.

I will first pick up on a point that you made in your opening remarks about the challenges relating to unmet mental health need. You will be aware of the evidence that we took from your colleagues Assistant Chief Constable Catriona Paton and Nicky Page on 18 February on the impact on policing of responding to wellbeing-related situations and to vulnerable people in the community.

One of the issues that was flagged up in that evidence session was the specific duty under section 32 of the Police and Fire Reform (Scotland) Act 2012, which states that one of the main policing principles is

"to improve the safety and well-being of persons, localities and communities in Scotland".

At a recent Scottish Police Authority board meeting, you provided figures to say that Police Scotland was now being called out to around 700 mental health incidents every day. You are reported as saying that the police

"cannot continue to operate in this way".

I note your comments in the recent issue of *1919 Magazine*, in which you said:

"Around 80 per cent of police callouts now involve no criminality, with police time increasingly taken up by public safety concerns, wellbeing checks and mental health crises."

That is an issue that the committee is well familiar with, having held a number of evidence sessions on it.

Do you have a view on the level of police resources that are being used to respond to the wellbeing challenge on the police?

Chief Constable Farrell: I will kick off on that question, and I will then ask DCC Speirs to discuss some of the specific detail.

In my opening remarks, I talked strongly in relation to my commitment and our commitment to partnership working and working in collaboration for the greater good of the people whom we serve, while ensuring value for money from the public purse.

I have previously been very vocal about the criminal justice system. I mention that as a point of comparison, because, during my time as chief constable, we have made—with partners—significant improvements to the justice system through leadership across the different agencies that work within it. For example, we have introduced judicial-led summary case management and expanded the use of body-worn video and digital evidence sharing capability—I could go on and on. You might be familiar with the joint inspection report on citations that was published yesterday, which clearly highlights that more work is to be done. However, we are seeing improvements, reduced costs and a better service for victims.

In contrast, we have—to address the point of your question—entered into strong collaborations to develop better solutions for people who find themselves in mental health crises and distress. Nothing that I say about mental health detracts from the harm that it causes to individuals, but, as my colleague ACC Paton said, it is a matter of mental health and not justice. Given the context of this year's budget and spending review, and given my patience in that space since 2023, I have reached the conclusion that we will have to do something quite significant about our level of response, because our priority cannot be to care for those who find themselves in vulnerable

positions. Our response must relate to preventing and detecting crime and bringing criminals to justice.

The Convener: On that point, would there be any value in revisiting the wellbeing duty that is set out in the 2012 act, and could that potentially lead to a freeing up of front-line police resources? I know that it is very hard to balance helping those who are most vulnerable while recognising the reality of the pressures that doing so brings to the force.

Chief Constable Farrell: I am very cognisant of the legislation. Somebody might tell me different, but I do not think that the word "wellbeing", as it is used in the legislation, has ever been tested legally. My interpretation of it is that our policing response must acknowledge our role in supporting the wellbeing of broader society and the people of Scotland, but, unless somebody wants to bring a legal challenge in this space, it does not mean that we are responsible for every individual's overall health and wellbeing. We absolutely focus on our article 2 right to life responsibilities under the European convention on human rights, but broader care as it relates to vulnerability—in situations in which no other issues directly relate to us—must sit somewhere else.

DCC Speirs can give the committee a broader flavour of what we have done, where we find ourselves and some of the data in relation to that.

Deputy Chief Constable Alan Speirs (Police Scotland): We recognise that there will always be a small number of incidents in which police attendance and support is critical because people are in extreme crisis. As you know and will have heard much about, we have introduced a mental health pathway, which enables us to divert calls away from the service. We have also introduced a mental health index, which allows officers to access clinicians when dealing with incidents.

However, the impact of those initiatives has little bearing on the day-to-day volume of calls. We have talked about dealing with 475 calls and incidents per day. On average, two officers are tied up with such an incident for about six hours. The drain on the resource of officers is huge, so we need to look at ways that we can free up people a lot more quickly.

We try to transfer a range of calls into different parts of the national health service. Right now, we do a warm transfer, which means that we are stuck with those incidents and calls until we get a service on the other end of the phone, so we need to find a more efficient way of doing that. Some 27 to 30 per cent of those calls are from another service passing people on to the police service, so we need to engage with partners on that.

09:15

We spend an inordinate amount of time at hospital—that is what consumes those four to six hours—but, as you will have heard, in the case of 85 per cent of those calls, it is not about a crime. We are looking at what we can do to have a much more significant impact. The mental health pathway and mental health index are working well, but only for a fraction of the calls. Over two years, we have transferred 15,000 incidents, which is 20 a day. Set that against the 475 calls a day and you can see that the effect on a front-line officer's experience is negligible.

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): In this area, the focus understandably tends to be on the capacity of the health service to accommodate those who are brought into the hospital environment. We understand that that is a significant issue; it might be the primary issue. I was taken with evidence that the committee gathered at the meeting that we held on 18 February, when we heard from Dr Robby Steel, a consultant psychiatrist who works with NHS Scotland. He is involved with Police Scotland to try to improve things. I was taken with his point that, presumably, the police officers who bring someone to a hospital environment think that it is the right place and a safe place for the person to be, but that it is his experience that, sometimes, he says to officers, "You've brought the person here. You can go now" and they say that they cannot go and that that is at the instruction of a superior officer. I pressed that point with David Threadgold, and he said that that is sometimes his experience, too.

ACC Paton said that work is being done to build confidence among officers to recognise when they can leave someone at the hospital, but do you recognise that as a challenge? Even if that is marginal, there would presumably be a cost benefit—we are talking about the budget today—to saying that officers can leave once they have taken someone to the hospital.

Chief Constable Farrell: Yes, I recognise that as a challenge. From speaking to officers, I know that the desire to stay with the person is driven by two things: genuine empathy with the person who is in crisis, and wanting to do the right thing; and then, in varying degrees—David Threadgold will have spoken about this—a fear of the consequences, because, if that person then leaves the hospital and some harm comes to them, as the committee knows, we are bound, for those incidents, to be investigated by the Police Investigations and Review Commission. That is quite a strong cultural grip on the organisation, and, on an individual officer level, I understand that.

David Threadgold and I have spoken about this in the past week or so, and I think that you heard him say that we and I need to give front-line sergeants and inspectors the confidence and the tools to raise our risk appetite and then to use the tools that are available to us—we have a decision-making model that we use in all sorts of scenarios—to say that, based on those criteria, officers could leave. We are heading towards the complete roll-out of body-worn video in May. That will be a powerful tool in giving officers support and confidence. For example, I might take a short video of you and say, "Mr Hepburn, I'm going to leave you here. We're in A and E. You're going to be seen in due course. There will probably be a wait." We will be able to use that as one of the levers to give our sergeants and inspectors the right support to say, "We're going to leave you. You're in a place of safety. It's an A and E department. You're not here under arrest. We need to move on to other duties."

Jamie Hepburn: I would have—

The Convener: We must move on, Jamie. I will bring in Sharon Dowey and we might come back to your question if we have time, although we have limited time. I ask for questions and responses to be succinct. I will first bring in Rona Mackay with another supplementary question.

Sharon Dowey (South Scotland) (Con): I will try to be quick.

DCC Speirs, you said that you are looking at ways of freeing up officers earlier in the process but, in many instances, the police should never have got the call in the first place. I do not know whether you saw the evidence that we took a couple of weeks ago from the NHS. The witnesses spoke about frameworks for collaboration, community triage guides and so on. Do you have any comments on what the NHS is doing to try to prevent calls from going to the police in the first place? Is the NHS moving at enough pace or putting in enough help so that you do not get the calls?

Deputy Chief Constable Speirs: Over the past couple of years, it has felt as if we have been the driving force in attempts to make inroads into the handling of mental health calls. There is a lot more that partners could do, and they could definitely do it with a greater degree of urgency. We must recognise that the public's go-to is often to phone 999 or 101. People realise that, with those calls, they get a really quick service. Therefore, on one hand, we will always end up dealing with a range of calls—we will arrive at hospitals and will take the approach that the chief constable has described.

However, moving forward, we are looking to start to have a cold transfer. That means that, at the point of a call coming to the police, when it is not for the police, we will divert it straight to the NHS. As I said, right now, there is a warm transfer, which means that we wait for somebody to answer the phone and, ultimately, if the phone is not answered, we send our officers.

You are absolutely right that we need to do more at that initial point, and I think that we will do some of that. As I said, 27 to 30 per cent of the calls are being pushed to the police from other services, because they do not have a service to provide at that point. We need to influence that space as well. I welcome the initiatives that I am hearing about, but I have a concern that the pace at which progress has been made over the past couple of years has been incredibly slow and, ultimately, the issue remains with us.

The Convener: Rona Mackay can come in briefly.

Rona Mackay (Strathkelvin and Bearsden) (SNP): Good morning. How does your new strategy, for want of a better word, translate to small communities such as villages and rural communities? Would you still operate in the same way, in that, if someone is in distress, you would be the first point of call?

Deputy Chief Constable Speirs: We use the THRIVE—threat, harm, risk, investigation, vulnerability, engagement—assessment in our service centres and that will never change. We will always look at threat, risk and harm. The message is not that we will never be there; I think that there will be lots of instances where, due to proximity and availability, there is a space for a police response. However, in instances when we provide a response, we need other services to come behind us an awful lot quicker. It is really important to say that we are not intent on abandoning communities at their point of need, particularly remote and rural communities. We recognise the importance of that, and we will THRIVE assess and work with the Scottish Ambulance Service and other elements of the NHS service.

Chief Constable Farrell: Sixty per cent of the calls that come in in this space involve an individual or family member requesting help from us. When we look at that data, we would all have to say that there are significant shortcomings if people think that the police are the go-to for support for their family members. We could talk at length about that, but NHS and social care have to step into this space. It is not a policing requirement. I have probably said enough on that.

Liam Kerr (North East Scotland) (Con): Good morning. Chief constable, you told the committee—your written submission reiterates this—that you required a minimum uplift of £104.9 million simply to cover pay, inflation, new legislation, unavoidable pressures and national

insurance hikes. You have been given £90.3 million, and your submission also says that a further cost of £5 million has been identified. That begs the question, what specific operational reductions will be required as a direct consequence of the £19 million shortfall? Will that mean fewer officers on the streets?

Chief Constable Farrell: We have spent considerable time working through where we can take costs out of the budget in order to maintain officer numbers. You have heard me speak many times about front-line policing being a priority. The measures that we have taken are not without risk, and I will talk you through some of those areas.

We have looked closely at prioritising the front line and ensuring that we maintain an on-going commitment to driving efficiencies, removing duplication and increasing capacity across the system. Some of the specific levers that we have pulled to ensure front-line policing strength relate to vacancies across some of our police-staff functions, with the exception of our custody staff and our control-room staff. You are aware that we ran pilots on workforce modernisation involving civilian investigators. These were people working in our professional standards department. The feedback is really positive, and we have managed to maintain some of the modernised posts in our control room and in firearms licensing. Unfortunately, we were not able to take forward some of the other modernised posts into this year.

We have gone through our non-pay costs line by line, as you would expect us to do. However, the biggest point—and the area of greatest risk—is our overtime budget. We have some degree of control over parts of that, but no control over others, such as officers attending court on rest days or while on annual leave. Overtime is an important tool in policing. I will point to two big operations that you are familiar with from last year: operation portaledge, which related to the organised crime feud across the central belt; and operation leste, which was our response to protest across the country. We are bearing down on overtime spend, but there is risk associated with that.

I will highlight two other areas of risk. Last week, a further public inquiry was announced. Currently, we have limited budget for that. We also have limited budget for implementing new legislation. Discussions are on-going with the Government on those areas, together with the inflation guarantee issue.

There are significant risks, but my priority is the front line.

Liam Kerr: The related question is that the Scottish Police Authority budget for 2026-27 includes £86.3 million of capital funding, but you requested £93.9 million. You said in your opening remarks that you have made difficult decisions already, so that begs the question, what capital works have been put off and what will suffer as a result of this significant shortfall? Where will that have the greatest impact, for example, on your planned information technology improvements?

Chief Constable Farrell: DCC Speirs will pick that up, then Sarah Roughead will probably also want to come in.

Deputy Chief Constable Speirs: You have begun to focus on where part of the answer lies by using that example. A big proportion of our capital spend is on data and digital systems. Over the past few weeks, we have been working through a series of challenge panels to determine what is affordable. In effect, some of the work will have to slow down, including the pace at which we introduce improved systems. We were looking at introducing an ecosystem where finance and people come together, which connects to our resourcing model. We also have old systems that are probably outwith support just now. We will have to progress them at a much slower pace. It remains our ambition to deliver on our data and digital programme, but not at the original pace and level of ambition.

09:30

One of the debates that we will probably have in the coming weeks will be about what phase 2 of our body-worn video roll-out looks like and whether we continue to use it. The other big element to consider is our estate. We have been vocal about the need for it to be significantly improved. When it comes to progressing that work in the next financial year, we will have to take a closer look at how we manage our ambitions. We recognise that we will probably have to do some critical work in the health and safety space, but we are recalibrating whether we will be able to deliver on every aspect of the estate work that we hope to do.

Sarah Roughead (Police Scotland): Just to add to that answer, most of our capital spend is across the estate, the fleet and the digital transformation that DCC Speirs mentioned. We have a five-year master plan for the estate, which, together with a prioritisation matrix, helps us with multiyear planning and also with prioritisation when annual budgets perhaps do not allow us to complete everything that we need to.

To add to DCC Speirs' point, we do not want to lose sight of the balance between our ambition—what we could achieve on the estate and with digital transformation—and what we need to do to restore the estate. That means focusing on health and safety items, not luxury upgrades but critical maintenance, and considering what is achievable

within the funding envelope. We need to manage that balance.

In the past, we have raised with Mr McKee and with this committee that the area that would be most helpful to us when it comes to multiyear planning, outside of the annual budgeting process, is borrowing. We lost the ability to borrow when we became a national force and regaining it would be a really important factor in helping with our capital budgets. If we had the ability to borrow and roll over our reserves, we could think about other income streams that we could bring to the organisation.

Pauline McNeill (Glasgow) (Lab): Good morning. I want to ask the chief constable about community policing, but I will first ask Sarah Roughead whether she can clarify something about the budget. I hope that it is an easy question to answer.

The justice and home affairs portfolio is to receive £30.4 million of additional funding in the spring budget revision. The largest component of that is a £24.7 million sum for the United States presidential and vice-presidential visits. Is that figure part of the £90 million uplift or is it additional?

Sarah Roughead: We received the funding for the presidential and vice-presidential visits in the current year, 2025-26. We recorded that separately to our main budget allocation in the current year, and we received the funding through the spring budget revision in the current year. It is all for this year and nothing relates to next year. The £90.3 million figure is for the 2026-27 budget.

Pauline McNeill: So, the £90.3 million does not include the £30.4 million?

Sarah Roughead: It does not.

Pauline McNeill: That is a relief.

Sarah Roughead: For other major events, again, we expect no detriment to policing. In our view, that £90.3 million does not cover, for example, the Commonwealth games. We are already speaking to the Government about the implications of that.

Pauline McNeill: Thank you. Chief constable, I want to ask you about the 600 community police officers that you asked for. The committee fully supported the idea: communities want to see more visible police officers. How much are you able to do with the budget, short of getting 600 new community police officers?

Chief Constable Farrell: We will continue to roll out a community policing model, which has four key elements, and I could talk at length about that. You are aware of some of the areas: response, dedicated neighbourhood policing, community policing officers and an investigation hub to investigate those crimes that affect local people. In addition, and over time, we will seek to centralise some of our safeguarding functions to make them more efficient.

In the bid, we discussed putting an additional 600 officers into community policing. That would have been ideal, from my perspective—in response to your point about having a strong, visible presence. I am a realist, however. As I said in my opening remarks, we know the position around the public finances. However, that will not stop us progressing with that model.

One of the key elements, where we have received some positive feedback, consists of being efficient in attending to people, responding to people, taking non-emergency calls and ensuring that we have resource to support what we call our diary system—so that, if we say, “We’re going to be here at 2 o’clock tomorrow,” we will be there at 2 o’clock tomorrow. We are building that, and we were moving it into a couple more divisions during last month. We will continue, and we will have some academic evaluation of that approach as we develop it.

Would the 600 extra officers have been good? Would that have been nice to have? Absolutely. However, I am a realist, and we will continue to move forward and make policing teams as visible and effective as they can be at a local level.

I talked earlier about some of our middle and back-office functions. While they are important, some of them are currently done at a divisional level, whereas they could be done at national level. I will give you an example. We have 13 crime management units, and it has only been at the point of moving to a national crime system that we have become able to move from the local crime management units to a national provision, using the technology as the foundation. That will drive efficiencies, and all of that efficiency will be pushed into the front line.

Pauline McNeill: So, you will have fewer than 600 of those officers under the budget arrangement.

Chief Constable Farrell: Yes.

Pauline McNeill: I guess that communities want to have a connection with the local police officer. To what extent, in your model, do you think that there might be more connection with local communities, with a named police officer, for instance? One of my criticisms of the centralisation is that Police Scotland feels like such a big organisation. When someone calls the police to find out what has happened following a crime that has been committed, the officer concerned will often not be on duty for ages. There is a

disconnect there: that is where people feel a lack of confidence. Will the model bring some connection or some identity back?

Chief Constable Farrell: Yes. One of the priorities for the investigation hubs is to ensure that we progress inquiries quickly and that victims are updated; in addition, we want to ensure that we can see patterns of crime, so as to respond to them quickly and nip them in the bud.

I absolutely take your point that victims expect to know who is investigating their crime and how they can contact them, with an expectation of regular updates on the progress of the crime investigation.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Good morning. It sounds like you have done a really good job with the budget, making things work and ensuring that the main services are functioning well, but it does not sound like there is a lot of room for movement.

I want to ask about emergency situations that cannot be predicted. I have in mind the situation that we are witnessing in the middle east, which will ultimately have an impact back home. We know that you will be picking up on that in the main, ensuring that there is community cohesion and so on. How do you factor that in with such a tight budget? Do you get extra support for such situations, or do you just have to work with what you have?

Chief Constable Farrell: As you mentioned, we saw an immediate impact following events in the middle east at the weekend. There was protest on the streets of Glasgow. We expected about 100 people but there were between 400 and 500 people at lunchtime last Saturday.

You talked about cohesion. In addition to supporting that protest, our response was to engage heavily with different communities across Scotland to get a sense of the impact that the events were having at a local level. I anticipate that that will continue.

In our original bid, we had a request for an uplift in relation to serious organised crime and counterterrorism. I have already started conversations with Scottish Government officials on that. I will wind back to what I said about where the risks are for us in the budget, one of which is overtime. One of our responses that is intended to ensure that we fulfil those obligations is to use overtime—officers working on rest days or working extra hours—which has an impact. That is the practical use of that money and we have scrutinised and borne down on it. However, that might be the basis of some on-going discussions with the Scottish Government in the new financial year because safety and security are our priority and yours.

Fulton MacGregor: You do not know how things might escalate, but are you confident that you will be able to continue to respond to such events or the continuation of the current events and how they might impact communities in Scotland?

Chief Constable Farrell: We absolutely will respond. We have a strong track record on that but, inevitably, if there are risks as we move into the new financial year, that will be the subject of continuing dialogue with officials and politicians to ensure that we can meet communities' needs.

Fulton MacGregor: I know from work in my constituency with, for example, local mosques when there have been similar events that you have a strong track record on that, so I thank you very much.

Chief Constable Farrell: Thank you.

Sharon Dowey: Chief constable, in your opening statement, you mentioned the cost of public inquiries and legislation. We were having a review of grooming gangs and you were allocated money for that. That has now been changed into an inquiry. Will that mean additional cost for Police Scotland? If so, has the Scottish Government given you the extra money that will be required for it?

You did not get what you asked for in your budget. You said that what you are getting would just keep you standing still. With the lesser amount of money that you are getting, how can we ensure that your police officers are able to investigate fully any concerns that are brought to them about grooming gangs?

I have a last question—I am sorry that it is my third one. A lot of Scottish statutory instruments come to the committee. One on trafficking is coming to us today. It will not come into force until February next year, but costs will be associated with that, even if just for training. Because the commencement date is February, it will still be within the new year's budget. Do you have conversations with the Scottish Government in advance of it bringing SSIs to the committee? Has it committed more money so that that SSI can be implemented properly?

Chief Constable Farrell: I will pick up a couple of those points and see whether we can work through them and get you all the answers.

We have a limited amount of money that is allocated to public inquiries. That is part of the continuing dialogue with Scottish Government officials. We all know the importance of public

inquiries to getting answers for families, so we enter all of them with absolute candour.

09:45

Something that I welcome, and which I would just draw the committee's attention to—although I know that members will be aware of it—is the report that was produced on the cost-effectiveness of public inquiries, which said that inquiries are currently "poorly defined". With that comes the need for time extensions, which lead, in turn, to costs, and I wonder whether it serves families well to have to wait great swathes of time—years, in some cases—in order to get answers. Something different needs to be done in that space, but we are committed to them, albeit with a limited budget currently.

We are also engaging with absolute candour with the public inquiry into grooming gangs and group-based child sexual exploitation. Moreover, you will be aware that we are carrying out a review of some historic cases in line with Baroness Casey's report; it focused on England and Wales, but we have followed the same methodology to see whether, when we look back at cases through the lens of both 2026 and the UK-wide intelligence that policing has, there is further work we can do to support victims in that space.

Have I missed anything?

Sharon Dowey: You have just talked about looking back at cases. One of my biggest concerns is that, if you do not get the budget that you need to have more community officers—more boots on the ground, as they say—those people will not have enough time to investigate all the things that are happening right now.

Chief Constable Farrell: You have just pulled out a key point. The question is: how do we meet some of the day-to-day challenges—the threat, risk, and harm—that we are facing, and strike a balance between addressing the vulnerability and victimisation that is happening now and looking at what happened in the past? In that respect, we have been using some of our civilian investigators to work on historic inquiries so we can move through them as quickly as we can while at the same time safeguarding the vulnerable people, vulnerable children and vulnerable victims that we have today.

Sharon Dowey: And what about my question on the SSI?

Chief Constable Farrell: Oh yes.

Deputy Chief Constable Speirs: We are engaging with that really well and are well aware of what is coming up, but the fact is that, when it comes to legislation, public inquiries, SSIs and so on, we do not have any budgetary provision. We are very actively engaging with Government on receiving financial support for all that work, but I should point out that we have identified affordability as one of our big risk areas.

Building on the chief's point, I want to make it clear that we quite simply do not have the budgetary provision to service six public inquiries in year, and we have no budgetary provision, at this point in time, for any legislation that might be introduced. That is one of the large risks facing us as we go through the year.

Sharon Dowey: So that is a huge concern. Thank you.

Jamie Hepburn: I have just a couple of questions. First, going back to the capital budget allocation, I note that you got around 92 per cent of the amount that you were seeking, which I think was around 23 per cent up from the autumn budget revision position. Clearly, though, you did not get everything that you were seeking.

You have touched a little on the issue of prioritisation, but I just want to go back to the estate and digital data requirements. I appreciate that body-worn cameras, which have been mentioned, are very specific things that only Police Scotland can carry, but in previous evidence sessions, with a range of bodies, we touched on the potential for greater collaboration, particularly in the digital area, but perhaps in the estate, too. I am keen to understand whether that is being actively looked at. For example, if we are talking about the sharing of data between, say, the Crown Office and the Scottish Courts and Tribunals Service, I know that they have a shared campus in Livingston. Are those sorts of cost benefit opportunities still being actively explored?

Deputy Chief Constable Speirs: Yes, they are. It sounds as though we have painted a pessimistic position around the estate, for example, but over the course of the current financial year, we have delivered on something like 139 projects to improve and enhance our facilities.

We have 400 locations across Scotland, and about 70 of them are co-locations. The evidence tells us that, where we can co-locate with key partners, we make some pertinent inroads. As we go into the next financial year, we will still be as ambitious as we can be in the estate space, but that will be set against a five-year capital plan of spending £296 million, and our allocation for next year will be a tiny fraction of that. We are now starting to moderate and look at what we might do better in that space.

We are connected across the UK in terms of data and digital. We work with the National Police Chiefs Council and the College of Policing, and we

are trying to draw on the systems that would be used in other parts of the UK. Of course, some of the systems that we use are used across the UK. Speaking pessimistically, there is definitely a tale of how, as the eight forces became one, we inherited a lot of legacy systems, and it has taken us until recent months to roll out DESC and have a single crime recording system. We still have a bit of a lag in getting to where we want to be with data and digital, but we are actively engaged with a range of partners in Scotland and, importantly, with UK policing.

Chief Constable Farrell: Just to add to that and to the point about efficiency across the system and a forward look, we are in discussions with transport colleagues in the Scottish Government. We are making strong progress on roads policing and investing in digital technology that streamlines the process from someone being stopped at the roadside or being caught on the camera all the way through to who was driving the car being returned to the police and summonsed into court. There is more investment in diversion schemes to ensure that we are educating people about speeding and using mobile phones and seatbelts, which takes some demand off the courts. At the same time, we are working closely with other agencies to drive efficiency.

I do not have the number of those types of road traffic offences that go through the courts, but it is considerable. There is a strong momentum in digitising all that and there is a focus on education.

Jamie Hepburn: The whole area of collaboration will be for our successor committee to determine, but it should be an area of interest to it.

I have one final straightforward question that I have asked everyone, and you might or might not have the answer to it. It is about the impact of increased employer national insurance contributions. Could I get a reminder of what the impact of that was this year—not so much the proportion that was allocated to mitigate it but the overall cost—and whether there has been an assessment yet of what the cost is likely to be for this coming financial year?

Sarah Roughead: Absolutely. We receive funding for 60 per cent of employer national insurance increases, and £10 million equates to the 40 per cent—

Jamie Hepburn: So what is the global sum? I could try to work out the maths myself, but could you tell me?

Sarah Roughead: It is about £25 million.

Jamie Hepburn: Do we know what it will be for this coming year?

Sarah Roughead: That was the impact for the current year, and the total cost to Police Scotland will be in steady state for next year.

Jamie Hepburn: Okay, but I presume that it will increase a little because of pay increases and so on.

Sarah Roughead: I would have to find the detail for the national insurance increase on the pay award.

Jamie Hepburn: It would be useful if we could get that. I think that you told us at the last meeting that it equated to about 500 officers' salaries.

Sarah Roughead: You are testing me on the numbers now, but 100 officers is about £3.85 million.

Jamie Hepburn: Okay. I need to get a calculator for this. I think that you said 500 last time, but that is fine.

Rona Mackay: I want to follow up on my colleagues' questions about digital modernisation. My question is about body-worn cameras. DCC Speirs, do you have figures for the percentage of the roll-out that has been achieved and what is still to be done?

Deputy Chief Constable Speirs: We have moved the roll-out of body-worn cameras to the west, and we are probably at 75 per cent. Front-line policing was always going to be phase 1 so, by the time we hit May, it will be rolled out where it will have the greatest impact for local communities. It is in the final stages in the bigger areas, such as Glasgow.

Rona Mackay: When you say 75 per cent, do you mean throughout Scotland?

Deputy Chief Constable Speirs: Yes.

Rona Mackay: How much will the constraints on your budget hamper that? Will you be able to progress it at all?

Deputy Chief Constable Speirs: We are confident that we can. Part of our plan was to ensure that the capital spend and technology were in place, and we have that. We are measuring our ability to roll out phase 2, but that will be in the less front-facing roles, elements of our specialist crime division and other elements such as professional standards and parts of operational support.

Rona Mackay: You are having to prioritise the areas.

Deputy Chief Constable Speirs: We are, but the early benefits that we are seeing from the roll-out of phase 1 are incredibly positive, so we are keen to progress with phase 2. The key message to set against the budget is that we have to take a moment, pause and measure that against other

elements of the data and digital roll-out for the year.

Chief Constable Farrell: I am looking forward to being able to see the impact over time through the evidence being provided to the court and early guilty pleas, although there will be a lag in that. That will be significant for victims of crime, and it will also have a significant impact on the efficiency of the system. There will be a time lag before those cases get through, but the scale of the business that is going through the courts in Glasgow, for example, means that having body-worn cameras across Scotland will have a strong and tangible system-wide impact.

Rona Mackay: That is encouraging. The joint audit by Audit Scotland and His Majesty's Inspectorate of Constabulary in Scotland commented that transformation in digital and estate modernisation

"has not been well managed or delivered at pace in the past."

Do you agree with that, or would you say that that is a result of financial restrictions?

Deputy Chief Constable Speirs: We broadly agree with that and we probably recognised that in the early part of last year. We built up a function that could administer change and perhaps there was less focus on delivering transformational change. We introduced a transformation director just over a year ago to lead on that, and we now have a programme and are building a team that can deliver on transformation. That puts us in a good place.

There is no question but that the strain on the budget has a negative impact on our ability to do that. One of the exercises that we are doing now is looking at what key projects we want to deliver on in 2026-27 and 2027-28, because we cannot do everything that is within our ambition.

Sarah Roughead: I will come in on a financial technicality about transformation. We have talked a lot about capital today. As we transform and as we digitise our infrastructure, much of it becomes about resource funding. From historic capital establishment and funding, we are flipping to licences, which means licence fees, and cloud software, which means resource funding. Across the spending review, the balance between our capital and resource needs will be significantly different in 18 months, in two years and in five years. I wanted to set that out, because we have been talking about capital and resource and the intricacies of both.

Rona Mackay: The balance is changing.

Sarah Roughead: It will change.

Rona Mackay: Sarah, you spoke earlier about the force's inability to borrow as a single force. Have you had conversations with the Scottish Government and has there been any movement in the UK Government dialogue on that?

Sarah Roughead: We wrote to Mr McKee just before Christmas. He is supportive of on-going discussions, so we are picking that up. I am new in tenure, so I am re-engaging through those conversations. The issue is important for us, and there are lots of elements to it. There is borrowing and there is the reserves roll-over, which will help us from a resource funding perspective.

I am also starting to think about other areas where we are different from England and Wales and where we could receive income that would be incredibly helpful. I know that ACC Houston spoke to the committee earlier this year about proceeds of crime; we do not receive that, but England and Wales benefit from it. There are lots of areas of Treasury funding that I want to pick up on in discussions.

10:00

Rona Mackay: Are you confident that that will come together and that you will make progress?

Sarah Roughead: We are having early discussions; that is where we are.

The Convener: We are just on the hour, but I wonder whether I can come in with the final question for the chief constable. In your opening remarks, you highlighted the spending pressure that comes from the impact of new legislation, much of which has come from this committee in the past few years. However, as my colleague Sharon Dowey highlighted earlier, we are just about to consider a Scottish statutory instrument on reporting human trafficking to Police Scotland. We are also considering the impact of the HMICS report on vetting for police officers. All of those additional requirements, plus the legislation that is coming down the track under the Victims, Witnesses, and Justice Reform (Scotland) Act 2025, for example, must add significant costs to your budget. I am interested to hear a wee bit more commentary on that pressure.

Deputy Chief Constable Speirs: We are supportive of those legislative measures and have advocated strongly for the Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025, which connects to vetting, and the importance of conduct regulations as well as some of the domestic abuse legislation. The organisation is supportive of that.

We recognise that all that comes at a cost. In the past couple of years, our interaction with the Government has been more positive, in that we have quantified the financial costs of new

legislation. Although we have no provision budgeted for this year, we are in positive discussions with the Government, which will work with us to support the introduction of the legislation. I have a degree of confidence that, as we go through the financial year, we will be supported in that space. It would be wrong for me not to highlight that the situation carries a degree of vulnerability, but I do not want to lose sight of the importance of the legislation and our support for those legislative measures.

The Convener: On that, we will draw this session to a close. I thank the chief constable, DCC Speirs and Ms Roughead for an interesting session.

We will have a short suspension to allow for a changeover of witnesses.

10:02

Meeting suspended.

10:09

On resuming—

Subordinate Legislation

Prisoners (Early Release) (Miscellaneous Amendment and Transitional Provisions) (Scotland) Regulations 2026 [draft]

The Convener: Our next item of business is an oral evidence session on a draft affirmative instrument. We are joined by the Cabinet Secretary for Justice and Home Affairs, along with Scottish Government officials Claire Martin, prison population team leader; and Ruth Swanson, solicitor. I also welcome Linda Pollock, who is the deputy chief executive at the Scottish Prison Service. I refer members to paper 3 and I thank everyone who provided written submissions to the committee. I intend to allow up to 20 minutes for this item. I invite the cabinet secretary to make some opening remarks.

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): Thank you, and good morning. I begin by placing on record my gratitude and appreciation to Scottish Prison Service staff, justice social work services and other partners for their on-going dedication, hard work and commitment in all that they do.

As the committee will be aware, a rising and more complex prison population is not a challenge that is unique to Scotland. The Government has taken a range of actions to tackle the situation and to create a sustainable prison population. We have optimised the existing prison estate to create 400 additional spaces compared with 2024 and we have provided the Scottish Prison Service with capital funding of £355 million this year and £458.5 million next year to continue the construction of two new prisons, which will add 464 places. The resource budget for the SPS next year will also be increased to £509.3 million—almost half a billion pounds. In addition, we have significantly increased investment in community justice, bringing the total funding for the next financial year to £169 million. That will enable the expansion of alternatives to custody, including diversion, alternatives to remand, and community sentences, which we know are more effective at reducing reoffending than short custodial sentences.

Despite our best efforts, the prison population remains stubbornly high, which poses significant risks to those who are living and working in our prisons. The prison population stands at 8,361, with 13 establishments operating above design capacity and eight at red risk status. Should the regulations be approved, they would reduce the proportion of the custodial sentence that certain short-term prisoners would be required to serve

before they are automatically released from 40 per cent to 30 per cent. The change is necessary to ensure that our prisons remain safe and effective. It could result in a sustained reduction of between 239 and 312 individuals, which would better support the delivery of crucial services in our prisons, pre-release planning and the safety and wellbeing of all those who live and work in our prisons. The change would apply only to those who are serving short-term sentences, and those with sentences for sexual or domestic abuse offences will be excluded. That recognises the barriers to reporting in relation to those types of offences and the need to maintain the progress that has been made in increased reporting.

My officials and I continue to engage with partners to maximise planning and support for those who are leaving custody. Additionally, the proposed changes would not take effect until after the current emergency early release scheme ends in April. Those who are eligible for immediate release would be released in tranches to minimise the impact on community services.

I have always been clear that there is no single or simple solution to the challenge that is faced by Scotland, other parts of the United Kingdom and beyond. Although the Government has already taken and continues to deliver a range of actions to increase the availability of alternatives to custody, a long-term change in our approach is needed. We now have the evidence-based recommendations of the sentencing and penal policy commission. Our collective duty is to consider what measures would deliver an effective justice system where prisons are safe environments that are focused on rehabilitation and reducing reoffending to ensure that we have fewer victims and safer communities.

10:15

The Convener: Thank you, cabinet secretary. I will open the questions. I am not sure that any of us wants to be in this situation today of again looking at a reduction in the percentage of sentence served before early release. I want to pick up on the previous early release change, which was a move from 50 to 40 per cent. I would like a wee bit more detail on the impact of that. To what extent did that change in the early release timescale ease the prison population? That is important as we consider a further change in the early release point. Where did that go? Did it have the effect that we hoped for?

Angela Constance: With the STP40 programme, which, for clarity, was under the Prisoners (Early Release) (Scotland) Act 2025, the anticipation was that it would reduce the population by up to 5 per cent but in a sustained manner. We know from work done by justice analytical services that, between February and November last year, the short-term prison population reduced by 8 per cent. Obviously, there was an additional decrease as a result of the current emergency early release programme. If we had not taken the action that we did with STP40, it is estimated that the prison population would be higher by between 260 and 390 prisoners. It has had an impact, but we always said that it would have an impact in relation to what the population would otherwise be.

The Convener: Linda Pollock, do you want to come in on that, from the Prison Service point of view?

Linda Pollock (Scottish Prison Service): We all know that the prison population is very difficult and is stubbornly high. As the cabinet secretary said, without STP40 and the emergency releases, the population would be significantly higher. It would be towards 8,780 and up to 9,000, which we could not manage in the Prison Service. Although we are sitting at a high level, without the actions that have been taken, the level would have been even higher and would have been unsustainable and unmanageable.

The Convener: I have one more question, cabinet secretary. You spoke about a requirement for long-term change in our general approach and you referenced the recent report of the Scottish sentencing and penal policy commission, which makes recommendations with regard to short-term prison sentences, in so far as they are not an effective way to reduce reoffending and they often destabilise people's lives. I know that we are coming to the end of this parliamentary session, but can you provide more detail on the next steps on the back of that report, specifically with regard to short-term sentencing?

Angela Constance: Members will recall the statement that I gave to Parliament a few weeks ago. That was the Scottish Government's initial response to what is a comprehensive and evidence-led report. The very nub of it is to point out that a very high prison population does not equate to a safer Scotland. There is a clear invitation to us all to do things differently.

The report is wide ranging and comprehensive, and we are looking at each of the recommendations. Decisions will, of course, be for the next session of Parliament, but I hope that, in the time that we all have between now and then, we can collectively give serious consideration to the report, as there will be decisions that need to be made or not. Given the scale of the report, we will need to look at what is deliverable and at prioritisation.

The evidence over the past two decades has been clear on the ineffectiveness of short-term

sentences. I think that Ms Mackay asked a question in the chamber about the number of people serving a sentence of less than a year. If we take a snapshot on any given day, we find that the figure is about 500 people. The majority of short-term prisoners are serving sentences of two years or less. A body of evidence shows that there are better solutions, when it is safe and appropriate to use them, that make our communities safer.

There is a lot of work to do to consider the recommendations collectively and individually. I know that we are all in campaigning mode, but my plea is that we should try to find ground on which we can reach consensus. If we do not want to keep needing to make decisions that give temporary relief—which is what early emergency release measures do—we need to agree to the regulations that we are considering today, which will provide sustained relief. However, the regulations are only one small part of the jigsaw. We need to carry out more fundamental longer-term reform in order to have safer prisons and a sustainable prison population.

The Convener: Thank you.

Liam Kerr: Cabinet secretary, you said that the scheme could reduce the prison population by between 239 and 312 people once it is fully implemented, but numerous previous schemes have failed to deliver a sustained reduction in the prison population. What evidence is there that this change will make a lasting structural impact, rather than it resulting in a short-term dip followed by a rebound in the population?

Angela Constance: I remind Mr Kerr that I have always been utterly candid about the impact of each and every measure that we have undertaken. We have undertaken two early emergency release schemes, and I have always explicitly stated that, although there are advantages to such schemes, they provide only temporary relief—sometimes for up to six months; sometimes for less than that—because they are emergency measures. I have never pretended that early emergency release schemes provide anything other than temporary relief that is necessary at a particular point in time.

Reducing or changing the point of automatic release for some short-term prisoners provides a sustained reduction compared with what the prison population would otherwise be. Obviously, I am not in control of the flows into our prison system. However, as I said in response to the convener's question, STP40 has had an impact on the short-term prison population, and the measure that we are talking about today will reduce the prison population in a sustained way compared with what the population would otherwise be. I gave the figures earlier, so I will not repeat them.

Let me be clear that there is no one solution. I assure Mr Kerr that the Government has never pretended otherwise. Bigger and more fundamental reforms are required.

Liam Kerr: The reoffending rate is currently about 44 per cent. What impact does your data—which has presumably been collated—suggest that the move will have on the reoffending rate? If the evidence—if any has been taken—shows that the reoffending rate will rise, perhaps due to there being fewer prison interventions or the fact that post-prison throughcare is voluntary, how will the move achieve a sustained reduction in the prison population?

Angela Constance: When I gave the original statement, I made a political commitment in response to a question from the convener that we would, in due course, review STP30 if the Parliament agrees to it, in the same fashion that we have a legislative commitment to review STP40. I stand by that commitment.

The return to custody rate—which is different from the reoffending rate—for the first early emergency release programme was 13 per cent of 477 releases. I think that the exact figure was 57—is that correct, Linda Pollock?

Linda Pollock: It was 61.

Angela Constance: Yes, it was 61. The return to custody rate for the STP40 programme was 5 per cent, which equated to 12 or 13 individuals.

I appreciate that the return to custody rate is not the same as the reconviction rate. The figure that Mr Kerr referred to is, if I recall correctly, the reconviction rate for very short-term sentences of less than four years—I think that you quoted 40 per cent, Mr Kerr.

Liam Kerr: I quoted the 44 per cent reoffending rate.

Angela Constance: For which group?

Liam Kerr: If I may, cabinet secretary, I would like to ask you about that reoffending rate rather than the return to custody rate—to be fair, you are right to concede that they are two different things. Can you tell the committee what the reoffending rate is for those who have been released under the emergency release legislation and also since the change to 40 per cent was made, compared to the mean reoffending rate?

Angela Constance: I do not think that we have that information. There is a plethora of statistics on reoffending, which relate broadly to short-term and long-term prisoners. The risk management authority does work on particular categories of offenders. Because there is a lag in the statistics on reoffending, I do not have the instantaneous information that Mr Kerr and others might seek.

Claire Martin works on that policy, so I invite her to add to that.

Claire Martin (Scottish Government): As the cabinet secretary said, we have the return to custody rate for the initial releases under the 2025 act. However, we do not have a reoffending rate specific to that release process. We publish reconviction rates, but, as the cabinet secretary said, there is a bit of a lag, because we need to wait for a time period to pass before we can look at that. There will be a statutory review next year on the changes that were made by the 2025 act, and we will be able to consider the rates in more detail at that point.

Liam Kerr: Thank you. I have a quick final question. Cabinet secretary, will you confirm for the record that there is no governor's veto in the scheme? Therefore, no matter how dangerous a prisoner may seem to the governor, they cannot prevent the release of that prisoner.

Angela Constance: There is no governor's veto in this scheme, in the same way as there was no governor's veto in the STP40 programme. The reason for that is that a governor's veto can be justified, policy-wise or legally, with emergency early release because we are undertaking a process at pace. However, when you change the point of release for a cohort of prisoners going forward, there is no scope for a governor's veto. There are advantages and disadvantages of particular schemes. I recognise that people value the governor's veto in the context of emergency early release, but, as I said, emergency early release does not reduce the prison population in a sustained way.

As we did with the STP40 programme, we have excluded prisoners who are serving sentences for domestic abuse and sexual offences. There is strong justification for that, because, historically, there have been barriers to reporting such crimes. We want to maintain the confidence of the public, and women in particular, to come forward and report such crimes, so there is a robust case for that exclusion.

10:30

We are not attempting to create a hierarchy of offences. As I said, as was the case under previous schemes, most short-term prisoners who will be released under the proposed scheme will be serving sentences of less than two years. It is worth remembering that the prisoners who are released earlier are people who are due to return to our communities in the not-too-distant future and who are not subject to statutory supervision. At the time of sentencing, the court makes a decision about whether someone should be subject to a supervised release order, an extended sentence or whatever. In sentencing a prisoner, the court evaluates what is proportionate, what element is punishment and what is required to manage the future risk.

The Convener: I ask for succinct questions and responses, so that all members are able to ask questions.

Jamie Hepburn: You mentioned the two new prisons that are being constructed. Are you able to confirm that those are still on schedule?

Angela Constance: Yes. HMP Highland is on track for the building work to be completed later this year, and the construction of HMP Glasgow is continuing as planned.

Jamie Hepburn: I think that you said that that will provide 460 additional spaces.

Angela Constance: Yes, that is correct.

Jamie Hepburn: I have a question that relates to annex A of the helpful letter that you sent to us, which gives a breakdown by year of the number of people who receive short-term sentences. It sounds self-evident to say that the challenge that we face here is that people keep getting sent to prison, which drives up the prison population. However, the Parliament legislated for a presumption against short-term sentences. I recognise that we cannot cut across the judge's right to make a determination in considering any particular case, but the information that you have given us shows that, for the past two years, there has been an increase across all three groups: sentences of up to three months; sentences of three months to six months; and sentences of six months to a year. Do you have any sense of why that might be the case? As I said, we cannot second-guess the determinations that are made by the courts, but do we know why that is happening?

Angela Constance: As is the case in other parts of the UK and Europe, we are contending with a rising prison population. The presumption against sentences of less than a year is a presumption, not a ban. That has resulted in an overall reduction, but the number is still high. [*Interruption*.] I am sorry—I am just trying to find the annex that I sent you.

Jamie Hepburn: I will not give the precise figures but, basically, from 2022-23 to 2023-24, the numbers being sentenced were up, which goes against the grain of there being a presumption against short-term sentences. Do you have any insight or understanding into what is driving that?

Angela Constance: The situation is patchy. In some areas of the country, we see regular and consistent use of community disposals and an

increase in electronic monitoring. All that is absolutely welcome.

The independent Scottish Sentencing Council undertook some research to help us understand what is happening with regard to the use of very short-term sentences. That will be helpful.

From my perspective—this is perhaps less than scientific—I consider it vital that we continue to bolster confidence in alternatives to custody and in community payback orders, because the evidence shows that community payback orders lead to better outcomes in terms of reoffending. They are focused on individual needs and risks and on upskilling people.

I have found the figures that Mr Hepburn referred to. In 2014-15, 4,103 people received short-term sentences of up to three months; in 2023-24, that figure was 2,658.

We have to concede that, sometimes, prison is an expensive way of making things worse. That would be my fundamental point, and we need to have a hard conversation with ourselves as a country about that. The figure that I gave for 2023-24 is still a relatively high number, and there is a higher figure for sentences of three to six months. Although I will absolutely never overstep the mark in terms of the independence of the judiciary, I contend that we can invest money to get better outcomes, because, as I said, prison is an expensive way of making things worse.

Pauline McNeill: Good morning. I am clear about the reasons why you are taking this approach, so I will not go into that.

In response to Liam Kerr, you mentioned a reduction in the prison population due to the change to people having to serve only 40 per cent of their sentence. If you had the projected figure for what would happen if there were a further reduction to 30 per cent, that would be useful.

You said that there would be no supervision of people who were subject to early release. Could those prisoners be released even earlier on home detention curfew? Apologies if you have answered that before, but I just want to be clear. Will they still serve that 30 per cent of their sentence in prison, or are there any circumstances in which they could be in prison for even less time than that?

Angela Constance: When we embarked on the emergency early release programme, the cohort of people who were eligible to be assessed for home detention curfew fell. Although we have been using home detention curfew increasingly over the past few years, the numbers of people being granted HDC fall when we are doing emergency early release. They would also remain comparatively low if we were doing STP30, because that would involve a similar cohort. Forgive me; I do not like talking about focused cohorts but I will use that word for the sake of simplicity.

You asked for a figure for the projected sustained decrease in the prison population under the regulations. That figure is up to 312, and the baseline figure is 239 to 312.

Pauline McNeill: So, someone who is serving 30 per cent of their sentence will serve it in prison.

Linda Pollock: People will still be eligible for home detention curfew if they meet the eligibility criteria. We will still be operating home detention curfew as well, but, as you know, there are criteria for reaching the approvals for that. I can send details of that position to you, if that would be helpful.

Pauline McNeill: It would be, because, as I have said in the chamber before, the public will find the proposal very difficult to accept and understand. I am not starting a different conversation about alternatives to custody in the longer term, because I support that notion. What we are talking about is trying to get the public's head around someone who has been given a four-year sentence serving only whatever 30 per cent of that would be—maybe you could do the maths for me on that; it would be easier if I had said three years.

We need to be clear about how much of their sentence people are going to spend in jail. However, I think that the answer to my question is that some people might not even serve 30 per cent of their sentence in jail, if they meet the criteria. Would you agree that that is the difficult bit for the public to accept? Under the proposals, we are just not clear how much time people will spend in jail in every case.

Angela Constance: If I can take those three elements, I will try to be brief—

The Convener: I do not want to rush you, but I ask you to be as succinct as possible, cabinet secretary.

Angela Constance: Absolutely, I accept that.

There is a general point about people not understanding how sentencing works now—that is evidenced by work that has been done by the sentencing and penal policy commission and the Scottish Sentencing Council. Many people are surprised by the fact that people are eligible for release on parole or non-parole licence, or about the proportion of their sentence that a short-term prisoner will spend in custody. There is an issue that needs to be addressed in terms of public discourse. As I said, there will certainly be fewer people going out on home detention curfew—the number is down to around 40 per cent today.

Linda Pollock: It is 35 per cent.

Angela Constance: That is much lower than it has been in previous months.

I am sorry that there is not a shorter, more direct answer to Ms McNeill's question, but the issue is complex. Although someone must serve a minimum of 15 per cent of their sentence before they are eligible for a home detention curfew, there are other eligibility criteria and a requirement that the period of HDC cannot be more than 210 days. That means that the reality is that most people on HDC are not getting out after serving 15 per cent of their sentence.

There is a bit of a complex interaction—I am sorry about that, but we will follow that up in writing.

Pauline McNeill: You are kind of making the point for me.

Angela Constance: Absolutely.

10:45

Pauline McNeill: If we are struggling to understand all the complexities, how can the public understand what is going on? They are alarmed at the reduction to 30 per cent, but further issues could mean that, in certain cases, people could be serving less than that. I would be happy if Claire Martin or Linda Pollock could write to the committee to give us the figures on the calculations for four, three, two and one year short-term sentences, just so that we can see them. I have tried to work it out myself. If someone has a four-year sentence, how much of that are they serving in jail? For transparency reasons, at least, whether people agree with the policy or not, that is very important. That is the point that I wanted to make.

Angela Constance: I am happy to do that, Ms McNeill. It is also worth remembering that folk who are released on home detention curfew are tagged and are subject to a licence and recall.

Katy Clark: We strongly support the need for long-term change and will support all efforts to make sure that we have a robust range of alternatives to custody available across the country, because, for many offenders, they represent a more effective approach.

On the particular issues that we are looking at today, can you say a little more about the package that will be put in place around the proposed releases? When there have been such releases in the past, there has sometimes been poor planning. I know that some work has been done on that. We also know that all the evidence seems to suggest that the better the planning that is put in place over a period, the more likely it is that the person will not reoffend. Liam Kerr spoke about reoffending rates. Can you say a bit more about the planning for the package of support that will be available?

Angela Constance: Absolutely. Planning for release is crucial. That is why we brought in the Bail and Release from Custody (Scotland) Act 2023, on sections 12 and 13 of which I am sure that I have updated the committee. Much of the work that has been done to support the early release of some short-term prisoners is a precursor to the work that is required for sections 12 and 13 of the 2023 act.

We have started from the position that the vast majority of short-term prisoners are not subject to statutory supervision on release unless the court has decided otherwise. Therefore, they have always been entitled to voluntary aftercare. Traditionally, voluntary aftercare fell within the remit of community justice social work. That provision was utilised, and, over the past few years, it has been expanded on through the use of the third sector, which brings considerable advantages. The provision of professional social work throughcare has advantages, but there are also advantages in more bespoke third sector throughcare support. That is why we have the new throughcare contract that Upside is delivering. That has increased the eligibility for throughcare, because it accommodates—for the first time—men who are released from remand.

I will ask Linda Pollock to talk about the planning that starts with SPS engaging with community partners, because that is crucially important.

Linda Pollock: We have been working very hard, with Upside and other partners, to look more at the pre-release planning that is done for people, particularly in relation to housing, support to ensure that people get their medication, support to meet them at the gate, if required, and voluntary throughcare support. There was a big emphasis on that, especially in the run-up to the emergency releases and the STP40 programme. That has become standard practice in preparation for the implementation of the 2023 act. Through the emergency releases and STP40, we have seen some of the benefits of the improvements in pre-release planning. We are committed to working with partners to continue to provide that support.

Katy Clark: I appreciate that we are coming to the end of the parliamentary session, but it would be helpful if you could provide us with more information about that, because we know from previous experience that that support is often not in place.

I also have a question about victim notification, which relates to some of the issues that Pauline McNeill explored with regard to the complexity of the system and the fact that victims—and others

who have been impacted by the offender's behaviour—need to rely on the information that they have. They are often very aware of what they understand is going to happen. The proposed releases will move the goalposts, because the release dates are changing. I understand your point that people do not understand how sentencing works, but what work is being done to ensure that not only victims, but others who might be impacted, will be aware of the changes?

Angela Constance: Again, that is crucially important work. I will not rehearse previous debates and arguments about the need to simplify the victim notification schemes. That was a big focus of some of the work that we all did together on the Victims, Witnesses, and Justice Reform (Scotland) Act 2025.

Currently, 3,237 people are registered with the VNS. I concede that on-going efforts are required to increase awareness of the victim notification scheme and to encourage and facilitate registration. For the majority of registered victims, the perpetrators are serving a long-term sentence. There are 472 registered victims in relation to perpetrators who are serving a short-term sentence. Those figures will be a few weeks old, by the way—I got them because I was answering a parliamentary question.

We can give an assurance that, if someone is a registered victim and the release date of the perpetrator is changed, they will be notified. The point is that we need to continue to increase efforts to ensure that people know how to register. The Government is doing that work collectively with victim support organisations and the Scottish Prison Service.

Katy Clark: Is it fair to say that, again, that is work for the future? With regard to the proposed releases that we are considering today, from the figures that you have given, the reality is that most of the victims will not be registered. Is that a fair point?

Angela Constance: It is really difficult for me to say. Historically, people have gravitated towards registration in relation to long-term prisoners, but there will be many victims who are not registered. We have been engaging in order to get people registered—for example, officials and I have met victim support organisations, and the Prison Service works with victim support organisations. People can still register.

Katy Clark: I understand all the points that you are making, but there were very few notifications about the previous early releases, because very few of the victims were registered. From the figures that you have given, it looks as though we will be in a similar position again. I do not know whether Linda Pollock wants to come in.

Linda Pollock: For the previous change and the previous emergency releases, we have done targeted work with Victim Support Scotland, both through our website and through online and television advertising, to raise awareness and encourage more people to register. At times like this, when there is increased media coverage of the issue, there is an opportunity to provide information about how people can register, to make that as straightforward as possible for them. Along with Victim Support Scotland and Children First, we are using that heightened awareness to get more information out to people about applying.

Katy Clark: The figures that have been provided suggest that there is currently a very low level of registration. Is that a fair point?

Angela Constance: It is also fair to say that a lot of work has gone into that over the years.

Katy Clark: I welcome that.

Angela Constance: We currently have a system that people have to opt into. I do not want to incur the wrath of the convener, but there has been a live debate about how we recalibrate that with regard to the victim information team, the work on having a central point of contact and the work around more facilitated conversations. Ultimately, we are reliant on people registering, but there is a bigger debate about how we recalibrate that.

Katy Clark: I am not attempting to reopen that debate—I am just trying to get a snapshot of where we are now. Given that very few victims are notified at the moment, it is likely that victims will be notified in only a small percentage of the proposed early releases.

Angela Constance: That is because we cannot give people information if we do not know that they want it.

The Convener: I call Sharon Dowey.

Sharon Dowey: Going back to the issue of capacity, I think that everybody agrees that diversion from prosecution is a good thing, and it is something that we want to look at, where we can do it and where it is working. However, the figures that we have been sent show that more than 1,000 more short-term sentences were given out in 2023-24 than in 2022-23, so something must be going wrong, or must not be working, with diversion from prosecution.

In your answer to Jamie Hepburn, you said that there will be another 460 spaces in the new prisons that we are building, and the early release scheme for short-term prisoners will, I think, give us up to 312 more spaces in the prisons.

However, many of the longer-term prisoners who are taking up capacity are in prison for historical sexual offences; they have been charged

and convicted and are now, quite rightly, in prison. Given that we have just upgraded a grooming gangs review to an inquiry, it is probably safe to say that we will start to see a lot more prosecutions of serious sexual offences, as a result of which we will need more spaces in prisons. Is any planning being done at the moment to ensure that we have space for those offenders in prison and that we do not find ourselves back here again, with the Government saying, "We need to release other offenders early"?

Angela Constance: That question raises a number of issues, as well as showing, I think, some misunderstanding of the matter and a conflation of certain issues.

First, diversion from prosecution is a matter not for ministers, but for prosecutors, so I will leave that there.

Sharon Dowey: I was just making a point about short-term sentences. Even though we have diversion from prosecution, the number of short-term sentences is increasing. That option might be there for judges and sheriffs, but we had 1,064 more short-term sentences in 2023-24 than we had in 2022-23. Obviously, we do not have the most recent figures yet, but there has still been an increase in short-term sentences, even though we have diversion from prosecution.

Angela Constance: Without stepping on the Crown Office's toes, I simply point out that diversion from prosecution can be used only where there is an identifiable need relating to someone's offending and where it is in the public interest. Drawing a correlation between diversion from prosecution and an increase in short-term sentences is probably a bit of a stretch. I think that you and I are probably in a different place in that respect, Ms Dowey.

However, I come back to the important and serious point that, if, as a nation, we get better at investigating, prosecuting and convicting the most serious offenders—the most serious domestic abusers and sexual offenders—that will pose questions about the purpose of prison. The purpose of prison, in my view, is to house those who pose the greatest risk to victims. We have always been clear about that. There will always be a need for prisons, but if we want our prisons to function effectively for those who pose the greatest risk, we need to take that long-term view.

I do not know whether Ms Dowey was in the chamber or participated when I gave my statement on the sentencing and penal policy commission, but I could not have made it clearer: if we, as a Parliament, want to move on from making decisions on emergency early release or changing the automatic release point for short-term prisoners, we will need to pursue more fundamental reforms that are based on evidence. If other countries can reform their prison systems without compromising public safety, why cannot Scotland? The longer-term work that I have talked about will, in my view, have to commence, but that will be for the next session of Parliament, and I hope that all of us can engage in it constructively.

11:00

Sharon Dowey: So has any work been done on increasing capacity in prisons?

Angela Constance: Yes. As I said in my opening remarks, we have increased prison capacity by 400 since 2024, and that has involved bringing back disused halls and working with HMP Grampian, HMP Polmont and, I think, HMP Edinburgh to maximise current capacity. Obviously, though, there is a limit to the current estate, but we have done that work and have increased the capacity of the existing establishments.

Of course, we have a prison building programme, too, but we need to take other actions to increase confidence in, and the capacity of alternatives to, custodial sentences and to answer some of the questions and points that have been put to us as a Parliament and as a country by the sentencing and penal policy commission.

Sharon Dowey: If any other work is being done to increase capacity, it would be good if the committee could be informed of that in writing. We do not have enough capacity at the moment, which is why the Government is proceeding with early release.

Angela Constance: I have written to the committee about all of that. We can always reshare that information, of course.

Sharon Dowey: Thank you.

The Convener: Our next item of business is to consider a motion to approve the affirmative SSI on which we have just taken oral evidence. I do not need to remind officials that only MSPs may speak in a debate on a motion.

I invite the cabinet secretary to move motion S6M-20793, in her name, and to make any brief additional comments that she wishes to make.

Angela Constance: Thank you, convener. I appreciate the opportunity to come before the committee this morning.

I hope that what has been made clear not only this morning, but in my previous statement on the regulations, is that our prison population remains a critical risk and that we must take further action. I have outlined the next steps that, in my view, must be taken to ensure that our prisons can

continue to operate effectively and safely. We have a duty to protect the health, safety and wellbeing of staff and prisoners.

There are, of course, safeguards and exclusions in the programme. For example, there will be no change to the release dates for those who have been convicted of sexual offences or domestic abuse. The measure will apply only to short-term prisoners.

With each individual measure that we have taken, I have made it clear that there will always be further steps to take on this journey. We are at a juncture. We now have the sentencing and penal policy commission's report, and, collectively, we will need to come to a view on it. I reiterate my earlier point: I know that we are all in campaigning mode, but we will have to find some common ground or consensus on that, as doing so is in the interests of the people we serve and, indeed, in the overall interests of our justice system.

I realise that this is a hard decision for people, but I point to experience elsewhere—in doing so, I do not for a minute abdicate our responsibilities here in Scotland. In fact, I would very much contend that taking no further action would itself be an abdication. Other countries have reformed their systems to good effect, and we have also seen the very difficult decisions that our colleagues in England and Wales have had to take in releasing more than 62,000 prisoners early.

I will leave my remarks there, convener, as I do not want to incur your wrath any more.

I move,

That the Criminal Justice Committee recommends that the Prisoners (Early Release) (Miscellaneous Amendment and Transitional Provisions) (Scotland) Regulations 2026 [draft] be approved.

The Convener: Thank you very much, cabinet secretary. Do members have any further points that they wish to make?

Liam Kerr: These scenes are extraordinary. First, this morning, the cabinet secretary has justified this specific measure by saying that its purpose is to achieve a sustained reduction in the prison population, yet, in response to questions, she conceded that previous measures were only about temporary relief, and all those measures have demonstrably failed to reduce the prison population. To say that there will be a sustained reduction on the very day that the news contains wall-to-wall reporting of the Scottish Government figures that say that the population could rise to 8,800 by July is brave, to say the least.

Secondly, in response to Sharon Dowey, the cabinet secretary talked about the purpose of prison being to house criminals. In fact, as the cabinet secretary well knows, the classical functions of prison are generally taken to be punishment, deterrence, public protection and rehabilitation. Not one of those is helped by the proposed measure. In fact, on public protection, the cabinet secretary says that victim safety and public safety are the priority, but she has no evidence on the impact of early release on the reoffending rate and the effect on public safety. Indeed, we heard that there will not be a review of reoffending rates until next year. We also heard that there is no governor's veto, so I presume that those whose release was refused by a governor under the emergency release legislation could now automatically be set free.

Finally, the cabinet secretary did not mention her own figures, which show that, of the prisoners who are eligible for this automatic release, nearly half have been imprisoned for non-sexual crimes of violence and a further third—indeed, more than a third—have been imprisoned for crimes against society or crimes of dishonesty. They will automatically be released. The cabinet secretary says that this measure is to manage the prison population, but it is not. It is a panicked, knee-jerk, unevidenced measure that will be counterproductive in so many ways.

I disagree with the cabinet secretary: this is not a hard decision. It must be opposed, which is why I will oppose it.

Pauline McNeill: I agree with Katy Clark that the longer-term strategy for prison should be based on better alternatives to custody, and I agree with the cabinet secretary on the need to reach a consensus on that. Today, we are being asked to further reduce the statutory sentence that is served by some prisoners to 30 per cent of their sentence. It was not that long ago that we reduced it to 40 per cent. I have serious concerns about the confusion that that will create in the public's mind. We certainly need to tidy that up if we are to take a longer look at sentencing, because how are the public supposed to get their head around it?

Albeit that only a small number of the prisoners who will serve 30 per cent of their sentences will be on home detention curfew, that will still mean that some prisoners will serve even less than 30 per cent of their sentences in prison. There needs to be a discussion about whether it is appropriate for someone to be on home detention curfew when they will serve only 30 per cent of their sentence. I do not know whether a judge who would have sentenced someone to four years will now calibrate their sentencing, because they will know that the proposed change will mean that the prisoner would serve only 30 per cent of the four years.

Although I agree with a lot of what the cabinet secretary has said, I am not comfortable with

managing the prison population through what will be a permanent statutory requirement for some prisoners to serve only 30 per cent of their sentence. I realise that that is where we are with short-term sentencing, but the fact that there will be no supervision further alarms me—somebody could get out after serving 30 per cent of their sentence, with no requirement for supervision. In taking a longer-term look at the issue, the cabinet secretary might want to consider the fact that some offenders should be under supervision, even if they are not serving long-term sentences.

I wanted to caveat my position, which is that I will vote against the motion.

The Convener: As no other member wants to come in, I invite the cabinet secretary to wind up and to press or withdraw the motion.

Angela Constance: It is important that I do not allow words to be blistered. I repeat what I said earlier, which is that the Government and I have always been absolutely candid about the impact of any particular measure. I have never sold any individual measure as the silver bullet or the cure.

The only further point that I would make is that we have a situation in our prisons right now. People can critique the past and debate the future—I assure members that nobody will do that more than I—but the question is, "What are we prepared to do here and now?" Sometimes, hard decisions have to be made. I press the motion.

The Convener: The question is, that motion S6M-20793 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)

Against

Clark, Katy (West Scotland) (Lab)
Dowey, Sharon (South Scotland) (Con)
Kerr, Liam (North East Scotland) (Con)
McNeill, Pauline (Glasgow) (Lab)

The Convener: The result of the division is: For 4, Against 4, Abstentions 0.

As the convener, I will use my casting vote to vote in support of the motion.

Motion agreed to,

That the Criminal Justice Committee recommends that the Prisoners (Early Release) (Miscellaneous Amendment and Transitional Provisions) (Scotland) Regulations 2026 [draft] be approved.

The Convener: Are members content to delegate to me and the clerks responsibility for approving a short factual report to the Parliament on the affirmative instrument?

Members *indicated agreement*.

The Convener: The report will be published shortly.

I thank the cabinet secretary, Ms Pollock and the officials for joining us this morning. We will have a brief suspension before moving to our next item of business.

11:12

Meeting suspended.

11:17

On resuming—

Police Service of Scotland (Vetting) Regulations 2026 (SSI 2026/46)

Police Pension Scheme (Scotland) (Amendment) Regulations 2026 (SSI 2026/58)

Human Trafficking and Exploitation (Duty to Notify) (Scotland) Regulations 2026 (SSI 2026/60)

Parole Board (Scotland) Amendment Rules 2026 (SSI 2026/82)

The Convener: Our next item of business is consideration of a series of negative instruments, which I will work through in turn.

The first negative SSI is the Police Service of Scotland (Vetting) Regulations 2026. I refer members to paper 4, which sets out the instrument's purpose. Do members wish to make any recommendations in relation to the negative instrument, or are we content for it to come into force?

Pauline McNeill: I am not content. For various reasons, I only had the chance to look at my papers yesterday. Vetting was the subject of a lot of discussion during the process to pass the Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025. The central issue was not the regularity of vetting being changed; the issue of concern—including to the Scottish Police Federation—was the chief constable having the power to reassess vetting clearances within 10 years. It is not clear whether the process is fair.

A note in the annexe says that a "summary of consultation" was undertaken on the SSI, but it does not really give any indication of what people said during that consultation. I realise that that is because everyone is in the same boat and there was not time to give us clarity on that, but I would rather that we consider the instrument at next week's session so that we can consider whether we want to annul it. I am not saying that I want to do so, but I am not content for it to be passed on the nod, because we have not had the chance to delve into the detail.

His Majesty's Inspectorate of Constabulary in Scotland did not recommend such a change to vetting. The chief constable does not currently have the power to dismiss officers simply because she is not satisfied with someone's vetting clearance. That is quite a wide-ranging power. I want to be sure about what was actually said in the consultation and would rather that we had some time to consider that.

The Convener: I agree that there is quite a lot in the instrument. I certainly acknowledge that you are uncomfortable with the situation.

Sharon Dowey: I agree with Pauline McNeill. I want to see a wee bit more detail before we pass the instrument. I do not disagree with the chief constable having powers if they are required, but I want to know what is included under vetting clearance. Why are the powers not currently included in Police Scotland's disciplinary policies and procedures, so that they have another way to deal with such an issue?

The regulations would help the chief constable to

"identify those who pose a potential risk to others, or who are otherwise unsuitable to work within the police service."

Why can Police Scotland not get rid of such a person through its current disciplinary procedures? Paragraph 8 says:

"During the withdrawal assessment or appeal process a constable may be suspended, provided the suspension conditions are satisfied, and any suspension must be re-considered on a regular basis."

How long would they be suspended for, and what does "regular basis" mean?

Perhaps we could get some information on how many police officers have been dismissed in the past year, how many have appealed, how many dismissals have been overturned and how many have been upheld. That would give us information on what is currently happening in the police force so that we can see why the power is needed.

The Convener: My understanding is that the instrument just puts into effect a recommendation that was made by HMICS.

Jamie Hepburn: Broadly speaking, I am pretty satisfied with the instrument. The policy note probably explains enough of the context. If colleagues want more information, we can look at it next week, but I am fairly convinced that we will be persuaded.

Rona Mackay: I also think that there is a danger that we overthink this. As far as I understand it, the instrument just gives the chief constable more flexibility. There is nothing sinister in that at all. It means that, if circumstances change, she will have the ability to step in and redo vetting. I do not have an issue with it, to be honest.

The Convener: For what it is worth, I noted that, in the earlier session, DCC Speirs acknowledged the SSI and appeared to support it. However, I fully accept members' desire to have a wee bit more detail to hand before they agree to pass it.

Sharon Dowey: I do not disagree with Jamie Hepburn. Once we get more information, we might be happy to pass the instrument. However, I just

point out that, two weeks ago, a minister was here to speak about an SSI. We asked questions about it and, two weeks later, we received a letter that said that the SSI had been withdrawn because the Government had found issues with it after doing more investigation. Therefore, it is not unreasonable to get a bit more information before we pass the instrument.

Pauline McNeill: There have been court cases because of probationers being summarily dismissed. My issue is not general vetting but the proposed power. I raised the matter during the passage of the 2025 act, because I was never comfortable with it. The Scottish Police Federation thinks that the power could enable vetting to be used as an excuse to get rid of police officers and that the process should be more transparent. That is my only issue, but we have to ensure that the right route is in place.

Jamie Hepburn: Clearly, we will discuss the issue further, but I just note that, if my reading of the process is correct, the final decision on vetting will not be with the chief constable. Someone has to be appointed to look at any matter. That is just my observation, but if we are to look at the matter further anyway, that is fine.

The Convener: Pauline McNeill, you can propose by motion that the lead committee recommends annulment of the instrument. I am not sure whether that is what you were getting at. If you choose to lodge a motion, it will need to be debated at the next committee session.

In any case, I propose that we bring the SSI back to committee to allow further information to be obtained. Do members agree with that approach?

Members *indicated agreement*.

The Convener: Our next negative SSI is the Human Trafficking and Exploitation (Duty to Notify) (Scotland) Regulations 2026. I refer members to paper 6, which sets out the instrument's purpose.

Do members wish to make any recommendations in relation to the negative instrument, or are we content for it to come into force?

Sharon Dowey: I just want to reiterate the point that I raised with the chief constable. The regulations come more than 10 years after the Human Trafficking and Exploitation (Scotland) Act 2015. They are probably needed and should have been introduced earlier. However, I am concerned about whether we are giving the proper authorities the amount of funding that they need to ensure that the regulations are implemented properly.

The Convener: The clerk informs me that I have jumped ahead on the list of SSIs and have missed one out. We will come to it in a moment—I apologise for the delay.

Thank you for that point, Sharon Dowey. As no other members wish to come in or make any recommendations, are we content for the instrument to come into force?

Members *indicated agreement*.

The Convener: Our next negative SSI is the Police Pension Scheme (Scotland) (Amendment) Regulations 2026. I refer members to paper 5, which sets out the instrument's purpose. I declare an interest, because I previously served as a police officer with Police Scotland.

As no members wish to make any recommendations on the negative instrument, are we content for it to come into force?

Members *indicated agreement*.

The Convener: Our final negative SSI is the Parole Board (Scotland) Amendment Rules 2026. I refer members to paper 7, which sets out the instrument's purpose.

As no members wish to make any recommendations on the negative instrument, are we content for it to come into force?

Members *indicated agreement*.

The Convener: That concludes our consideration of SSIs. I will suspend very briefly to allow witnesses to join us at the table.

11:28

Meeting suspended.

11:29

On resuming—

Criminal Justice System (Challenges for Session 7)

The Convener: We have run considerably over time this morning. Before we move on to our next item of business, I propose that we drop the final two items, which are our review of evidence from this morning and consideration of our annual report, and return to them at a later meeting. Are members content to do so if necessary?

Members *indicated agreement*.

The Convener: Our next item is the first of a series of evidence sessions with the various inspectorates and commissioners within our remit. Our aim is to seek out their views on the state of the criminal justice system and the challenges for session 7, which will inform our legacy work for our successor committee.

I am very pleased that we are joined by Robert Scott, who is the chief inspector of His Majesty's Fire Service Inspectorate in Scotland. I refer members to paper 8. I intend to allow up to 45 minutes for questions to our first witness. I invite Mr Scott to make some opening remarks.

11:30

Robert Scott (His Majesty's Fire Service Inspectorate in Scotland): Good morning. I am His Majesty's chief inspector of the Scottish Fire and Rescue Service. My career in the service started quite some time ago in 1989. I joined the fire service as a young firefighter and worked my way through the ranks, and I retired in 2017 as assistant chief. I was appointed as chief inspector in 2021, and I am very proud to hold this position.

The inspectorate in Scotland, like many other bodies, is a completely independent entity that sits within Scottish Government but is independent of it and of the Scottish Fire and Rescue Service. The role of the inspectorate, which was first established in 1948 and has remained pretty much unchanged throughout that period, is to provide ministers and the people of Scotland with the assurance that the Fire and Rescue Service is operating efficiently and effectively, and in line with the principles of best value.

We take that role very seriously. We fulfil our functions by carrying out a range of inspections across the country, focusing on the themes that we deem to be relevant at any given time. We work with the Fire and Rescue Service while maintaining the professional distance that our independence demands, and we publish reports with recommendations for improvement, which are laid in Parliament.

We have included in our submission an appendix that shows the reports that we have published recently. Of the total recommendations and areas for consideration in those reports, about 200 relate to improvement. As chief inspector, it is very pleasing to see those improvements being considered and actioned, leading to genuine improvement in the Fire and Rescue Service, which serves the people of Scotland.

I take those matters very seriously, and it is a great pleasure to be invited to give any evidence that committee members wish to have.

The Convener: Thank you very much—that is very helpful. It is safe to say that the Scottish Fire and Rescue Service has gone through significant change over the decades—from the first significant amalgamation of individual fire services right up to today, when there is a shift in service delivery demand. There are fewer fires but more major incidents and weather-related events, and there is a lot of good partnership working.

Bearing that in mind, how easy or difficult has that made your role? I am very interested to hear your comments, from the inspectorate's perspective, on how the Scottish Fire and Rescue Service has adapted both to the natural changes in operational demand and to the more co-ordinated reform agenda that it is in the midst of.

Robert Scott: As you say, there has been change over quite some time, and during my time in the service, I was involved in that reform process. It is very pleasing to see the reduction in fires and in the resulting fatalities and injuries. The service, as well as other partners, have to be congratulated for that success.

The prevention agenda has certainly been a success story in Scotland and across the UK. Without losing sight of that, firefighters are still required to respond to emergencies, and, as you say, the face of those emergencies is ever changing. Climate change has had a massive impact on the number of events that the Fire and Rescue Service now attends. The severity and ferocity of some of the wildfires last year was something that we were perhaps unfamiliar with, and we need to reflect and improve on that as we move forward.

The service has taken a mature approach to reviewing its service delivery model, and we see the consultation process that recently closed and is now being considered as positive. We have been involved in observing that process from the analysis of the initial data that formed the long list of options to attending the various forums and public consultations across the country, so that we

could have an informed opinion on the approach that was taken. We await the board's decision on what the final picture will look like.

Given our responsibility to ensure best value, it is entirely appropriate that the service reviews its activity, the demand and the risks that the people of Scotland now face and compares that with what has been put in place. It should consider why fire appliances and fire stations are where they are now. It is relevant for the service to do that from time to time.

Our research and inspections of late show that there are some challenges, and some of the benefits of that process need to be reinvested in other parts of the organisation. On a number of occasions, we have highlighted that thought needs to be given to how, for example, the training of firefighters and the development of middle and senior managers can improve, and that will require investment.

On the capital front, committee members will have heard from the chief officer and the Fire Brigades Union that significant improvement is needed to the SFRS's property and estate. Again, we have highlighted that in our inspection reports. We would like investment to be made in areas that require to be upgraded.

I am not sure whether that answers your question, but I hope that it does.

The Convener: That is very helpful. We have regular engagement with the Scottish Fire and Rescue Service and the Fire Brigades Union, as you highlighted, and I am interested in your point about looking more closely at how the benefits of reform can be reinvested in other areas across the service.

I will pick up on your point about property and the estate. Issues of that nature have come up in probably every evidence session that we have had with colleagues. Recently, we have been considering the links with the draft climate change plan and what has been going on across public services to reduce carbon emissions. The SFRS has been active in that area, and we took evidence from the chief officer on that recently. The questions were less about the operational response to climate-related incidents and more about how the service is reducing its carbon footprint. In your inspectorate role, have you looked at that issue to date? I am interested in your comments on how the service can further address climate change by reducing carbon emissions across the estate.

Robert Scott: We have not carried out a specific thematic inspection on that issue. However, when we have carried out our service delivery area inspections in the east, the west and the north, we have certainly made observations about good practice in bringing in electric vehicles when it is suitable to do so. That has tended to apply to smaller vehicles rather than to the fire-appliance side of the business, albeit the service has trialled an electric fire engine at Clydesmill community fire station, in Cambuslang. There is scope to move forward with that technology, but, at the moment, given the costs that are associated with moving a fleet of between 600 and 700 fire appliances to electric and the infrastructure that would be required for charging, that is a longer-term vision, not a short-term one.

However, the service has acted responsibly by moving towards a more electric fleet for the smaller vehicles that officers use and that are required to deliver kit and equipment, where it is viable to do so. We have reflected that progress in our reports.

In some stations, the service has also shown that it is possible to use available technology in relation to heat and solar panels to move away from reliance on fossil fuels.

On the operational side of things, we have done some work on the impact of climate change. The committee might want to come on to that issue later.

The Convener: Thank you.

Liam Kerr: Good morning, Mr Scott. I have a couple of quick questions. On service delivery, the committee has heard from the FBU and the Fire and Rescue Service about the recruitment and retention pressures that the service is facing. Do you sense that those pressures are having an impact on service delivery? If so, what needs to be done?

Robert Scott: In the Fire and Rescue Service—this is predominantly the case in rural parts of Scotland—more than 280 of the 356 fire stations are staffed by on-call firefighters who wear a pager, who have made the tremendous commitment to respond to incidents when they are required to do so. We rely heavily on those fantastic people up and down the country, but, for a variety of reasons, it is proving incredibly difficult to attract people to that duty system.

As you know, in some cases, it is challenging for people to make such a commitment while working in areas far from their homes, because that means that they are not available to respond at certain times of the day. It is also understood that being an on-call firefighter is all-consuming, in that it prevents them from engaging in social activities or doing things with their families that they might otherwise wish to do.

I completely understand why people might feel reluctant to make that commitment, but that has an impact on service delivery. If fire appliances are

not available in certain communities, that means that appliances from further afield will have to respond in their place.

However, if we look at the statistics on fire activity and the outcomes of the improvements that have been made since the Fire and Rescue Service was set up, we can see that we do not need to panic, because the situation is not yet so pressing that it is an emergency. The service is trying its hardest to recruit. We have made some recommendations about recruiting more locally rather than nationally and about speeding up the process. It is pleasing to see our recommendations resulting in improvements over time.

The challenge that exists in Scotland is one that exists across the UK—it is not unique to Scotland. The service has set up a working group to look in the round at on-call firefighters, and it is working towards having alternative options available. At the moment, I cannot give you any more detail on what the final picture might look like.

Liam Kerr: I want to follow up on that point. It is clear that a lot of work is being done to address the challenges at operational level, but the committee is keen to provide guidance to members in the next session of Parliament on what they can do to assist. Is there anything that you want to say to our successors about what you need from them in order to help the fire service to address the challenges?

Robert Scott: It is easy for me to make recommendations that are difficult to deliver against. If we had permanent full-time resource in pockets of Scotland available to assist with the service's response model, that would certainly help. That would involve a hub-and-spoke approach, whereby the provision in parts of Scotland of appliances staffed by full-time firefighters—available to respond 24 hours a day, seven days a week—along with their on-call, part-time colleagues, would make the system a bit more resilient. However, as you can imagine, such a model comes at a cost, and, in delivering his service within a limited budget, the chief officer has to take that into consideration.

When we make recommendations, we try to make them achievable and affordable, albeit that we do not shirk away from pointing out issues that require to be resolved.

Liam Kerr: As you have rightly said, being a firefighter is a very challenging job. Although everyone has enormous admiration for the courage of firefighters, it is a difficult job to do in the current environment. Do you think that workforce morale is having any impact on operational delivery? Do you have any sense that that is the case?

Robert Scott: Workforce morale is difficult for us to measure, because we are not in and about every fire station in every part of Scotland. Morale will differ not only by geographical location or duty pattern; on some occasions, we could go into the same fire station and find that morale differs between one group of individuals working there and another group, such as those on the night shift. It is highly individual, so it is challenging for us to measure.

From my experience of being a firefighter for many years and of having been involved with the Fire and Rescue Service for many years, I believe that, when firefighters respond to incidents, all those things are set aside, regardless of morale, and they respond in a professional manner to the best of their ability. They do so regardless of personal feelings or anything that might be going on in their own lives, including their work lives. I do not think that such factors have an impact on response in any way, shape or form.

11:45

Rona Mackay: Good morning. Mr Scott, you said that you have been a firefighter for many years. You mentioned climate change in your opening statement. I want to ask you about resilience and preparedness for the changing circumstances. Will you give us a flavour of how the situation has changed over the years? How prepared is the service to deal with flooding, wildfires and so on?

Robert Scott: That is a very interesting question. I can certainly speak from experience of seeing the very real change that climate change has brought about. The number of wildfires that the Fire and Rescue Service attends now is much greater than it was when I joined the service, and the ferocity of those incidents is also much greater.

These things are seasonal. Flooding has also increased, and firefighters now respond to flooding routinely, whereas, when I joined, it was not routine for fire and rescue services to attend flooding incidents: they were fire brigades back then. Their role has widened and so have their responsibilities.

The picture is ever changing when it comes to preparedness. The service takes that responsibility very seriously, and it is pleasing to see the Scottish Government taking it very seriously, too. I was lucky enough to be invited along to the wildfire summit that took place in Grantown-on-Spey last year: I attended the summit and contributed to the discussion.

It is pleasing to see a wildfire strategy being developed that does not only focus on the Fire and Rescue Service's response; it also focuses on the role of other partners in prevention and response

and on the value that can be added by landowners, land managers, estates and other individuals. Taking that holistic approach to the issue is exactly the right way to go, and I am pleased to continue to be involved in the governance of that wildfire strategy and in the oversight of improvement. That is an issue for society, not just for the service, although we obviously have a role to play in the response.

Rona Mackay: I completely agree with you: it is about collective responsibility and everybody has to play a part. It is encouraging to know that the service is dealing with that.

Are there any gaps in the equipment that you have? Is it up to the job? What about training of officers? Do they need special training?

Robert Scott: It is an ever-changing landscape. We carried out a review of the operational response to climate emergencies in 2023, and I am already thinking, three years later, that we need to do it again. We made comment then about the suitability of equipment and the disposition of assets across Scotland. Based on activity levels over the past couple of years, I am already thinking that we need to revisit that and determine whether we are still satisfied that the right things are in the right places, and that our firefighters have the right equipment and the right training. Things have moved on significantly, even in that short space of time.

Rona Mackay: There is on-going evaluation that you have to keep doing.

Robert Scott: Yes. I referred earlier to the wildfire strategy, which has been worked up by colleagues across the Scottish Government, the service and other partners. There has been an evaluation, through that piece of work, of the equipment that is required. The service made a significant investment last year in four-by-four vehicles, off-road vehicles and specific personal protective equipment for firefighters who carry out wildfire-related functions.

It is an incredibly onerous and challenging environment to work in—working on a hillside for four to six hours, tackling a wildfire. If firefighters are not wearing the right equipment—if they are wearing equipment that was designed to put out fires in houses, rather than something more lightweight—it can be very taxing and distressing for those involved.

Rona Mackay: Finally, Glasgow will host the Commonwealth games this year. I guess that you will say that everything is in place for that, and that the service will be completely prepared because, generally with such big events, it is. Can you reassure us that all is going to plan?

Robert Scott: We are reviewing the preparedness for the games. It is fair to say that, this time round, the games are a much smaller event than when they came to Scotland previously. Part of the benefit of that reduction for the Fire and Rescue Service is that there will be no athletes village on this occasion. Athletes will stay in hotels that are already certified and regularly inspected, so we have comfort in their safety measures. When the games came previously, part of the Fire and Rescue Service's role was to ensure that the athletes village was fit for purpose in relation to fire safety. It took a lot of resource to carry out the inspections and get that satisfaction.

The venues that are being used on this occasion are tried and tested, and the fire service already has response plans for them. In many ways, for individual venues, it will almost be business as usual, as the events could happen on any occasion at those types of venues. The difference is that multiple venues and locations will be used at the same time, which makes things a little more challenging. However, the service, along with other agencies, is working to create a multi-agency response plan. We have been observing that in action, and we will go along and observe some of the training and exercising that is planned to take place in advance of the games. However, I am absolutely confident that the service is moving in the right direction and is working with others to ensure a safe and secure games for Glasgow.

Rona Mackay: Thank you—that is reassuring.

Fulton MacGregor: I have a general question. Do you have thoughts on or insights into how the fire service can bring together the views of the leadership and those on the ground? The committee often gets good updates on a range of issues from the leadership and the union and, as constituency MSPs, we hear from individual fire personnel. Sometimes, those views seem to be in conflict, although, often, everyone just wants the same thing. Recently, there has been a run of sessions after which individual firefighters—I would never name them, obviously—have contacted me to say that they disagreed with some things that were said.

You maybe cannot give a massive answer to this, and I understand that the issue is only part of your role, but can you do anything to bring those views together? There is a lot of merit in what we hear from both sides, but it is hard for us, as politicians in a committee, to get a true understanding of what is going on. Do you have any thoughts on that?

Robert Scott: Yes—100 per cent. We come across that issue during all our inspections. When we carry out inspections, we tend to take views from the leadership of the organisation, but we

also speak to firefighters in stations across the country. We take the views of many other stakeholders and also those working in corporate functions in the organisation, not only uniformed colleagues. We try to consider all those views and reflect them in our reports.

Sometimes, when we are going through the consultation on our final reports, we get pushback from managers, who say, "Well, that's not the situation. That's not the truth. That's not what is actually happening." In reality, it might be what a firefighter in one station has told us. Our approach to that is that we never take the view of an individual as the gospel; we consider it in the round. If that view is reflected by multiple individuals in multiple locations, it starts to be, at the very least, a perception that needs to be addressed and an issue with internal communications, so we reflect that back to the service. We say, "If multiple people in multiple places are telling us that this is an issue and you're telling us that it is not an issue, at the very least, there's an issue with internal communications and you need to improve the systems or brief your staff on what is happening."

We do not shy away from that. We publish the views of those individuals, where they are triangulated and are from multiple sources. We also publish the view of management and leadership, where that is different, and we draw conclusions. That is the way that we approach the issue.

To slightly defend the Fire and Rescue Service, although that is not my role, it has an incredibly small team working in the communications department. That reflects my earlier comments about the need to reinvest in parts of the organisation. As a benefit of reform, we have seen significant financial savings in the Fire and Rescue Service, with something like £900 million being saved since the advent of the single service. However, some areas of the organisation now need to be invested in. Communications, legal, prevention and training teams need additional resources, and that reinvestment is required as a matter of urgency. When firefighters believe one thing and management believes another, that is an example of where things fall down and where better communications are needed to resolve the issue.

Fulton MacGregor: Thank you.

Pauline McNeill: Good morning. I know that your statutory role is to review and inspect the statutory functions and performance of the Fire and Rescue Service, but it cannot have escaped your notice that we have heard evidence from the Fire Brigades Union and the chief fire officer about the impact of the budget. There is an on-going consultation on fire stations, and we expect closures. Does your role incorporate commenting on the impact of such decisions on the statutory function of the Fire and Rescue Service? The statutory requirement is to respond to a fire, but surely there must be more to it than that, and the concern is that response times could increase, which could cost lives or result in damage to property.

Robert Scott: That is a relevant point. To put this into context, my team in the inspectorate is very small. I have myself and three and a half full-time equivalent inspectors to carry out our function as an inspection body. Instead of carrying out exactly the same work as the Fire and Rescue Service and arriving at a different conclusion, we prefer to observe the mechanisms that the service has put in place. We have attended on many occasions and had briefings on the approach that the service has taken in arriving at its final decision. We make observations on that and give advice to ministers based on that process, rather than on the final outcome. If we kept providing our view on the final outcome, we would almost be mirroring the role of the fire chief and the fire board, and it is not our job to do that.

We wanted to satisfy ourselves that, in the process that was put in place, the data that was analysed was robust, the risks that were considered were the right ones and the evidence was there to support that. We also wanted to satisfy ourselves that the consultation process was carried out in a fair manner and included a range of stakeholders; that the consultation was considered after it concluded; and that it influenced the final outcome.

That is the stage that we are at just now, because the board has not made the decisions on what the final picture will look like. We would not want to get involved in saying, "Don't close this fire station—close that one instead," because we would then step into a role that is not ours to be in. However, if we felt that the final picture was having an impact on the effectiveness of the service, it is my duty to step in at that point and to comment. Until we know what that final picture looks like, it is hard to say more.

Does that help?

Pauline McNeill: Yes. Thank you.

Sharon Dowey: I will follow on from the questions that Rona Mackay asked. Can you give us more information about the procurement process? You talked about the equipment that is needed to fight wildfires, and we know that budgets are tight. How does the procurement process work to ensure that firefighters get the equipment that they need to ensure their safety,

and that it is fit for purpose for the job that is required?

12:00

Robert Scott: I do not pretend to be an expert in the legalities of procurement, but I know that the fire service has a capital plan, which is flexible and will move depending on the organisation's needs. The senior leadership team sets what that capital plan will look like and how the money that is available will be spent, and will plan according to the needs of the organisation. That includes the purchase of new vehicles and equipment, the refurbishment of fire stations and any repairs that need to be made to existing stock.

If, as we see happening now, wildfires become a priority, the Fire and Rescue Service will need to make choices in the capital plan on how and when it spends the limited amount of money that is available to it. It will also need to make choices about whether it is possible to go through that exercise within the financial year and whether the money that is available can be spent now or will need to span across more than one year and move into subsequent years.

All those decisions are made by the senior leadership team and then proposed to the board as a final capital plan to sign off on. We do not tend to get involved in those decisions unless we feel that there is a need for something to be improved, in which case we will make recommendations for such improvement.

I should have said at the start of the evidence session that—as I am sure that members are aware—the fire service must have regard to the recommendations in my reports, but it is not legally bound to actually comply with them. However, since I became chief inspector, the approach has generally been to agree on the recommendations and they are generally actioned. I observe such action and progress and can see the move from action to improvement in real time. Procurement falls within that approach. I hope that that answers your question.

Sharon Dowey: That is fine. I do not know whether you can answer my next question. We have spoken about the problems with recruitment and retention. I have been told that colour vision testing for firefighters has recently been brought in. Can you give us an insight into what the benefit of that will be? I am told that there are appliances that can be off the run due to somebody not being allowed to work because they have failed the colour-blindness test. Can you give me more information on that?

Robert Scott: All the testing that takes place in the Fire and Rescue Service for recruitment—whether that is for whole-time, on-call or various roles—is based on national best practice that is set by the National Fire Chiefs Council. I can understand why it might be frustrating at times for individuals who say that they are perfectly capable, willing and available to do a role but do not meet the national standard. The organisation obviously has a responsibility to ensure the safety of the people that it employs. If a particular test is relevant for an individual's role and what they are being asked to do, the organisation will apply that test in a manner that is consistent with national practice.

Colour blindness is an issue in the Fire and Rescue Service. There are occasions when firefighters will need to deal with electrical supplies or hazardous materials that are badged up with various colours on their logos and symbols. Firefighters need to be able to recognise that information and relay it back to their control rooms and to colleagues who are outside the incident so that the incident can be dealt with safely. I know that colour blindness might not feel as though it is an essential issue in the fire service, but there is a reason that it is tested.

Sharon Dowey: Thank you.

The Convener: To stay on some of the operational delivery issues that have been flagged during our committee's evidence sessions, will you provide an update on your work programme for some of those issues? For example, will you give an update on the recruitment of retained firefighters, issues around decontamination facilities in fire stations and the associated compensation risk, and the operational impact of reinforced autoclaved aerated concrete in the—I think—14 stations in which it has been found? The other issue that has come up is response times, but you already answered a question from Pauline McNeill about that. Do you have those issues in your on-going or future work programme?

Robert Scott: We capture a lot of those things when we do our service delivery area inspections. About four years ago, when I was fairly new in post, we moved away from a regime of inspecting the fire service at a local authority level and moved to inspecting at a service delivery area level. We did that for a good reason: when the single service came into being, there was a desire to understand and appreciate that the fire service, albeit that it was national, was being delivered in line with local needs. Local authorities, which had previously had control of the fire service, wanted to ensure that they still had a role to play in the delivery of the fire service. The inspectorate therefore elected to inspect the fire service delivery at a local authority level.

Eight years later, when I came into post, we had carried out 16 of those local authority level

inspections and we still had another 16 local authorities to inspect. It was going to be quite some time before we completed the cycle, so we took the decision to move to service delivery area inspections and to inspect against a number of themes in those inspections of east, west and north.

We have now completed all three of those inspections and published reports on them, so I can give a picture of service delivery across the whole country. Previously, it would have taken me considerably longer to do that.

Within those inspections, we look at the themes of prevention, response, people and partnerships. Some things that you have talked about, including recruitment and RAAC panels, are mentioned in each of those reports. Then, where there is a need for us to take a deeper dive, we use those service delivery area inspections as a mechanism for determining our programme of thematic inspections. Those thematic inspections tend to take a more focused look at a particular element of the service delivery.

An example of that is training. All three of the service delivery area inspections in the east, west and north highlighted that training was not where it should be, so we put recommendations in those reports. Given the risk-critical nature of training for firefighters, I chose to build on those recommendations by instructing a thorough review of training and officer development in the organisation. That report is in the final stages of being drafted—in fact, the first draft came to me yesterday—and the report will be laid before the Parliament in early June. It will make a number of recommendations for improvements in the training sphere.

The RAAC roofing was mentioned in all three reports. We have called for the service to resolve the issues of RAAC roofing as an urgent priority. However, I go back to the point that I made earlier about being realistic in our approach. That issue needs to be resolved. We understand that the organisation has to find the money to make those repairs within a limited capital budget, but that does not mean that we should not highlight it or bring it to the attention of Scottish ministers and the people of Scotland.

There are other issues that you are well aware of in stations in relation to contaminants and dignified facilities. Again, we touch on those in each of the service delivery area inspection reports. I hope that that helps to paint the picture.

The Convener: It does. Staying on the subject of that important inspection work, my final question is: have you found that recurring themes have cropped up that might suggest more systemic issues or concerns?

Robert Scott: There are several recurring themes across each of the service delivery area inspections. As I mentioned, training is a recurring theme that comes to the fore. Leadership development for middle and senior managers is an issue that was mentioned routinely during our inspection. There were also issues that require long-term, sustained investment, such as the RAAC roofing problems, the general decline of the property estate and the need for investment to resolve issues related to contaminants and dignified facilities. It is not acceptable to have fire stations that do not have running water or that have limited access to shower facilities for firefighters to decontaminate after incidents. We mention that in our reports and call on the service to take action. Again, we understand completely that it has a finite pot of money with which to do that.

In the reports, we also draw out other issues in relation to people and partnerships. The service is a tremendous partner and is involved in a range of issues that are not necessarily fire related but which add tremendous value in a community planning context. As well as providing recommendations for areas of improvement, we are keen to highlight areas of good practice, and the published reports reflect a number of those.

The Convener: I endorse and commend the partnership working that the Scottish Fire and Rescue Service is involved in. There is a really strong partnership approach, which we can be grateful for and proud of.

Finally, do you have sufficient staff and financial resources?

Robert Scott: I am probably in a minority when I say that I probably do. I have enough resources to carry out the role in the manner in which we do it now. If I had more resource, I would love to be able to go back more often, examine the progress and re-inspect against recommendations to ensure that we are satisfied. We do not have a legal requirement to do that—as I said earlier, the service must have regard to the recommendations, but it does not have to take the actions. We cover that by having me attend various board committees, where I can see the action plans progressing through those committees and being scrutinised and monitored. I am able to ask questions and monitor the progress in that way. If I had more resource, I would probably use it in that way.

I would also like to do more benchmarking across the rest of the UK to understand best practice in other services. With the limited resources that I have at the moment, I am unable to do that.

Understanding the bigger financial picture and the challenges that the Government and the country face, I would say that we are adequately resourced to carry out our role and that our role adds tremendous value.

The Convener: That makes a change.

That concludes our evidence session—thank you for joining us.

12:12

Meeting suspended.

12:15

On resuming—

The Convener: I am pleased to say that we are now joined by Laura Paton, commissioner, and Phil Chapman, director of operations, Police Investigations and Review Commission. I refer members to paper 8. I intend to allow up to 45 minutes for this evidence-taking session.

I invite Ms Paton to make some opening remarks.

Laura Paton (Police Investigations and Review Commission): Thank you, convener, and thanks to the committee for inviting us to talk about the PIRC's work, the state of the criminal justice system and the challenges that lie ahead for us.

As members will know, the PIRC plays a key role in promoting improvement in public confidence in policing across Scotland through independent oversight. Over the past year, a key challenge for the PIRC has been managing increased demand, and that applies to our two main business areas of investigations and reviews.

With regard to investigations, there have been two main drivers of the increase in our investigation case load. First, since 1 January 2025, the PIRC has been applying to the cases that we investigate the changes to the law on corroboration arising from the Lord Advocate's references. That resulted in a 239 per cent increase in the number of investigations that commenced between January and March 2025, compared with the same period in the previous year. Secondly, there has been an increase in the number of death investigations that we are required to carry out at the direction of the Crown Office. So far this year, that number has increased by 95 per cent compared with the same period in the previous two years.

We aim to complete thorough and timely investigations, but the recent increase in demand has had a real impact on what we are able to deliver. Although we remain focused on delivering high-quality investigations, we will not be able to complete investigations as quickly as we would like. That means that complainers, next of kin and the officers who are subject to investigation will wait longer for an outcome. It also has an impact on our staff, who are carrying heavy case loads. My priority has been, and will continue to be, our investigations into deaths, where the next of kin, families and wider communities are waiting for an answer and must have confidence in the PIRC's ability to conduct thorough inquiries into any death in custody or death following police contact.

As for our reviews work, where a member of the public has made a complaint to a policing body and is dissatisfied with the response that they have received, they can apply to the PIRC for a complaint handling review. As members might be aware, Police Scotland is currently dealing with a significant backlog of complaints. As that backlog is addressed, more complainers will become eligible to apply to the PIRC for a review, and we have projected a 250 per cent increase in applications in that respect. In real terms, that will mean around 350 additional applications for a complaint handling review.

Our focus this year has been on managing that increased demand while trying to maintain the service that we provide. We are also preparing for the implementation of the Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025, which will expand our remit even further.

As we deal with those challenges, I have been grateful for the commitment shown by my staff and for the constructive working relationships that we have had with our partners. We have sought additional funding from the Government to help manage the increased demand, and we are pleased to have been allocated an additional £1 million in our budget for the next financial year, even though we do not think that that is all that we will require. Some of the challenges facing us at the PIRC are also challenges facing the broader criminal justice system and might be indicative of issues across public services more generally.

However, we also see opportunities ahead. We have commissioned a strategic review to provide a comprehensive assessment of our strategic direction, our performance and our governance, as well as the changing environment in which we are operating. The review aims to ensure that the PIRC remains fit for purpose, and we expect to publish the findings shortly.

We welcome the opportunity to meet the committee and are happy to answer any questions that you might have.

The Convener: Thank you very much for that very helpful opening statement.

I just want to pick up on your reference to Police Scotland and the significant backlog of complaints that it is experiencing. Could you provide a wee bit more detail on the nature of the complaints? I imagine that there would be everything from police officers being a bit rude to complaints of a much higher threshold, including, potentially, offending. Could you give us a picture of the type of complaints that we are looking at?

Laura Paton: You are right that that covers a range of complaint types, but it does not include criminal complaints, which are processed timeously. The backlog, which, unfortunately, is significant, is in non-criminal complaints. Recently, Police Scotland has started categorising its complaints in a similar way to how the PIRC categorises the cases that we deal with, so there are category A, B and C complaints, as well as category A+ complaints. Complaints are generally categorised on the basis of complexity and sensitivity, for example. There are category A+ complaints and around 342 category A complaints in the backlog—we would be most concerned about those complaints because of their nature.

Police Scotland has been taking steps to address the backlog. Very recently, it allocated just under 1,300 complaints to non-professional standards department divisions within Police Scotland, which are local policing divisions and other national divisions. It has a target to complete those complaints by April, I believe. If it is successful in doing that, it would be positive for the complainers, who have already been waiting some time for a response, as they would have a response to their complaints sooner rather than later. However, we are concerned that dealing with 1,300 complaints in such a short period of time will mean that, suddenly, 1,300 complainers will be eligible to apply to the PIRC for a complaint handling review in a compressed period of time. We could experience a surge in complaint handling review applications in a few months' time, which we will have to prepare for.

The Convener: That is a helpful overview. I will stay on that topic. I refer to a piece of work that the Police Ombudsman for Northern Ireland has done recently, which found that abuse of position for sexual purposes now accounts for around 30 per cent of the most serious cases that it deals with, with clear patterns of male officers exploiting vulnerable women. I am not sure whether you are aware of that report. I am interested in whether the PIRC collects and publishes equivalent data for Scotland. What proportion of the more serious investigations that you deal with, or have dealt with in recent years, have involved predatory or sexually exploitative behaviour by officers? You will understand that violence against women and girls is a common theme that is raised in the committee, so I am keen to explore the issue.

Laura Paton: I might say something general, before I invite Phil Chapman to come in. The PIRC typically does not deal with allegations of a sexual nature against the police. Often, such allegations will be investigated by independent officers in Police Scotland. The reason for that is because Police Scotland has at its disposal sexual offence liaison officers who are trained to deliver an appropriate service to victims of that type of crime, whereas the PIRC does not. My predecessor made a proposal to the Lord Advocate that criminal allegations of that nature should come to the PIRC for investigation. As far as I know, no decision has been taken on that, but it would incur significant costs, because the PIRC would need to train specialist staff to deal with those allegations so that we could provide the best possible service to the complainers.

We publish data on the types of cases that we deal with. I can share with you that, currently, we have 196 live investigations. The vast majority of them relate to allegations of assault against police officers or police staff members. We have about 40 investigations into deaths in custody or following police contact. Generally speaking, those make up the bulk of the allegations that we investigate. However, other cases involve the discharge or presentation of firearms, other criminal allegations and various other matters.

I will bring in Phil Chapman to say more on that.

Phil Chapman (Police Investigations and Review Commission): We do not collect data that is relevant to abuse of power for sexual purposes, but we have had dialogue with the PONI and the Independent Office for Police Conduct. Given our statutory remit, it would be for the Crown to direct the commissioner to conduct an investigation. In recent years, the Crown has referred to us only one criminal investigation, which was subsequently concluded.

On the commissioner's point about the proposal, it is widely accepted across ombudsman services for policing oversight that there are significant issues to be tackled. Significant efforts are on-going in England and Wales, where there has been a significant increase in the number of referrals and complaints in this area.

The former commissioner made a submission on the potential for the PIRC to have such a capability, but it was recognised that significant risks would run alongside that in relation to managing witnesses' expectations, forensic science and interdependencies that currently do not exist. There was an aspiration and the question was asked, but having that capability would require a significant uplift in the PIRC's resources.

We cannot answer the wider question about how prevalent such cases are. That would be a matter for the chief constable.

The Convener: I appreciate the resource constraints and the challenges in that regard. Your comment about what is going on south of the border is interesting. That is perhaps indicative of a much greater acknowledgement of the challenges that are faced in relation to abuse of power, sexual predators and so on. Next week, the committee will take evidence from His Majesty's Inspectorate of Prosecution in Scotland, so we might well follow up on the role of the Crown Office and Procurator Fiscal Service and, in particular, its criminal allegations against the police division, in dealing with police officers in the context of criminal allegations.

Rona Mackay: The commissioner said that sexual cases are currently handled by independent officers in Police Scotland. Can you clarify whether they are handled by serving police officers? If that is how such cases are handled at the moment, what rank are those officers, and are they specially trained?

Phil Chapman: It would depend on the nature of the allegation. A referral would be assessed by the head of public protection, who could deploy a bank of officers who had been trained to deal with a variety of sexual offences on a day-to-day basis. They would be highly trained and would have access to solo officers who could support victims.

Whom Police Scotland appointed would be a matter for it. However, invariably, in my experience, an officer of detective inspector rank or above would lead such an investigation. Police Scotland has safeguards in place that mean that officers from another geographical area of Scotland would investigate such matters. In essence, there is a requirement to declare any conflicts of interest at the outset.

I could not go into specifics, because we do not have sight of what Police Scotland's deployment model looks like, but, from experience, I know that it has arrangements in place to ensure that independence is applied in such cases.

Rona Mackay: I would be interested to know more about that, because it could be a case of the police marking their own homework.

Liam Kerr: Good afternoon. What are the current average investigation times for the investigations that you undertake? Is the PIRC consistently meeting the statutory timescales?

12:30

Laura Paton: There are no statutory timescales for our investigations. Instead, we have key performance indicators that we have devised ourselves, which vary according to the type of case. We aim to complete category A cases, which are the most sensitive and complex cases, within 90 days, and we aim to complete category B and C cases within 120 days.

In recent years, our performance against those indicators has been very positive. In 2024-25, for example, 100 per cent of our category A cases were completed on time, as were 98 per cent of our category B and C cases. However, because of the increased demand, those KPIs are now starting to prove more challenging to meet. We are still focusing on and prioritising death investigations. For this year to date, our performance against our KPI for investigations completed within 90 days is 92 per cent.

We are starting to see the effects of the increased demand in category B and C cases. Currently, our performance there is 77 per cent, which is quite a big drop from the previous year. We are not happy with that level of service. We would very much prefer to be where we were last year and the year before. That change is purely a product of the increased demand and the fact that we are having to focus our resources on where we think that they are needed most.

Liam Kerr: That begs a question. You say that there is increased demand, but can you drill down into that a bit? What do you mean by "the increased demand"? Do you expect your performance against KPIs to continue to degrade? If so, what plans do you have to address that?

Laura Paton: As I said in my introductory remarks, there are two key drivers for that increased demand. First, there are the Lord Advocate's references. The biggest impact is through the vast majority of our cases involving allegations of assault. Previously, Police Scotland or the Crown would refer allegations of assault to us for investigation. We would make an initial assessment, and we would then decide which of them merited further investigation. As a percentage, the conversion rate for that used to be in the 20s. Because of the change in the law, 70 per cent of those referrals are now proceeding to a full investigation. That is where that demand is arising from.

We are not entirely sure what is driving the rise in death investigations, but we are currently carrying 40 death investigations, which I think is the highest number that the PIRC has ever experienced. As I said, that is a 95 per cent increase on the two previous years.

As for how we are trying to manage that, we submitted a business case to the Scottish Government for additional funding last year. We were not able to secure any funding last year, but

we have been awarded an additional £1 million for next year. We are concerned that that is not going to be enough to tackle the increase in demand and to maintain the levels of timeliness that we would expect, and that others should expect from us. We are currently considering how we can get maximum value out of that additional budget. That will help us to maintain a better level of timeliness, but it might not be enough. One of the challenges is that the demand is entirely outwith our control, particularly in areas such as death investigations, where the Crown directs us to do those investigations. There is no discretionary element there.

As for where we can control things, I have discretion in some cases, as commissioner, as to whether to investigate or not. With referrals that come to us from Police Scotland or the Scottish Police Authority, we can decide, after an assessment, whether we want to proceed with the case to a full investigation. The more that the Crown directs us to do, the less scope we have to exercise discretion in other cases. About 95 per cent of our work is Crown directed, which gives you an idea of our limited scope for taking forward other investigations. We anticipate that we may have to exercise discretion not to proceed more often. That would be unfortunate, because there are cases that we have pursued on a discretionary basis where we think that there is significant learning for Police Scotland, or for whichever other policing agency is responsible. It would be unfortunate if there were missed opportunities to investigate those cases, and to learn from them, because that is what the PIRC is ultimately here to do. We are here to support improvement and make sure that the policing service that is delivered to the public is the best that it possibly can be.

Liam Kerr: I understand. Thank you.

Jamie Hepburn: Good afternoon. I have a few questions. You have referred multiple times to the process of categorising the cases. You described the A-plus cases as being the most serious, and, although you did not describe the C categories as less serious, I suppose that that is implied. I appreciate that you will not be able to give a comprehensive answer, but can you give us a sense of what that means in practical terms? What constitutes an A-plus case in comparison with a category C case?

Laura Paton: To give you a better idea of what is in each category, a category C case could be an allegation of assault against a police officer. It is serious from the point of view of the complainer, of course, but it is less serious than a death investigation, for example. Our death investigations would be category A investigations. A case that was categorised as A-plus would be something quite out of the ordinary. Phil can correct me if I am wrong, but an example of that would be the shooting at the Park Inn in Glasgow, which took place over a protracted period of time and had a significant number of witnesses. Obviously, it was extremely serious and there were big issues around public confidence and the use of firearms against an individual.

Category A-pluses are fairly infrequent, but an incident of that nature might merit a category A-plus investigation.

Jamie Hepburn: Is that a methodology that you have devised yourself, or is it prescribed?

Laura Paton: We have devised it ourselves.

Jamie Hepburn: Is it possible that we could get sight of that?

Laura Paton: Of course. We can give you information about the criteria that we apply.

Jamie Hepburn: That would be useful.

On the complaints that you receive more widely—again, you might not be able to give this information now, so it might be something that you have to follow up—what proportion of complaints that you receive are upheld and what proportion are found to be vexatious? Can that be broken down by the categories that you have devised?

Phil Chapman: On the non-criminal complaints, we report annually on whether the policing body has applied a proper investigation into the original complaint and whether it has handled that complaint to a reasonable standard. Last year, it was in the region of 70 per cent or thereabouts.

In relation to criminal matters that are directed to us by the Crown, we report all the facts and circumstances to the Crown, and it is for it to determine whether there is a vexatious complaint or whether there is a sufficiency of evidence. We used to determine in our recommendations that we put to the Crown whether we felt that there was a sufficiency of evidence for a prima facie case to prosecute, but we have now stopped doing that to allow the Crown Office to apply the Lord Advocate's reference. We do not take any information, but I can tell you that we have not charged anyone with making a false allegation or a false complaint about the police. We report all the circumstances to the Crown, and if it determines that there is an insufficiency of evidence or that it is a false complaint, it will revert to us and instruct that an individual be cautioned and charged accordingly.

Jamie Hepburn: Presumably, though, some complaints that might be found to be vexatious might not even reach the threshold of saying that it constitutes a matter worth investigating and that the person who has made the report requires that level of sanction. There must be some that you can

look at and pretty quickly see whether there is a sufficiency of evidence.

Phil Chapman: Yes. The issue is quite complex because of the fact that, by virtue of policing powers, the police can use force. It is about what is reasonable in that interaction, which is where we have to come in and define, in the public interest, what evidence is available. We commonly receive complaints about situations in which individuals have been restrained—handcuffed, put in leg restraints and so on—and that is captured on CCTV in custody suites and in various other facilities, but the fact of the matter is that that might be lawful use of force. That does not mean that the individual's complaint is vexatious; it is just that they believe that that use of force was excessive in the circumstances.

Jamie Hepburn: Those are obviously cases that would require investigation. I am thinking more of ones that were referred to earlier, such as someone saying that an officer was rude to them when they went into the station to make a complaint. How is that type of thing looked into? Are you able to determine that there was a case—"case" with a lower-case C rather than an upper-case C—to answer?

Phil Chapman: Such a case would be determined to be a non-criminal complaint if it is about an officer's incivility or general demeanour and conduct at a location. If we receive a complaint from someone and look at how the police have gone about their investigation, we do not reinvestigate the complaint. We investigate the manner in which the police dealt with it. If we deem that it was dealt with to a reasonable standard, we will not take it further.

When the police deal with a case as a false complaint and send a final letter back to the complainer to that effect and then the complainer makes an application to the commissioner for a review, if we determine that the police conducted a thorough investigation and sent a well-reasoned and balanced letter back to the complainer, we will exercise discretion and not pursue that complaint.

Jamie Hepburn: Can that all be demonstrated through the statistics that you have on what was upheld and what was dismissed?

Phil Chapman: We determine whether the police dealt with the complaint correctly.

Jamie Hepburn: I get that. Can it be looked at across the categories that you have devised?

Phil Chapman: If the outcome of the police investigation is that the complaint is false, they give the information back to the complainer that they are not upholding the complaint. We then get a complaint handling review—CHR—application and review the facts and circumstances and, if we are content that the police have dealt with it appropriately, we do not record that it was a false complaint because our remit is to investigate how the police handled it.

The police might have determined that an individual has made a false complaint and responded that they therefore do not uphold the complaint. We look at it from a CHR point of view and determine whether they did everything that they should. If the incident is captured on body-worn video, for instance—a great source of evidence—it can be proved beyond doubt that it was a false complaint.

Jamie Hepburn: Do you not record that?

Phil Chapman: Not as a false complaint.

Jamie Hepburn: It is interesting that you do not record it that way. I wonder if it does not give quite the full picture of the pressure.

The reason that I ask about that is that I notice that, in just the first six months of this year, you had a 49 per cent increase in applications for complaint handling reviews, which is significant. I am trying to get a sense of what is driving that. Is something going badly wrong in policing, which we would want to know about, or is there a lower threshold among people who might make a request for a review? We would know that only if that information was recorded—that would enable us to better understand the situation.

Laura Paton: Police Scotland is actually reporting a reduction in the number of complaints that it receives. Last year, there was, I think, a 12 per cent reduction in the number of complaint handling review applications that we received, but we linked that with the backlog that was related to the fact that Police Scotland was not dealing with enough complaints to create an eligible pool of complainers large enough to maintain our levels of complaints. Now, as the force is taking steps to address its backlog and is resolving more complaints, it is creating the pool of eligible complainers who have received a final response from Police Scotland and then apply to us if they remain dissatisfied with it. We think that that is what is driving our 49 per cent increase in the timeframe that you mentioned.

Jamie Hepburn: So, it is not that there are a lot more new complaints being made; it is just that the police has had to work through them.

Laura Paton: That is right. It ties in with what I said initially. As Police Scotland works through its backlog—the 1,300 complaints that it has allocated to divisions outside of the professional standards department—that creates a pool of 1,300 eligible complainers who are entitled to apply to the PIRC for a complaint handling review. Therefore, we anticipate that the increase in

applications that we receive will continue as those complaints are dealt with.

Jamie Hepburn: However, it will level off once that backlog is gone.

Phil Chapman: Ideally. Once the backlog has been dealt with and we have worked our way through any applications that arise out of it, we would hope that it would level off. However, as I mentioned, we anticipate receiving around 350 additional complaints, which is more than we would usually deal with in a year, so it might take some time for us to work through that.

12:45

Jamie Hepburn: Sorry, what number was it that you said?

Laura Paton: We are anticipating around 350 additional applications, which is more than we would usually deal with in a year.

Jamie Hepburn: Okay. That is helpful. Thank you.

Sharon Dowey: I was going to ask you about the backlog in police complaints, but I think that you have just covered everything in that regard.

You have said that the PIRC has experienced a surge in investigative work, and that it is beyond your capacity. You outlined that the PIRC currently has 196 investigations, of which about 40 are death investigations. You stated in your letter that

"the timeliness of the service … is at risk"

and you estimate that the number of investigations that will meet your target timescales for investigations

"will drop to around 40%",

which is below an acceptable standard. What needs to be done to help the PIRC work through that level of investigative work to meet the timeline for completion?

Laura Paton: Obviously, additional resources would be beneficial, and that is where our focus is at the moment. We have a number of recruitment campaigns on the go, and we are looking for additional investigators, which would assist with that. A reduction in demand would also assist us, but, at the moment, there is no sign of that happening in relation to death investigations.

On a positive note, there has been a recent reduction in the allegations of assault that are being referred to us. We are trying to understand whether there has been a genuine reduction in allegations of assault, or whether it is something to do with recording or referral practices. However, if that were to continue, that reduction in demand would be incredibly helpful, as it would allow us to focus on the cases that we already have and on our death investigations.

The PIRC has also done a lot of work in recent years around trying to work more efficiently so that we can extract more from the resources that we have. I am not sure that there is much more that we can do on efficient working within our organisation without additional resources, but one area that we are looking at is our location. The PIRC is a national organisation and we deal with incidents across Scotland, but we are based in Hamilton. Our staff and our investigators spend time travelling to the north, for example, to take witness statements and to deal with the aftermath of an incident. Obviously, that travelling time to and from the north, or even to and from the south—to Stranraer, for example—is not the best use of their time.

One of the things that we are looking at with the additional funding that we have for next year is potentially opening an office in the north and placing an investigation team there, so that we can investigate incidents in that area more quickly, efficiently and productively. That is still very much at the scoping stage. Obviously, new offices cost money, so spending money to save money is a bit of an issue. We are exploring opportunities for co-location with other public sector bodies in the north. If we can secure some premises, we would be keen to recruit a team for the north.

That would have other benefits, such as our not being perceived to be a central belt-based organisation, which I think would be positive for local communities. It would also open up a pool of people for recruitment as investigators, who perhaps previously would never have considered a position with the PIRC, because they were not willing to travel to Hamilton, for example, so there would be a number of other benefits, but the real driver is about efficiency of working and trying to get the most value for money from our investigation team.

Sharon Dowey: Police Scotland is rolling out body-worn video at the moment. You mentioned the recent reduction in allegations of assault. Could that be related to body-worn video, or is it too early to tell just now?

Laura Paton: It is entirely possible that body-worn video is playing a role, and I would hope that it is. We have asked Police Scotland to do a little bit of work to try to understand whether the reduction in referrals around allegations of assault that have been received and the general reduction in the number of complaints that Police Scotland is receiving are connected to the use of body-worn video. However, Police Scotland has already done some divisional analysis, and some of the reductions are being seen in divisions such as

Glasgow and Lanarkshire, which do not yet have body-worn video, so it seems that the reduction is happening regardless of body-worn video, albeit that body-worn video may well have played a role in the scale of reduction in other divisions.

We have always been hopeful about the possibilities of body-worn video. If we are able to review the body-worn video footage quickly once an incident has been referred to us, we can immediately see whether the complaint is credible, which might help us to make an early decision about whether some cases should proceed to full investigation.

Sharon Dowey: You said earlier that you have some additional funding for next year. Does the 2026-27 allocation allow the PIRC to meet its statutory obligations?

Laura Paton: Despite the challenges that we are facing, the PIRC is meeting its statutory obligations but our concern is about how quickly we are able to do that. More resources would allow us to move faster and provide quicker outcomes to our investigations, which is obviously desirable. At the moment, we are still delivering, but it is a matter of how quickly we are delivering.

Sharon Dowey: You also mentioned the changes to the rules on corroboration from the Lord Advocate. When that happened, was any extra funding allocated to the PIRC? It will have increased the number of complaints that you had to look into, so was there any extra funding for that?

Laura Paton: No, there was no funding allocated to cover the impact of the Lord Advocate's references. The impact was not just on the PIRC; it involves the entire criminal justice system: Police Scotland, the Crown Office, and, ultimately, as cases progress, the court service.

Because the PIRC started to apply the ruling on corroboration immediately, we were quickly able to see its impact on our caseload, which was an initial 239 per cent increase in the first quarter after it was applied, but the rest of the justice system is perhaps still grappling with the impact of the Lord Advocate's references, and I am not entirely clear that the ruling is being embedded in everyday work. It is being done in some cases, particularly those that prompted the references in the first place, such as more serious sexual offences. The fact is that the ruling applies to all cases, so its impact on the justice system more generally is still to be determined, and that is something that a future justice committee might be interested in.

Pauline McNeill: The last statement that you made there is quite correct because the changes to the rules on corroboration have far-reaching implications.

You have covered a lot of ground and I will not go over it again. Did you say earlier that the uplift in your workload caused by the changes to the corroboration laws was mainly to do with allegations of assault?

Laura Paton: Yes.

Pauline McNeill: What is the nature of those cases? Are they cases where someone has alleged that they have been assaulted by a police officer?

Laura Paton: That is right. The issue with corroboration applies to all cases in which there has been a criminal allegation against the police; it is just that allegations of assault form the majority of cases that we investigate, so that is where we are seeing the increase as a result of the Lord Advocate's references.

Pauline McNeill: There is a fine line to be drawn when it comes to the powers of police officers to use force in the course of law enforcement and an allegation of assault. Is that the sort of case that we are talking about or is it more varied?

Laura Paton: One of the reasons that the PIRC investigates so many cases of assault rather than them being allocated to Police Scotland is that, back in 2021, following the review by Lady Angiolini, the Crown Office issued a standing instruction that all allegations of assault that engage article 3 of the European Convention on Human Rights and allegations of unlawful detention that engage article 5 of the ECHR should come to the PIRC for independent investigation. That happened in 2021 and it was one of the first steps that massively increased the PIRC's workload. Previously, Police Scotland would have investigated a lot of those cases but Lady Angiolini's view was that, because they engage the human rights of the complainer, they should be dealt with independently by the PIRC, so those cases all come to us now. That was the first stage in our workload increase and the Lord Advocate's references and the changes to the law on corroboration were the second.

Pauline McNeill: Do you think that the decision to change the corroboration rules should be reviewed because there is perhaps a much lower bar for an allegation of assault against a police officer that comes to the PIRC?

Laura Paton: I completely understand where Lady Angiolini was coming from in terms of allegations that engage people's human rights, and acknowledge that there is a public assurance and public confidence aspect in their being looked at by an independent body. That said, I am mindful of the conversation that we had right at the start of this session, and I think that allegations of, say, abuse of position and predatory behaviour would

benefit from being reviewed by an independent body, too. However, as we have said, there is a significant capacity and capability issue in that respect.

Pauline McNeill: But that is not what I am asking about. I am just wondering whether, if the Lord Advocate's reference with regard to corroboration has lowered the bar when it comes to allegations of assault, all those cases should come to you now. After all, there must be lots of cases in which there is a fine line.

We have to think about police officers, too. What happens if we get the balance wrong? His Majesty's Inspectorate of Constabulary in Scotland made that very point to the committee not so long ago. The police are probably more accountable than any other service. Obviously, any serious allegation must be properly investigated, and there must be compliance with human rights, but I am thinking of the fine line that can be drawn in cases involving allegations of assault by the police. The officer might well say, "I was just doing my job as a police officer in detaining someone", but the matter might still end up at the PIRC. Given all that, and the fact that the reference on corroboration has changed the law to make it a lesser test, do you think that there should be a review of the assault complaints that are coming to you?

Laura Paton: If the PIRC is applying the law in Scotland and the cases are capable of being prosecuted, it is appropriate for them to come to an independent body for investigation.

Pauline McNeill: So the same test would have to be applied if a case were coming to you or if it were going to the Crown Office.

Laura Paton: Yes.

Pauline McNeill: And there would have to be some evidence base. You used the word "allegation", but what we are talking about is obviously more than that.

Laura Paton: Yes. During the course of our investigation, we would be looking for evidence to support the allegation made by the complainer—or, indeed, made by someone else on behalf of the complainer. Sometimes the allegations are made by witnesses to what happened. Given that the purpose of our investigation is to establish the evidence and to enable the prosecutor to make a decision whether there is a sufficiency of evidence to prosecute, I think that there is value in those matters coming to an independent body.

Pauline McNeill: Thank you very much.

The Convener: I have a question to finish with. Some really interesting points have been made about the shifting workload that the PIRC is having to deal with as a result of a range of external factors over which, as you have said, you have no control. Following on from the discussion about resources and the fact that you have to respond to these things, can you outline any structural or legislative reforms that you believe are necessary to strengthen independent oversight of policing and ensure that the PIRC is able to carry out its role to the best of its ability?

Laura Paton: We are still looking at implementing the Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025, which will make quite significant changes to the PIRC's remit and expand our role quite a lot, and that is probably quite a lot for us to be getting on with when it comes to expanding our horizons and getting involved in new areas of work. Some aspects of the act will have an impact on our investigations and reviews work, but it also gives us an entirely new role in relation to whistleblowing, which is something that we have not been involved with before.

With that on the horizon, and with some of those provisions still to come in, that will be our focus for the immediate future. I am not aware of anything specific that we would like to change from a legislative point of view to enhance our role. There is a lot for us to get to grips with in the 2025 act; perhaps in a couple of years' time, once that legislation has been implemented and we see how it is working, we can look at whether there is anything outstanding that we think that we require or whether anything novel has come up.

The Convener: Thank you for that. As members have no more questions, I thank you both for your attendance today.

That completes the evidence session, and indeed our business in public for today. I remind members that we agreed to defer our review of evidence and our consideration of our annual report, possibly to next week. In the meantime, members who want to make any points about the annual report should feel free to feed them in, and we will take them forward.

Meeting closed at 13:00.

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