Official Report
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Criminal Justice Committee

Comataidh a' Cheartais Eucoirich

Wednesday 24 June 2026

Session 7

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CRIMINAL JUSTICE COMMITTEE
2nd Meeting 2026, Session 7

CONVENER

*Alyn Smith (Stirling) (SNP)

DEPUTY CONVENER

*David Linden (Glasgow Baillieston and Shettleston) (SNP)

COMMITTEE MEMBERS

*Amanda Bland (Central Scot and Lothians West) (Reform)
*Maggie Chapman (North East Scotland) (Green)
*Stephen Kerr (Mid Scotland and Fife) (Con)
*Marie McNair (Clydebank and Milngavie) (SNP)
*Pauline McNeill (Glasgow) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Jacqueline Clinton (HM Inspectorate of Prisons for Scotland)
Sara Snell (HM Inspectorate of Prisons for Scotland)

LOCATION

The Alexander Fleming Room (CR3)

Scottish Parliament

Criminal Justice Committee

Wednesday 24 June 2026

[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

The Convener (Alyn Smith): Colleagues, it is good to see you all. It is great to have you all here on a warm, sunny day in Edinburgh. Happy hay fever season to all who celebrate it. I apologise if I end up snuffling while chairing the meeting.

This morning, we will hear a fascinating set of evidence from our friends in the prison community.

Our first item of business is a decision on whether to take item 4 in private. Do members agree to take the item in private?

Members *indicated agreement*.

Scotland's Prisons

10:00

The Convener: I welcome our guests from His Majesty's Inspectorate of Prisons for Scotland. We have Sara Snell, who is His Majesty's chief inspector of prisons, and Jacqueline Clinton, who is the thematic lead inspector. It is great to have you both with us. The committee is really looking forward to your evidence. We have an hour for a discussion.

I believe that you want to make a statement, and then we will move on to questions and a discussion. It is lovely to have you with us.

Sara Snell (HM Inspectorate of Prisons for Scotland): Thank you very much, and thank you for inviting us to give evidence today.

His Majesty's Inspectorate of Prisons for Scotland is a bit of a mouthful, so I will refer to it as HMIPS from now on—or simply "us". For those of you who are new to Parliament and/or criminal justice, I will open with a brief description of who we are and what we do.

The inspectorate is required to inspect the 17 prisons and 46 court custody units across Scotland to establish the treatment of and conditions for those who are deprived of their liberty, and to report publicly on its findings. Our assessment of conditions is based on nine published standards, which are grounded in international human rights obligations to which Scotland has agreed to be bound. I became the chief inspector in February last year.

The Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2015 came into force on 31 August 2015. From that date, the chief inspector of prisons assumed overall responsibility for the monitoring of prisons, too. That is carried out on a day-to-day basis by independent prison monitors, who are members of the public volunteering in that role.

We, as an organisation, carry out in-depth inspections of prisons every four to five years, and we visit every prison every week through our monitoring function. It is important to understand the extra information that we get from those volunteers.

As you will know, the United Kingdom is a signatory of the optional protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment—for obvious reasons, that is usually shortened to OPCAT.

We are one of 21 organisations that comprise the UK National Preventive Mechanism, and we

have a duty to regularly monitor the treatment of detainees and the conditions in which they are held. The NPM was set up to ensure regular visits to places of detention, specifically to prevent torture or other forms of ill treatment. It recognises, and we recognise, that people in detention are particularly vulnerable, and OPCAT requires states to set up national-level bodies that can support efforts to prevent any ill treatment. We fulfil that function, as I have described, through our regular inspections of prisons and court custody units, and through our independent prison monitoring framework.

Incarcerating people brings with it great responsibility. Society clearly benefits when prisons work well. The vast majority of detainees will be released into society, and programmes and activities that are designed to support their growth and integration with the community help to reduce crime, increase public safety, reduce victimisation and lower the financial and human costs of detention.

I know that you are all aware of, and want to talk today about, the issues that the Scottish Prison Service is facing, and I stand ready to try to answer any questions you have of me.

The Convener: Wonderful. Thank you, Sara. Jacqueline Clinton, would you like to make an opening statement?

Jacqueline Clinton (HM Inspectorate of Prisons for Scotland): No, thank you.

The Convener: Grand. In that case, we will go straight to questions. I ask members to indicate to me in the usual way when they want to come in. I propose that we do not take a formal one-person-one-answer approach. Let us have a discussion to interrogate the issues. There is a lot of common ground among members on the issues that we want to dig into, so I am keen to hear from you.

David Linden, do you want to lead off?

David Linden (Glasgow Baillieston and Shettleston) (SNP): Thank you, convener.

I thank Ms Snell and Ms Clinton for the work that they do and for the rich body of evidence that they provide in the public domain. I have spent the past couple of weeks reading through their reports. It is fair to say that the situation in the prison system is stark, whether that is in relation to overcrowding or the number of people who are on remand. As I understand it, at HMP Barlinnie in my constituency, about 30-odd per cent of the population is on remand and is not in custody. How have we ended up in that situation? Why is it such a mess?

Sara Snell: If I could answer that question, I would be more powerful than I am. Members will be aware of the McLeish report, which was published about 10 years ago and explained that Scotland had a stark choice: it could either choose to try to manage a proportionate prison population, or it could accept things as they arose and have an ever-increasing prison population. For various reasons, the prison population has increased. Covid affected some things, particularly the number of people on remand, but an increasing number of people were on remand before Covid. Since Covid, those problems have not reduced.

Scotland has some practices that are unlike those in other countries and contribute to increased populations, and there have been some unintended consequences. The number of older prisoners and people coming in on historic offences has increased significantly. Often, people are serving long sentences and that population of prisoners has increased. In 2015, a decision was made to automatically release prisoners serving long sentences who were in the last six months of their sentence rather than when they had served three quarters of it. A prisoner could still be released if they can assure the Parole Board for Scotland that they have done all the things that they should do, but the number of people who stay in prison right up to the end of their sentences has increased as a result of that decision.

Often, that is not the fault of the individual prisoner. Overcrowding puts pressure on the prison estate and services and the ability for prisoners to access things such as offending behaviour programmes, work opportunities, or education. There has been huge pressure, which has meant that, through no fault of any individual, they cannot go to the Parole Board with the evidence that they need to allow them to be released into the community or to move to less secure conditions.

David Linden: I know that other colleagues will want to come in on issues pertaining to welfare matters. It is interesting that your annual report and some of the previous reports that have been provided note that the scale and complexity of the prison population is becoming more of a challenge. It strikes me that we have an older prison population. Do the Scottish Prison Service and the Scottish Government have a strategy to deal with older prisoners who are being incarcerated?

Sara Snell: A lot of those things need to be done in combination. For example, we would need health to combine with the Scottish Prison Service to look at things such as mental health, mental ill health and substance misuse. Some aspects of the population have not been sufficiently taken into account. There is not yet a significant overarching strategy to engage with the needs of the increased ageing population. I know that you may go to some

prisons; if you visit HMP Glenochil, there is a wing there that is very stark and would give you a sense of the complexity of the ageing population that staff in prisons are having to look after. It has a 24-hour social health care team, so it is not that action is not being taken, but there is no overall strategy. One of the implications could be around transport, for example. An increasingly elderly population would almost inevitably need more hospital appointments and potentially longer periods of time would have to be spent in hospital. Having the commensurate work that understands that those risks are likely and need to be dealt with is part of it.

In prisons, as is the case in the community, there is an increasing understanding of neurodivergence and the consequences of an acquired brain injury or other illnesses and conditions that make it very hard for people to navigate life in the community. There is often a disproportionate number of people with such conditions in the prison community.

David Linden: When people enter the prison system, does adequate screening take place to check for neurodivergence and other health issues that people might have?

Sara Snell: Screening could be improved, but what worries me is that, if we screen for something, we need to be able to offer people services that provide support for what has been discovered. A straightforward example relates to education. If we identify that people have basic numeracy, literacy or information technology needs, or if English is the person's second language, we must be able to offer services. However, resources are clearly stretched. For example, as well as struggling to meet needs in the community, mental health teams are struggling to meet the demand in prisons.

David Linden: The prison population has grown exponentially. Has there been a commensurate increase in Scottish Prison Service staffing numbers?

Sara Snell: No. I have been very struck by what I have seen since I have been in post. I have been to two prisons—HMP Low Moss and HMP Edinburgh—for which previous inspections recommended that the Scottish Prison Service carry out a root-and-branch review to find out the required staffing profile to manage the prison. In both instances, when we returned, that work had not been done.

Low Moss was asked to take 100 more prisoners. A plan had been produced—it was called "100 plus", "100 prisoners plus", or something like that—that outlined what was thought to be the need for taking on that additional number of prisoners, but the plan was never enacted. I am afraid that I do not know the reasons for that. Health and prison staff have had to manage the additional prisoners through bank shifts, overtime and ex gratia payments. That is okay in the short term, but it can cause burnout in the long term. Ultimately, it could lead to the prison not having the staff to cover shifts because people have had enough and just want to work their normal hours.

David Linden: In your excellent report "Remand Prisoners' Experiences in the Scottish Prison System: An HMIPS Analytical Review", you say that those on remand are not offered, for example, the work experience opportunities that they are meant to be offered, which goes back to the issue of staffing resources. In Scotland, are we at risk of flouting the Mandela rules when it comes to how we look after people in the prison system?

Sara Snell: I am afraid that Scotland is not just at risk of doing so; it is doing so. In that report, we found that convicted prisoners are sharing cells with remand prisoners—and we are still finding that—even though there is an absolute requirement to keep those people separate. People are having to make choices that they should not be having to make, including those relating to time in the fresh air, people getting their medication and people finishing their meals. That is all happening in a very tightly pressured time arena.

We always point to the fact that two men can be sharing a cell space that was designed barely for one. Some of our reports include quite powerful photos that show the size of the men who have been squeezed into a very small cell. I know that you will be visiting prisons, and I would absolutely encourage you to get a sense of what it is like in those spaces. When it was so hot yesterday, I was thinking about the two men in the cell in Barlinnie. They eat, sleep and defecate in the same place and, given the increasing heat, it will not be a good place to be.

David Linden: Thank you for your evidence.

Pauline McNeill (Glasgow) (Lab): Good morning. I commend you for the wonderful work that you do. This is no reflection on the wonderful SPS staff, but the Scottish prison system is surely an international embarrassment. You have described prisoners being unable to get an appointment with a general practitioner, prisoners not getting fresh air every day and remand prisoners having to share cells with convicted prisoners. What will it take to change that?

10:15

I have a couple of points to make. The first is that, in some European countries, elected members have the statutory right to visit and monitor prisons. I know that that is the job that you

do, but maybe we need a bit more oversight on some pressure points. My second point is that maybe there should be some statutory provisions in relation to some of the issues that you mention, such as fresh air or attending general practitioner appointments. It alarms me that a prisoner who we are responsible for in our prison system cannot get to their healthcare appointment because of the state of the prison system.

Sara Snell: You would not expect me to disagree with you. Both parliamentarians and the judiciary spending more time in prisons—and, therefore, understanding what is happening in prisons—is very powerful. In some jurisdictions that I worked in, such as when I worked for the International Committee of the Red Cross, not just as an expediency in order to clear court cases but as a way of getting the judiciary to understand exactly what was happening, some courts were run within the prison, because that is a very visceral way of knowing what is happening. Interestingly, we were thinking just yesterday that we would be happy to invite you when we are going into prisons to publish our reports, which is the way we tend to do it. We will inspect a prison, do the write-ups and then launch them at the prison, so that we can say what we found and then the prison can say what it has done as a consequence. We have perhaps missed a trick by not inviting you; we will put that right, and, if people are able to come, they can join us on those visits. There is usually an opportunity to look inside the prison that has just been inspected. It is a good idea and I absolutely welcome people coming into that rather closed environment. People are sometimes reluctant to go into that environment or they are unfamiliar with it, or their day job gets in the way of doing that.

Pauline McNeill: There was a time when justice committees were invited, but it depends very much on the person who is in post. You are taking the view that you would welcome it.

Sara Snell: Yes.

Pauline McNeill: Previous inspectors have taken the view that it is not appropriate. Would you be in favour of members having the right to attend? The visits that we will probably go on are very structured and informative and we learn so much from them. However, we need to consider having more pressure points right now, and one of them might be for elected members to have more rights to go into prisons as part of the scrutiny of what is going on inside prisons.

Sara Snell: I do not know what the value of extra scrutiny powers would be. This committee has a huge opportunity to unblock some areas. It is not that people do not know what the situation is or what the solutions are, and it is not that there is not a plethora of recommendations. The issue is not that we need more understanding—although understanding is good, what we need is action on the things that have been outstanding for so long. For me, it is about taking just one or two fairly small issues that have been difficult to forward. People—certainly you, Pauline—will be aware of the "Review, recommend, repeat" report that the Scottish Human Rights Commission and the National Preventive Mechanism published in July 2024. They looked specifically at the right to life and prohibition of inhumane and degrading treatment, and they discovered that something like 82 per cent of recommendations made by a variety of inspection and scrutiny bodies had not been forwarded. Everybody should know what is happening and that should be visible, but the effort and energy is in unblocking what prevents the recommendations being implemented rather than in there necessarily being more scrutiny.

Pauline McNeill: Given what you have said, should there be statutory rights to uphold the conventions against degrading treatment that you mentioned? For example, should there be a statutory right for prisoners to attend their GP appointments? Should there be a more legal structure to that? I am just thinking of ways to address that, because it has been going on for so long. We will have a debate on prisons in Parliament tomorrow, and I hope that there might be some consensus on alternatives to prison, but that takes time to work through. I just wondered whether there is anything specific that you think the committee should focus on with regard to that pressure point, so that we could maybe start to change things.

Sara Snell: Again, that is a difficult question, because it begs what has prevented things from happening. Judicial reviews have often been powerful mechanisms for prisoners to get something put right, and that can be valuable.

Generally, my concern would be that some aspects of the Scottish prison rules are already not being met, so having a law has not necessarily made something happen, and more legislation is not necessarily the way to unblock the things that are preventing the law that already exists from being met. I am sure that it has its place, but I would want to be clear about the causes of the legislation not being met before making a judgment on that.

I would say the same thing about strategies and policies. There can be very good strategies and policies—they read great and they make sense—but if they are not able to be delivered on the ground, that is where the issue is, rather than in the policy or strategy itself.

Pauline McNeill: Thank you very much.

The Convener: Thank you. That was really helpful, certainly for my part. The election was five weeks ago and this is our first evidence session. You are here before us because we are looking for delivery. I am reticent about the need for more legislation; I think that we need to focus on delivery and on what is holding up things that should improve much more than they are doing.

Stephen Kerr (Mid Scotland and Fife) (Con): Again, thank you for the work that you do, which is invaluable to us in the Parliament. The letter that you wrote on 12 September 2025 to the Cabinet Secretary for Justice and Home Affairs is one of the most plainly distressing letters that I have read as a member of Parliament. You said that

"prisons stop being places of rehabilitation and become warehouses".

That is pretty stark language. There is a lot of stark language in the letter, and I wish that we had more time to go over it with you, but, on this occasion, we do not.

I hope that I am not reading between the lines but, in the letter, you seem to be saying that just releasing prisoners early is not a sustainable solution, and you specifically call for a greater focus on the purpose of prison to reduce levels of reoffending.

What you and the convener have said is interesting. At the end of the letter you said that you were concerned that nothing much would happen between then and the election. You then talked about

"any solutions requiring legislative change after the election".

In the letter, you alluded to the fact that you thought that there was a legislative gap. What did you have in mind that I am not getting from reading the letter?

Sara Snell: There were a couple of things. The sentencing and penal policy review was to have reported at the end of December. There would have been time to receive it but not properly respond to it. In addition, because we did not know what would be in the report, the door had to be left open for something of high priority; if that involved thoughtful and sensible things that needed legislation, that could be brought through.

The other thing, to which I alluded at the outset, is that the decision to allow long-sentence people out only six months before the end of their sentence has made a significant difference to the long-term population. Until the election, all the energy had gone into the release of short-term prisoners. We—the inspectorate—would say that people should go to prison only as a measure of last resort. That involves people who present an imminent and serious threat to the public and, in the case of remand prisoners, people who would otherwise be a potential flight risk. However, the letter alluded to the people who were serving sentences of less than 12 months, against which there was already a presumption.

The letter was alluding to all of that, but specifically to a call to take the Scottish sentencing and penal policy commission ideas seriously and to look at whether legislation was needed to do so.

Stephen Kerr: We have the Scottish sentencing and penal policy commission report that you describe now—it is quite a heavy document. Are there elements of that report that you believe are actionable and would require legislation? Can you call them out so that we can see from your vantage point what should be a priority for us as legislators?

Sara Snell: There are many recommendations in the report that do not require legislation, and those are the ones that I would be really interested in.

One of the things that I wanted to share with you today is our concern about data, and decisions being made on data. We are at the back end of the process—we see somebody in prison and we might think, "Well, this looks a bit odd," but we do not necessarily know what has happened. Recently, there was a woman at HMP Stirling who had gone into police custody on the Friday; she was in police custody over the weekend—over Saturday and Sunday—she arrived in Stirling on the Monday and she was out on the Tuesday. We wonder how things like that are happening.

We do not have a full enough picture. I turn to the recommendation that when somebody ends up in front of a sentencer, the sentencer writes down everything that they have considered, such as where they could send the person if they are homeless or if they need mental health support, and so on. If they evidence that no other option is available and prison is the measure of last resort—we would argue that it should not be used, but possibly that is what is happening—we can begin to build up a body of evidence on where services are not able to deal with all that need, which then comes into prisons.

Prisons can never say no. If a clinic does not have the staff or if it does not have the skills to deal with a particular patient who presents, they can say, "This is not the right place for you". Prisons cannot do that, so you end up with a prison service that is trying to be all things to all people, with staff who are trained for six weeks before they go live, who are doing their very best. It is an absolute tribute to the relationships that the staff are building with those in their care that they have managed this very difficult situation for so long. However, if you are a 21-year-old coming from

Tesco or a 40-year-old coming from the Army, you are not used to that level of mental ill health or substance use. Those are not things that we ordinarily deal with before we become prison staff. There is a need to really build the evidence.

Stephen Kerr: There is a much longer discussion to be had about the report and its implications in terms of policy, implementation and potential legislation, but I want to go back to the issue of remand.

A quarter of everyone who is in prison is on remand; most of them are awaiting trial. You described an increase over time in the proportion of those in prison who are on remand—pre-Covid, through Covid and post-Covid. How does that compare with other jurisdictions? What are those numbers like in other parts of the United Kingdom and in Europe?

Sara Snell: That is a very good question because where I worked previously, in the International Committee of the Red Cross, a figure of 25 per cent for a remand population would not be at all bad. There are some places that have a figure of 70 to 80 per cent, but those are not the kinds of countries that Scotland wants to compare itself with. On the 25 per cent figure, it would be really helpful to know how many people at the end of their time on remand either do not get a sentence or get a sentence that is less than the time that they have already served, because that would give us a handle on who is being remanded unnecessarily.

Stephen Kerr: Does that data exist somewhere?

Sara Snell: I am not sure how accurately the remand population outcomes are being tracked—it is not an area that we inspect, but I can certainly find out and come back to you definitively on whether the data exists, rather than giving you an answer now that might not be accurate.

Stephen Kerr: That would be a good insight to have.

Sara Snell:. We will come back to you on whether the data exists.

Stephen Kerr: So in terms of proportions, Scotland is not an outlier?

Sara Snell: It is not the worst—

Stephen Kerr: I am not sure that that is an accolade.

Sara Snell: But it is worse than it used to be, I think.

Stephen Kerr: Is it much worse than it used to be?

Sara Snell: Scotland was good at not having a high remand population, and I would draw the conclusion that people were being careful about remand being a measure of last resort, considering the risk to the public or any imminent flight risk. It feels like that slipped somewhat, for the numbers to be so high—albeit Covid clearly affected things.

10:30

Stephen Kerr: I have some statistics here from the Scottish Courts and Tribunals Service about duration. They give a figure of 35 weeks from first appearance to evidence-led trial. That seems like a very long time. How does that compare with other jurisdictions?

Sara Snell: At the International Committee of the Red Cross, we would say to jurisdictions across the world, “Stick to the legislation.” If the legislation says that someone will be dealt with in 180 days, the authorities should make that happen—if not, they should be releasing. There are some jurisdictions that do that. It is a matter of pulling yourselves back to the—

Stephen Kerr: Forgive my ignorance, but where is that in relation to the 35 weeks in Scotland?

Sara Snell: I think that the relevant times are 120 and 180 days. This is not my area of expertise, however.

Stephen Kerr: So, we are not complying with our own legislation.

Sara Snell: That is correct. As I understand it, your legislation was eased because of Covid, when things could not be done according to the legislation. If you are thinking about bringing legislation back, I would suggest that you reprioritise that and then hold people for the legal amount of time.

Stephen Kerr: That is great.

There are many other things to discuss, but I am conscious that I have taken up enough time.

The Convener: That was a very good line of inquiry. The committee could send a letter to the cabinet secretary to dig into the numbers. Let us see what the data says. It would be useful to do that, so we will come back to that.

Maggie Chapman (North East Scotland) (Green): Good morning, and thank you for joining us this morning and for all the work that you do.

I will pick up on a point that you made in relation to Stephen Kerr’s questions, on how prepared and supported the staff are. Last year, the Prison Officers Association Scotland produced a report showing that staff wellbeing is perhaps not being considered. What is your impression? What are you hearing from the monitors who go into prisons

about how staff are coping with overcrowding and with not being able to address the needs that they see in front of them?

Sara Snell: Before we run an inspection, we run a staff survey group. When we are in a prison, we talk to the staff. Many of them are incredibly pragmatic, and they talk openly about what they are able to do and what they are not able to do. They talk about the difference that is made by being on shift with regular staff—staff who they and the prisoners know, and who know them. That makes for a much easier shift, whereas, if there is a high level of staff sickness or if there are gaps in recruitment, it can be really hard, with guests coming in who, with the best will in the world, do not understand the regime, the routines and the prisoners in the same way.

We have seen staff go off sick at the end of a shift because they are absolutely run into the ground. For example, some incredibly good staff might take the time, even in the middle of a very busy shift, to understand why somebody has not attended a visit when a visitor has appeared, and might encourage them to attend when a visitor has made the effort. We see a vast array.

The most significant staffing gap, which we constantly refer to in our reports, involves the personal officer scheme. Scottish prison staff have a real belief in that scheme. It ensures that an officer is more than somebody who just unlocks a door and ensures that somebody gets their medication, goes for lunch, comes back out and goes for fresh air. The scheme provides a way for officers to engage with somebody on their sentence, understand what they need to do and encourage them to do it. Almost universally, we have found that the scheme is unable to run at the moment, because of the issues that exist. That has a knock-on effect in the rest of the prison.

Our education partners would say that there is so much going on in education, but nobody knows about it. The staff cannot tell the prisoners that they would really benefit from a particular programme—they might be really interested in media, and there is a media option. The staff do not have the knowledge or the time to do that, and they do not always know how the systems work. People get given bad advice or no advice, while they could potentially be progressing through the system, to Castle Huntly, for example. There are lots of nuances there.

Staff sickness levels are high—they are higher than they were before the pandemic. All sorts of issues are likely to sit underneath that. Some staff started working in prisons only during Covid, when it was not a normal environment. If those new staff thought that that was what prison was about, getting back to normal after Covid—I think that Scotland did really well with that process of reopening—will have come as quite a shock to them. There are mentoring and buddying schemes in prisons to nurture staff, but in the absence of additional staff, taking staff out to buddy new staff means that there will be a gap somewhere else. Hard decisions have to be made about where to put limited staff resources and where to put support.

Maggie Chapman: Is it simply a question of having a limited staff resource or is it a question of staff being temporary or new and not having the knowledge of the prison or the regime in certain institutions? In other words, is it purely a numbers game? Obviously, the overcrowding pressures produce their own problems, but there is an idea that, if we just threw more staff at the issue, we could deal with the overcrowding. What is your sense of the balance between ensuring that the staff have the training and the resources that they need and simply providing more staff?

Sara Snell: That is a very good question. Just putting more staff in does not help. There have been places that have got a lot of new staff, but those new staff have left very quickly. New staff might come in to a prison, but it might then lose those staff. That is almost more destabilising, because recruiting and training people involves a big investment, which is then lost. It is key that there is a focus on retention after recruitment.

I think that the basic training for officers that is provided in Scotland is similar to that which is provided in England and Wales. It is very short and it focuses on what people absolutely need to know in order to be able to pick up the keys and get up and running. A lot of the learning takes place on the job; it involves seeing how someone else deals with a situation and learning from that. When inexperienced staff are supported by other inexperienced staff, it is much harder for them to learn. Given how incredibly difficult the job is, I would say that staff deserve not only all the front-end training that they need, but ongoing training and support.

That applies not only to front-line staff but to first-line managers. There are a lot of new and inexperienced people coming into first-line manager and unit manager positions. The same issue exists at very senior level. I do not know whether the committee has heard this from the Scottish Prison Service, but many highly experienced and senior governors are coming to the end of their service. All of that presents an enormous risk. After all, governing a prison is no easier than being a prison officer who manages the day-to-day work.

Maggie Chapman: In your work, are you finding that there are opportunities for staff to do that

training and continuing professional development or that, in the same way that, although opportunities might be available for prisoners to engage in certain activities, they cannot access them for a range of reasons, prison staff are unable to access the training opportunities that exist? Is it the case that such opportunities are available, but they are just not accessible because of time constraints, staff sickness and so on?

Sara Snell: Some opportunities are available. I will give you a real-life example. In the Scottish Prison Service, prison staff run the kitchens. Someone might decide, "Oh—that sounds like an interesting job. I'd like to go and work in the kitchens." Although they would definitely be given basic food hygiene training, they might receive no other training to begin with. Courses would definitely be available to them, but if they went into the kitchen because of a shortage of staff, they would have to do the day job, because providing three meals a day is the most important thing. In the short term, it would not be possible for them to find the time to go and do the training. That is one of the challenges.

The other issue, which David Linden alluded to earlier, is that there is a developing need for understanding that the training has not yet been caught up with—in other words, that there are things that it would be incredibly helpful for staff to be aware of and to be capable of dealing with that still require development.

Maggie Chapman: There is a lot more that I could go into, but, for now, I will not.

Marie McNair (Clydebank and Milngavie) (SNP): Good morning. I thank our witnesses for giving us their time. I note that eight weeks' notice is given for announced inspection visits. What factors would determine that an unannounced inspection should take place? How often do they take place? What value do you get from them?

Sara Snell: That is a good question. My predecessor used to announce in the annual report the inspections that we were going to do in the following year. Her thinking was that, if people know that you are coming, they will be focused on all the things that you want them to do and so, when you go, things should be as good as they can be. There is another opinion, which is that, if you tell people that you are going in advance, they will put their best foot forward and you will get a false view of the prison when you enter.

Inspection is incredibly complicated and quite burdensome for the establishment. We ask for a lot of information and data, and for a lot of time and space. Including our partners, there are sometimes up to 18 of us in the establishment. There are some very good arguments for giving people plenty of notice.

Prisoners will always tell us, "The food's only okay this week because you're here," or, "The signs are new," or, "We only had X, Y and Z done because you were coming." In some cases, I am absolutely sure that that is true. With some things, I would say that, if something has happened—if a place has been painted, for example—you are getting a benefit. However, some people, and particularly families of prisoners in Scotland, have said that they want to have more confidence in what the inspectorate is doing and how it is doing it. There is a big case for unannounced inspections.

Whichever way you argue, the most powerful thing in the inspectorate is the system of independent prison monitors, because prisons cannot pretend week in week out. If something is done specifically because an inspection is coming, the prison monitors can always tell us, "Oh yes, it was very clear that they were expecting you, because X, Y and Z happened." Alternatively, they might say, "Yes, you are very much seeing the prison as is." Further, we have all the IPMs' evidence when we inspect. We always ask the IPMs what they think the current issues are, and we can always look at what they have told us historically.

There is a balance, and it is a difficult argument but, ultimately, if we are to be seen to be independent, it is important to do unannounced inspections. I am not sure whether that means moving entirely to an unannounced model. Currently, we go entirely unannounced when there is a follow-up. There have been two reports in the past few years—one in 2022 for HMP Addiewell and one in 2023 or maybe 2024 for HMP Edinburgh—where we inspected and came out with concerns and, obviously, the reports expressed that we were concerned. With Addiewell, we did two unannounced follow-up visits to understand how things were as a consequence of the initial announced inspection, and in Edinburgh we did one.

We currently have a model, but we are looking at what the implications for us and for the Scottish Prison Service would be if we moved entirely to unannounced visits.

Marie McNair: On the timings, do you always go in at the same times, or do you alternate the times? How long does an inspection normally take?

Sara Snell: Again, those are good questions. At the moment, we prepare for our inspections and have time afterwards, but the actual time in the prison is somewhat limited. We go in on a Monday and leave on the Friday. We used to inspect over a two-week period, but we lost that during Covid, when we had a very different kind of inspection. We have a new lead prison inspector, and we are

looking to run the inspections over two weeks. We might not all be in at the same time, but we might have more of a phased approach, which will help us to move to unannounced visits. Also, we will be in there at weekends. We go in at night, but at the moment we do not routinely go in at weekends.

Marie McNair: You say that the independent prison monitors are members of the public. What are the numbers? Is there a shortage of them? What is the recruitment process for them?

Sara Snell: The number runs at between 100 and 120, so it is kind of big but small, if you know what I mean. The figures vary enormously, depending on where we are asking people to visit. For a long time, we have had only three independent prison monitors visiting Grampian. That has not been detrimental to the service, because we have people who dedicate a huge amount of time—the commitment that they give is almost like full-time working. However, in other places, even when we have a large team, people have other commitments, which can be problematic.

We are constantly trying to recruit and to focus on areas in which it is harder to get people. People come for a short period of time and move—if somebody comes and finds that it is not for them, they can either sit for a period of time or leave—so it is pretty much a fairly constantly rolling programme. However, we know that we have to support and develop volunteers in the same way as we do staff in the prisons, which we talked about.

Prisons are not normal places, so we want to ensure that people are confident and competent in the role that they undertake. The first time that they visit, they are always with one of our prison monitor co-ordinators; then, they go in pairs until they have a level of confidence. We are also working on peer webinars so that people can, in private, between themselves, say, “Well, that felt a bit odd. What would you have done?”, to try to build confidence; we have also restructured our team so that we can invest more in the training and development of that very core group of volunteers.

10:45

Marie McNair: I want to go back to the issue of the complex prison population that we find ourselves with, and that of caring for our older and vulnerable disabled prisoners. I have noticed in the report that there are only five accessible cells in HMP Barlinnie, which, I imagine, the demand probably outweighs. Is that the case? What are your observations when you go in?

Sara Snell: Yes, absolutely. Relatively recently, we were at a prison that had, I think, four—the numbers do not matter—accessible cells, which they managed through assessing, as people came in with or developed needs, who had the greatest need for the accessible cell. It might even have meant that they had to move somebody out who had previously been deemed as needing the cell, because somebody else’s need was greater. So, you are absolutely right. The physical environment of the prisons, even the newer ones, does not meet that demand, because prisons were built before that enormous rise in older prisoners.

Marie McNair: Thank you. I could ask much more, but I will hand back to the convener.

The Convener: I think that we could all ask much more.

Amanda Bland (Central Scotland and Lothians West) (Reform): Good morning and thank you for the work that you do. It is really interesting to listen to you and to read your report; it is also quite depressing.

I have three questions for you. I will ask them all to give you an overview of what I want to understand, but I am happy to repeat them. First, it sounds as if there is a managed decline, and I would like to understand the timeline for it, from your point of view, because I am not quite getting a sense of what that would be in years or decades. Secondly, what do you perceive as the greatest barriers for improvements? Thirdly, what has improved over this timeline? There must have been improvement, so please, tell us.

Sara Snell: I will start with the last question, and if I do not answer your other ones, please repeat them. One of the things that powerfully impressed me as a new chief inspector, and new to Scotland, was how much investment there had been in the prison estate. Way back when, I was in the England and Wales prison service and the governor of HMP Wetherby, a young offender institution for children. A massive thing that Scotland should be very proud of is the fact that you do not have children in your prisons; when you moved them out of prisons after Covid, there was just a tiny number—about six.

HMP Wetherby, which took up to 18-year-olds, was a prison dating from 1966. The first prison that I inspected in Scotland was HMP Glenochil; I had heard that it was from 1966, so I thought that it would be similar to Wetherby. However, I walked in, and there was an entirely new prison there. I was really impressed, because it showed that Scotland was a nation that did not say, “We don’t care about the people who are deprived of their liberty or about the conditions they’re held in” but instead invested in proper physical environments. That is something to be really proud of.

There is always a balance. Physical buildings, of themselves, are not what make good prisons. You

could have a terrible building, but if you have really good staff and staff-prisoner relationships and good things happening it can go a long way towards mitigating that—we see that in HMP Dumfries and HMP Greenock, and you will see that in our reports. However, the fact that the nation is prepared to invest in the physical infrastructure is a massive success story and you should all be very proud of that.

Another thing to hold on to is the fact that staff will tell us when they are not able to do the job that they joined to do—it is not the case that staff have lost sight of what should be done and of what they are employed to do. Those aspects are really good.

Some members might remember that previous inspectors, going back quite a long time, were incredibly critical of HMP Cornton Vale in relation to the conditions in which women were held and the number of women who were held there. The Scottish Prison Service was finally able to introduce a new model of custody for women. I hesitate to use the term "trauma informed" but, at HMP Stirling, the service understood that the physical environment can affect how we engage with people who have had significant trauma in their lives.

When I went to the Bella and Lilias centres, they looked like the best community provision that a prison could provide, but there is still work to be done. If you talk to women, you find that they do not want to go to those centres if they are not from those areas. That is because what matters most to them is their local links. If they have built relationships with staff at Greenock, for example, they might not want to up sticks and go to those centres even if that could be very beneficial. Despite our best intentions, people might not always take up the offer. However, the changes in provision are all really positive.

Covid did not help the situation. However, our progression review, which predated my taking up this role, showed that, long before Covid, the signs were on the wall that prisoners were not getting access to the things that they needed to access in order to demonstrate that their risk was being dealt with and that they were suitable for less secure conditions, open conditions or release. The situation has been a long time coming and definitely predates 2020, but I could not give an exact timeline. It is quite easy to think that Covid created a lot of the legacy that we see today, and to an extent, it did, but it also speeded up and exacerbated an existing problem.

What was the other question that you asked?

Amanda Bland: What is the greatest barrier that is preventing changes from being made?

Sara Snell: I honestly think that it is the numbers. I know that it annoys many people when it is said that the issue is overcrowding, and they say, "It's not overcrowding—it's what overcrowding means." Staff are being run ragged in managing multiple regimes to keep offence protection prisoners safe, non-offence protection prisoners safe and mainstream prisoners safe. When we were at HMP Edinburgh in July, we heard that the prison was running something like 12 regimes in four halls in order to try to keep everybody in place. It is like a massive jigsaw puzzle.

As we saw at Polmont, staff end up focusing on the basics. It can sometimes feel like one massive segregation unit. It might be a case of prisoners definitely getting their calls home, definitely getting their visits if they are booked, definitely getting their time in the fresh air, definitely getting their meals and definitely getting their shower, but that might be it. In Polmont, there are amazing resources and lots of opportunities—there are really good education facilities, there are work opportunities and incredible people come from the outside to offer therapy through arts and through pets via Paws for Progress, for example—but staff are left to focus on the basics.

I do not want to say that the biggest blocker is overcrowding, so I will say that it relates to freeing prisons to be able to do the things that they are required and expected to do.

Amanda Bland: Thank you.

The Convener: That has been really helpful. In the next round of questions—I will allow us to go a wee bit over our time if our guests are okay to stay for five or 10 minutes longer—I would like us to focus on the outcomes that we want from this meeting. What would you like the committee to take forward? What issues would you like to see us get into? I have put on my list that we should write a letter to the Cabinet Secretary for Justice on the remand population outcomes and about what happens at the 120 day and 180 day points. I ask colleagues to focus their questions on concrete things that we should take forward.

Maggie Chapman: I am interested in the conversation that you had with Pauline McNeill about human rights breaches, how they are understood, whether the data is collected, the balance between the implementation of legislation and the implementation of policies and strategies, and the question of enforcement. What do you think is important for us to be aware of in that gap? We might have the best policies and legislation but there is a gap if we are not enabling human rights to be realised in prisons. It speaks to Amanda Bland's question about where the blockages are, but if it is not just about the money and throwing

more staff at the problem, what is the missing thread?

Sara Snell: I am delighted to hear that you are talking about alternatives to custody in the chamber tomorrow, because it is talked about but it is quite hard to put a finger on. Clearly, prisons are at the back-end of the criminal justice system—I do not mean any disrespect by that—but so many things would have gone wrong for an individual to find their way into custody that, if you are trying to solve things in prison, you are starting at the wrong end.

This is not my area, and I know that you will talk to people about it in future, but this relates to the discussion I heard at the national preventative mechanism Scotland subgroup meeting. Healthcare Improvement Scotland and His Majesty's Inspectorate of Constabulary in Scotland were talking about a pilot scheme in Glasgow and Ayrshire—forgive me, I cannot give you the precise area and I do not know whether it was even a pilot. They had realised that they were often called to deal with things that almost inevitably became criminalised just because the police were there, but that those situations were probably representations of ill health, substance use or something else. The police had a mechanism to call mental health teams and say, "Here's the situation that we are in; here's what's happening." They were able to describe the presentation and ask for advice. That scheme was making a difference because people were not coming into police custody but were being diverted to the services that they needed. However, at some stage—I am sorry; I am telling you someone else's story—the mental health teams became so overburdened that they could not support the scheme. When people are under pressure, something has to drop and so they decided that they could not keep that approach going when they had other calls on their time.

It is important to have an understanding of where the pressures are and what is available to people. I am afraid that it predates my time, but there is evidence of a successful substance misuse support programme, I think in Glasgow, which has often been at the forefront of such programmes. Money became tight and people had to go elsewhere. As the money was not forthcoming, it was no longer an option for the judiciary to offer those services as an alternative to remanding someone in HMP Barlinnie, for example.

My sense is that we need to understand what has worked, what is working and check what has prevented a service from being scaled up, used, or there being confidence in it. My biggest plea would be for the committee to understand what is happening and what could happen in the front end, not least because such options would be a good use of public resources. We do not want people to end up in prison, which has an expensive bill for the taxpayer, when putting the money somewhere else might make a difference.

Stephen Kerr: You mentioned legislation and we had a discussion about it. Part of the Scottish Parliament's function is to review legislation. Are there signs that the Bail and Release from Custody (Scotland) Act 2023 is helping, is it making things worse, or is it having no impact at all? What is your steer on that? The committee could look into it.

Sara Snell: If I may, I will take the more general point. Understanding whether legislation has delivered the intended outcomes is a good take on it. Pauline McNeill will forgive me mentioning it, but when we last gave evidence to the Criminal Justice Committee, she said that she was involved in passing the legislation on orders for lifelong restriction, and that the outcome had not turned out to be anything like she thought it would be when she had supported that legislation.

Picking out legislative areas in which there was a very clear intent—I am sure that the 2023 act is one of those areas; there will be others—and understanding whether the intent has been met is a really valuable approach to scrutiny.

I am really not sure how easy it is to access data and evidence. When we set off with something, it is important to understand what we will measure, what measures of success will look like, how we will get that information, who will look at that information and how we will make decisions based on that information. With overcrowding, we need to understand exactly what the drivers are and where it is coming from, and that applies to legislation, too.

Stephen Kerr: Might post-legislative scrutiny be a fruitful area for us to look at?

Sara Snell: Yes. It would be a really good one.

Stephen Kerr: We do not have time to go through everything in the report, but one of the most alarming things in it for me is the mortality rate in our prisons. It would appear that, in Scotland, the probability that you might die if you go to prison is three or four times higher than it is in any other part of the United Kingdom. It seems hugely disproportionate, even given the challenges that you outlined in your report and in the letter that you wrote to the cabinet secretary in September. Is there something that we as a committee should be focused on that would alleviate the risks that exist for prisoners? Given that we have 790 deaths a year per 100,000 prisoners—that makes us the worst in Europe by a long chalk—there must be something that we can look at that would help us get to the root of it.

Sara Snell: It is devastating, and it has been very hard as a chief inspector to receive notification of those deaths—never mind what it has been like for the families and the staff to deal with that. A proportion of the deaths is clearly because of older people coming into an environment that is entirely unsuited to them, so there would be real value in looking in an overarching way at the strategy for Scotland's approach to older offenders.

Stephen Kerr: That would be true elsewhere as well, though.

Sara Snell: In some places, it would. However, as I said at the outset, not everyone is taking historical sex offences to court—some places have statutes of limitation—and, if they do take them to court, it does not necessarily result in a custodial sentence. Looking at that strategy would make a difference.

One of the highest predictors for potential attempted suicide or completed suicide is previous attempts and previous mental ill health. There is a really good connection here if we can understand what alternatives, mental health diversion—especially—and other resources could be made available to people so that they are not then put into prison, which, with the best will of the staff, is not a therapeutic environment. It is not a place in which, if you are feeling desperate, you will feel less desperate. The single biggest aspect for me is diversion, as well as, obviously, the very large issue of substance misuse. Clearly, a raft of deaths are related to substance ingestion. That is a very complex area, which I know the committee looked at in the previous parliamentary session.

Stephen Kerr: Does that account for—

The Convener: Sorry, Stephen, but I am conscious that another couple of members have indicated that they want to come in.

11:00

David Linden: I will be very brief, because my question follows on slightly from the issues pertaining to mortality that Mr Kerr raised. If I understood you earlier, Sara, you were basically suggesting that the Scottish Prison Service and/or the Scottish Government do not have a strategy for dealing with the older prison population. Is that right?

Sara Snell: Correct.

David Linden: To round up, I note that the convener is keen to make sure that everything that is raised today goes forward, and that is the key point that I would like us to take forward.

The Convener: Would you like to respond to that?

Sara Snell: One thing that I wanted to say in conclusion is that, as members of the committee, you will have the chance to hear evidence from many actors in the criminal justice system. We are honoured that we have come first, but you will be able to talk to everybody, and we wondered whether it would be helpful to think about some of the questions that you could ask. For example, you could ask the chief executive of the Scottish Prison Service how she is equipping her senior staff to gather, interrogate and use data to inform decision making, and not just for the Scottish Prison Service but more generally across the criminal justice system.

You could ask the director general for health and social care what is being done to understand and address the needs of older prisoners and how the needs of all prisoners are being considered as a subset of national strategies. That happened in relation to substance use: there was a national strategy that included prisoners, but for some reason, that atrophied over time, and the alcohol and substance misuse strategy is now—I am not going to say "parochial"—local to the Scottish Prison Service.

We would also encourage you to talk to prisoners and ex-prisoners about the things that would help them and the things that hinder them. We can all sit in a room and think about what we think would be helpful, and the Bella and Lilias units are great examples of that, but what helps women to engage in the community, for example? What helps women to re-enter society successfully?

There is an opportunity to rethink how people are held in prisons. It is an exciting time. You are the new Criminal Justice Committee, we have a new chief executive of the SPS and we have a new Cabinet Secretary for Justice, and there are opportunities to engage and uphold the human rights of people in Scotland in a way that the country can be proud of.

Our office is there to support you. Obviously, we will give evidence when you need it, but if you want to talk to us about issues privately, it is also our pleasure and our privilege to be in a position to enable that.

The Convener: Thank you. Pauline McNeill has a question.

Pauline McNeill: The convener asked what themes and points we should pick up on from this morning's meeting. The Bail and Release from Custody (Scotland) Act 2023 includes a provision that came about because the previous committee wanted to act on Friday release. It was concerned that, when prisoners were released on a Friday, they often did not get access to their medication, and the fact that the services that they needed

were not available at the weekend was a major factor in reoffending. To pick up on Stephen Kerr's point, we should probably do some post-legislative scrutiny of the 2023 act to see whether it has been effective.

On that theme, if we want to raise standards in our prisons before we can make further changes, should we focus on the rights of prisoners who have their hospital appointments cancelled because of the situation that you described? I do not know what happens when a prisoner does not get to their hospital appointment. Do they have to go at the end of the queue? That is just one example, but the committee could try to persuade ministers that there should be some basic standards while we are trying to make further changes in the system. You could pick another example, but I wonder what you think about that.

Sara Snell: It is interesting that you can make legislation with the best will and intent in the world but it will not necessarily solve the problems that you created it to solve.

One of my immediate thoughts is that, in prisons, health appointments are triaged, as they are in the community, so there will always be ongoing assessment of who most needs to go out. If we have a mechanism to send six people today but somebody comes in with a much more urgent need, they will kind of trump the needs of another person. We will take the person who had the least need and put them at the bottom, and they will go in on the next tranche. There is a mechanism for triage in the same way that there is a mechanism to work out who has the greatest need of the accessible cells that are available.

Jacqueline Clinton: The national health service has sent letters to all the health boards asking that people are not sent to the end of the queue if they fail to go to an appointment through no fault of their own, such as through an error by the transport provider or the prison management. I do not know how successful that has been, but that message has been conveyed several times.

Pauline McNeill asked what happens when an appointment is cancelled. The local NHS partners and the prison will liaise with their outside counterparts and rearrange the appointment.

Sara Snell: In relation to making things statutory, my sense is that we should ask why things are not happening now and whether legislation would help to shift the block, rather than hoping that legislation will create the ability for something to happen. It is so complicated and so many things are linked to so many others that putting a priority in one place might have the unintended consequence of stopping something else.

For me, it is about looking at this as widely as possible. That is always difficult, because the wider we look, the harder it is to come down to something concrete. However, it is about trying to look as widely as possible, understanding where the interstices are and considering what legislation would be likely to achieve that other things, such as resources or an additional service, could not.

Jacqueline Clinton: It is already in the prison rules that, when someone requires medical attention, it is the prison's responsibility to get them there to get it. That is already in legislation.

Sara Snell: I am very interested in making sure that there is stuff for people on release, including access to health services, housing, benefits and debt advice, work, financial support and mentoring. We have not really touched on helping people to make that very difficult transition, but I know that we are out of time.

The Convener: I do not doubt that the conversation could go on for hours, but I congratulate members on some really rich questioning, and I thank them for sticking to our time as well. I have scribbled down a number of action points.

I warmly thank our guests for coming and giving us evidence today. This is the start of a conversation rather than the end of one, and there is unanimity across the committee that, if something is not working, we are game for getting into it. You have given us a number of significant points to take forward and I warmly thank you for your attendance.

I will suspend the meeting to allow our guests to leave.

11:12

Meeting suspended.

11:16

On resuming—

Subordinate Legislation

Dangerous Dogs (Compensation and Exemption Schemes) (Miscellaneous Amendment) (Scotland) Order 2026

The Convener: Welcome back. I hope that colleagues are refreshed.

Item 3 is a Scottish statutory instrument that is subject to annulment. Forgive me if I sound a little bit robotic—there is a form of words that I need to use while we are discussing legislation.

The effect of this negative instrument—the Dangerous Dogs (Compensation and Exemption Schemes) (Miscellaneous Amendment) (Scotland) Order 2026—is to remove the requirement for owners of exempted dangerous dogs to take out or renew third-party insurance from 1 July 2026. That is why we are using this unusual procedure—time is pressing. This follows the withdrawal of the only insurance provider and the lack of any alternatives. The instrument will ensure that owners of exempted dogs do not breach the conditions of their exemption certificates when existing policies expire.

The Delegated Powers and Law Reform Committee considered the instrument at its meeting on 23 June and drew the instrument to the attention of the Parliament under reporting ground (j) for breaching the 28-day rule. The committee was content with the explanation of the breach. It also had no procedural issues with the instrument.

No motion to annul has been lodged so far in relation to the instrument. We have had a very helpful note from our clerks and a note from the Delegated Powers and Law Reform Committee. I invite members to comment.

David Linden: I have not lodged a motion to annul the instrument, because the order that is before the committee seeks to make provision for a gap that would otherwise exist.

I want to make a comment and to declare an interest. Until recently, the Dogs Trust was the insurance provider. Its rehoming centre is based in the Broomhouse area of my constituency.

It is important that we, as Parliamentarians, place on record our thanks to the Dogs Trust and recognise that it stepped in to provide insurance on a short-term basis. That all came about as a result of the ban on XL bullies. However, clearly, the trust is not set up to do that. It has cost the trust an inordinate amount of money, and I know that it has raised a number of concerns.

The order simply makes provision for a gap that would otherwise exist, which is the result of market failure in the insurance industry.

One point that I want to place on record relates to quite a technical issue. The Dogs Trust freedom project allows survivors of domestic abuse, and those fleeing it, to place their dog in the care of the Dogs Trust. Currently, the legislation states that an exempted XL bully can be separated from its owner for only a 30-day window, but data from the freedom project shows that those dogs spend somewhere between six to nine months in care. I say that largely so that it is on the record for the Scottish Government to be mindful of, because the current situation is not working particularly well.

The order that is before the committee is appropriate—it fills a gap that would otherwise exist in legislation, so I support it.

The Convener: Thanks, David. That is very helpful.

Stephen Kerr: I understand that the statute will bring us in line with the rest of the United Kingdom, and I understand the imperative that lies behind it. None of us has lodged a motion to annul. However, I place on record my concern for those who currently own such dogs, because, without insurance, they will become fully liable for any costs that arise from the dogs, particularly in relation to third parties. I put on record my hope that the Scottish Government and the insurer will make it clear to the dogs' owners that that is the reality, because, as was alluded to by the deputy convener, the Dogs Trust has borne a cost, and that cost will now be borne in full by the owners. It is important that I put on record that the owners need to be fully apprised of what will now be their full legal responsibility for their dog.

The Convener: I strongly agree with that. It is not an interest that I need to declare at this point, but I was honorary vice-president of the Scottish Society for the Prevention of Cruelty to Animals. There will be significant implications for the Dogs Trust and the Scottish SPCA from the lack of insurance, because that will have implications for the owners and there will be knock-ons from that.

It is a very clear example of market failure, in that no other insurance company is willing to provide the insurance that is necessary. Therefore, the legislative instrument is necessary, and the Scottish Government has undertaken, in its letter to the Presiding Officer, to make people aware of the reality of the situation—as has the Dogs Trust, which has been the only insurance provider. There are significant implications for the owners, and we are fully apprised of that.

Amanda Bland: When it comes to the implications for victims, injuries from dangerous

dogs could be horrific and life changing, and the situation is very concerning, as insurance could be not just invaluable but utterly necessary for people who have suffered injuries. Owners cannot be sued if they do not have money. The situation opens up many areas of concern. I acknowledge the potential risks—the real risks, actually—of the harm that these dogs can do, and the fact that victims are left exposed. That is really concerning.

The Convener: That is a sensible point, albeit beyond the scope of the instrument: there is a wider policy implication about the reality that, if insurance is not available for the harm that these dogs might do, we need to revisit the conversation about whether they should be in society at all. That is a tricky conversation and is not for us today, but we should take good note.

As there are no other comments on the SSI, with those points taken, I undertake that we will keep an eye on it with our minister. We will hear from ministers over the recess and later on, but the wider issue is one that we will come back to. That being the case, I propose that we take no further action on the instrument. Are we agreed?

Members *indicated agreement*.

The Convener: That concludes the public part of our meeting today. [*Interruption*.] I have to be a wee bit more robotic: I propose that the committee does not make any recommendations in relation to the negative instrument. Are we agreed?

Members *indicated agreement*.

The Convener: I thank Lucy Miller for keeping me right. That concludes the public session of the committee, so we will move into private session to consider the evidence that we have heard and our future work plan.

11:24

Meeting continued in private until 11:57.

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