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Public Audit Committee

Comataidh an Sgrùdaidh Phoblaich

Thursday 8 October 2026

Session 7



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PUBLIC AUDIT COMMITTEE

7th Meeting 2026, Session 7

CONVENER

*Neil Bibby (West Scotland) (Lab)

DEPUTY CONVENER

*Dawn Black (Angus North and Mearns) (SNP)

COMMITTEE MEMBERS

*Miles Briggs (Edinburgh and Lothians East) (Con)

*Alan Brown (Kilmarnock and Irvine Valley) (SNP)

*David Kirkwood (South Scotland) (Reform)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Catriona Dalrymple (Scottish Government)

Malcolm Graham (Scottish Courts and Tribunals Service)

Neil Rennick (Scottish Government)

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament Public Audit Committee

Thursday 8 October 2026

[The Convener opened the meeting at 09:30]

Decision on Taking Business in Private

The Convener (Neil Bibby): Good morning. I welcome everyone to the seventh meeting in 2026 of the Public Audit Committee.

Agenda item 1 is a decision on taking business in private. Does the committee agree to take items 3 and 4 in private?

Members *indicated agreement.*

“Criminal courts backlog follow-up: Transforming for the future”

09:30

The Convener: Agenda item 2 is consideration of the Auditor General's follow-up report on the criminal courts backlog. I welcome to this morning's meeting Neil Rennick, director general, education and justice, and Catriona Dalrymple, director for justice, Scottish Government; and Malcolm Graham, chief executive, Scottish Courts and Tribunals Service.

I invite Neil Rennick, and then Malcolm Graham, to make short opening statements.

Neil Rennick (Scottish Government): Thank you for the opportunity to appear before the committee today.

Audit Scotland's 2023 report on the criminal courts backlog found that Scotland's justice system

“responded quickly and effectively to the Covid-19 pandemic”.

It found that innovative solutions were adopted to allow justice services to continue and to begin to respond to the backlog of cases that had built up. I welcome Audit Scotland's follow-up report, which recognises the progress that has been made in further reducing the courts backlog. We accept the report and its recommendations.

Although there are significant continuing issues, they do not relate solely to the Covid backlog. Particular progress has been experienced in the summary courts. That reflects continuing innovation, including the successful roll-out of summary case management and digital evidence sharing, which supports the early resolution of cases and reduced witness citations. The number of summary sheriff trials that were scheduled at the end of 2022-23 was more than 20,000, but by the end of this August, there were fewer than 8,300 scheduled trials.

At the heart of those and other initiatives is the aim to improve the operation of the justice system and to respond to the needs of victims, witnesses and those who are accused of crime. However, the pressure that we now face is being felt particularly in the more senior courts, especially the High Court. As Audit Scotland notes, that largely reflects the changing nature of business across the justice system, with increases in the number of the most serious and complex cases. Modelling by the court service that draws on intelligence from the Crown Office indicates that the volume of serious cases will continue to grow, even after further capacity is directed by the SCTS towards the High Court from

next January to build on the additional capacity that is already in place.

The issue will require ongoing innovation and system-wide responses. For the past 16 years, collaborative working among the key national justice bodies has been facilitated by the justice board and, since Covid, the criminal justice board. Engagement with victims' organisations, and with victims directly, has been strengthened through the victims task force and the victim/survivor advisory board.

Individual justice bodies have their own robust governance, risk management and assurance arrangements. However, it is clear from Audit Scotland's follow-up report that there is more that we can do to clarify governance and accountability, especially for cross-justice initiatives, and to reflect the lived experiences of those who rely on justice services.

I commend the work of all those who work in our courts, the wider justice system and beyond who have helped to manage down the backlog and are responding to those changing demands.

Malcolm Graham (Scottish Courts and Tribunals Service): Good morning. I welcome the opportunity to discuss the Auditor General's report, the recommendations of which I accept in full. Our staff, the judiciary and justice partners have significantly reduced the pandemic backlog, but, as the Auditor General's report fully recognises, serious and complex cases are now creating sustained pressure and prolonged uncertainty for victims, witnesses, accused persons and families.

Reasons for those increases are often positive, as agencies and society improve the response to crimes that, for too long, have been underaddressed. However, particularly in cases that involve violence against women and girls, sexual offending and domestic abuse, delays compound trauma and undermine confidence in justice. Increased delays might become a serious access to justice and human rights issue and could ultimately undermine the rule of law in Scotland.

Additional court capacity is necessary but not sustainable on its own; we must also reform how cases are prepared, managed and progressed. A modern digital platform and the redesign of services will improve information sharing, resilience and accessibility while reducing duplication, and summary case management has shown that earlier disclosure, engagement and active management of cases can resolve such cases sooner and avoid witnesses being cited unnecessarily.

The proposed modernisation is not simply a technology programme. Of course, digitisation

can, through joining up justice, support end-to-end reform across people, processes and technology that is centred on shared outcomes and users' needs, but critically, investment in justice modernisation also means investment in wider public service reform to reduce delays and repeated work and to support earlier intervention.

Effective and timely justice interventions can support wider public health goals by, for instance, reducing harms associated with unresolved offending and trauma. They can support child protection through faster decision making and more effective safeguarding, and they can contribute to housing stability, educational attainment and employability by helping individuals to address issues earlier and by preventing escalation. All of that could avoid costs elsewhere while strengthening the rule of law. After all, better justice outcomes frequently translate into better social outcomes.

Although the pandemic backlog has been reduced substantially, a different and more serious challenge has emerged. We are increasing capacity in the courts while consistently demonstrating that we can deliver reforms and modernisation, but the sustainable response that is required is joining up justice. We need a redesigned operating model across the criminal justice system that is supported by a new digital platform.

My central message to the committee, therefore, is straightforward: decision making must be co-ordinated and the Scottish Government must commit the necessary investment. We have developed a credible public service reform plan to deliver timely, resilient and sustainable justice in the future. The Scottish Government needs to make a choice as to whether it will support it.

I look forward to answering the committee's questions.

The Convener: Thank you both for your opening statements, and I welcome your statement that you fully accept the report's findings and recommendations. One of the central findings is that, despite the welcome progress that, as you outlined, is being made in summary cases, High Court backlogs and waiting times will continue to get longer and are not likely to peak until March 2028. If you accept that finding, it suggests that the current recovery strategy is inadequate. Do you accept that?

Neil Rennick: I hugely commend the work that the judiciary, staff and others within the court service have done in managing down the backlog in the summary courts to levels below those from before the Covid pandemic.

As I have said, the growth in the most serious cases has been significant. Indeed, the Lord President has described the scale of pressures as unprecedented. Action has been taken throughout the post-Covid recovery programme to provide resources to the court service to expand capacity within the High Court. That was done initially in 2021; it was further expanded in 2023; and the court service will expand it even further at the beginning of January 2027.

Even with that, there are further pressures, so it is clear that further work needs to be done to deliver that expansion. However, that does not reflect a failure of the post-Covid recovery plan—it reflects the changing demands on the system over that time.

Malcolm Graham: Rather than being inadequate, the recovery strategy is, to a large extent, complete, given that the courts have ostensibly recovered. The overall number of cases is well below what it was before Covid started.

Critically, as my colleague has already said, the pressures that we now face in the system are not those caused by Covid. Therefore, the plan and strategy that we need are not those required to recover from Covid, but those that deal with a new, sustained and continually increasing trend of more complex and serious crimes in the High Courts and other solemn courts across the country.

The Convener: The report was published in May, or five months ago, and it made a series of recommendations for implementation over the following 12 months. We are, therefore, already a considerable way into that period. Notwithstanding the progress that has been made, those recommendations are still there. What specific changes have been made to your delivery plan to change the current projection on High Court backlogs and waiting times going up in the new environment that you have discussed?

Neil Rennick: A range of work is in progress. Since the Audit Scotland report, there has been confirmation of the additional courts in the High Court, and we know that another committee is considering an increase in the number of senators. Work has also been progressing on the development of the sexual offences court, as set out in the Victims, Witnesses, and Justice Reform (Scotland) Act 2025.

Therefore, a range of other work is happening across the justice system to respond to the range of pressures. There is also the work that the First Minister is leading on to tackle the underlying drivers of violence against women and girls, which is a key cause of the growth in High Court cases.

Malcolm Graham: I want to flag two strands, the first of which is the increased capacity that we

have put in place. We will move in January to 26 High Courts sitting every day, which is up from 22 in the current model. If you go back 10 years to pre-Covid times, we had 16 High Courts sitting every day. We are also increasing the number of preliminary hearings courts that are sitting every day to accompany that.

That has come about not through any additional funding, but because of the gains that we have made through summary case management. We are transferring resource from the sheriff courts into the High Courts, but that comes at the cost of putting pressure on sheriff and jury business, and it is likely that we will see journey times increasing in that forum as we move resource into the High Courts. As I said in my opening statement, increasing capacity to that extent will not be enough to face the challenge that we have laid out in the modelling, and which is replicated in the Auditor General's report.

The second key element is modernisation and reform. We have been pushing ahead collectively with trying to develop more coherent plans for aligning, programming and investing in reform to ensure that modernisation can produce a more sustainable operating model for the future. However, I am somewhat frustrated that that work has not moved at the pace that I feel that it could have done. We need to accelerate it, as it is the main means by which we will tackle the capacity challenges in the system, given the absence of any significant additional investment for growing the system. I think that that is the right thing to do.

The Convener: We will certainly cover capacity issues during this evidence session. I now call Dawn Black, who will cover the courts backlog in the context of the rising number of cases.

Dawn Black (Angus North and Mearns) (SNP): You have mentioned some of these issues already, but I would like to do a deeper dive into what is driving the increase in cases coming to the High Courts. You have said that a lot of that is to do with domestic abuse and sexual assault on women and girls. Can you outline the balance between new and historical cases? After all, there seems to be an awful lot of historical cases coming forward.

Neil Rennick: I will let others come in on that, but I will just say that making such a distinction is not always a straightforward matter. A positive development that Police Scotland has taken forward is that, when it investigates more recent crimes, especially sexual crimes or domestic abuse, it will go back and investigate the historical circumstances of the accused. That means that individual cases can involve a mix of investigations into more recent and historical events.

09:45

The recorded crime statistics that we collect and publish include information from the police on which cases arose more than a year ago, so we have that information. We also record information on cases that predated the bringing into force, in 2010, of the Sexual Offences (Scotland) Act 2009, so we know that cases that are coded before then relate to older cases. That information is published as part of our recorded crime statistics, so we are able to determine which cases are more historical.

Around 25 per cent of cases in 2024-25 related to the year before or occurred more than a year before, and there were around 332 crimes of rape and attempted rape that related to crime codes predating the coming into force of the legislation in 2010.

Dawn Black: Do you have anything to add, Mr Graham?

Malcolm Graham: Yes. With regard to the numbers, Neil Rennick is right to quote the data that is provided by the police and the Crown Office and Procurator Fiscal Service. I would just make the observation that it is a demand-led system, so it is important to understand where that demand has come from. However, it is a nuanced position; for a victim coming into the system, what you have described as a historical crime is still immediate to them, because they are still living through it.

We have talked about the delay between the registration of an indictment and the conclusion of the case. When this report was being written, I think that the delay was around 50 weeks; I can report that, as of the end of last month, it has already increased to 56 weeks. We have talked about the police recording as non-recent offending crimes that were committed more than a year ago, but we are already in a position in which that part of the journey time is more than a year. That is perhaps a more significant issue in relation to the overall timescale.

A conclusion that could be drawn from the wider data that the Scottish Government reports is that we are heading towards a position in which the period between the point at which someone reports a crime and the point at which their case might be resolved in the High Court could, in the course of the next year, exceed three years. In the context of building a system that meets the needs of victims and users, that is perhaps as much of a material issue as the point at which the crime occurred.

Dawn Black: I appreciate that. When I talked about “historical” cases, I meant those predating the change as a result of the legislation that came into force in 2010.

Continuing with the same theme, I note that journey times and waiting times are changing across case types, and that is having an impact on differences in patterns between summary and solemn business. Do you have any plans to monitor that impact? As you have said, those long journey and waiting times can have a huge impact on victims, witnesses and accused individuals, with some people perhaps having to wait three years or more. What factors are contributing to that?

Neil Rennick: The Scottish Government publishes official statistics on the journey times through the criminal justice system. The most recent statistics were published in June, but there is also a live dashboard that records that information, and that is reflected in the regular updates that our analysts publish.

As you have said, there are variations in journey times for different court types and different offence types. The longest journey times relate to sexual offence cases that are heard in the High Court.

Catriona Dalrymple (Scottish Government): I would just add that, as was discussed in the committee’s evidence session with the Auditor General, there was a slight gap in the data on journey times, due to some problems with a partner organisation’s data. However, that issue has been resolved, and the full journey time period for 2025-26 will be published in January 2027.

Dawn Black: That is good to hear.

Malcolm Graham: On your question whether we plan to monitor the impact, we already monitor it extremely closely on a regular basis. I was pleased to see the Auditor General’s report recognising the significant increase not only in the frequency of public reporting of the data, but in the depth of the data that is made available for people to see and analyse, and our interpretation of that. I believe strongly that the reporting of data, and the insights that can be drawn from it, is an important part of an open, fair and transparent system. Alongside that, we monitor through our collective arrangements the impact from start to finish across the system.

Of course, although we need to understand the trends, it is also important that we take action to deal with and mitigate any risks and concerns that might arise. I am sure that we will talk about that later.

Dawn Black: Absolutely.

You use demand models, and you have already mentioned that demand will continue to grow even after the increase in capacity next year. Given what is already known about the shape and size of future demand, what assumptions sit behind the

projected increases in High Court business, and how do you intend to deal with them?

Malcolm Graham: I will start, if that is okay.

There has already been some discussion of the Scottish Courts and Tribunals Service's annual modelling report, which was quoted in the Auditor General's report. It represents a credible and still-evolving attempt to get into the public domain information that we can use to work on the necessary responses and to improve public understanding of what the pressures on the system will be.

As for the assumptions that we make, we have built in some of the assumptions that underlie the success of summary case management. A primary factor that we have built in is the data that we get from COPFS on the number of cases that are projected to come through. In the short term, that number will be impacted largely by the change in the time bar legislation, whereby the time bars that applied during the Covid period will revert back to what they were previously. There will, as a result, be a temporary period in which an even higher number of High Court cases will come through. Beyond that, though, we have worked together to build in an assumed 10 per cent increase in a sustainable way.

We have not yet been able to build into the modelling what the impact of the proposed national sexual offences court might be, because the discussions about how that will operate are still at an early stage. Of course, with modelling, a number of other variables come into play. Given that it is not a predictive tool, it is always, to some extent, doomed to be inaccurate. However, that does not mean that it is not useful, as long as we understand the caveats and assumptions upon which it is built.

Dawn Black: I want to ask one final question, if that is okay, convener. I have to say that I find the use of the term "backlog" a little troubling, because it is very negative. After all, there will always be cases working their way through the system. I just wanted to make the point that the reduction in the numbers is a positive thing. Is it possible to change the terminology?

Malcolm Graham: It is not a term that I use. My preferred term is "scheduled pending cases".

I want to make an important point in support of what you have just said. If we increase the capacity in the system, the number of scheduled pending cases will increase, too. If we have 10 courts sitting, with 1,000 cases coming through, doubling the number of courts sitting to 20 will provide the capacity to double the number of cases that come into the system. If we measure only the number of scheduled pending cases—which, to be

candid, is a figure that does not really matter to a member of the public—we lose sight of the impact on the individual coming through the system.

What we need to monitor most closely are the journey times and the end effect on justice—that is where the concern lies. As we increase the capacity in the system, the number of scheduled pending cases will inevitably increase, because we will be deliberately putting more cases into the system. However, the question, then, is whether the changes result in our being able to deal with cases more quickly and, therefore, in more timely justice results. At the moment, journey times for High Court cases are going in the wrong direction, and they will continue to do so.

Dawn Black: That was really helpful.

Miles Briggs (Edinburgh and Lothians East) (Con): Good morning. I thank the witnesses for joining us.

Mr Graham, in your opening statement, you said that High Court delays could undermine the rule of law. Do you think that they already are?

Malcolm Graham: That is a matter of judgment. In relation to challenges through the courts regarding time delays, I do not think so. However, in relation to public confidence and the requirement for justice to be legitimate and a core part of the social democracy in which we live, if delays continue to play out in the way that we project, without the type of intervention that I have described, it is not unlikely that that challenge will come.

Miles Briggs: Do the other witnesses agree?

Neil Rennick: Yes. To follow up on my response to Ms Black's question, we recognise that each case involves one or more accused and one or more victims and witnesses waiting to have their case heard and resolved. We very much recognise the human impact of that and the importance of people having confidence in the pace at which the justice system deals with cases. As I mentioned, there has been positive progress in the summary courts, but it is clear that more needs to be done in relation to the High Court in particular.

Miles Briggs: Could you outline the leadership that is being provided on delivering transformation? The Auditor General's report sets out that £30 million could be accessed from the Government's invest to save fund. How has that money been utilised?

Neil Rennick: That issue was covered in yesterday's Criminal Justice Committee meeting. Money was set aside for spend to save initiatives, and, thankfully, a large number of proposals for funding were submitted. Decisions on the

proposals were taken by our public service and finance colleagues. The proposal that Malcolm Graham submitted, on behalf of the court service, was not one of the proposals that were supported at this stage, but, significantly, Mr McKee and Mr Gray met Mr Graham and the Crown Agent recently to emphasise their support in principle for that proposal and to request that further work be done on the detail before it is considered in the upcoming budget round.

Miles Briggs: On the back of our meeting, I lodged a written question, which was responded to, to find out how much of the £30 million from the invest to save fund has been allocated. I know that £1,050,000 has been dedicated to the national victims and witnesses gateway, a really important intervention that will allow victims and witnesses to access information about their case. Could you provide an update on that work, including on whether the gateway is fully operational?

Catriona Dalrymple: The justice digital front door programme, which is the next stage of the national victims and witnesses gateway, builds on work that was done by the Crown Office. Yesterday, we had a constructive meeting on the programme with all the partners to flush out some of the challenges. We are taking cognisance of the learning from the Auditor General's report to ensure that that collaborative project has the required leadership, governance and accountability arrangements.

The justice digital front door programme is still in its design phase—we have not got to the build stage—but we have proved that the concept works, and victims organisations are very supportive of the programme. We have drawn on an awful lot of lived experience from people who have told us what they want to see in that system.

Ultimately, the system will provide victims and witnesses with a single, secure and trauma-informed digital entry point for information, support and services across Scotland's justice system, and it will be designed to meet user needs. It should provide a consistent experience, regardless of which organisation has responsibility for a particular aspect of a case and regardless of which stage a case is at. Obviously, cases that progress through the system are at different points—they might be with the Crown, the courts or the police. A victim does not really care who owns their case at a particular stage; they just want information.

There is a link between the justice digital front door programme and the joining up of justice services, because we recognise that there is fragmentation in the system in relation to the interoperability between the different

organisations. We are working with partners to address that.

10:00

Miles Briggs: That is helpful. Do you know when that national system will go live? If it is still at the concept stage, could it be years away from being delivered?

Catriona Dalrymple: I hope not. The invest to save money is building on the proof of concept and allowing us to get to the next stage. After that, it will depend on budget allocations and the commitments of partners around the table.

Miles Briggs: I am also interested in the points in the report about digitalisation. I know that about £350,000 of the invest to save fund relates specifically to transcription technology. Is that programme being rolled out, or is it still at the concept stage?

Catriona Dalrymple: Some work has been done on the use of digital transcription using artificial intelligence. I can follow up with the committee with an update on that project.

Miles Briggs: That would be helpful. It would be useful to have information on how all three projects that have been given money will progress over the next wee while.

How are the projects being managed and the resources being prioritised across different courts? An interesting aspect of the report was what it said about positive innovation—Glasgow High Court was singled out specifically. How are things being managed for other courts, which might have different teams with different specialties but which might need to access things on a national basis?

Malcolm Graham: I will go back to your previous question before I address your question about the courts. As Neil Rennick mentioned, just prior to the election, we put in a bid for the invest to save fund. We tried to develop an outline business case for what whole-system reform would look like. I was struck by paragraph 70 in the Auditor General's report, on page 33, which states:

"Increasing pressures across the criminal justice system means that service reform is urgent. The transformational change needed will require a whole-system approach and effective collaborative working."

I would add that significant investment from the Scottish Government is needed to achieve that. I was disappointed that our bid was not supported, because the proposal was for exactly that—urgent whole-system reform. However, as Neil Rennick pointed out, conversations are ongoing to see whether another route can be found.

The central issue is that there is a structural deficit in the system between capacity and

expectation in relation to demand and increasing service levels. That structural deficit will be addressed only through significant investment in modernising the system, with recognition that there has been systemic underinvestment over many years.

A lot of the projects that we are talking about are small scale and will not transform the whole system. To my mind, although many of them are well intentioned and might be useful, they will merely put a sticking plaster over the central issue that we need to acknowledge. If that central issue is not acknowledged and addressed in the way in which other things have been by the Scottish Government—the committee will be aware of the level of expenditure on significant, major programmes, with multimillion pound budgets being provided on a multiyear basis—we will not address the significant challenges. That is an important point to make.

In relation to the courts, we started off with the work on summary case management, which was, ostensibly, led by the Crown and the police. It then came into the courts and became a judiciary-led programme of work, which is being rolled out across the country. Some of that work is being replicated across the sheriff and jury courts at a national level, and we are in early discussions with the Crown about replicating some of the work for solemn case management in the High Court.

However, that is a very different prospect, because you are dealing with very different types of cases. Solemn cases are far more complex and far less likely to result in an early guilty plea. They are much more likely to result in greater in-depth evidence being required, through digital and forensic examination, which takes longer to produce. Therefore, we are having to take a different approach, and we plan for that to be judicially led.

We will be looking for Scottish Government support, and, as the work develops, we might even link it to the joining up justice proposals, which are central to the modernisation that the system requires. We might even look at making proposals or recommendations on legislative change that could support a more efficient system that is more focused on users' needs. All that work is now developing, at the pace that we can do it at—again, as is noted in the Auditor General's report, many of the organisations are having to do that work within the existing resource envelopes. Central to a more coherent approach will be joining together and developing, from the bottom up, a programme that is purposefully designed to meet the challenges that we face. At the moment, we do not have that.

Miles Briggs: I looked back at some of the press coverage from when the Auditor General published his report, and you are on record as saying that £65 million is needed for modernisation. Do you stand by that figure for what will be needed to build a modern justice and courts system?

Malcolm Graham: The figure of £65 million, which I put out publicly and spoke to the Criminal Justice Committee about, is the bid that I will formally submit to the Cabinet Secretary for Justice next week as an outline business case for a new Scottish Courts and Tribunals Service criminal case management platform. That will allow us to redesign how the courts operate. The joining up justice programme is a far bigger programme of work, which will have multiple facets, and I believe that the platform that you could build through the Scottish Courts and Tribunals Service system could be a strong foundation for that work. At the moment, we do not have that foundation, but, as I said in my opening comments, this is not just a technology programme. It is a programme of changing how we work, focused on service users and outcomes, aligned to public service reform—which the Scottish Government is, quite rightly, championing relentlessly at the moment—and designed around users' needs, recognising our capacity and demand issues. That is absolutely central to ensuring that we have a sustainable justice system for the future.

Neil Rennick: I am conscious that the Auditor General is behind me in the public gallery, so I will commit that, once we get the business case, we will give it due consideration in our advice to ministers, as part of wider budget planning. However, one example of where we have been able to provide such investment, which is, coincidentally, covered on the same page that Malcolm Graham mentioned, is digital evidence sharing capability. The Scottish Government took a key role in supporting the initial development of that system and has since provided long-term multiyear dedicated funding towards the cost of it of around £4 million per year.

My reading of the report on summary case management is that the combination of summary case management and digital evidence sharing capability, allowing organisations to share information early and to have it available for the defence and the accused to view early, has been a significant part of the positive progress that the courts service has been able to make. That is a good example of where a strong case was made and we were able to take it forward.

Miles Briggs: Thank you.

David Kirkwood (South Scotland) (Reform): Good morning. Page 9, paragraph 11 of the report says:

“A three-year delivery plan was due for publication in August 2022 but was delayed.”

Was the delivery plan ever published?

Catriona Dalrymple: Yes.

David Kirkwood: Do you know when?

Catriona Dalrymple: I think that it was in November 2022, so it was published within the time period that Audit Scotland requested.

David Kirkwood: It was not very late, then. The next sentence of paragraph 11 is:

“The Vision for Justice has five aims, one of which is to address the ongoing impact of Covid-19”.

Covid was seven years ago, so what ongoing impact is it having?

Catriona Dalrymple: As Malcolm Graham and Neil Rennick have explained, there is a sense that the system has recovered from the Covid backlog—I am sorry to use that term, Ms Black—and that the current volumes and demand on the system are the new normal. Bizarrely enough, that aim has not actually come to the justice board as part of the reporting on progress against all the different aims, because there is a general sense across the system that, as Malcolm said, the system has recovered and we are dealing with new challenges.

David Kirkwood: Does that mean that Covid-19 is no longer an impediment to your processing of cases?

Neil Rennick: There are lingering issues. Malcolm Graham mentioned the issues in relation to the time limits for certain cases, which means that there are still cases in the system that are operating to the extended Covid timescales, alongside cases that are operating to the newer shorter timescales—or rather the return to the older shorter timescales. That means that there is a set of cases that will be feeding through over the next few months that is part of the bulge in cases.

David Kirkwood: However, that is now a finite number of cases that will not be added to.

Catriona Dalrymple: Yes.

David Kirkwood: That is good. The last sentence of paragraph 11 says that work has begun to refresh the vision for justice,

“with a view to publishing it at the end of 2026”,

so is that on schedule to be published this year?

Catriona Dalrymple: At the moment, we are working with the justice board and partners to develop the next justice delivery plan, which will

obviously be associated with a new justice vision. We have undertaken a lot of engagement with partners, and we are due to have a number of thematic workstreams with them that will focus on four key areas.

The first area is prevention and safer communities, which is key in relation to joined-up justice and a preventative approach. Another will be modernising justice system enablers and infrastructure, which is very much in tune with what Malcolm Graham has been saying about redesigning and modernising the service. Another area is sustainable criminal justice pathways; that is very much about the interlink between all the different parts of the system and the impact of one system on throughput in the other parts of the system. The final area is access to justice.

In the new justice plan, we are trying to focus on a smaller number of cross-system priorities that require the collective leadership that is talked about in the report. We are also trying to ensure that the plan is directly informed by Audit Scotland’s findings, so that we start on a platform that all the partners are agreed on in relation to governance and accountability arrangements.

Neil Rennick: To clarify the answer to your earlier question, the delivery plan was actually published in 2023, so there was a delay, but Audit Scotland’s conclusion was that that did not delay any of the specific projects that were covered in the plan.

David Kirkwood: Thanks. That is good. Will the new vision for justice be published this calendar year?

Catriona Dalrymple: It will either be late this year, as I hope, or early 2027. It will depend on our ability to get all the partners round the table and get a consensus. At the moment we are focusing on the delivery plan, and the vision is alongside that.

David Kirkwood: That is fair enough. I will now turn to paragraph 31 on page 16 of the report. This goes back to modelling, which Dawn Black has mentioned and is a particular interest of mine. Who is doing your modelling? Do you do it in-house or do you have contractors?

Malcolm Graham: We do it in-house with our own management information and analysis team.

David Kirkwood: Are you publishing all the assumptions and the code that underlie that?

Malcolm Graham: Yes, we publish a full report that explains all the caveats and assumptions that I briefly outlined to Ms Black. We do that annually, given that the variables take time to understand and mature.

David Kirkwood: Yes, and you obviously have some new capabilities, such as the introduction of the new courts, to add into that. That is great. Are you able to email me a link to where I can find the report?

Malcolm Graham: Yes, absolutely.

David Kirkwood: That would be super—thank you very much.

On page 22 of the report, paragraph 47 states:

“The Scottish Government wanted to implement a programme management approach”.

We have come across a few areas in the things that we have considered over the past few weeks where programme management has not been as robust as it could have been, and there are some symptoms of that here. Paragraph 51 states:

“Programme and project management arrangements should include a systematic approach to risk management”.

However, later on in paragraph 51, we learn that a risks, assumptions, issues and dependencies log from early 2024 has not been updated. Does that not contradict your comments, Mr Rennick, that you have a robust risk management process in place?

10:15

Neil Rennick: When I mentioned robust risk management, I was referring to arrangements within individual organisations in the justice system, which have their own risk management arrangements for their areas of work. The Scottish Police Authority, the judicially led court service and the Scottish Government all have our own risk management arrangements for specific risks. Part of the work done through the transformational change projects aimed to provide more programme structure for the range of work that was progressing through the justice system, drawing on positive lessons that were learned from the Covid pandemic.

One of the reflections in the Audit Scotland report, which we agree with, is that a lot of the projects were already in progress and being considered under existing governance arrangements in individual organisations. There was therefore a risk of us ending up duplicating or running against those existing arrangements or having different information at different stages.

We reached the conclusion that trying to apply the programme approach to a range of projects that were already fairly well advanced was not the best way of co-ordinating that work. However, that did not stop the criminal justice board from continuing to get regular updates on the progress of work under the delivery plan, including on where there were risks and other issues related to that

work and on what actual progress was being made on initiatives such as summary case management, digital evidence sharing, body-worn video and so on. Those projects proceeded and have been rolled out.

Catriona Dalrymple: I will add to that. As Mr Rennick explained, we tried to retrofit a kind of governance structure on existing arrangements. Part of the challenge was that summary case management—to give one example—is judicially led, as Mr Graham highlighted. The Government cannot hold the judiciary to account for delivery—rightly so, for the avoidance of doubt with regard to the rule of law—and that became challenging throughout the process of implementing transformational change programme 3.

Again, I highlight that quarterly reports went to the criminal justice board from October 2023 to October 2025. There were also highlight reports on all the transformational change programmes, and the criminal justice board had a sponsoring and overarching view of what was going on in the system. As I understand it, any challenges, key emerging risks or significant barriers to delivery would have been highlighted in those quarterly reports.

David Kirkwood: Do you happen to know whether that RAID log still exists, and has it been updated since the report was published?

Catriona Dalrymple: I suspect that it has probably not been updated, given that we have now kind of moved on from the transformational change programmes. However, I will check that for you, Mr Kirkwood.

David Kirkwood: Okay, thank you.

Paragraph 52 states:

“Escalation processes are clearly set out but are not always implemented effectively.”

Is there any particular reason why that is the case?

Catriona Dalrymple: As I recall, one of the key areas that was escalated at that time was the lack of a programme manager—sorry, I am going from my memory at this point; I will make a correction if any of this is not accurate. Partners across the system were not screaming for us to put a programme manager in place to support the delivery of all those individual projects. Although there might have been escalation, it was to ensure that people were aware that the governance arrangements were not as had originally been set out. However, the criminal justice board seemed to be relatively content with that.

David Kirkwood: Page 26, towards the bottom, says:

“Savings from SCM have yet to be quantified”,

but the report concluded that SCM has contributed to sustained recovery post-pandemic. If the savings have not been quantified, how do you know that there has been a recovery?

Catriona Dalrymple: I am happy to start on that, but Mr Graham may want to come in, given that it was a judicially led project.

In late September 2025, we took to the criminal justice board a proposition to try and quantify any realisable savings from summary case management, as we recognised the significant benefits identified in the independent evaluation from the court service. We developed a logic model to identify the inputs and activities of summary case management and the outcomes in the form of financial benefits. We shared that logic model with partners, then we arranged meetings with justice partners to learn what data they held, and we tried to use that to estimate the financial benefits of summary case management.

There is absolute recognition that the benefits of summary case management are much wider than financial savings, a lot of which have obviously been diverted to other parts of the system. However, we came across the significant challenge that we did not have the baseline data from the outset, so the economists who were trying to identify what we could do could not necessarily draw a comparison between the baseline data and what we are seeing now. It was also recognised that there were several different variables within the system.

We took the proposition back to the criminal justice board in February 2026, indicating that, even with economists' support, we could not quantify the financial benefit of, first of all, reduced witness expenditure, which was a key indication. Based on the information that we had from partners, we could not do it, unfortunately.

Malcolm Graham: I will add to that. The straightforward answer to your question is that measuring recovery and making savings are two very different things. Summary case management was never intended, at the outset, to save money. At a point when we had reached 43,000 outstanding criminal trials in Scotland, summary case management was one of the major planks by which we were going to recover, and that has proved to be the case.

Through savings, it has undoubtedly created some capacity overall in the system. From an SCTS perspective, that is quite limited, because it results in a higher number of court hearings to ensure that cases do not go to trial if they can be resolved at an earlier stage. That means that there might be savings for the police or capacity created from the huge number of witnesses who are not

called to come to court unnecessarily. The Crown has also acknowledged some capacity increases.

Summary case management was never designed to save money. It was both laudable and appropriate that we tried to retrofit some programme on top at a time when financial pressure became even greater than it had been, but it is not hugely surprising that we did not have the data, because it was never designed for that purpose.

Going forward, the ultimate goal would be to try to identify programmes of work that can increase capacity, improve service to the public and save money. However, to do all three of those things in one programme is extremely difficult and perhaps unlikely. That gives us—and, ultimately, the Government—a choice, in developing those plans, as to where investment goes, depending on which outcome we are looking for.

David Kirkwood: Obviously, in such a programme, the benefits of the improvement of access to justice are qualitative rather than quantitative. Sometimes, it is the case that quality improvements are assigned some notional financial benefit, just to try to get a coherent view of the overall benefit of the programme. Have you tried anything like that?

Neil Rennick: The non-financial benefits included, as Cat Dalrymple said, a reduction in the number of witness citations, which fell from more than 16,000 to around 8,500 between May 2023 and January 2026. The benefits of that include a reduction in disruption and trauma for civilian witnesses, so there are huge benefits, but they are very difficult to quantify in any financial way.

David Kirkwood: That is fair enough. On page 32 of the report, under the heading "Digital transformation", it says:

"Criminal justice digital capability in Scotland is widely acknowledged to be behind other parts of the UK."

Is that a fair comment?

Malcolm Graham: The Auditor General has been very generous in the way that he has pitched that. I would compare the situation with that in other jurisdictions internationally. I have already pointed out quite a lot of areas where I feel that there is significant opportunity, but the level and scale of funding and the policy direction do not meet that. It has been very clear from what colleagues have said that we are at a moment of recalibration. It is useful to look back at the Covid period and the vision for delivery after that, but the new justice delivery vision is an opportunity to deliberately design what the programme of change needs to look like, with the necessary level of ambition and investment.

My very strong view is that the justice system is part of Scotland's critical national infrastructure and that the consequences of some of the things that we are speaking about, in relation to undermining the stability, safety and security of the nation, cannot be—and are not—overstated. For comparison, we can look at the level of investment that has gone into other major programmes or other parts of the public service—I check the reports that come to this committee to calibrate my notion of what is appropriate. For example, more than £270 million has been spent on the information technology system for Social Security Scotland; more than £140 million has been spent on the new census system for Scotland; and north of £300 million has been allocated for the national health service single front door system—I could go on. However, we are speaking about projects that are in the region of hundreds of thousands of pounds or a couple of million pounds, so that is the point I go back to.

Stepping back from it all, I really welcome the Auditor General's comments on page 31 of the report, where he talks about the challenges of not effectively programme managing:

"There is a risk that if improved management arrangements are not put in place, transformational change of the criminal justice system will be delayed or not progress."

We need to step back to look at that, because the sentiment in the report is clear that this is a structural issue and that a systemic, long-term plan is needed for major investment. No matter how much we piece together the smaller programmes and projects that we have talked about, the system will not be joined up in the way that the opportunities that we are setting out now could realise for the people of Scotland.

David Kirkwood: Thank you.

Alan Brown (Kilmarnock and Irvine Valley) (SNP): I will follow on from that. You said that the summary case management savings are difficult to quantify, because you do not have enough baseline data on similar parameters. Going forward, how will you justify your spend-to-save bids or your submission for the digital platform for the High Court and solemn case system, when you cannot quite quantify the savings from the summary case management system changes? Are you going to be in a position to quantify that more accurately for the next phase of the digital platform?

Neil Rennick: Those are exactly the discussions that we are having with Malcolm Graham and other colleagues in the justice system, to ensure that we are able to have a robust business case and quantify the benefits. As Malcolm said, that is not purely about the financial

benefits but about other benefits for court users. I will not pretend that that will be easy—it will require a lot of work—but we are in a better position to be able to do that from the outset, rather than trying to retrofit it.

There are other really positive examples of areas where we have invested in technology or modernisation. I mentioned digital evidence sharing capability, and there has been some fantastic work in relation to investment in vulnerable witness and remote witness suites, allowing witnesses to provide evidence remotely to courts. However, Malcolm is right that we have not had holistic system-wide modernisation of our digital systems.

10:30

Malcolm Graham: I can provide strong assurance that the outline business case that the SCTS will submit for the proposed case management platform modernisation has been developed to the full Treasury green book standard and methodology. It will look at long-term sustainability and service improvements but also costs for the phasing of investment that is required, and costs and savings and when those drop out. That is not the approach that was taken to summary case management in the immediate post-Covid period, so it is a completely different approach.

Catriona Dalrymple: The same approach will be applied to the outline business case for the justice digital front door, to ensure that we follow all the key principles.

Alan Brown: Okay. I will switch tack slightly. The new sexual offences court was mentioned earlier. The report highlighted that the SCTS says that it will need additional support to implement that, so has the resource to set the court up now been identified? Is the resource in place and is there a timeline for the court coming online, or is that still up for debate?

Catriona Dalrymple: No money is allocated to partners in 2026-27 for implementation of the sexual offences court, so we anticipate that that will be part of the budget round for 2027-28, which we are coming into now.

Alan Brown: Have you quantified what is required?

Catriona Dalrymple: Some organisations have said what they anticipate will be required. We need to develop the model of the sexual offences court before we can identify, for example, the phasing of funding. We have a group of partners working together to identify the assumptions in relation to volumes and business, because, if we get those assumptions agreed by partners, they will be able

to cost things for their own organisations. The implementation of the sexual offences court is being led by the judiciary, but the Government is working very closely with partners to ensure that the sexual offences court actually delivers meaningful change and a meaningfully different experience for victims and witnesses who go through the court, in terms of improved outcomes.

Alan Brown: Should that work not already have been undertaken? The budget is coming very soon, and I would have thought that all that should have been quantified well in advance of the budget process.

Catriona Dalrymple: We have asked for budget returns from partners, and they have all responded, so, yes, we are collating the information at the moment. An effective conversation is needed, because there are different ways to phase some of the asks.

Malcolm Graham: A fair amount of work was done on that in the work that led to the bill and then the 2025 act in which the sexual offences court is encompassed. However, that work is now historical in relation to the assumptions for case volumes and the nature of cases, because, as we have discussed at some length, those have dramatically changed. Therefore, the work needs to be updated. Although, through the parliamentary process, there were figures in the financial memorandum from all the organisations, those assumptions have changed quite dramatically. The number of sexual offences coming to the High Court is projected to have nearly doubled in that time, so an entirely different notion is needed of what an operating model to successfully implement a sexual offences court might look like.

Our strong contention is that we need to implement the court properly, because it is intended to provide a better service for some of the most vulnerable victims and witnesses that the court service and other partners deal with. If we merely transfer business from one court to another, changing the name on the door, without improving the service in terms of journey times, trauma-informed processes and so on, I contend that we will have failed with regard to the policy intent of the legislation.

Alan Brown: I am trying to get a handle on when the resource allocation requirement will be fully understood, quantified and submitted as part of the budget process, if we want to see the new sexual offences court up and running.

Catriona Dalrymple: Our aim is to do that in the 2027-28 budget round, to ensure that we have a good understanding of all the costs for each different organisation that will play a key role in the sexual offences court. That work is under way.

Alan Brown: I am thinking about the budget process. It seems to me that, in the background, you should be well down that road, given the deadlines.

Neil Rennick: Those are the normal timescales that we would expect. We put in initial estimates. Those have been refined with the additional information that has been provided by the organisations that are feeding into the budget process. That will inform the discussions that will happen internally over the next two months, ahead of the budget. Once the budget is set, we will continue to keep the position under review for the reasons that Malcolm Graham mentioned.

Alan Brown: Let us assume that you quantify the work, submit it to the Government and get the money that you are looking for in the next budget year. How long would it be before the new sexual offences court could be operational?

Malcolm Graham: We do not have a timeline at the moment for when it would be operational because we have not done the work that we have just described and there are too many variables for me to try to put a date on it now, largely because it is not entirely within my control, so it would be improper for me to try to predict when we could implement it.

Alan Brown: Surely, getting an understanding of the timeframe for implementation is aligned with the resource requirement. Also, if you are describing the impact that it could have, you have to work out when it could be operational. That would feed into the modelling and assumptions that you have about journey times in the High Court. Surely, that is all critical work that must be going on at the moment.

Malcolm Graham: It absolutely is critical work that is going on at the moment but, in advance of that work concluding, it would not be wise to try to put a date on when it could be implemented. Let me give you a couple of examples.

Part of the requirement for the sexual offences court is that anyone who appears in defence of an accused person, whether a solicitor advocates or an advocate, has gone through a training programme that the Lord President has approved. We do not know what that programme is, what will be presented for approval or how long it will take to train everybody.

On the number of cases coming into the court, it is up to the Crown to be the arbiter of where cases are presented for prosecution. Again, we have not worked through the detail of the transition from the current arrangements to the future arrangements.

I do not want to start speaking on behalf of a complex system with a large number of stakeholders in it when we are in the middle of

working through some of the operating model development and the assumptions that would need to play into that, some of which have changed dramatically in relatively recent times.

Neil Rennick: It is important to say that it is not just a new thing that is being invested in. It is a transition involving cases that would already be managed within the court system—the High Court or solemn courts—being managed in a different way in future. There is a transition in how cases are managed, not the creation of a purely new entity.

Alan Brown: You say that you do not want to be pinned down and give a timescale, Mr Graham, but are we talking about the court being operational within the budget year if the money is allocated? Are we talking about the next year beyond that? You must be able to give a plus-or-minus range for timescales.

Malcolm Graham: I can only repeat what I said: in advance of the development work being done and without any knowledge of how much budget will be allocated to it, I am not in a position to put a timescale on it.

Alan Brown: A lot of your evidence today has been about underfunding from the Scottish Government. If you are talking about underfunding, you must be quantifying what is required. To be honest, I cannot understand why it is not fully quantified at this stage. Do you have anything to add on that?

Malcolm Graham: No, I do not have anything else to add.

Alan Brown: I will switch to questions about the High Court, then. We have increased the number of sittings. From 16 daily court sittings pre-pandemic, it will go to 22.

Malcolm Graham: It will go to 26.

Alan Brown: That is a 62 per cent increase in capacity.

Malcolm Graham: Yes.

Alan Brown: We have heard that journey times through the justice system are still going to increase, because the cases are complex, but what does the increase in complex cases mean? Given that there will be a 62 per cent increase in court capacity, what is it in the complex cases that is increasing journey times? Is it the complexity in the preparation of the case for the procurator fiscal? Is it just about the complexity of the court times? Given that many extra sittings will be allocated, can you identify why the journey times are still going to increase?

Malcolm Graham: The primary focus of my answer is that the level of indictments has also

increased significantly, which is why we are responding by increasing the capacity of the court. Pre-pandemic, the monthly number of indictments to the High Court from the Crown was in the 70s; two years ago, it was in the 90s; and, this month, the average for the year to date is more than 150. I cannot quite work out that percentage increase to compare with the increase from 16 courts to 26, but I would suggest—

Alan Brown: It is comparable.

Malcolm Graham: Yes, it is comparable, and the projection is that we have not yet reached the peak of cases coming in as a result of the time bar changes, which Neil Rennick referred to. On top of that, as I said earlier, there is a modelling assumption of a 10 per cent year-on-year increase in these cases. Therefore, yes, there is an increase in complexity, part of which is down to investigative methods and all the things that the police and the Crown have done to improve investigation standards for non-recent offending and to link offenders to multiple complainers in cases, which means that cases have multiple witnesses and multiple victims and are far less likely to result in people pleading guilty. It is well recognised in academic literature that people do not like pleading guilty to serious sexual offending, in the way that they might plead guilty to other types of offending in the summary courts.

On top of that, there is another branch of cases related to serious and organised crime, the police and the Crown's approach to which has, again, been the subject of relatively widespread media publicity. Through concerted operations, a lot of those cases have the hallmarks of multiple accused persons, multiple witnesses and complexity in relation to the nature and longevity of the offending.

I stand by my comments in my opening statement that many of those changes are to be recognised as positive in relation to tackling some things that society should not expect to tolerate, but that comes at a cost in terms of the capacity of the different parts of the system to deal with that. Of course, the situation does not affect only the courts. When we increase capacity in courts to deal with serious cases, more people will go to prison and get longer sentences, and the committee will be well aware of the pressures in relation to the prison population. Therefore, the system-wide impact needs to be considered.

Alan Brown: Previously, the Scottish Courts and Tribunals Service said that increasing High Court sittings would be challenging or difficult within the existing budget and that it was exploring whether it would be possible to redirect resources from other priorities. Have you found the money from within the existing budget, and, if so, has that

come at the expense of other priorities? If so, what priorities have slipped?

Malcolm Graham: There are two angles to that. The first, which I mentioned earlier, is that we have used some of the capacity that was created from summary case management, and we have diverted staff, judiciary and court time from the summary courts to the High Court. That is not a direct translation, because that is different people doing different things in a different part of the system, but, in effect, we have downsized the summary system and managed to increase commensurately the High Court system. Where there has potentially been a price to pay is that we have also reduced the capacity in the sheriff and jury system, which has not been as a result of our being able to create capacity there, and it is likely that journey times in the sheriff and jury system will increase slightly as a result of our diverting capacity to what is deemed to be a greater priority in the High Court. We have not had any additional funding for all that work; we have done it within the envelope of the baseline budget that we are allocated by the Scottish Government.

10:45

My second observation is that we are constantly having to make a choice between, on one hand, running the business on a sustainable basis, day-to-day, at a level at which I can invest in reform, modernisation, technology and change projects—the more that I can run an efficient court system, day to day, the more that I can free up from my existing budget to invest in modernisation that will have a sustainable long-term improvement—and, on the other, cutting some of that back to sustain the current position. I have had to do that, and I do it with some regret, because I am a great believer in investing in modernisation for a sustainable long-term future, which brings me back to some of my comments about the requirement for significant Government support to enable the justice system to do that.

Alan Brown: Have you quantified what the increase in journey times through the sheriff and jury system looks like?

Malcolm Graham: We have quantified what we think it might look like as part of the modelling report that I said I would send to Mr Kirkwood. The current position in relation to the overall timeline in the sheriff and jury system is relatively healthy. The journey time through the High Court system has reached 56 weeks. At the start of this year, from the point at which an indictment was registered for the sheriff and jury system to the point that the case was resolved was 20 weeks. That has already gone up to 21 weeks, and we have made some predictions that that might rise further. However, within those predictions, you

might see why we felt that it was appropriate to try to recalibrate the system. High Court cases might always take longer for a number of reasons related to preparation, the different process and the fact that, by default, the cases are more complex, with a greater time lag in relation to digital and forensic evidence. It is not a direct comparison, but I hope that that gives you a flavour of some of the consequences.

Similarly, with regard to the summary courts, at the start of this financial year, the overall time between the first diet and an evidence-led trial or the conclusion of the case was 37 weeks, and we have steadily brought that down to 29 weeks, so we are still managing to see an improvement in that area because of the sustained impact of the steady roll-out across the country of summary case management.

Alan Brown: Will that positive trajectory continue, or will it plateau, given what we have just discussed?

Malcolm Graham: It will plateau at some point, and, as best we can predict, it is likely that that will be in the fairly near future. You will understand that there are a lot of variables in relation to the nature of the different cases that come in.

The Convener: You were not able to give a date for when we can expect the new sexual offences court to come into being. It is not clear that that will happen at all, let alone any time soon. Mr Brown asked about funding estimates, Mr Rennick, and you seemed to suggest that there were some initial cost estimates but that those need to be refined. Is that correct?

Neil Rennick: What is that in reference to?

The Convener: The establishment of the new sexual offences court.

Neil Rennick: That will have been reflected in the financial memorandum for the 2025 act, as the bill passed through the Parliament. Further work has been done over the current year. However, ongoing detailed analysis of how the court will operate will be required to specify the timescales and the cost. Clearly, we cannot commit to the court being ready to start until both the Crown and the judiciary are content with the arrangements.

The Convener: I take it that the initial estimate was based on the financial memorandum, instead of what you have received from, for example, the Scottish Courts and Tribunals Service.

Neil Rennick: Further dialogue has been ongoing, and it is important to say that it was never expected that the court would be operational in 2026-27. It was always going to be the case that the preparatory work would proceed throughout this year. That work is ongoing and is reflected in

the planning. As I mentioned, that will feed into the budget process, alongside all the other pressures and priorities that the justice system and the wider budget face.

Malcolm Graham: I do not want to repeat what I have said, but, as well as the need for investment in the system's capacity, in recognition of the rapidly changing nature of the demands that the sexual offences court is likely to face, one of the central arguments that I and the judiciary have made publicly is that the sexual offences court is also dependent on investment in modernising the system. That goes to the heart of what I said earlier. We cannot, in all conscience, transfer a series of cases that are currently in part of the system in which performance on timescales is poor and potentially declining to a sexual offences court that replicates that situation. To achieve what we want, we will need a combination of recognition of capacity issues and investment in modernisation at scale.

The Convener: Concerns have been raised about the establishment of general practitioner walk-in centres when there is a shortage of GPs. Similarly, in the justice system, if a new court is set up, more judges, staff and lawyers will be needed. You have talked about transformation in technology, but do you have an estimate for the number of people who will be required for the establishment of a new court?

Malcolm Graham: There will be no additional cases in the system other than those that come in anyway. In other words, the creation of a sexual offences court will not, in and of itself, create more demand. However, it demands that we deal with the same number of cases in a different way to provide a better service.

We are working on quantifying what will be needed. If we designed the court in such a way, what would be the cost, collectively, in relation to additional capacity—people—and investment? To what extent would that be contingent on modernisation as a way of alleviating the additional capacity that might be needed? I go back to my opening contention that the right answer is not to try to grow our way out of the problem of growing demand. We need to redesign the system so that we can deliver our services in a different way, and that must start soon.

The Convener: You have spoken about the human impact of the courts system. The Audit Scotland report points out that the Scottish Courts and Tribunals Service and the Scottish Government have failed to carry out equality impact assessments for the criminal justice change programmes. Why have those assessments not been carried out?

Neil Rennick: It is important to say that our general approach is, as Malcolm Graham has said, focused on ensuring the progress of justice, improving the experiences of victims and witnesses and minimising the impact on all those affected. That informs the decisions that we take. I can talk more about the general structures that we have in place for engaging with victims and witnesses and their representatives.

The Scottish Government undertakes equality impact assessments on legislation and on other significant developments. For example, full equality impact assessments were undertaken on the Victims, Witnesses, and Justice Reform (Scotland) Bill; before really difficult decisions were made on the release of prisoners; and on the national community justice strategy.

When we were drawing together a range of projects and trying to programme them, those projects were not subject to full equality impact assessments. I have accepted Audit Scotland's recommendation to look further at that issue in relation to our future work. We will ensure that any work on the implementation of the sexual offences court or on the wider transformation of the system is subject to relevant assessment and analysis.

The Convener: Why were the assessments not carried out?

Neil Rennick: They are carried out when we take forward tangible pieces of activity. When we were trying to bring together a number of disparate projects, it was not possible, particularly given that we did not always have baseline information for them, to carry out equality impact assessments. However, as I said, such assessments are carried out on tangible individual pieces of work. Individual organisations have their own arrangements and responsibilities relating to equalities and their own standards for victims, and that is reflected in the work of those organisations.

The Convener: However, you will appreciate that public bodies, including the Scottish Government and the Scottish Courts and Tribunals Service, have a legal duty, under the public sector equality duty, to carry out equality impact assessments before or during policy development.

Neil Rennick: Yes. As I said, when the Scottish Government took forward significant individual policies, equality impact assessments were undertaken on them. However, such assessments were not undertaken on the wider transformational change projects that brought together a number of individual projects.

Catriona Dalrymple: Mr Rennick gave the example of the equality impact assessment on the community justice strategy and delivery plan. If we

compare the aims, objectives and workstreams relating to the community justice strategy and delivery plan, on which there was an equality impact assessment, with those relating to the transformational change programme 2, we can see that there is real synergy between them. There is a link between the aim of optimising the use of diversion and intervention at the earliest opportunity and the aim of strengthening alternatives to remand, which was the aim of one of the key projects in the transformational change programme 2.

From our perspective, there was an overarching equality impact assessment. Assessments were not necessarily undertaken at the level of individual projects, but the assessment was wide enough to cover the strategy, and there were clear links between the strategy, individual projects and the delivery plan, on which there was an equality impact assessment. That example relates to the transformational change programme 2. Neil Rennick has outlined the challenges with the transformational change programme 3, given the different organisations and levels of accountability.

Similarly, the three workstreams that the victims task force has oversight of link to and align with the transformational change programme 1, which was all about implementing the trauma-informed justice knowledge and skills framework, improving communication with victims and witnesses, and expanding the use of victim statements. Within the victims task force, there is the victim/survivor advisory board, which is an independent group that includes Rape Crisis Scotland, Scottish Women's Aid and other partners. That group considers lived experience, tracks issues that are raised and reports those issues to the victims task force.

I am trying to say that considering the impact of projects and policies as they are developed is intrinsic to what we do. However, we accept that we did not undertake equality impact assessments on individual projects in the transformational change programme 3.

The Convener: In the light of your accepting that, you will be aware that Audit Scotland recommends that

"In the next 12 months, the Scottish Government and Scottish Courts and Tribunals Service ... should ... as recommended in our 2023 report"—

this is not new, and the Auditor General has said that there has been ample time to carry out all the equality impact assessments—

"develop equality impact assessments for all change projects."

It would be helpful if you could provide the committee with details of the individual change projects and a timeline for implementation of the

equality impact assessments.

Catriona Dalrymple: We can provide that.

The Convener: Thank you.

Alan Brown: The report says that there are, in effect, two oversight boards for the change programmes. One is the justice efficiencies and effectiveness collaboration group, which had an initial meeting in August 2025, but the report says that it was not formalised and has not met since. The other is the criminal justice programme board, but the report says that it has not met since July 2024. Is that still the case?

Catriona Dalrymple: Yes, that is still the case.

Alan Brown: Why?

11:00

Catriona Dalrymple: The criminal justice board agreed that the justice efficiencies and effectiveness collaboration group would take over from the criminal justice programme board. That was due to the fact that we, the board and partners identified that we were struggling to provide the accountability and governance level that we were trying to retrofit. Ultimately, the JEEC group had been proposed as a meeting of all the project managers of the different projects in transformational change programme 3. About that time, the partners started meeting much more regularly in relation to issues with the prison population and it became too much of an ask for all the different partners to come to various different meetings on various different things across the system, which is one of the reasons why it has not met. However, throughout that period, the criminal justice board was still getting regular updates to ensure that the programmes continued to be delivered and progress was being seen.

Alan Brown: If the board is not meeting, how are the updates collated and who takes responsibility for oversight?

Catriona Dalrymple: We did. Within the Scottish Government, we took responsibility to go out and get any relevant information from partners. Remember that each of the projects had its own individual project governance structure with project managers.

Alan Brown: Paragraph 45 of the report says:

"As"

the criminal justice programme

"board has stopped meeting ... there is no longer oversight of TCP1 projects at this level."

How is the oversight of change programme 1 being managed, then?

Catriona Dalrymple: That is being managed by the victims task force and the three workstreams that are under it, given the links that I explained earlier with all the projects in TCP1. That is ministerial oversight.

Alan Brown: Is there proper oversight and governance, then?

Catriona Dalrymple: Yes. The victims task force has not met since January this year, but it is due to meet again in January 2027.

Alan Brown: So it only meets annually.

Catriona Dalrymple: It did not meet during the election period.

Neil Rennick: There was a reflection meeting in March just before the pre-election period to reflect on the task force's work and consider how it might move forward. Work was being considered awaiting the outcome of the election and the Government's priorities. That can be picked up when the task force meets again. However, the individual strands of work have continued to progress.

Alan Brown: Even if the election is considered a reason not to meet, that was in May, so why not meet until January 2027?

Catriona Dalrymple: It is about ensuring that the work continued. We are satisfied that the work on those projects has continued throughout the intervening period. That will be fed back to the victims task force. There is an element of reflection and ensuring that the victims task force achieves what the new Lord Advocate and cabinet secretary want it to decide and lead on.

Alan Brown: Mr Graham, I am not sure whether I picked this up correctly, so I apologise if I did not. When you talked about a lack of investment, I think that you said that you wanted to implement a programme that is built from the bottom up. Did I pick that up correctly? Are you saying that the funds are not available to do the bottom-up programme and to lead transformation in that way?

Malcolm Graham: That is what we are working on together to develop. If I expressed some slight frustration at the pace at which it is going, I make no apology for that, because part of my job is to try to drive the pace and ensure that we get the work done as quickly as we can.

We are at a point of recalibration. The helpful observations in the Auditor General's report about requirements to improve programme management and about the absence on a small number of occasions of EQIAs are all absolutely true. However, stepping back from those issues, I think that there are two things to say, as we have pointed out in the course of this evidence session.

First, we are at a moment when we need to conceive of something different from where we have been in the past to face the challenges that we currently identify and have analysed. Instead of retrofitting existing programmes from different organisations, bringing them together and trying to put a wrapper over the top of them, we built this new programme collegiately.

Secondly, the requirement to improve programme management and the discipline of that is helpful, and I agree entirely with it, for all the good reasons that we understand to be carefully thought through. However, the report perhaps underrecognises the complexity of the authorising environment in which justice leaders in the Scottish Government work. That is out of necessity and for good reason, because there are a large number of organisations that, constitutionally, are led independently in terms of their operational functions—all for the right reasons, which we are absolutely behind. However, administratively and in relation to running programmes, having no single clear line of accountability or authority can at times make it difficult to bring to bear the notion of traditional programme management. I take responsibility for developing effective programme management arrangements out of that, but we should not fall for the attractive and alluring idea that that is a straightforward or simple thing to do, as it might be in a single organisation where you can apply and put in place a standard model.

That is a bit of the context around what we are trying to do. Fundamentally, building relationships and working collectively and collegiately towards the greater good is a leadership challenge.

Alan Brown: On the concept of a bottom-up programme and identifying the projects that are required, is that work ongoing or is it done? You are asking for investment from the Scottish Government, and, as far as you are concerned, there has been underinvestment. That suggests to me that you should have a bottom-up programme. You are saying to the Government, "This is what we need—it is over to you." You have built up the case, and you are saying, "This is what we need to transform our system, make it more efficient and deliver outcomes." Is that work ongoing, and is it fully costed?

Malcolm Graham: Doing that work with the pressures that we are currently under is a struggle. I go back to my earlier comments: I have to find or create resource and capacity to do that. The SCTS has done a lot of that over the past two years.

There are two elements to it. The SCTS is putting forward a case for a new, redesigned case management platform, which we believe can be the solution to the SCTS's current issues with the risk of our legacy systems. That will require an

initial investment of £62 million over the next five years. Alongside that, we put in a bid, which I led on behalf of the criminal justice board, to the invest to save fund to develop an outline business case for the broader piece of work. That bid was rejected. We are now in discussions about how we can take the work forward, because I know that my colleagues fully support the principles of what we are trying to achieve.

From discussions that I have had with the Cabinet Secretary for Justice and the Cabinet Secretary for Public Service Reform, and as Neil Rennick mentioned, I know that they support that in principle. However, we do not need support in principle; we need support with investment. We are still working together to work out how we can do that in the short timescale that we have before we get to setting budgets for next year.

Alan Brown: It still seems that you are saying that you do not have the resource to do the bottom-up programme. You surely need to find or ask for the resource to do the bottom-up work, so that it is not reliant on stand-alone bids. The Government should see that this should be a series of interlinked projects; it should not be a stand-alone bid here and a stand-alone bid there.

Malcolm Graham: That is exactly what I submitted in our invest to save bid, which I prepared in the lead-up to April. It was considered after the election, we received the result in September saying that it would not be supported, and we are now taking a different approach.

Alan Brown: What was the rationale for it not being supported?

Malcolm Graham: I will turn to my colleagues in Government to answer that, if that is okay.

Neil Rennick: The feedback that we had was that further work was required on the business case for it to get support. It sat alongside many other proposals. Part of the challenge that we face is that we are looking to deliver reform and respond to challenges across a range of areas of Government. We think that this is a priority area, and part of our job is to work with Malcolm Graham and other colleagues in the justice system to make that case as part of the budget process, as well as to provide as much support and capacity as possible for the work that is being undertaken on that.

The Convener: I will ask a final question. Malcolm Graham, you just talked about relationships in relation to budgets and investment. On page 20, the report says:

“SCTS has said that there are some examples of when the Scottish Government has not engaged with them until late in the process, or not at all, when developing regulations and Scottish Statutory Instruments that impact on the criminal courts and justice partners.”

Will you briefly speak to that, and Mr Rennick, will you respond?

Malcolm Graham: I had a discussion with my colleagues about that issue, and I do not identify it as being material or significant. It goes back to a period during and immediately after Covid, when there was an intense requirement for regulations and emergency legislation. At times, quite understandably and legitimately, some of the staff in my organisation felt that those things were not necessarily subject to the full consultation and engagement to which they might have been.

As far as I am concerned, the engagement level, consultation where that is appropriate, advance notice, communication and strength of relationship that we have is extremely good and effective.

Neil Rennick: That is my reflection, as well. I am hugely grateful for the support, advice and feedback that we receive from Scottish Courts and Tribunals Service colleagues, which is sometimes at a fantastic pace to respond to legislative or other timescales. I acknowledge that, given the complexity and number of different areas of regulation that impact on the courts, there will be individual examples of, perhaps, really good engagement in the run-up to something but then late changes, a failure to notify when things did not happen or a lack of understanding of the implications for courts until fairly late on. However, those will be individual, isolated events in what, as Malcolm Graham says, are generally positive collaborative working relationships with the courts service and other justice partners.

The Convener: I thank our witnesses for their evidence this morning. I move the meeting into private.

11:12

Meeting continued in private until 11:43.

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