Official Report
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Criminal Justice Committee

Comataidh a' Cheartais Eucoirich

Wednesday 28 October 2026

Session 7

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Wednesday 28 October 2026

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CRIMINAL JUSTICE COMMITTEE
9th Meeting 2026, Session 7

CONVENER

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

DEPUTY CONVENER

*Ben Macpherson (Edinburgh North Eastern and Leith) (SNP)

COMMITTEE MEMBERS

*Amanda Bland (Central Scotland and Lothians West) (Ind)
*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:

Stephen Boyle (Auditor General for Scotland)
Colin Brown (Fire Brigades Union)
David Kennedy (Scottish Police Federation)
Karyn McCluskey (Community Justice Scotland)
Tracey Mulholland (Scottish Solicitors Bar Association)
Craig Naylor (HM Inspectorate of Constabulary in Scotland)
Hamish Robertson (The Wise Group)
Lynne Thornhill (UpSide)

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Criminal Justice Committee

Wednesday 28 October 2026

[The Deputy Convener opened the meeting at 09:06]

Decision on Taking Business in Private

The Deputy Convener (Ben Macpherson): Good morning, and welcome to the ninth meeting in 2026 of the Criminal Justice Committee. We have received no apologies for the meeting, but, unfortunately, the convener sends his apologies for the time being due to delays on the train line. David Linden will be with us as quickly as he can. In the meantime, as deputy convener, I have taken the chair.

Our first item of business is a decision on whether to take item 4 in private. Members agreed on 16 September that work programme items would be taken in private; accordingly, item 5 will be taken in private under that decision. Does the committee agree that item 4 should also be taken in private?

Members *indicated agreement*.

The Deputy Convener: We are aware of a delay in one of our witnesses arriving for agenda item 2, which is the round-table discussion, so I have decided to take item 3 ahead of item 2. Do committee colleagues agree with that?

Members *indicated agreement*.

The Deputy Convener: Thank you. I apologise to the witnesses who are here; we will commence as quickly as we can, but we will first take what was previously proposed as item 3.

Subordinate Legislation

Police Service of Scotland (Conduct) Amendment Regulations 2026 (SSI 2026/276)

Police Service of Scotland (Senior Officers) (Conduct) Amendment Regulations 2026 (SSI 2026/277)

09:08

The Deputy Convener: The next item is consideration of two instruments that are subject to the negative procedure. Members have received written submissions and correspondence in relation to the instruments. There are motions that require to be considered by the committee before the expiration of the parliamentary scrutiny period. I cannot yet confirm when the motions will be taken, but a minister and officials will be in attendance at the meeting in question, and members will be able to ask them questions ahead of debating the motions.

I invite members who might want to comment on the motions to do so. I have received an indication that Stephen Kerr wants to make a comment.

Stephen Kerr (Mid Scotland and Fife) (Con): With your permission, deputy convener, I would like to explain that I have lodged motions to annul both of the statutory instruments because of serious concerns about their fairness and independence and the consequences of creating a two-tier disciplinary system. I want colleagues in the committee to consider the evidence that we have now received and further evidence that we should seek—in particular, I draw the committee's attention to the letter that we have received from Calum Steele—and we should do that before deciding whether the regulations should be allowed to pass without a challenge.

For me, the central issue is fairness, which must apply irrespective of rank. Dame Elish Angiolini's 2020 review was clear. Her recommendation 27 called for gross misconduct hearings across all ranks—not simply for chief constables but for every rank—to have an independent legally qualified chair, an independent lay member and a policing member. At paragraph 12.61, she considered the additional costs of that and concluded that the benefits of

"independence, transparency and public confidence"

outweigh them.

However, the regulations depart from that recommendation. Senior officers receive independent panels with legally qualified chairs, but other officers continue to have their cases

determined within the police disciplinary structure. Why should a constable facing dismissal have less independent adjudication than a chief constable facing precisely the same consequence? What evidence justifies rejecting Dame Elish Angiolini's recommendation?

There is a striking inconsistency even within the Cabinet Secretary for Justice's own words on the matter. Speaking to the Association of Scottish Police Superintendents in June, Neil Gray warned that perceptions of preferential treatment for senior officers and inconsistent standards went to the

"heart of confidence, fairness and legitimacy".

He said that such perceptions "undermine trust in leadership". How can ministers acknowledge that danger and then introduce regulations that establish different standards of independence according to rank? That is precisely the perception that we should eliminate.

The Association of Scottish Police Superintendents understands the responsibilities that are placed on misconduct hearing chairs and the pressures that are inherent in the disciplinary decision-making process. We should hear directly from the association about whether the arrangements provide sufficient independence, competence and protection from improper influence.

On that point, Calum Steele's letter is troubling. He served 15 years as the general secretary of the Scottish Police Federation and has extensive experience of disciplinary proceedings. He reports accounts of hearing chairs being pressured to deliver particular sanctions before evidence has even been heard, including alleged references to their career progression. He also describes investigations concentrating on evidence that supported allegations while failing to pursue evidence that might exonerate the officer. Those are serious allegations that require examination.

How can officers have confidence in a process in which investigation, presentation and initial adjudication remain substantially within the same organisation? External appeal safeguards exist but might come only after careers have been damaged, expense has been incurred and proceedings have been prolonged. Is it surprising that some officers perceive a two-tier system or describe the existing arrangements as a kangaroo court? Perception matters—the cabinet secretary himself said so.

There is also the issue of the threshold for gross misconduct. Calum Steele argues that

"allegations are too readily classified as gross misconduct",

only to be resolved at a lower level. He questions whether performance issues are being pursued through disciplinary procedures with dismissal becoming the starting assumption. Who determines the threshold for gross misconduct? How often is the original classification reduced? What independent scrutiny exists? A gross misconduct allegation can cause immense damage before wrongdoing has even been established.

We should consider the effect that delays have on those involved, because reporting of Police Scotland's professional standards departments has been cited as showing an average of 389 days to conclude investigations and hearings. I want clarification of precisely what that figure measures. It is reported that some officers have remained suspended or on restricted duties for years, with careers in limbo, families living with uncertainty, officers facing financial and emotional strain, and complainants and victims denied timely answers. The process itself must never become the punishment, which I fear is what is happening.

When proceedings are mishandled or dismissals are overturned, who is accountable? Who pays for the errors? What effective recourse exists, without costly appeals and litigation?

09:15

Calum Steele has identified troubling provisions in SSI 2026/276. Regulation 15, which would introduce regulation 16A, would permit someone without legal qualifications to determine complex legal arguments at pre-hearings. Regulation 16A(8) would permit earlier procedural decisions to be reconsidered in specific circumstances. What safeguards would ensure that such discretion would be exercised fairly, with proper reasons given and effective recourse? Regulation 17, which would amend regulation 18, raises questions about presenting officers' submissions and the admission of written evidence instead of oral testimony. How might contested evidence be effectively challenged? What would ensure that the provisions operate fairly? Those questions concern the integrity of decisions, including those that involve dismissals being overturned because procedures were defective.

What about openness and accountability? There is greater provision for public scrutiny of senior officer proceedings, with other officers facing different arrangements. Publishing an outcome is not equivalent to allowing for public scrutiny of how it was reached.

His Majesty's Inspectorate of Constabulary in Scotland has identified serious weaknesses relating to conduct and discipline. We need to establish what has been done to address them. That is why I want the committee to take evidence from Calum Steele, the Scottish Police Federation, the Association of Scottish Police

Superintendents, HMICS and, of course, ministers. We need answers on the questions about independence, gross misconduct thresholds, overturned decisions, delays and representation costs, and we need to know the Government's justification for departing from the Angiolini review's recommendation.

We cannot amend the instruments. The procedure that is being used means that we cannot retain the provisions that we approve of and remove those that we find objectionable. We must judge each instrument as a whole. That is why I have lodged motions to annul the instruments.

In my view, ministers have departed from the clear recommendation of the Angiolini review without providing convincing evidence that their alternative approach is fairer, more independent or more effective. The allegations that Calum Steele has raised, the weaknesses that HMICS has identified and the contradictions in the Government's position deserve proper parliamentary examination. The burden on ministers is to justify the regulations. In my view, they have not yet discharged that responsibility, so the committee should not endorse the regulations until they do.

I thank the committee for its indulgence.

The Deputy Convener: I thank Mr Kerr for taking the time to set all that out for the committee and for those who are listening and observing.

Do any other colleagues around the table want to contribute?

Amanda Bland (Central Scotland and Lothians West) (Ind): I thank my colleague Mr Kerr for providing that detailed summary, with which I very much agree.

I would like to make a point about two legal concepts: article 6 of the European convention on human rights and the case of Porter v Magill in the United Kingdom. I will put this in simple terms: would a fair-minded and informed observer, having considered the facts, conclude that there was a real possibility of bias? If a rank-and-file officer is going through a disciplinary procedure, will there be perceived or real bias? That troubling question needs to be answered. In addition to everything that Mr Kerr has said, we need to understand the legal perspective and analysis in that regard. Has the Government received legal advice on the legislation? If so, what has it done with that advice?

I have to say that what really concerned me was the response of 6 October 2026 from the cabinet secretary Neil Gray to Stephen Kerr's letter. I will just read it out. It says:

> "Ministers were clear about the practical and governance implications of extending independently chaired misconduct panels to all officers. Such a model would introduce additional costs and administrative complexity, risk extending the time taken to conclude misconduct proceedings, and remove an important element of the Chief Constable's responsibility for the direction, control and discipline of police officers. Extending access to thousands of Constables, including for minor sanctions, would have serious implications for both Police Scotland and the Scottish Courts and Tribunals Service".

If decisions that might affect people's careers, and which raise the likelihood of their losing their jobs, are being made on the basis of costs and administration, we really need to unpick that and understand what it is about. Is it an influencing factor? If so, is that acceptable?

The Deputy Convener: Thank you very much. I believe that Pauline McNeill wants to come in, too.

Pauline McNeill (Glasgow) (Lab): First of all, I thank Stephen Kerr for raising this issue. Since he did so, we have had quite a bit of correspondence on it.

As someone who sat on our predecessor committee and scrutinised the legislation in question, I think that what the cabinet secretary says is fair. We did not, to my recollection, challenge this matter, although I think that we did try to scrutinise it. It is probably more for other committee members who have not looked at this before to make their views known to Parliament as to whether they think this should be changed.

It is important to point out that, for those with no knowledge of police disciplinary procedures, it was extremely difficult to scrutinise the framework of conduct that has led to these regulations. It was all new to the committee, and there was a lot to unpick. What we are looking at today is just one element, so we can spend some time on it, whereas the previous committee had to look at the whole thing.

A point that I think is relevant here, although we are not considering it this morning, brings me back to what Amanda Bland has just said about fairness and there being a fair process for police officers who are potentially facing dismissal. That was the reason for my raising during the passage of the legislation the relationship between this issue and vetting—and I stand by that. At the time, I was concerned that, although we did need to modernise and refresh the vetting requirements, vetting in itself might be used as a substitute for sacking police officers for gross misconduct. It is just not clear to me what the relationship between the two is. I know that the Scottish Police Federation has taken a case on exactly that matter to judicial review—or it might have been the police tribunal. In that case, it was decided that a police

officer was not guilty of gross misconduct; he got his job back; and then he failed the vetting.

I just wanted to draw the committee's attention to that, because we will have to scrutinise other sets of regulations that are coming down the track—and there will be more of them. Under this framework legislation, Police Scotland will develop some regulations under its rules, and some will be developed under the legislation that we ourselves have passed. It just speaks to the fact that post-legislative scrutiny might be more important than we think, and that we should, perhaps, give more time to it than we have in the past.

I will leave it to other members to decide whether we got this right or wrong, but I just wanted to make that contribution. I think that there is an important relationship to consider in all of this.

The Deputy Convener: I should say for completeness that I recall being on the previous iteration of this committee and scrutinising that legislation.

Also for completeness, I point out that we received correspondence from the Scottish Government yesterday in addition to the correspondence referred to by Amanda Bland. I believe that it can be read on the website.

I call Maggie Chapman.

Maggie Chapman (North East Scotland) (Green): Just very briefly, I think that, in addition to this conversation, the discussions that we will have on this matter in the coming weeks will be really important, and I would like us to factor into our thinking how this is perceived. We know that, in order to have policing by consent and to ensure that there is a good relationship between police officers and the communities that they serve, there needs to be trust, so we need to look at what either a single or a two-tier system—whichever we end up with—does to public trust and confidence in the police. I want to put that marker down now, because I think that that will be an interesting area to explore in our conversations with witnesses in subsequent weeks.

The Deputy Convener: Absolutely. Do colleagues have any further comments?

Stephen Kerr: Interestingly enough, on the point that Amanda Bland made about issues of cost and complexity, they were, as I referred to in passing in my remarks, issues that Dame Elish Angiolini considered six years ago, and it was in the context of the public confidence issue that Maggie Chapman has just raised that she decided that this was necessary in cases of gross misconduct. The whole issue of what constitutes gross misconduct is, of course, something else that we will examine over the next couple of weeks, but I think that it is relevant to tie all of this together, including the comments that Pauline McNeill made about vetting. It is clear—to me, at least—that there are many loose ends here that we need to attend to.

The Deputy Convener: I thank colleagues for putting their views and positions on the record. As I said in the lead-up to the discussion, I cannot confirm when the motions will be considered, but a minister and their officials will be in attendance, and members can ask them questions ahead of debating the motions.

If colleagues are content—

Stephen Kerr: I would just like raise an issue for discussion later, deputy convener. As well as hearing from the organisations that I have listed, I wonder whether the committee might, when we talk in private, consider whether there might be scope for us to hear directly from police officers who have been directly impacted by this. Any such sessions would probably need to be taken in private, but I think that it would be useful for the committee to hear at first hand what has happened in some of these cases. I know that the temptation will be to see such cases as the norm—they will not be—but when we have a system that throws out some of the experiences that I think all the committee members will be aware of, and which individual police officers and their families have been through, that should weigh on our minds, and we should consider it in our deliberations. I just wanted to put that issue out there for further discussion when we move into private session.

The Deputy Convener: Thank you, Mr Kerr. You have put those comments on the record, and we will consider the issue in private, as you have suggested.

Is the committee content to seek further written evidence and take oral evidence on the matters that have been raised, and to schedule further consideration of them at a future meeting?

Members *indicated agreement*.

The Deputy Convener: I will suspend briefly to allow us to get organised for our round-table evidence session on pre-budget scrutiny for the financial year 2027-28, which we will have shortly.

09:28

Meeting suspended.

09:34

On resuming—

Pre-budget Scrutiny

The Deputy Convener: Welcome back, everybody. Our next item of business is pre-budget scrutiny of the Scottish budget for the 2027-28 financial year. The committee agreed in our previous deliberations that this year's scrutiny will consider how budget decisions are affecting different parts of the justice system, including front-line services such as the fire service, prevention, rehabilitation and community justice, policing, and wider justice delivery.

To support that approach, we have structured today's evidence sessions into two stages. We will begin with a round-table discussion involving organisations and practitioners that work across different parts of the fire service and the justice sector. The committee has chosen that format in order to allow us to hear from a wide range of perspectives and to explore how pressures in one part of the system may affect services elsewhere. The format will also provide an opportunity for participants to respond to and build on each other's evidence, helping the committee to identify common themes, differing experiences and any connections across the wider system.

Following that discussion, we will hear from a second panel of witnesses who have oversight and strategic responsibilities across the justice sector. That will give committee members an opportunity to explore some of the themes that arose from the round-table discussion in greater depth. Taken together, the evidence sessions are intended to help inform our scrutiny of the Government's budget proposals ahead of taking evidence from ministers next week.

I am pleased to welcome to our round-table meeting Colin Brown, executive council member at the Fire Brigades Union; David Kennedy, general secretary of the Scottish Police Federation; Tracey Mulholland, president of the Scottish Solicitors Bar Association; Hamish Robertson, director of data and insight at the Wise Group; and Lynne Thornhill, director of justice at Sacro, who is representing the UpSide programme.

To initiate our collective discussion, I will allow each of you to open with some reflections on what the pressures and opportunities are as we go into the budget period. I will start with Colin Brown.

Colin Brown (Fire Brigades Union): Good morning. We have tried to give to the committee as detailed a written submission as we possibly can, as we do every year for these evidence sessions. What is almost unique about our sector is that the submissions from the Scottish Fire and Rescue Service, His Majesty's Fire Service Inspectorate in Scotland and the Fire Brigades Union are all saying the same thing. The language may be slightly different and some figures may be more up to date, as the service can access its lifetime data, but the reality is that every part of the sector is creaking. Without speaking for the other witnesses, I think that we will all say the same thing, which is that, right now, the justice sector is creaking in every single area.

The committee asked us about the day-to-day impact of that for firefighters. Last week, a story was published about that daily impact with the headline:

> "Anger as firefighters forced to travel 23 miles from Crieff to Aberfeldy house blaze".

When we talk about resilience in the fire and rescue system, that is an example of what we are talking about. The system relies on about 80 per cent of Scotland's landmass being covered by retained duty system firefighters. Those are firefighters who are on pagers and on call in their community, and who deliver life-saving interventions. Let me put that in perspective: they deliver life-saving interventions every single day in Scotland.

When you phone 999 because your house is on fire or you are trapped in a car that is upside down on its roof, you want a firefighter to be there within minutes—as in five minutes, not 40 minutes. Had someone been in that property in Aberfeldy, I think that we would be talking about a fatality. When we speak about the lack of resilience in the fire and rescue service, we are talking about firefighter numbers.

The issue of whole-time firefighters is a different beast altogether, but a freedom of information request that was submitted by the Liberal Democrats identified that there were over 1,000 vacancies in the RDS system in Scotland. Those are huge swathes of Scotland's landmass that are without fire cover. At any point in the day, 200 out of 345 RDS fire appliances can be unavailable because of crewing shortages.

The firefighters who crew that system are phenomenal individuals who do amazing work, and I am not criticising them at all. However, the system is not serving Scotland particularly well. That is before we come to the daily impacts on the staff who are still on the whole-time system, who feel pressure because of the short crewing of fire appliances, which is leaving them exposed to situations at incident grounds in which they might not be able to make life-saving interventions when they first arrive, while they wait for back-up.

There is a problem in every area of the Scottish Fire and Rescue Service. The support side of the service, as opposed to the blue-light or emergency

response side of the service, is also on its knees. There is no part of the service that is not front line. None of what the service does is done on the basis of choice; it is all done on the basis of need.

The service has done a really good job in gathering evidence to sustain a service that has been underfunded to the tune of in excess of £800 million over the past 13 years, which has left fire stations being held up by Acrow props, firefighters being unable to decontaminate in their own workplaces and children's bedrooms being contaminated by fire contaminants that could only have come from an incident ground, because firefighters cannot shower in the stations where they work. That should be a mark of shame on the Scottish Government and on Scotland.

However, the situation is not unique to Scotland, and significant funding will be required to address it. The service has tried to provide options for changes that could be made, including collaborative approaches with other services. That is really important, because the Fire and Rescue Service does more than provide an emergency response. It provides services in the community, such as youth education, and it engages with communities to drive home safety messages. However, we are missing opportunities year on year.

The FBU's submission refers to the fact that a developed role for Scotland's firefighters was negotiated and agreed to in 2022, but it has not been funded. We have had four years of missed opportunity. Who knows what Scotland could have looked like had that been funded in year 1 of the agreement? We have had four years of missed opportunity to deliver meaningful change that might have had an impact on some of the social issues that I am sure that others will speak about.

The Deputy Convener: Thank you. I am sure that we will want to pick up on some of those points later in the discussion. You mentioned the FBU's submission. I should have mentioned that the committee has received a number of submissions, which are publicly available on our website.

I invite Tracey Mulholland to make some introductory remarks.

Tracey Mulholland (Scottish Solicitors Bar Association): Good morning, and thank you for inviting the Scottish Solicitors Bar Association to give evidence today.

I am grateful to Mr Brown for doing a bit of the heavy lifting in relation to what all today's witnesses will say about a lack of funding and how much investment is needed. I am hoping to convey to the committee that investment in a robust defence is essential to the democratic society that we live in.

I acknowledge that investment has recently been provided. I understand that there has been a 13 per cent increase in legal aid fees, and the Government has committed to the fee review mechanism. Investment has also been put into traineeship funds. Although I acknowledge that, I do not think that the investment has been sufficient to enable us to face the challenges that the defence faces in the forthcoming year and beyond.

The committee has received written submissions from the Crown Office and Procurator Fiscal Service and the Scottish Courts and Tribunals Service, which highlight changes that will be made, such as the introduction of the sexual offences court and the increasing of the capacity of the High Court. The challenges that are faced by those services are challenges that the defence will also face.

I hope that that information and any evidence that I can provide to assist the committee will convince you that this is an important area that you should be considering as part of your budget scrutiny.

The Deputy Convener: Thank you for those introductory remarks. Colleagues have previously raised the issue of the funding that is available for the criminal defence sector, and I am sure that questions will be asked about that.

I invite Lynne Thornhill to address the committee.

Lynne Thornhill (UpSide): Good morning. I am grateful to be here. As you said in your introduction, I am the director of justice at Sacro, but today I am here to represent UpSide, which is a national throughcare service that is operated by eight different voluntary sector partners. We support people who are released from short-term sentences or after a period of remand. Our work starts in the custodial environment. We have staff based across a number of prison estates, and we also operate in communities, where we take a place-based approach.

There are several critical things that I am keen to have come up in the conversation today and about which I am keen to provide more information. A lot of that information is contained in our submission. With regard to my colleagues' points, there are many similar themes throughout the submissions that you will have read and, no doubt, you will hear about them today.

09:45

For us as an operational service that supports extremely vulnerable individuals across the country, and which has a workforce that is extremely compassionate but extremely fatigued by the pressures that it faces—I am keen to get on

to that issue—funding is not keeping up with the delivery costs at a basic level of maintaining the status quo. There are increasing concerns about the impact of flat funding, not only on maintaining the status quo but on any innovation or support that we are able to do. Overall, funding levels are very limited, which means that many people who need that level of support are not being supported. There are many missing people in our communities.

I have touched on it, but I am keen to speak further about the impact on our staff across not only UpSide but the throughcare and voluntary sector services that operate. Through our conversations with justice social work colleagues, we see the amount of pressure that there is across the shared workforce and some of the risks of moving those pressures from one part of the system to another. I am keen to touch on the interdependencies and the need to better consider the whole-system impacts of any decisions that are made and legislation that is passed, in advance of that happening. We need to understand fully the funding that is required to properly land those changes so that implementation is possible, because we are seeing a lot of challenges around that.

The support that we undertake is relational in practice. It requires people, resource and time to develop those connections. The evidence shows that that is what works best, and that is why we require that type of structure and service in our interventions. Many of our third sector colleagues operate in similar ways, because we know that that makes the difference.

Often, we see crisis work displacing prevention. That impacts on outcomes. A recent example of that involved the emergency release provisions and the short-term changes in sentence length—the STP30 and STP40 automatic early release policies. Our UpSide service was a matter of weeks or months into delivery when we went into that crisis point so, over the 18 months of delivery, we have not had a normal environment to deliver in because we are constantly responding to crisis in need. Despite our staff being extremely responsive—which added additional pressure and that compassion fatigue that I spoke about—the outcomes for the people we were supporting through that period were much lower. We did not have the time to develop those connections and relationships or do the pre-release planning with multiagency partners that is needed to support people effectively to return to, reintegrate with and remain in their communities.

The other thing that I want to add is that wider support gaps undermine the overall outcomes that can be achieved. We support people who have holistic, complex needs. They are vulnerable individuals in the community who, often, have been failed by earlier services or support structures—and our staff and wider third sector and statutory staff are picking up the pieces of that. There is something around how we can better commission outcomes that are owned across sectors and organisational boundaries. A lot of the time, the issues that we are talking about today and that I hear being talked about in the Criminal Justice Committee are not predominantly issues of justice. They are cross-border and cross-organisational. Those conversations need to start at the top.

I am conscious of time so I will end by saying that I looked at the recommendations of the previous committee following pre-budget scrutiny. They talked about the need for additional resource in prevention, the urgent need for multiyear funding and the need to adopt a whole-systems approach. I advocate that the evidence that you hear today is likely to be parallel to some of those recommendations. That is potentially suggestive about the absence of progress in the past year on that issue, on the move towards fair and ethical funding in commissioning and on the recognition of the true value of the third sector in this area. Once those supports for individuals are gone, they are gone.

The Deputy Convener: Thank you. There is a lot for us to pick up on in the discussion. I will bring in David Kennedy.

David Kennedy (Scottish Police Federation): Thank you for the opportunity to speak to you. I am here primarily on behalf of the Scottish Police Federation, which represents approximately 16,500 police officers across Scotland. To begin, I make one thing absolutely clear: Scotland needs more police officers. That is not simply to maintain the numbers that we currently have or to move officers from one department to another—we need a genuine, sustained increase in the number of police officers available to protect our communities.

I fully recognise the financial challenges that the Scottish Government and the committee face. Every public service is under pressure, and we know that difficult decisions will have to be made, but policing cannot be simply a budget heading. It is essential that, as a public service, the police protect life, prevent crime, investigate serious offences and provide the emergency response that the public relies on 24 hours a day, seven days a week.

The reality is that, every day, we are asking fewer police officers to deal with more demands. I know that my colleagues in other parts of the public sector face the same situation, but the trauma that police officers face day in, day out is

having a massive impact on them and, to be frank, that cannot continue.

As you know, convener, in June this year, Scotland had approximately 16,402 police officers. Ten years ago, we had 17,242, so that is a reduction of 840 officers. Yet, during the same period, the demands placed on policing have significantly increased, and those headline figures do not tell the full story.

In August this year, approximately 2,915 police officers were working on modified duties and, of those, more than 1,600 were identified as non-deployable. Those officers continue to make a valuable contribution to policing, but they cannot necessarily be deployed to emergencies, public order incidents or other front-line duties. When we account for sickness absence, annual leave, training, rest days and other necessary abstractions, we see that the number of officers actually available to respond to incidents is considerably lower than the headline figure suggests. That is the reality that faces Police Scotland at the moment and that must inform decisions about police funding. We believe that restoring officer numbers to at least 17,234 should be our initial objective. I am aware that the Police Service of Scotland has asked for nowhere near that number of officers, and we respect that, but we believe that we need many more. We should determine how many police officers Scotland needs based on operational demand, not simply on how many we can afford within a predetermined budget.

The pressures that our officers face are not theoretical. In the year ending June 2026, recorded crimes in Scotland reached approximately 323,500. That represents an increase of 7 per cent on the previous year, and of 13 per cent compared with four years ago. Violent crime and sexual crime have increased, and the complexity of policing has changed dramatically. An investigation today can involve hours of closed-circuit television footage, mobile phone downloads, digital evidence, telecommunication data and extensive disclosure requirements. What might previously have been a relatively straightforward investigation can now take days or weeks of additional work. Yet we continue to expect officers to manage these increasing demands with fewer resources.

Crime is only part of the picture. There is also the non-crime demand, and one of the greatest pressures on policing today is the increasing demand arising from incidents that are not criminal in nature. Mental health crises, welfare concerns, missing persons and vulnerable people require assistance. In just 13 months, police officers dealt with more than 576,000 non-crime incidents. That is an extraordinary level of demand.

Let me be clear that police officers will always respond when there is an immediate threat to life or serious harm. That is part of our responsibility, and officers take it extremely seriously, but we cannot continue to have police officers routinely filling the gaps left by other public services.

It is not uncommon for officers to spend hours sitting with someone who is experiencing a mental health crisis and waiting for an appropriate healthcare response, which means that those officers are unavailable to respond to other emergencies, investigate crime or patrol their communities. That is not a criticism of the health service or the dedicated people working in it, but a recognition that the wider public sector is under significant pressure. However, those pressures are increasingly being transferred on to policing.

The federation supports the principle of the right care, right person approach, but it must be properly implemented and supported by adequate investment in the services that are best placed to provide that care.

I also want to address the human aspect of the pressures. We regularly talk about officer numbers, budgets and operational demand, but behind those figures are people. Police officers turn up to work every day knowing that they may be assaulted, threatened, seriously injured or exposed to deeply traumatic circumstances. They attend sudden deaths, fatal road collisions and domestic abuse incidents and situations involving vulnerable children. They can move from one traumatic incident directly to another, often without sufficient time to recover or even process what they have experienced. Increasingly, they are doing all that while working extended shifts, additional overtime and cancelled rest days.

More than 1 million working days have been lost to sickness absence in policing since 2020, and psychological conditions account for a significant proportion of that absence. We cannot continue to rely on the goodwill, resilience and personal sacrifice of police officers to compensate for inadequate staffing levels. There are simply not enough police officers.

Another consequence of insufficient police officer numbers that deserves particular attention is the impact on community policing. We frequently hear about the importance of visible policing, local engagement and rebuilding public confidence. I agree with all those ambitions, but they require police officers.

Community policing cannot be delivered effectively when officers are constantly being removed from their communities to cover shortages elsewhere. Officers cannot build relationships with local residents, schools and businesses if they are continually required to

respond to incidents miles away. The same principle applies to specialist policing. Public protection, serious crime, firearms, counterterrorism and public order all require sufficient numbers of properly trained officers.

The Deputy Convener: I appreciate you setting all that out, David Kennedy. There will be many more opportunities during members' questions to raise any other points that you wish to emphasise.

I can certainly empathise with many of the points that you have made, given the pressures in the communities that I serve, despite the hard work of local Police Scotland officers. I look forward to discussing those issues further shortly.

I now invite Hamish Robertson to make some opening remarks, after which we will move to our wider discussion.

Hamish Robertson (The Wise Group): Thank you, deputy convener, and thank you to the committee for inviting us to attend this morning. Good morning, everyone.

To provide some context, the Wise Group is a Glasgow-based social enterprise. We have a long track record of working in the justice sector, having served as the lead partner for the new routes throughcare mentoring service for 12 years, until 2025. We have also been delivering services for the Ministry of Justice for more than a decade.

Currently, we support around 10,000 people leaving prison or serving licences in England, but we do not sit in a justice box. Since 2023, for example, in Scotland alone, we have supported around 5,000 households through relational mentoring, which is a holistic and evidence-based model that works equally well across justice, housing, employment and poverty alleviation.

What we see from all that front-line experience is quite clear. Only 2 per cent of people have a single issue present in their life. In fact, 45 per cent of people leaving prison with whom we worked had 10 or more challenges in their life simultaneously that needed support. Someone leaving custody may need help with housing, income, healthcare, rebuilding relationships and accessing the services that are already available to them.

However, each part of that system has different funding arrangements and assessment processes. Progress is also measured differently. It is entirely possible for every part of the system to meet its individual targets while the person themselves never reaches a position of overall stability.

10:00

People experience one life, but Government funds individual portfolios. Our first message in this pre-budget scrutiny session is that we should provide funding for life stability, because, if people's lives are stable, the outcomes that we are desperately seeking will transpire as a result. If someone's life is stable, they will get a job and stay in that job, they will sustain a housing tenancy and they will stay out of prison. We do not talk enough about stability. We talk about outcomes—getting a job, getting a house, getting this or getting that—but such outcomes will not be sustained if the person's life remains unstable.

My second message is about joining up the journey. People go through many different parts of the system, but each part is set up separately. We are talking about vulnerable people who desperately need help in engaging with and navigating that system. We analysed 5,100 journeys over the past five years, and 93 per cent of the people on those journeys needed support simply to access the help that was already available to them.

My third message is that we should commission based on evidence of what has changed. We should know what we want to achieve and have a way to prove that tangible changes have been made.

The Deputy Convener: I thank all the witnesses for their initial contributions, which have covered a wide range of points, including keeping communities safe, upholding the rule of law, implementing parts of the justice system and helping people to move on from and stay out of that system. I am sure that colleagues will have a lot of questions on those points.

I will bring in Pauline McNeill first. If colleagues indicate when they want to come in, I will keep the discussion as free flowing as possible.

Pauline McNeill: I thank all the witnesses for their contributions. I thank the third sector organisations in particular for the work that they do, and I am pleased that they are part of this discussion.

As you are all aware, the backdrop to our discussion is the fact that we now have a Cabinet Secretary for Public Service Reform and a Public Service Reform Committee, and you will have seen the warnings about the challenges in the forthcoming budget.

I will start with questions for David Kennedy from the Scottish Police Federation about what has happened over the past 14 years, but I also want to look ahead. I always quote the figure of more than £1 billion in relation to the savings resulting from the centralisation of the police service in Scotland, so I was surprised to learn that Police Scotland claims, in its submission, that the figure is now £2.5 billion.

I will pose two questions. First, when you were, in effect, handing back £2.5 billion in efficiency savings to the Government, was there any sense that we would get to this point? The Cabinet Secretary for Public Service Reform will be looking for savings, but it does not seem as though there is much left to scrape from your budget. Recently, I asked the Scottish Police Authority why it allowed that to happen. We knew that centralisation was about creating efficiencies and getting rid of duplication, but how did we allow ourselves to get to this point, with £2.5 billion having been taken out of your budget and a cabinet secretary looking for further savings? Those are not really possible.

Secondly, the previous chief constable and the current chief constable have come up with the same solutions, some of which I support and have raised with the Government. If we want to achieve the things that you have talked about and that our constituents want—safe communities, more visible policing, investment and the tackling of serious organised crime—we will have to find money from somewhere. Could we use section 4 of the Police and Fire Reform (Scotland) Act 2012, which provides borrowing powers? Those provisions were included for a reason. Last week, I asked a Scottish Government official about carrying forward reserves. The Government does not seem to be equipped for that at all, but I know that, every year, the chief constable asks for reserves to be carried forward and for multiyear funding.

Could you respond to those questions?

David Kennedy: Those are questions that the Scottish Police Authority or Police Scotland would be better placed to respond to, but they are not here.

However, we can look at what has happened over the past 10 years. Every year, £200 million has been removed from the police budget, so that is where more than the first £1 billion comes from. With regard to the other cash, Police Scotland has tried to reform what it does, year in, year out, which has had a massive detrimental effect on the service that we provide. We know that if I were to ask communities around Scotland whether they are still getting the same service from the police that they got more than 10 years ago, the resounding response would be, “No, we are not getting that.”

We can see that in relation to the savings that have been made. You used to be able to dial 101 and speak to somebody within seconds. Now, you could dial 101 and wait for more than 20 minutes for someone to talk to you. There are knock-on effects from making savings, and Police Scotland and the SPA are now, thankfully, telling the Government that they cannot save any more. They have tried their best to do as much as they can to make those cumulative savings, and inflation has also gone up. We are now at the point where there can be no more savings, and policing now needs investment.

At present, a lot of police officers might face ill-health retiral, which costs the service £100,000 per officer, so the service will try to limit the number of officers who go through that process. We need investment to allow those individuals to retire so that someone else can come in on the back of that.

On the cumulative savings that the service has made over the past 10 years—whether cash savings or savings made from the police no longer doing something or from the service having tried to bring aspects together—that is where the £2 billion figure comes from.

Amanda Bland: I want to get an understanding of efficiencies. You talked about warranted officers and civilian staff. What are your thoughts about increasing the number of civilian staff and their taking on specialist roles that warranted officers are doing now, so that efficiencies are made in terms of salary and pensions?

David Kennedy: As someone who represents our police officers, I certainly would not advocate for that, but we have actually faced that situation in the cyber world, with civilian members being paid more than police officers. Therefore, avenues have opened, and the chief constable might look at using non-warranted officers. You have to be very careful: I could say that you could have a non-warranted officer standing at a locus, because, while they are standing there and nothing is happening, they are just protecting a locus. However, as soon as somebody tries to go on to that locus or cross the piece of tape that is there, you need a warranted officer to deal with the situation, because a non-warranted officer does not have the powers to do so.

We also know, from when we amalgamated the eight police forces into one, that the cost of staff members taking voluntary redundancy in such circumstances can outweigh any savings that might be made.

Stephen Kerr: We are all picking on you to answer these questions, David. You talked about the need for additional police officers, for which you made the case very clearly. Are you assuming the current workload when you ask for additional officers? I ask that because there are clearly a number of areas where the police are carrying a burden—for example, to refer to Amanda Bland's point, in relation to the delivery of witness citations. From memory, there are about 200,000 of those a year. There are also 300,000 incidents of mental health call-outs. Those calls could be properly triaged to send people in other directions, as has been suggested numerous times.

I will let you come back on those two points but the third one is the amount of time that police officers are spending in the courts. You came up with an original proposal for how that might be reversed. Would you like to speak to those issues?

David Kennedy: Before we became Police Scotland, civilian workers did citations. When we became Police Scotland, the only saving that the police could make was to offer voluntary redundancies to the civilian workers, so all those people left and the police officers took over that responsibility. It was a self-fulfilling prophecy in the sense that they tried it to save money. Some of the savings that the police had to make were because of the financial crash. They knew that there would be a massive cut in their budget. You are right that there are parts of work that the police currently do that civilians could do.

Stephen Kerr: Does the federation support the idea of civilians taking on witness citation?

David Kennedy: Yes, absolutely. There are lots of jobs that I would support somebody else doing. However, I would not support losing police officers because of that. In the police world, our sickness rates are through the roof because of the trauma that police officers deal with. The reality is that they have no downtime. We do not have enough police officers to attend calls and do what they should do.

Stephen Kerr: Does your ask for additional police officers, which, from what you have described, is well founded, assume the existing workload of, for example, the 150,000 witness citation deliveries and the 300,000-plus mental health call-outs? Most of those call-outs do not relate to criminality—they are not police matters. If that workload was properly dealt with, would that create some breathing space?

David Kennedy: It would give us some capacity but not as much as you might believe. Before we became Police Scotland, the highest number of police officers we had in Scotland was 17,500. A lot of the civilian roles existed then, so the police were doing their job.

Stephen Kerr: So you need more officers.

David Kennedy: Absolutely.

Stephen Kerr: What about court appearances? You had an original idea about how to resolve that issue.

David Kennedy: At the moment, police officers are cited to attend court at 9 o'clock, but the vast majority of them will not give evidence. If they give evidence, the likelihood is that it will not happen until the afternoon. We have asked whether, when the courts cite officers, they could cite them for the afternoon. That would free up officers who work into the early hours. An officer has to get 11 hours between shifts. Afternoon citation would allow them to stay at their jobs, get their rest and go to court the next day. Currently, we cut their shift to four hours to allow them to have their rest and go to court in the morning.

The courts are getting better but, often, officers attend court to be told that they are not required or to sit in a waiting room. More of the courts now allow officers to go to the office but, once you are cited for court, you cannot physically go out and answer a call because you might have to attend court. If officers were cited in the afternoon, that would free up much of the police time that we currently waste.

Stephen Kerr: The SPA—

The Deputy Convener: Stephen, this is your last question and then I need to bring other colleagues in.

Stephen Kerr: I want to bring in Hamish Robertson on community justice.

The SPA issued a stark, almost shocking, warning that 1,000 police officers would go on a flat-cash settlement, which is what the spending review suggests that Police Scotland will get. What impact would that have on your ability to administer community justice? The police are a last-resort support to community justice, so, on top of what David Kennedy said about policing in the communities, the impact would be devastating. What is the community justice dimension?

Hamish Robertson: It is exactly what you are talking about. Much police time is spent on non-criminal activity because the police are seen as a last resort. You can always call 999 and know that you will get help. I thank the police because we appreciate that, but the problem is that many people call that number as a last resort because people are slipping through the cracks. If you have 10 different problems going on in your life, the 11th one that comes along is the straw that breaks the camel's back.

10:15

The analysis that I think is really relevant to this relates to the importance of helping people access existing services. We already have a fairly well-functioning public service—in general terms, it works and we have services available for people. However, when we carried out a big analysis of 5,100 individual journeys of people in the community who were vulnerable and had lots of different risk factors in their lives, we found that 93 per cent of them knew that they needed help, but also knew that they could not access that help themselves—therefore they had to be able to call someone who could.

In other words, what the analysis showed was that people knew that help was available, but they could not advocate for it themselves, could not get their voices heard and could not navigate the system to get from one place to the other. Really interestingly, what we found from our analysis of those journeys was that, when we helped a vulnerable person to access the services that they needed, they were supported in engaging with, on average, three additional interventions. Of those who were supported to engage with another intervention, 68 per cent progressed to a point of overall stability in their life, against 15 per cent who did not.

Those figures are not only statistically but—more important—practically significant. By that, I mean that they actually make a practical difference to somebody's life in a real, not a theoretical, sense. I repeat: when we looked at those journeys, we saw that, of those who were supported to engage with services that they knew they needed but could not find any way of accessing, 68 per cent ended up in overall stability, compared with 15 per cent who did not.

That is the missing bit, and it is why people call 999 when they need help—they do not know who else to call. I can talk about this if you wish, but we have shown how this can be done at scale. The fact is that the systems are already there, but people are really struggling to access the services.

The Deputy Convener: Lynne Thornhill wants to come in on those points, Marie McNair will ask a supplementary and then I think that Maggie Chapman wants to move on to other aspects. I will do things in that order, if that is okay.

Lynne Thornhill: I will be brief, but I just want to make two points. First, what I heard from David Kennedy was the point about roles and responsibilities across the sector sitting where they should be sitting and not just where they have fallen.

I also wanted to pick up on Stephen Kerr's question about the impact on community justice. We would advocate for a shift towards preventative spend to support people being diverted from the system in the first place. I would say that, when it comes to our interactions with Police Scotland, and any improvements that might be made through preventative spend, we should be looking at diversion. I am thinking about the point of police arrest, arrest referral, capacity et cetera. How do we support people to get their needs identified and addressed at the earliest opportunity?

Where there are failures in that respect—I am thinking of court hearings and non-attendance following bail, people not turning up on indictment and so on—additional churn is created and more resource is required in terms of police time, with warrants coming out et cetera. Again, the evidence tells us that we are missing an inordinate number of the people who go through our justice process from the point of arrest, so the aim is to divert, where possible, as early as we can. Where those people have to go through the system at certain points, we must address any needs that they have and then provide wraparound care to prevent any additional spend from having to be made. That is true preventative spend, and it is also what gets us the sustainable outcomes that we have been talking about.

Therefore, there is, for me, a direct correlation here, but you need to invest sufficiently across the community justice landscape. For a start, we are still waiting for section 12 of the Bail and Release from Custody (Scotland) Act 2023 to be implemented; indeed, one of my opening points was that we need to fully cost and understand the resources required to implement any new legislative provisions so that they have their intended impact. The legislation is good, but the question is how we land it.

Because our systems are very connected, we need to look at this as a whole-systems piece. Everything that happens at one point has a ripple effect. We talk about collaboration and co-ordination, but the systems that we have disenable such approaches, because we are not actually addressing need when we have the opportunity to do so, and that is reducing any savings that might be made.

Taking a preventative spend approach will require some brave decisions to be made, because you do not always see its impact in year 1, year 2 or even year 3. In any case, I would advocate that we take a long-term look at this, because it is short-termism that has put us in the situation that we are in today. As David Kennedy said, the ultimate impact will be on the staff who work on the front line, given the pressures that they are under from what they have to face every day. The people whom we support are presenting with a much higher complexity of need and much

higher levels of risk, because of their unmet needs. We are almost creating a self-fulfilling system in which we are generating, and being driven by, crisis, because we are not investing properly in prevention.

The Deputy Convener: Thank you. It was really helpful to hear that. Marie McNair, do you want to ask anything?

Marie McNair (Clydebank and Milngavie) (SNP): My question goes back to the pressures that your officers are facing and the impact on their health. I am really concerned about that. Is workforce wellbeing becoming an operational risk?

David Kennedy: It is absolutely an operational risk. Officers are so traumatised that they are going off sick. That then affects the operational situation, and it is a risk. We have to do more.

One problem that we have is due to the numbers. When we had more officers, each person would go to fewer traumatic incidents. That is simply common sense. However, now, it is continually full on for people, all the time. That will be the case across a lot of sectors. If you think of a person as a sponge, if you continually pour water on to that sponge it will not absorb water any more—it will simply start spilling out. That is exactly what is happening to our police officers.

Marie McNair: Thank you for putting that on record.

The Deputy Convener: Maggie, you have waited patiently.

Maggie Chapman: This follows on from Marie McNair's question.

Colin, David and Lynne, you have all talked about the pressures on your members—on workers—whether those are about staff being fatigued, the trauma that David described, or stress impacting on people's safety.

I will come to you, Colin. In the FBU's experience, and from the research that you have done, what are the consequences of not only being short staffed but having stressed, fatigued and exhausted firefighters? What does that do not only to people's safety but, collectively, to the service's ability to do the job that we citizens expect it to do?

Colin Brown: It is possibly most marked and obvious within our control rooms, where we have attrition rates that are off the scale. There should be, say, 10 firefighters in a control room, for example. That is the crewing level in that control room. Eight would be below minimum crewing, and five would be a critical crewing level—and we are operating below critical crewing levels at times.

The service is doing a lot of work to try to reverse that trend. However, when the FBU studied and surveyed our own members, we found that the stress levels, the workplace anxiety and the pressures that we are facing are off the scale. We have people who are working 19 shifts in a row, most of which are on overtime, because the obligation that they feel towards their colleagues in the control rooms is such that they do not want to leave them exposed to even greater levels of stress, and so they absorb that on their own.

On the back of fire engines, it is also really marked. Without getting into the technical aspects of the roles that firefighters carry out in each seat on the back of a pump, the bare minimum crew that you should send to a house fire should be nine, with the first pump being a crew of five. However, we are seeing them being sent out with a crew of four. That means that a safety-critical role is not being fulfilled, and so we could be asking firefighters to go into environments that people run away from, and putting them into some of the most hostile places that we can, without mechanisms in place to keep them safe. That should not be asked of them.

The reality is that, if a firefighter were to be hurt in such an environment, the disciplinary process would kick in because they would have gone against a standard operating procedure. We would like to think that that would be done in a sensible way, where someone has responded to a risk to life. The reality is that policies are written to keep firefighters safe. Someone who chooses to go against a policy that is there for their own safety, to try to rescue another person, may be displaying the heroic attitude that people think firefighters should adopt, but we should not be asking them to do that in the first place.

These have been budget decisions, and otherwise difficult decisions, because of the block grant or because of other pressures on this Government. However, the reality is that it represents managed decline of head count. Firefighters have been incredibly successful, and the joined-up approach that everyone is speaking about is admirable. The fire service has proven the value of intervention and prevention work within the home fire safety visit model. Its success in driving down domestic dwelling fires—house fires—is repeatedly referenced. That is because of those interventions. We can demonstrate the value of that work.

However, when a fire happens, it does not mean that you need fewer people to respond to it; you still need the same number of people there to fulfil all the safety aspects. That is a massive stressor among firefighters. They know that they are being sent into environments that they might not go home from. That is the reality of being a firefighter: the environment that you are going into is inhospitable.

The Deputy Convener: I have a question in that space.

To take a prominent example, there was some commentary in the Parliament about the success of the Scottish Fire and Rescue Service's response to the Glasgow Central station fire. Although that was—rightly—acknowledged, perhaps what is not as well known in the Parliament and beyond is just how many resources from around the country needed to be sent to Glasgow, which meant limiting resources in other places, so leaving them exposed. Am I correct in saying that, Colin Brown? Do you want to say any more?

Colin Brown: Absolutely. The service's submission references the fact that 200 individual appliances were sent to the fire that you mentioned, which is a huge resource from across Scotland that involves specialist appliances—for example, one of the high-reach appliances was sent from Edinburgh. Those are the sorts of distances that we are travelling. When I was still an operational firefighter, I travelled to Inverness to provide fire cover when there was a hotel fire up there. Firefighters travelled three and a half hours across Scotland to assist at the Cairngorms wildfire. Those are the distances that we are talking about.

We had a success with the Union Street fire. Yes, the building had to be demolished afterwards, but there was not a single injury or loss of life in that incident. Although there was an impact for a brief period, Glasgow Central station, one of the key transport hubs for Scotland, was saved thanks to the intervention of firefighters on that day. It was a success. However, had there been a significant fire anywhere else in the country at that time, that lack of resilience would have been exposed, potentially with life-threatening consequences.

Maggie Chapman: I think—

Stephen Kerr: Were there gaps elsewhere in the country during the Cairngorms incident?

The Deputy Convener: Hold that question, I think that Maggie—

Maggie Chapman: No, that is fine—I just wanted to move the conversation on a wee bit. Do the stresses and the risks that you have outlined, Colin—and I wonder whether David Kennedy has had similar experiences—mean that people are choosing to leave the fire service because they have just had enough? What are the consequences of the fact that experienced workers are leaving? Even if a crew of nine or 10 people is available, that team will not have the level of experience that it might have had maybe five years ago. What does that do in relation to not only the risk factors that communities face but the wellbeing of that team?

The Deputy Convener: Do you want to quickly answer the Cairngorms question as well, Colin?

Colin Brown: There were huge gaps across the country during the Cairngorms fire because of the limited number of specialist wildfire units. To the service's credit, it has fought for additional funding for wildfire units—it has invested in and bought new kit and materials. However, that has not been rolled out across the entire country, because the funding to put specialist, lightweight firefighting kit on the back of every firefighter—we are talking about between £2 million and £4 million—gets stripped out very quickly when an incident runs for a month. If you do not want firefighters to put on dirty kit that contaminates them with carcinogenic toxic chemicals and fire effluents, you quickly realise that a £2 million to £4 million investment in personal protective equipment is stripped out in the first 24 hours of a job—that is potentially the sort of impact that we are talking about. So, yes, there were resilience issues across the country. Thankfully, nobody was exposed to anything catastrophic, but that happened by the grace of God, if you want to put it that way, as opposed to preparedness and resilience planning.

On Maggie Chapman's point, control rooms expose that aspect to an extent that we do not recognise in other parts of the service. We have seen attrition from control rooms, with an overwhelming number of staff going to jobs in the rail network, which are far better paid and where the environment is far less stressful. When you take an emergency call in one of our control rooms, somebody could die on that line to you, which has a huge mental and emotional impact.

On top of the attrition from control rooms, firefighters used to be able to have 30-year careers. However, people are leaving because of the pension changes that have been implemented in recent years. It is no longer particularly beneficial to stay, because your pension is the golden handshake—the reclaiming of the wages that you have put towards your pension over a 30-year career. All those things have consequential impacts on people seeing the Fire and Rescue Service as a lifelong career. That attrition happens regularly now, to an extent that we have never seen previously.

The impact on the ability of crews and the attrition of experienced firefighters is huge. It takes three years to become a competent firefighter—I mean not an experienced firefighter, but simply a competent one. If a crew contains firefighters in the early years of their career, the other crew members and the managers have a safety responsibility to look after them. If you have two

early-years firefighters in a crew you have a problem, because your breathing apparatus team requires competent firefighters to be deployed, given that its use is critical to life.

10:30

Maggie Chapman: David, I have a similar question for you about the loss of experience. What does that do for the ability of the officers left behind to deal with trauma?

David Kennedy: It is really difficult for them to deal with. First, officers are leaving because they are burst—I do not know how else to describe it. They cannot cope any more. As Colin Brown mentioned, what has happened with pensions has made people choose not to stay. However, they have left not because they cannot access their pensions but because the job is not good. They are leaving because of the trauma, the stress that they are under and what they have to cope with.

The knock-on effect for younger officers is terrible. You might have someone who has a lot of experience helping those who are younger to ensure that they get the training and the learning. At the end of the day, it is an apprenticeship, and it takes years to learn the job in any occupation. You learn when things go wrong, not when everything goes right. The problem is that things go wrong and then police officers are crucified for getting them wrong. Thereafter, they say, "I would never have got it right in the first place, because I am learning the job." Experienced officers leaving absolutely has a knock-on effect for the whole service, as we have seen. It costs £100,000 to train an officer, and it costs £100,000 to retire one, but there is more value in keeping people who are trained because, once they leave, the £100,000 is gone.

The Deputy Convener: Tracey Mulholland, if you would like to talk about similar pressures on staffing in the criminal defence sector please do so after we have heard from Lynne Thornhill.

Maggie Chapman: Lynne, you talked about fatigued workers, and we sometimes forget the load that the third sector holds in that space. We talk about public sector workers, but we forget that a lot of support is delivered by third sector workers, as Hamish Robertson mentioned. Can you say a little bit more about how you work with the third sector?

Lynne Thornhill: Absolutely—we welcome the opportunity to do so. I will add a secondary dimension: in addition to the high level of pressure, the level of demand, the need to be reactive, trying to address failings across the system and provide support, which leads to compassion fatigue, the risk of burnout, people choosing to leave and so on—all that is happening beneath a level of uncertainty about ongoing funding and, therefore, job security.

In addition to the environment in which we operate, we see multiple short-term commissioning cycles across the third sector—I am talking about one-year contract deliveries. Often, by October, November or December of the previous year, we are starting to understand whether funding will be sustained for a particular year. From a people perspective, when it comes to the processes that then take place, you are entering risk-of-redundancy-type processes. For people who actively deliver services, we have examples where, often, it can be February or the end of March before they know whether they have a job to continue with. At Sacro, we have experience of decisions being made after March, which means that we have to make an organisational decision about whether to hold the financial liability. I do not want to put my staff through a process in which it is quite likely that the funding will continue because we have demonstrated positive outcomes, but the local authority, the Government or the ADP—whoever is providing the funding—cannot give us a decision. There are really tricky decisions to make at all those points.

In addition to the pressured environment, that risk hangs over many of the people who work across the third sector. Outwith justice, that risk is a consequence of short-termism. What that means is that we cannot effectively plan, evolve and develop services because we are operating on short-term funding cycles. That all costs additional money because you are constantly standing services up and standing them down, aside from the personal cost to the people working in them in terms of their job security. Those people are there because they care deeply about making a difference in our communities through the support that they provide. It is important to emphasise that that is an additional pressure that people in the third sector face.

Again, that is partly why we advocate for ethical and fair funding, because the attrition and retention concerns mean that we are unable to pay the same rates as our statutory colleagues in justice social work. We can only pay what we are funded to deliver. Our contracts are lean. The majority of money goes towards people and people-related costs. David Kennedy said that, too. Across the sector, we cannot strip things back any more. We cannot get any leaner, because there is nowhere else for us to go.

When UpSide received flat budget funding for year 2, at the start of this delivery year, we had to look at how that would affect our overall full-time equivalent count. We had to make a reduction. We were lucky that we were able to do that by holding

vacancies rather than by going through redundancy processes with people, but that was because of the levels that we had. As things stand, we understand that we will have a flat budget again when we move into year 3, which will require us to have similar conversations.

In addition to the demand that we are currently meeting—we know that there is a significant level of unmet need in communities—we might have to reduce the number of people we are able to support if the funding cannot keep up with inflation. Last year was particularly problematic, because, as you will be aware, the national insurance increases had a significant impact. That is an unplanned known that the third sector and other partners have had to absorb. As we no longer have any way of absorbing it, the impact must fall on front-line work.

My final point is that it is not only the people on the front line, who deliver the service, who are affected; the managers and the support that needs to be wrapped around those people to keep them safe are also affected. There is an impact, too, on the time that we give to reflective spaces, to oversight, to supervision, to risk management and so on. Those are all part of service delivery costs. They are not things that are nice to have or add-ons. They are critical to ensuring that the quality of service delivery and the safety and wellbeing of our workforces who provide services in those tricky areas are sustained and maintained.

Apologies—that was probably more than you were expecting.

Maggie Chapman: Not at all—it was a really helpful answer.

Tracey Mulholland: I, too, found it helpful, in the sense that the private sector faces the same challenges as the third sector, especially in relation to the national insurance increases. I echo what my fellow witnesses have said about the issues with staff retention and loss of experience. We have experienced a haemorrhaging of defence agents to the Crown Office and Procurator Fiscal Service, the Scottish Government and other public sector bodies.

To be candid, it used to be more lucrative to be a defence solicitor and people would stay there for the length of their career, but that is no longer the case. Young people who come into the profession have to deal with the demands that have been spoken about. A defence solicitor can be on call 24/7. For example, they might be called out to London Road at 12 o'clock at night for a police interview, and they will still be expected in court at 9.30 the next morning for deferred sentence hearings. Young people who come into the profession see that their peers are not receiving adequate funding and so decide not to stay. They want to have a better work-life balance, so they move to COPFS or another public sector body because they know that that will be better for them.

The defence bar is ageing. I sometimes refer to it as being pale, male and stale. There are more men who perform the role; women are not staying. The fact that there is a bit of a cliff edge coming has been spoken about with other committees and in discussions that the SSBA has had with the Government.

An issue that other witnesses have talked about is that of the relationships and experience that people build up, which make it possible for them to get the ear of the sheriff. That way, if, say, they need to be in another court, the sheriff will trust them when they say that they cannot stay. They also build up relationships with the clerks of court. That experience and those relationships are developed over years. If the cliff edge that I mentioned comes to pass, the people with experience leave and the young people who come in decide not to stay, who will do the defence work?

Many of the issues that my fellow witnesses have outlined will affect the courts, too, and, as I said in my opening remarks, that is against a background of changes in Crown policy or court levels that we must respond to. We are not in charge of that process. If the Crown decides to change its policy, we cannot simply take on additional staff to deal with that. We must manage the situation by using what we already have, because we are unable to access additional funding.

Stephen Kerr: The Scottish Courts and Tribunals Service is talking about increasing its capacity so that, from January, it will be able to handle 26 High Court trials a day.

Tracey Mulholland: Yes.

Stephen Kerr: You smiled.

Tracey Mulholland: That is a lot.

Stephen Kerr: It is a lot.

You are describing a situation, or reflecting what the statistics say, which is that we have a falling number of cases that are being picked up by solicitors on legal aid. We have not got an available supply of solicitors who will take on cases with legal aid. How do we reconcile all that?

Tracey Mulholland: I suppose that it is a matter for you. For me, the simple answer is this: provide us with more funding so that we can provide them.

Stephen Kerr: But you said that it was a life-work-balance issue for younger people. That is not about money.

Tracey Mulholland: If you provide us with more funding, however, we might be able to take on more staff, which would allow that work-life balance to be implemented across the sector. That is the difficulty. We cannot retain the staff because there are better jobs, in their view, at the Crown and at other agencies, where it is more lucrative. There are more people there.

Stephen Kerr: If there is no more money in real terms as a result of this budget, what is going to happen?

I get the answer from the way that you respond to my questions. What happens?

Tracey Mulholland: The concern is about where, as defence solicitors, we end up working, and the work that we choose to do. Ultimately, we are private businesses. We can choose to do the work. We can choose to represent people.

I am not saying that this will happen. However, for example, I know that the Government want to introduce a sexual offences court, which is a great idea. You will not find defence agents saying that it is a bad idea. However, what might become a concern is the question of what that looks like. Do we have to take extra time, for example, to train to be in that court? Will we get continuing professional development? How is that CPD being funded? Who will provide it? Where is the money for that coming from? Will we need specialist accreditations? You might then find that defence agents say, "Do you know what? It's not worth it. It's not worth me taking on that extra responsibility or otherwise in order to appear in that court."

With respect, the committee has already seen that in respect of advocates. I think that advocates have given evidence to you previously. Some high-profile advocates have eventually said that they are not doing sex trials any more because it is too difficult for them to manage in their business and, I suppose, also in their personal life, given what they are dealing with. To speak on behalf of my members and colleagues, I think that there are the same stresses that we are talking about: you are dealing with people, trauma and difficult situations, no matter what side of the table you are on. You are still dealing with individuals in the public.

The idea that those things will be introduced without the funding to back defence might mean that those services are not properly serviced by defence agents.

Stephen Kerr: What does that mean? Does that mean that there will be longer delays, in effect, because everything simply gets piled up?

Tracey Mulholland: Yes. There would be lots of consequences.

Stephen Kerr: For people on remand, victims and trials.

Tracey Mulholland: Yes. For people on remand, victims, trials and all the rest of it. One point that I would like to make to the committee is that my view has always been that legal aid is a victims issue in the sense that, if it is not properly funded, it does not matter what side of the table you are on, there will be impacts—not only on our clients but on the witnesses and other people who seek to access justice.

The Deputy Convener: Amanda, do you want to come in on this?

Amanda Bland: I have three questions for fire, police and UpSide, but I am happy to pause on that to keep the flow for Tracey Mulholland.

The Deputy Convener: We will come back to you shortly.

Pauline McNeill: I have been trying to get in on fire as well.

The Deputy Convener: On criminal defence agents, is there anything further that you want to add? It seems to me that the discrepancy between funding for the Crown and the funding for defence agents has been a problem that has been in the making for several years but which is becoming a more and more unacceptable pressure in the period that we are in.

Tracey Mulholland: I appreciate that these are not exact figures, but my recollection is that the cost for criminal legal aid was about £97 million last year but that the funding for the Crown Office is almost triple that now. We are getting to that stage, which is problematic. I appreciate that the Crown Office deals with more things, such as fatal accident inquiries and deaths in custody, that defence agents are not involved in. However, that is stark, is it not? It is a real gap in funding. I understand that the Crown Agent and the Scottish Courts and Tribunals Service have costed, for example, the sexual offences court, and they are seeking more funding. If they are saying that they need more funding for that service, then we as defence agents need that as well, if you want to continue to have a robust defence system. Otherwise, it is unrealistic.

The Deputy Convener: Maggie Chapman has a supplementary on that.

Maggie Chapman: Tracey, you mentioned moves such as the 13 per cent increase in legal aid fees. Do you have the sense that the Government knows what needs to happen to ensure that there is legal aid funding and that we get the administration around it right? We know that there are legal aid deserts and that there is a postcode lottery. There is always the temptation to

just increase the fees again, but is the solution more complex than just addressing the fees issue?

10:45

Tracey Mulholland: Realistically, I want to say no—the problem is funding. There are other aspects to the funding issue. The Crown Office and the Scottish Courts and Tribunals Service have talked about modernising the system, and other witnesses have talked about the cross-party work that needs to be done with certain agencies, which are probably the ones that we work with more closely. Those organisations' submissions referred to modernisation but, to put it simply, what is the point in modernising those departments if there is no funding for defence to allow us to modernise? If we do not keep up with them, the cross-party work will not come to fruition and will not help at all. It will not result in any savings or help in moving funding to other agencies or areas that need it. That is why we need investment.

I would love to come up with an answer that was not just, "Give me more money." However, unfortunately, that is where the issue lies.

Maggie Chapman: That is helpful.

The Deputy Convener: That is interesting. We heard evidence from Malcolm Graham on modernising the court service, so it is great to get your perspective.

Marie McNair: Which reforms would be most helpful in improving court throughput?

Tracey Mulholland: I apologise for going back to what Mr Kennedy said, but it was interesting to hear about the issues with police officers going to court. The introduction of the summary case management system has resulted in fewer police officers going to court. Quite often, when I am in court, I see that police officers are not in court but are on standby. If that is not the experience, that is certainly what we are told.

David Kennedy: The police officers are on standby, but the problem is that they cannot do anything because they are on standby. That is the issue.

Tracey Mulholland: I thought that there had been savings in that regard. Policies that might help have been introduced.

The difficulty for defence is the lack of staff funding. I have often thought that, if I had more assistance and employed more staff in my office, they would be able to, for example, be in touch with the procurator fiscal more often, talk about more cases and have more engagement with services that would allow cases to be resolved earlier than they would otherwise have been. A lot of work is done across the table in the courtroom, because that is the only time or space that we have. Perhaps this is not appreciated but, as defence agents, our day does not finish at 5 o'clock—we might have to attend a police station, do our legal aid paperwork or do all the other things that we could not do because we were in court all day.

I am not sure what would help to improve things, but more funding to employ more staff to allow for more communication between the justice sector is important.

Marie McNair: In relation to modernising the court system, have the digital reforms created efficiencies?

Tracey Mulholland: The reforms have helped, but it depends on the practice. In our practice, we have iPads and are trying to go paperless. We chose to invest in that, but many businesses will not. I apologise to members of the profession for saying this but, generally, the profession is pale, male and stale. We are not talking about people who are particularly proficient in such changes to services, so there needs to be training and investment in those practices. If you go to Glasgow sheriff court, you will see plenty of people who still deal with paper files on their desk. That is why I have suggested that, if the budget prioritises modernisation of the courts and the Crown Office and Procurator Fiscal Service but modernisation is not applied to the defence, I do not think that it will work. It needs to apply to everybody or to no one at all.

The Deputy Convener: That answer is very helpful and can be taken together with what we heard from Malcolm Graham, as I said—thanks for crystallising the issue.

Stephen Kerr has a brief supplementary question.

Stephen Kerr: It is about the numbers. I accept that you are saying that you need more money.

Tracey Mulholland: Yes, please.

Stephen Kerr: The funding for legal aid has been pretty flat for the past couple of years. I am not entirely sure how the 13 per cent increase in legal aid fees is being funded, but what does the figure need to be? According to the Government, £170 million of funding is provided currently.

Tracey Mulholland: Yes, that is across the entire legal aid sector, I understand, so not just criminal cases.

Stephen Kerr: All the legal aid.

Tracey Mulholland: Yes. It covers civil cases—cases involving children and suchlike.

Stephen Kerr: Do you want to break it down? How much does it need to be?

Tracey Mulholland: We have often talked about this. As I said, the fee review mechanism that has been set out will examine that. In the SSBA, we have had lots of discussions about what the right fixed fee should be. The committee will know what a fixed fee is. When we appear in court, there is a perception that we want to delay matters. Actually, the only person in the room who has a pecuniary interest in that case being finished as soon as possible is the defence, because we do not get paid any more money for continuing matters or for adjourning trials. A trial must be over 30 minutes before we can earn an extra small sum of money.

The fixed fee for summary legal aid at the sheriff court level, which is the majority of people's practice, is now more than £600. For a long time, it was around £500. However, whether the fee is £500 or £600, it has not kept up with inflation. I think that summary fixed fees were introduced in the late 1990s. There was no increase until 2022, which was then followed by the 13 per cent increase that we have been discussing. However, those increases have really only kept pace with the cost of living, for example. However, we are employers and business owners, and we have had to absorb increases in the national minimum wage, the living wage, national insurance contributions and suchlike.

If you are asking me how much a fixed fee should be, it would be easy to say that any increase should relate to inflation. However, I do not have an exact figure for you.

Stephen Kerr: The fee is a strange number—it is £646.36. That is not enough.

Tracey Mulholland: No.

Stephen Kerr: Should it be £1,000?

Tracey Mulholland: I would like that, if that is what you are offering.

Stephen Kerr: I do not have any money. They have not made me a minister.

Tracey Mulholland: It is certainly closer to that figure in terms of what—

Stephen Kerr: It is closer to £1,000 than £646.36.

Tracey Mulholland: Yes. Ultimately, we are grateful that the fee review mechanism will examine that issue, and we hope very much that its assessment goes our way. However, we also hope that it will consider annual increases in fees and what is required to enable us to administer our businesses effectively and ensure that the defence profession is properly funded.

The Deputy Convener: I would be happy for you to take away Stephen Kerr's question and to provide the committee with either an exact figure or a broad indication of what you think that a figure—

Tracey Mulholland: Of what a fixed fee should be.

The Deputy Convener: Such specificity, which we also received from the Scottish Police Federation and other witnesses in recent weeks, is helpful when we press the Government for greater investment in this portfolio area.

Thank you very much for that exchange.

Pauline, do you want to come in with questions on the fire service? I will then bring in Amanda Bland.

Pauline McNeill: Yes, I want to pursue that theme, as it is relevant to both police and fire, and I want to put a question to Colin Brown.

I think that what Tracey Mulholland has been talking about is an example of the spend-to-save principle that Malcolm Graham referred to in his submission. There are examples of how investment in the criminal justice system, such as reducing court delays and retaining people in the profession—which are really important—can save money. Earlier, when questioning the federation, I pursued a similar theme. Over a period of more than 10 years, both services appear to have gone beyond efficiency savings and centralisation. It seems to me that we have reached a point at which not much more can be scraped out of either budget.

That is quite an important theme. I will put the same question to you, Colin. In the FBU's view, how did this continue for so long? Beyond centralisation and the removal of duplication, how have we ended up in a position where so much has been taken out of the budget that, as you have described, there are not enough fire and rescue officers to attend fire incidents?

Colin Brown: It has been incremental. That is the issue. There has been a slow drip of attrition across the service. Thankfully, no one on front-line operational roles has been offered redundancy as such, but there have been year-on-year reductions in staffing.

I have to say that talk of further public sector reform should terrify everybody in the public sector, because the experience of firefighters on the back of fire engines is that it has not gone so well. It took us until 2018 to settle whole-time firefighters' conditions and until 2024 to settle retained firefighters' terms and conditions, though the single service was created in 2013.

Year on year, there has been budget strip-back. I put it in perspective in my written submission. The Government gave a capital uplift of £1.4 million on

the back of the predecessor committee's submissions and the work that was done last year. I am sure that the Scottish Fire and Rescue Service welcomes that—we certainly did—but it has cost the service £4 million-plus to implement a decontamination-compliant hot fire training unit at Perth, which the Cabinet Secretary for Justice visited on its opening. The scale of investment that is required to start shifting the needle on firefighter training, firefighter safety and the community safety that comes on the back of that is significant.

Pauline McNeill: I know that it is water under the bridge and that we cannot turn back the clock, but I am interested in the narrative, because it is important to recognise that centralisation has, in effect, been what Ivan McKee asks for all the public sector and you have reached the point where you ask what more you can scrape out of such budgets.

I know that there are upsides to centralisation. I do not deny that. The deputy convener talked about the fact that you can bring resources from elsewhere. However, has it also been the cause of so much money being stripped out of your budget in the first place?

Colin Brown: Absolutely. There were initial high-level savings from removing seven of the eight chief fire officers and the infrastructure that supported them. There are obviously savings from that but, as David Kennedy said for the police, the cost of the packages that the fire chiefs left on probably outstripped the initial savings. The budget pressures that the Scottish Fire and Rescue Service faced in 2023—a shortfall of £11 million between the expected expenditure and what the service had—caused it to, in its words, temporarily remove 10 whole-time fire appliances. That is 10 fewer fire engines protecting the communities of Scotland. Along with that, the service reduced the overall head count by 166 firefighter posts. The lie that those were all front-loaded, early savings from the budget is betrayed by what happened in 2023.

Pauline McNeill: Have the unions met Ivan McKee? Are you meeting him? Has what you say been recognised? We are about to enter into the budget discussion with all the stark warnings. It seems to me that you want to make the point loud and clear that the starting point is that too much has been taken out of the police and fire services already in the past 14 years, so what else does the Government think that they can do to reform?

Colin Brown: Without being flippant, this is perhaps the most succinct answer that I will give to any question this morning: my answer is no to all three of those points. No, we have not met him. No, we have no plans to meet him—certainly, the Government has not approached us to meet. No, the Government has not spoken to us about the matter.

I refer to reasonably recent public statements that the hundreds of millions of pounds that has been stripped out of the fire service has been reinvested in the front line. That is not the experience of our members. We have an £800 million capital backlog in fire stations that are crumbling and held up by scaffolding. Firefighter posts have been reduced by more than 1,200 since the creation of the single service. Five of eight control rooms have been closed and we have short crew on the back of appliances. We do not see that as an investment in front-line services.

The board's decision from last year's service delivery review, which concluded in June this year, is to remove front-line firefighters to staff departments. Those are all vital roles, but that is just shuffling the deck chairs.

The Deputy Convener: I raised the question about resources being moved across the country and I appreciate what Pauline McNeill said about there being some benefit in that from using resources effectively, but I also feel compelled to express my personal concern from my work in the Parliament and as a constituency MSP about the capacity within the service and response times. The service is, in effect, an insurance policy for individuals, businesses and communities when something extremely bad happens. Colin, would you like to express your concerns, and those of your members, about the diminishing capacity to respond and how, if we continue along this path, we might not be well prepared to meet the risks in the future?

11:00

Colin Brown: I think that what happened this summer has exposed the reality and is the answer to your question.

This situation is not unique to Scotland—it is UK-wide. For at least two decades now, chief fire officers across the UK have—not entirely but almost uniformly—taken the position that we can cut more firefighter numbers and do more with less. That approach was exposed in the most brutal terms with the wildfires across the UK this year, when chief fire officers from the very south of England were on the phone to Scotland's chief fire officer, saying, "Can you send firefighters, pumps and specialist wildfire resources? We cannot deal with the fires that we've got." I believe that, for a period in Wales, there was not a single fire appliance in station, because they were all deployed to incidents.

Scotland has the benefit of what David Kennedy has termed pan-Scotland resources that it can mobilise across the country, but the issue is the

types of incidents that we are seeing. As the Scottish Fire and Rescue Service has said in its submission—indeed, the FBU said as much, too—this is all about the changing risk. The service has said that the budget is

"a choice about risk and resilience."

We need to recognise the changing risk that we face. Yes, we have been very successful in reducing domestic dwelling fires, and the casualties from them, but, as David Kennedy has pointed out, we have seen a spike in other activity that has required us to support other services. For example, firefighters have had to support the Scottish Ambulance Service on occasion. That sort of thing is currently outside the contractual obligation of our members, but we are not going to see someone left in distress. There have been situations in which firefighters have sat with somebody with suspected broken hips for nine hours, waiting for other services to come on scene. When you have that resource sitting there for nine hours, doing nothing other than trying to keep somebody comfortable, it poses a risk to the community, because that highly trained, highly skilled and highly equipped resource is unable to respond to any other incident that might arise.

I go back to my earlier comment about firefighters travelling from Crieff to Aberfeldy. That is a 25-minute delay—or a 25-mile journey—for them to get to an incident. If the Crieff pump has to sit with a casualty for nine hours, where is the next nearest pump that is available to respond to an immediate life risk? That is what we are talking about with regard to the lack of resilience in the system that you referred to, deputy convener. It is not about what happens every single day—it is about what happens on the worst day.

The Deputy Convener: Thank you. Stephen Kerr, do you still have a question?

Stephen Kerr: I wanted to follow up on Pauline McNeill's line of questioning to Colin Brown about what the Government has said, and to extend it to David Kennedy.

The Deputy Convener: I will bring David Kennedy in shortly, but I will go to Colin Brown first. I also want to give Amanda Bland her chance.

Stephen Kerr: My point is this, though, Colin: you have not met Ivan McKee, but you will have met Neil Gray. Can you tell us what he said to you in those conversations about public service reform as it applies to your service, and about the budget vis-à-vis the spending review numbers that we have in front of us, which are not very cheerful?

Colin Brown: I agree that they are very much not very cheerful. That is a very polite way of putting it.

The initial conversations that we had with the cabinet secretary were very introductory; we set out our position, and the cabinet secretary was very much in listening mode. There was no detail on budget projections.

There was also discussion on opportunities for further reform. The submission that has been around for four years now, which I referred to previously, makes it clear that further reform is achievable in Scotland's fire and rescue service, but it requires the front loading of funding. That reform involves firefighters responding to other incidents.

Stephen Kerr: It is effectively a change-up, right?

Colin Brown: Absolutely. Despite the fact that, as we have said, firefighters in Scotland are already being asked to do more with less, there is a willingness to do that activity, and a recognition that firefighters have access to areas of the community that other authorities do not. As David Kennedy knows, his members will struggle to get access to some of the properties that we can get into, just because of people's relationship with law enforcement compared with the humanitarian services. That is just the reality of today's society.

The Deputy Convener: I will bring in David Kennedy shortly, but I want Amanda Bland to ask her question first. I am sorry to keep you waiting, Amanda.

Amanda Bland: My question is for Colin Brown. You have talked about ageing stations, reinforced autoclaved aerated concrete issues, inadequate decontamination and a serious shortage of staff. Can you talk the committee through what assessment, if any, has been made of all that and what the cost implications are? I am thinking about long-term sustainability and the safety of firefighters, and about things such as robots, drones and emerging technologies. From the conversation that has been had, what does all that look like?

Colin Brown: That is complex. As a representative of firefighters and their terms and conditions, I can say that all that work currently sits outside our recognised role. It is to their credit that the national employers at our UK-wide national joint council, the FBU, the National Fire Chiefs Council and—for now—the UK Government are looking at how to revisit the roles of firefighters and at what work can be undertaken alongside creating a development pay pathway. Currently, once you are competent as a firefighter, that is your wage for your entire career unless you get promoted; it is not like the scales that you see in the national health service or higher education.

All that work has been undertaken because there is a recognition that the post-war operating environment of 1945 is very different from that in which we exist now. Mobile phone technology and drones did not exist then, so we need to look at what can be done to bring those technologies into a fire rescue.

The Deputy Convener: We have about 15 minutes left of this session, colleagues.

Amanda Bland: Could I ask one question to David Kennedy?

The Deputy Convener: Yes.

Amanda Bland: I would really like your thoughts on remote custody suites. Obviously, I am thinking not of replacing them but of capital investment. There is a shortage of suites just now and a lot of conversation about the fact that officers have to travel long distances to them. We have heard about health and safety issues, and I had a conversation recently with a senior officer who talked about virtual custody suites. I want you to give me your thoughts on that.

David Kennedy: Would that be virtual prisoners as well? No—I jest. There is a health and safety issue, clearly. What is being looked at is having a sergeant who would be there remotely, looking at a video screen, to make a decision on the custody. If the custody were in an island somewhere, somebody else would be able to look at what was happening and make a decision based on that. The remote custody is more about the supervision.

The reality is that we do not have enough custody suites and that we require them. Ms Mulholland mentioned the London Road police station, where the custody suite has been shut; it seems nonsensical to me that we have closed it after spending £6 million on the station. Various things are in play, and we have to ensure that we have enough custody suites. The remote element is about having a supervisor who looks after the prisoner remotely, so it must be somebody who is trained to do that. However, that can cause difficulties—what happens if the internet goes down or something happens in the cell?

The only way that I think that the Government could save money is by looking holistically at how the police service could save money for defence, and how defence or the fire service could save money for the police service. None of us, as organisations, can save any more money—we just cannot. For me, a holistic approach is now required in our communities. Lynne Thornhill mentioned collaboration, and that is the only way that I believe that we can go forward. We cannot keep saying that we will all come here to fight for our own corner, our own money and our own organisations when the Scottish Government is cutting funding by 5 per cent in the public sector. That is what it told us, Mr Kerr: that it is looking at an overall 5 per cent cut across the whole of Scotland.

Stephen Kerr: A cut?

The Deputy Convener: Is that across the Scottish budget?

David Kennedy: Yes, across the whole of Scotland.

Stephen Kerr: But not specifically in the police sector?

David Kennedy: No, across the whole public sector.

The Deputy Convener: That is an important clarification, thank you.

Maggie Chapman: Police still rely on the third sector, though—

The Deputy Convener: Well, yes.

David Kennedy: That is what we were told the Scottish Government is looking at. I said, “Please don’t pretend. If you are looking to save money or trying to reform, please don’t pretend to members of the public that they are going to get a better service, because they won’t.” That is the reality. We have to invest. What is particularly difficult for me is that, where I sit, I look at fatal accident inquiries and the amount of money that those cost the Government, and I see that there is money that could be saved there. That is not cash that will be saved straight away, but it will be saved down the line.

That is the way that we have to look at how we save money—it is about saving money in the future. The problem is that we are always trying to save money for next year, but we need to look at how we save money in five years’ time and then invest, so that, when that comes around, we have saved the money.

The Deputy Convener: I have a question for you, Mr Kennedy, and I will bring Stephen Kerr back in at that point, but I know that Maggie Chapman has a question for Hamish Robertson, so go ahead, Maggie.

Maggie Chapman: Thanks very much—

The Deputy Convener: Sorry, but I just want to say that, if anyone round the table wants to say something but has not yet had a chance to say it, please signal to me now, because we are running out of time and I want you to have your chance.

Go ahead, Maggie.

Maggie Chapman: Thanks.

I was struck by Hamish Robertson’s point that

we have started becoming more interested in outcomes, when really what matters is stability. That distinction is important and it is not something that we talk about. There was a shift from considering what services are being delivered to considering outcomes, and we have kind of got stuck on the outcomes bit. Can you unpick that a little bit and say what it means for how we think differently about setting the budget?

Hamish Robertson: You are right that we do not spend enough time talking about stability but, even when we look at the outcomes, we find that oftentimes the outcomes that people are asked to shoot towards are not real outcomes, and they are certainly not outcomes that will prevent something from happening in future. For example, outside the justice sector or even in a justice setting, a job in itself is not necessarily an outcome. It is about whether that is still there in 13, 26 or 52 weeks. It is even something as simple as that.

A lot of members round the table will be familiar with the employability provision across Scotland, much of which is focused on activity-based outcomes. That is, it is about how many people were helped to get an accreditation, or how many people did a construction skills certificate scheme—CSCS—course and so on. Actually, none of those are outcomes; they are activities. An outcome, and in particular a sustained outcome, is about whether something happened, and whether it stayed for a long time after that.

There are two things there. One is that we do not even talk about stability right now, and I would like us to talk about that because, if you have stability, the chances are that the sustainment will happen. Secondly, we need to be clear on what outcomes we are targeting, and whether we can evidence those in real terms and see whether change actually happens.

I am fortunate with one of the services that we deliver, which is a really nice example of that. It is funded by the child poverty directorate and is a fundamental service that, over four years, will support in the region of 6,000 families with children across Scotland. One thing that has worked really well with that is that we worked directly with analysts from the directorate to define what evidence of tangible change looks like in real time. We have a mutually agreed marker that says whether success is happening. Change is demonstrated through more money in people's pockets; tangible labour market progression; tangible evidence of life satisfaction; state savings; and stability, plus a couple of other hard and tangible outcomes that you would immediately jump to. It has been very refreshing to work with that directorate to define what success looks like in flight, instead of evaluating something when it finishes.

We have fantastic evidence of how that can work, and I am happy to show any members of the committee how that is tracked.

Maggie Chapman: That would be helpful.

The Deputy Convener: Perhaps you can share that with the committee in writing afterwards, if that is appropriate and practicable, as we would be interested in it.

Hamish Robertson: I am happy to do that.

The Deputy Convener: Thanks for reminding us of the power of investing to save, and how community safety and justice are, of course, impacted by so much else that is going on in society. We will hear more about that from our next panel.

I have an indication that Stephen Kerr and David Kennedy want to make some final points. Am I correct that nobody else wants to come in?

Maggie Chapman: I want to come in again, if there is time.

The Deputy Convener: Is your question about policing or something else?

Maggie Chapman: It is about community infrastructure.

The Deputy Convener: We are running out of time, but you can ask it quickly.

11:15

Maggie Chapman: Hamish Robertson and Lynne Thornhill have made the point that we need to stop seeing the third sector and community infrastructure as optional. Such infrastructure is vital and enables public services to be delivered. Funding for the third sector is always what gets cut first—

The Deputy Convener: In fairness to the Scottish Government, we have had no indication from it that it is going to cut funding for the third sector—

Maggie Chapman: The 5 per cent has to come from somewhere.

The Deputy Convener:—but we can question it about that next week.

That usefully connects to what Hamish Robertson has said. Lynne Thornhill wants to come in briefly, and Stephen Kerr and I will then ask some questions for David Kennedy, who can say some final remarks.

Lynne Thornhill: I want to build on and support Hamish Robertson's point about shared outcomes and how we can better commission those collectively. Aligned to that is the question of how

we hold people across the sector accountable for that.

My final point is that there are current systems and structures in Scotland—I am thinking about community planning partnerships, community justice partnerships and so on—that involve individuals in the justice system as populations of interest, but collective ownership and accountability is often missing when we scrutinise the outcomes and consider what has been successful. We need to set the outcomes collectively so that we all have a vested interest in achieving what is needed for a person to be sustained in their community in a safe and stable way, as Hamish Robertson said. Ultimately, there should be a wellbeing focus, which is often missing, at the heart of our work.

The Deputy Convener: Thank you for emphasising that.

Stephen Kerr can ask his question and then I will ask mine before we let David Kennedy answer both and say any final things that he wants to say.

Stephen Kerr: In its submission, Police Scotland talks about its fallback position. The proportional response to crime initiative started in the north-east and was then rolled out across the whole of Scotland. Now, Police Scotland is talking about prioritising emergency responses to high-risk incidents—in effect, an even higher level of limited policing. What would be the impact of a flat-cash budget for Police Scotland in relation to the distinction between maintaining an emergency response service and providing the comprehensive policing service covering the Peel principles and the preventative work that Lynne Thornhill mentioned? Preventing crime is at the heart of the Peel principles of policing, is it not?

The Deputy Convener: I ask David Kennedy to hold that thought while I ask my question.

Colin Brown talked about the risks relating to the Scottish Fire and Rescue Service's capacity to respond to a significant emergency or a multitude of emergencies, and he talked about the general pressure on the service, whereas David Kennedy spoke about the pressures on police officers and the capacity in the police service. There is a risk to society if the fire service is not able to respond in time—there could be damage and pain, and the consequences could be tragic in many ways. There is an aspect of that in relation to policing, too, but there is also the issue of upholding the rule of law, which is fundamental to our democracy and our society as a whole. In your concluding remarks, do you want to touch on any concerns that you have about upholding the rule of law on the streets of Scotland?

David Kennedy: On Mr Kerr's question, a flat-cash budget would be devastating for the police service. We have not been able to invest, given that the police service has lost £200 million over the past 10 years.

I go back to Pauline McNeill's comments about the more than £2 billion. There has been no crime prevention—we do not do it. We do not invest in crime prevention any longer. We stopped training people in crime prevention. There used to be a four-week course at Tulliallan—we stopped doing it. We stopped going to events. We used to run events for children. We deal with all parts of society and with the third sector as well, but we do not do any of that anywhere as much as we did before, and that is because of the cuts.

You talk about flat cash, and what will happen now is that the only way the service will be able to save money is to cut officers, and if we cut our officers, there will be a knock-on effect. The north-east pilot, no matter how you want to wear it, was about cops not turning up at calls to go and see people. The problem there is that—we have always relayed this point—if a member of the public phones the police service, I might not deal with what they actually phone about. For example, I might get there and find out that the lady who phoned us has done so because she is domestically abused and is just trying to get a reason for the police to turn up at her door.

That is the point that we make. We need police officers in society. We need to guard, watch and patrol. We need to go back to the basics of what policing is there to do, and that is to protect our society.

I have one other point. The biggest risk that we have in the police service now is online child sexual abuse. The risk that sits with Police Scotland is through the roof at the moment. The problem with that type of crime is that it has a long trail afterwards. After you catch an offender, all the work that comes off the back of that will be with the police service until that person dies, probably. That is the reality, because you will have to continually do checks on them and make sure that you are following up all the time, and that is part of the investment.

I know that everybody here wants the same thing, but we have to look at the fundamentals if we are going to cut. I do not believe that we can afford to take any more money out of the police service in Scotland than we have. We have to start looking at investing. We have to look holistically across all the organisations for any savings. We need to be looking for savings for the future, and we need to look at the things that we can stop.

I will give an example. A friend of mine's brother had died, and it took seven hours for the ambulance service to go to the house, so we were waiting for the ambulance for seven hours. If a police officer has attended, that would have been a fatal accident inquiry, but it was not for the ambulance service. My point is that such a fatal accident inquiry would have a massive knock-on effect on the finances of the police service, because it has to pay for all the legal costs that come off the back of that.

We are not saving money. We are building a house and putting a really bad roof on it, and then when the worst thing happens, we have to spend all that money later on. We need to get in front of that, which will take investment. I know that the Government might be saying that it does not have the money, but we have to look to invest now so that we can save money in future.

The Deputy Convener: The services that you all deliver are fundamental to our society. We are grateful to you all for your time and your inputs today, which will help us in our pre-budget scrutiny and the Parliament's as a whole.

If everyone feels that they have had their voice heard and been able to say what they wanted to say, I will bring this agenda item to a close.

I will suspend until half past 11, and relinquish the chair, because our convener has arrived.

11:23

Meeting suspended.

11:32

On resuming—

The Convener (David Linden): Colleagues, welcome back. To those who are watching online, I apologise that I was not here for the first panel of witnesses. Suffice it to say that a strongly worded email has gone to ScotRail. I am grateful to the deputy convener for overseeing the consideration of SSIs and our first round-table session on pre-budget scrutiny.

We now have an evidence session with Stephen Boyle, Auditor General for Scotland; Karyn McCluskey, chief executive of Community Justice Scotland; and Craig Naylor, His Majesty's chief inspector of constabulary at HM Inspectorate of Constabulary in Scotland. My intention is to give all colleagues around six to seven minutes each to question our panel of witnesses, for whose time we are incredibly grateful.

I will kick off with a question to Mr Boyle. Am I right in thinking that Audit Scotland found that there was no evidence that 16,500 is the right number for police officers? What evidence should the committee expect before agreeing to the extra 850 officers that Police Scotland has asked for?

Stephen Boyle (Auditor General for Scotland): Good morning, convener, and thanks to the committee for inviting me to join you.

Craig Naylor and I reported the finding that you referred to following our joint audit and inspection best value report on policing in Scotland, which we published at the beginning of the year. It represented a view that probably reflects the progress that is still to be made on workforce planning in policing in Scotland.

The committee and members of the Scottish Parliament will recall that there was another number—not 16,500 but 17,234—that was the floor for police officers in Scotland. Since that restriction was removed, the number has fluctuated but, at the time of our report, it was 16,500.

Craig will want to say more about this, because it is more his area of expertise than it is mine, but, in the course of our audit and inspection, we did not see evidence that showed that that was the right number of officers to be able to deal with the pressures and responsibilities of policing in Scotland today. We identified that there was a need for more progress to be made on workforce planning and on sensitivity and scenario analysis of the demands on the service and how policing would respond to those in the years to come. That position is one that Police Scotland understands. The evidence that the Public Audit Committee took towards the end of the previous session of Parliament reflected the fact that there was still a need for progress to be made on that number.

However, you are right in what you said in your question—we did not find enough evidence that 16,500 was the right number.

The Convener: Before I bring in Mr Naylor, I want to ask about the overtime bill for Police Scotland, which has gone up by around 42 per cent. Do you have any reflections on why that is the case?

Stephen Boyle: We have not done an audit to explore the detail behind that, so I am not in a position to give you a definitive view on the circumstances behind that rise.

The Convener: That is fine. I see that Mr Naylor is looking to respond to those two questions.

Craig Naylor (HM Inspectorate of Constabulary in Scotland): I will preface my comments by saying that the figure of 16,500 is based on a budget settlement rather than being an expression of evidence. Similarly, when the figure was 17,234, we made the comment that that was a budget settlement figure rather than an

evidence-based suggestion. It might be the case that more, as opposed to fewer, officers are required.

We need to understand what the demand currently is and how that demand is being met by the number of officers and staff that Police Scotland has. When I called for the 17,234 figure to be removed as a baseline, I did so to allow the chief constable to have the ability to flex resources so that—I think that it was Mr Kerr who raised this earlier in the meeting—additional police staff, who are more suited to and skilled in the tasks that they are asked to fulfil, would be available.

Police Scotland is currently working hard on a number of pieces of work, one of which is its medium-term financial plan, which was presented to the Scottish Police Authority at its most recent meeting. The plan, which was approved at that meeting, looks at three scenarios: scenario 1 relates to a flat cash settlement and what that would look like; scenario 2 involves sustaining the current level of investment; and scenario 3 relates to the police ask to grow the workforce in order to meet the demand that they currently face.

Unless I have got this wrong, Police Scotland is talking about investment that would give them an additional 520 staff over the next period, including 172 new officers and 262 new staff. That is based on figures that it has outlined in its submission to the committee. I am sure that, if Police Scotland came to give evidence to the committee, it would be better able to articulate its position. It is one that I am supportive of, to be honest.

The Convener: Police Scotland has a staff absence rate of roughly 10 per cent. Is that right?

Craig Naylor: I would not have said that it was that high. My recollection is that the most recent figure was between 7 and 8 per cent. I think that a figure of 10 per cent represents a rounding up, but I do not have the exact figure in front of me.

The Convener: That is fine. I am sure that we can clarify that.

Craig Naylor: May I cover the question about overtime?

The Convener: Yes, of course.

Craig Naylor: The overtime bill has gone up over the most recent period, but we need to look at the level that it was at when Police Scotland was created. When Police Scotland was established 13 years ago, the overtime bill was in excess of £55 million per annum. With inflation and everything else, that would take the figure to more than £80 million per annum, but the organisation currently has an overtime bill—you will have the figures in front of you; I do not—of about half of that in today's currency. Therefore, spend on overtime has reduced considerably over that period.

It would be fair to say that the challenges that Police Scotland faces in relation to policing football matches, demonstrations and protests, dealing with counter-state threats and organised child sexual abuse and exploitation, and maintaining safe operational levels on the street are why the overtime bill has risen in the past couple of years.

The Convener: I turn to Karyn McCluskey. Community Justice Scotland's submission talks about the importance of sustained investment in justice social work services. Can you give us a picture of where the challenges are in that regard?

Karyn McCluskey (Community Justice Scotland): Sadly, community justice does not involve only justice social work. The committee heard from some partners in the third sector that are an integral part of the community justice landscape. There has been a small increase in funding over the past few years, which has mainly gone to justice social work, but it has been offset by inflation, the recruitment and retention of social workers—which I am sure that colleagues in Social Work Scotland will mention—and the unprecedented levels of challenge facing the third sector. I heard colleagues in the previous session talking about that—they have been incredibly severely hit.

Funding has not kept pace with inflation, and the funding that is there has not increased year on year. I volunteer in a number of third sector organisations, and I know that we give people redundancy notices every January, because we do not know whether the funding is going to increase. They are a critical part of all of this. I came before the committee a few weeks ago with Sheriff Pattison, and it is clear from what he said that sheriffs rely on the services out there so that they can sentence people properly and with efficacy. If they are not there, it just creates huge inconsistency in the area. There is also the precarious situation being faced by incredibly skilled staff—you have already heard from a number of them—and those people are exiting organisations to get more stable employment.

The Convener: We are seeing particular challenges with justice social work in rural communities.

You mentioned digital fragmentation as being a significant challenge. Can you say a bit more about that? I believe that you also said that agencies are continuing to operate different systems.

Karyn McCluskey: Absolutely.

The Convener: Tell me a wee bit more about

that. The Cabinet Secretary for Public Service Reform will be coming before us next week, and we all understand that there are issues of silo working and duplication to deal with. Can you give us a bit more of a flavour of what that looks like so that we can get into it?

Karyn McCluskey: We have been desiring greater interoperability for the last decade. I have been in justice for 30 years now, and I know that policing systems, Crown Office systems and SCTS systems are all archaic at best. They do not speak to each other; it is incredibly difficult to follow people through the system; and members frequently ask me for data. It is a significant challenge. You talked about outcomes, but it is very hard for us to follow people through the system with the pretty old systems that we have just now.

We have just not invested in them. Because there is no overall justice funding, every agency changes their systems in isolation. Malcolm Graham from the SCTS, whom I think members have heard from, has written a paper on what a digital system could look like, but that will require sustained funding over a number of years. We are now in 2026, and we are operating with systems that are 20 to 25 years old. It definitely makes things much more difficult.

The Convener: Lastly, I recall that, when you were previously before the committee, you told us about some back-of-the-envelope calculations on the kind of investment required. Can you put a figure on how much it is costing the sector to operate almost in an analogue state in what is a digital age?

Karyn McCluskey: As far as the technology is concerned, no, I cannot. I think that you will need to get someone who is slightly more articulate on digital matters to do that. Certainly Malcolm Graham and the SCTS have tried to put a number behind that.

With regard to the bigger system, I think that we need to look at the cost of failure in the system, because we are consistently dealing with failure. I do not know whether it has been made available to members, but I would just mention the ”Hard Edges Scotland” report, which looks at people in the justice system who are dealing with severe and multiple disadvantage, mental health issues, homelessness, addictions and so on. Two weeks ago, WPI Economics two weeks ago estimated the cost to the Scottish economy as £5.8 billion. That is not in a line in the budget, but it is the cost of failure in the system.

SCTS colleagues have recently done a pretty spectacular piece of work on the 2,900 people who pretty much take up 25 per cent of all court time and account for 50 per cent of all warrants. That is a huge number, and these are the people who are falling through the services.

The irony is not lost to me that the Health, Care and Sport Committee and the Social Justice, Housing and Local Government Committee are sitting at the same time as this committee. We are an incredibly expensive failure system; we are failing victims—

The Convener: Just to be clear, though, the figure that you have mentioned is roughly about £5 billion, while the justice budget is about £4.3 billion.

Karyn McCluskey: Absolutely, so we are dealing with failure. In the previous session, David Kennedy mentioned that we do not do crime prevention. Under the Peelian principles, the litmus test of great policing is

“the absence of crime and disorder”.

That is fundamentally about prevention, and in a country of 5 and a half million people, we should be able to pivot and change the budget so that we spend more on preventative approaches. That said, I do recognise that we have to fix things whilst they are moving.

The Convener: Excellent. I will now hand over to my colleague, Pauline McNeill.

11:45

Pauline McNeill: One of the themes that I pursued in the round-table discussion is the police and fire budget. The centralisation of those services happened at roughly the same time. You will be familiar with the figures but, until I read Police Scotland’s submission, I did not know that it is now claiming that more than £2 billion was saved by centralisation; it used to say that the figure was £1 billion, but now it is £2 billion. Quite a lot has come out of the policing budget. The figures for fire service are certainly big, too.

You will have heard the FBU say in response to my final question that centralisation, which the union supported at the time, is part of the reason why so much money was taken out of the fire service budget. My starting point is to ask whether you share that view in the context of the budget process that we are about to undergo, which will be a bit different in so far as the services are looking at reforms, big savings and, potentially, flat cash settlements. My view is that the starting point for those services has to be, “What more can we possibly cream off?”, because they have probably suffered in not having had the investment that they should have received by now. That is what I will be saying to Ivan McKee next week. I hope that he recognises that. What are your thoughts? Perhaps Stephen Boyle could go first.

Stephen Boyle: I am very happy to start on that point. Committee members might be familiar with the fact that Audit Scotland has reported extensively on police reform, in particular. I have mentioned already this morning the joint report that HMICS and Audit Scotland did on best value arrangements. Prior to that, we produced a number of reports on police and fire reform. There is also our statutory reporting through section 22 reports on the Scottish Police Authority. All those chart some of the history that you refer to of savings being made, challenges in the delivery of service and the evolution of leadership and governance that has happened over the course of policing history in Scotland—I will mention fire in a moment.

It comes down to prioritisation, through the committee's pre-budget scrutiny, the budget in December and then the post-budget scrutiny arrangements. Public service reform is a part of the prioritisation. In our work over the past few years, we have consistently pointed to the financial sustainability challenges in Scottish public services. The most recent version of the Government's medium-term financial strategy projects a £4.7 billion gap between spending ambitions and anticipated available resources. That will be the key point.

I absolutely accept that prioritisation might feel challenging or even harsh for public services such as police and fire that are already ahead of many other parts of public service. Our reporting has pointed out that, in many respects—although some in the college sector might challenge this point—police and fire reform was the most recent substantial reform of public services.

The prioritisation will be for the Parliament to decide. When you consider the budget and then undertake post-budget scrutiny, it will be for you to decide where you wish to allocate the resources. Although there might well have been savings in the Scottish public services, we are where we are, and the Parliament must now take decisions to tackle the fiscal challenges and to invest in reform while services continue to be delivered.

I have spoken a little bit about policing, and I am sure that other colleagues on the panel are better placed than I am to give informed judgments, but I want to highlight to the committee that we are currently in the midst of another joint audit and inspection. Audit Scotland and His Majesty's Fire Service Inspectorate in Scotland are currently doing a best value audit of the Scottish Fire and Rescue Service's estate. Particularly noteworthy this morning were the FBU contributions about the estate that the Scottish Fire and Rescue Service is dealing with and the changing nature of the demands on the service, which, in many ways, mirror the changing demands on policing.

My final comment—and I thank you for your question, Ms McNeill—is that the decision making is not just about this year or next year; it is about planning to deliver services whose natures are changing and implementing change at the same time. It certainly requires investment in digital, measurement of the intended outcomes and consideration of the physical estate. I note that the cabinet secretary's letter to the committee makes those particular points. For us, it is about seeing the evidence and the intention and, thereafter, measuring the outcomes.

Pauline McNeill: I hear what you are saying about the fact that it is for the Government to set priorities, and the committee will offer its opinion once we have taken evidence. However, do you accept that, if we want reform in the police and fire services, we will have to put some money in, because all the money that was taken out is no longer there? When I said that we are where we are, I meant that we cannot roll back the clock. The centralisation of those services took out an inordinate amount of money from the system—I would question why so much money was taken out, but we cannot change that. However, do you accept that there is going to have to be some money up front in order to make any reform work?

Body-worn cameras are a good example. Police Scotland was the last service in the United Kingdom to roll them out nationally, but they are being used now. However, an inordinate amount of time spent on administrative duties goes along with that. Police officers will tell you that they have to take a lot of time out to download the data from their body-worn cameras, and that no one really appreciated how long that would take. Again, do you accept that there will have to be some money invested in Police Scotland to deliver some of the reforms?

Stephen Boyle: I absolutely accept that there will have to be investment. It is an issue of prioritisation. It is not my role to comment on the merit of policy, but I absolutely recognise that, in order to transform public services, there will have to be investment. The issue of a spend-to-save approach has, quite rightly, been mentioned, which goes along with preventative spending and preventative budgeting. If those approaches are not taken, the circumstances will involve managing the condition and managing an estate that, in some parts of the public services, is no longer fit for purpose.

We can see that if we look at some of the numbers. For example, in the national health service, higher education and the Scottish Fire and Rescue Service, there is a huge backlog of maintenance. The changing nature of how services are being accessed, too, points to the fact that we are using a model from a number of years

ago and not necessarily one that anticipates the future.

I absolutely agree with the point that Karyn McCluskey made about the fact that investment is required in the digital estate across Scotland's public services. It has not been prioritised in the way that it needs to be. Some of the small but important issues, such as summary case management and digital evidence sharing capability, give security and solidity to the existing provision but they also change the nature of what is being done, and there is a need to anticipate what that means for service provision. However, I absolutely accept your premise.

Craig Naylor: I echo what Stephen Boyle has said. The service would not exist if there had not been reform 13 years ago. We would not be able to police with the eight traditional organisations that we had. The time that was taken to create a single crime operating system over 10 years was down to the budget not being available to invest in that sort of capital infrastructure. If we continue to not be able to invest in that sort of capital infrastructure, some savings will not be achieved. One of the things that we reported on this year, along with HM Inspectorate of Prosecution in Scotland, was the issue of citing witnesses to court. There are 350,000 citations per annum, each of which involves a second-class stamp on the outward envelope and a second-class return stamp, as well as paper and printing costs. Further, when the citation is not served, which is the case with about 160,000 to 170,000 of those, they are sent to a police officer for service. I disagree with David Kennedy, as I think that we should not be sending any of those to the police for service. Instead, we should be using digital methods that are more trauma informed, cheaper and more engaged in how people live their lives, recognising that there will be people who are not digitally enabled, and that that small number are the people who we should focus the higher-end service on.

That is the sort of saving that we need to be investing in right across the system, not just in the police or the courts. We should take a view right across the system, so that we can understand how the whole system works and how people engage with it, in order to ensure that the individual is put at the centre of the system, but—

Pauline McNeill: To be honest, you are avoiding the question that I am asking. I realise that there is scope for reform, but I would have thought that, from the policing point of view, the starting point is to acknowledge the huge amount of money that was taken out of the budget—around £2.5 billion.

There is surely not a great deal of scope to take much more money out of the budget. I know that we have already had this conversation. However, it is not as if any offer is on the table regarding the use of borrowing powers or carrying forward reserves. The Police and Fire Reform (Scotland) Act 2012 granted the power to the SPA to borrow money. We are having difficulty getting anyone to say why multiyear funding is not possible or why reserves cannot be carried forward, which Police Scotland used to be able to do. It is as though the power to do that never existed, but it did.

Craig Naylor: It did not exist for Police Scotland as a national organisation. The power existed under the local authority funding arrangements. Stephen Boyle will be more familiar with the funding mechanisms than I am. Not being able to manage a reserve and carry it forward through the SPA has absolutely hampered Police Scotland. As someone who was a chief officer in England and Wales, I can say that we relied on such arrangements to smooth out the annual funding cycles.

Pauline McNeill: Would it make sense to look at that as one of the—

Craig Naylor: It would make sense, but it would be even better to have longer-term funding cycles. Police Scotland has published a medium-term financial plan that covers a three to five-year period. It would be helpful to have even indicative spending plans for that period to allow Police Scotland to flex its resources. If there is a flat cash settlement over the next year, 1,000 people will not be employed at this point next year, but even that will not enable the organisation to balance its budget. It will have to deal with that level of catastrophic in-year decision making if that is the outcome of the budget.

The Convener: Thank you, Mr Naylor. I will now hand over now to Stephen Kerr.

Stephen Kerr: You mentioned a flat cash settlement. What would be the effect on the welfare of the officers who are left behind if 1,000 of them are stripped out, which is what the SPA says will happen? What would be the impact on the welfare and morale of those who remain? Where do things currently stand in that regard?

Craig Naylor: We did some work on wellbeing about two or three years ago. There are still a number of recommendations to be completed, but we cannot complete them all if we do not have the money to invest. That takes us back to Ms McNeill's point. You must invest to enable improvements in wellbeing, savings and so on to be achieved. If a further 1,000 officers are removed from policing in Scotland due to a flat

cash settlement, given the growth in demand and the lack of change in areas such as mental health provision, you will see a hollowed-out service, with more people under pressure and suffering from stress and ill-health-related issues.

I am concerned about the future if officer strength were to drop to 15,200 while losing 300 or 400 police staff during that period. That would represent a significant diminution of service. I do not think that we can really understand what that would mean.

Stephen Kerr: What would the service look like in that scenario?

Craig Naylor: That would be a question for the chief constable, but—

Stephen Kerr: Community policing is completely hollowed out as it stands. Jo Farrell wants to invest in community policing. That is her pitch is, is it not?

Craig Naylor: Yes.

Stephen Kerr: Jo Farrell has as good as admitted that community policing has been robbed, basically, of resources because of the increased demands that you were describing, and that is without us even discussing the issue of early release. What would the national police service look like if we lost a further 1,000 deployable officers?

Craig Naylor: The Government has committed to a prevention agenda, and I absolutely believe in that agenda. I go back to my first contact with Karyn McCluskey 20 years ago, when the Scottish Violence Reduction Unit was set up to take a public health approach to prevention. Back in the day, there were about 150 murders a year. Now, we are down to fewer than 50 a year. That is not all down to Karyn, but she made a massive contribution to that in terms of the prevention agenda.

If we reduce current officer numbers by 1,000, the proactive element of policing that we see in communities will be impacted. In Edinburgh, there has been a focus on electric bikes during the past week. I think that everyone would value that work. However, Police Scotland's work on online child sexual abuse and exploitation is world leading in terms of its undercover capability. For security reasons, I will not go into its work with the National Crime Agency to protect our children from significant harm. However, that represents its highest level of threat and that work will be under pressure at a time when demand for those services is growing exponentially; it is going through the roof.

Graeme Biggar, the National Crime Agency chief, is on record as saying that there are 840,000 people in the UK with an interest in sexual offending against children. If you extrapolate that to Scotland, which has 10 per cent of the UK's population, you are looking at 84,000. The police are currently doing between 20 and 30 online child abuse packages per week at the moment; my maths is not brilliant, but I think that that works out at 1,500 a year. That is not touching the sides of the 8,500 people out there who we believe are active in that marketplace.

Therefore, the risk that we will see to the people of Scotland will rise. The ability to arrest our way out of that does not exist—in fact, it will be even further diminished.

12:00

Stephen Kerr: You did not quite address the question that I slipped in about the current state of morale. I think that we are all aware of what it is, but I would like you, as the chief inspector, to give us a summary of the current morale of Police Scotland.

Craig Naylor: We speak to a very small number of police officers and staff across Scotland, but the commitment that they show, and which they tell us about, on a daily basis is inspirational; they are still out there, pitching away even when they are under pressure, and I take my hat off to them. I was a cop once, too, and I loved to chase around with the blue light on the roof of my car.

That is what we still get—the police are still committed to the job and are still working hard to deliver a service. However, they are under increasing pressure, whether it be, say, from call volume demand or managing sex offenders. Indeed, the number of registered sex offenders will probably hit 10,000 in the next year or two, and there are 400 dedicated officers to manage that situation. It is the growth in demand that is hitting them hard.

Stephen Kerr: Listen—I completely concur with what you said. I pay tribute to our police officers, too.

Craig Naylor: The people to whom we speak are generally committed, but they are feeling the pressure.

Stephen Kerr: Absolutely. A lot of them are worn down by what is expected of them, the number of rest days outstanding and so on. Indeed, we have been repeatedly told that the sick leave absence rate is 10 per cent.

I would love to talk to you about Tasers another time. We have to protect our front-line police officers, but we are way behind the rest of the UK when it comes to officers who are trained to use Tasers. However, that is probably for another day.

For the moment, I want to turn to Karyn McCluskey and ask her where the money is going to come from for the roll-out of GPS monitoring of people who are on early release, who have bail and release conditions and so on. We have heard a lot of talk about it, and it is being held up as a great hope, but in many ways, the more you look at it, the more issues you can see with it. So, my number 1 question is: where is the money coming from?

Karyn McCluskey: It is the Scottish Government that holds the contract, not us. We are very involved in electronic monitoring and in trying to improve the system. You are quite right—it is a legitimate tactic to help ensure compliance, particularly for the challenging people out in the community who need extra support around them. In any case, it all has to come with support. You cannot have the technology alone and then expect people to comply.

Stephen Kerr: It is not the solution.

Karyn McCluskey: But it is a solid, well-evidenced way of trying to manage people in the community.

Stephen Kerr: It is a tool, though, isn't it?

Karyn McCluskey: It absolutely is.

Stephen Kerr: But you need money for the tool—

Karyn McCluskey: You do indeed.

Stephen Kerr: And you need money for the support, but I do not see where that money is coming from on the basis of the spending review.

Karyn McCluskey: Well, it is really interesting. We do not have a long-term vision for justice, and that is one of the big things that we need. What do we want justice to look like in 10 years' time, and then how do we get there? Spending commitments are being made without that long-term vision being in place. We need to think about what the steady state will be in 10 years' time. How many prisons will there be? What will be happening in communities? Where are we going to invest?

You are right about electronic monitoring. At the moment, we have some very old technology—radio frequency technology, it is called—but that is really just used for curfews. We do not have GPS technology, which is very advanced and is particularly useful in domestic abuse cases—Police Scotland is dealing with a huge number of those—and we also do not have alcohol monitoring, even though we have a lot of alcohol-related crime.

There will need to be substantial investment, not only in the technology but in support, and particularly for the third sector, which will need to support people in complying. I do not know where that money is coming from; I do know that the cabinet secretary and the justice directorate are very involved in all of this, but it is beyond my knowledge exactly how much money they are going to put into it.

Stephen Kerr: There are all kinds of tools, such as GPS, and all the paraphernalia that goes with it, and there are issues in relation to technology that the police could use that is being used in other parts of the world, including other parts of the United Kingdom. However, that all comes at a price, and we are talking about flat cash settlements in both operating and capital budgets, so I am at a loss to see where the money comes from to fulfil any of those things. Your idea that there is no vision is obviously pre-eminent, because we are without a vision as to how we use all these tools to get to the stable state that you described—that vision has not been articulated.

Karyn McCluskey: It needs to be a long-term approach. There are savings to be made in the system. Mr Naylor has just talked about the paper-based systems. At the moment, the courts send out paper invitations to appear in court. Most of the people I know have moved five or six times before the letter is sent, and they do not open it anyway. It is 2026; we should be able to send things by email and digitally on WhatsApp, because that is how people communicate—

Stephen Kerr: Last question—

Karyn McCluskey: I am sorry—

Stephen Kerr: —because I can sense the heavy breath of the convener on my neck—

The Convener: You are very perceptive.

Karyn McCluskey: If I may just finish that point, Police Scotland has estimated that people failing to appear in court because they do not get the letter is costing them £10.5 million a year. Technology and digital systems that will save police officer time.

Stephen Kerr: That was going to be my last question to Craig Naylor, and I am sorry that we have not had time to ask Stephn Boyle about this. Craig Naylor, the work you did this March on witness citations contained 50 recommendations, the biggest of which was to move to an electronic citation delivery system. I know that that recommendation is outstanding, but how many of the other recommendations are outstanding?

Craig Naylor: They are all outstanding.

Stephen Kerr: They are all outstanding—there you go. I wish we had more time.

The Convener: They are outstanding just like you, Mr Kerr.

Maggie Chapman: Good morning—actually it is the afternoon. Thank you for being here. Stephen Boyle, in our budget considerations, we all have a sense of the vision that Stephen Kerr alluded to: a justice system that delivers real value and better outcomes—or, to use Hamish Robertson's term, stability—for people. Harm reduction and prevention are key to that. What questions or issues do you have in relation to how we assess whether spending on prisons, courts, community justice and victim support are aligned with demand, never mind delivering the stability or positive outcomes we want to see? What kind of assessments do you have of those matters?

Stephen Boyle: We have plenty—

Maggie Chapman: It is a big question—

Stephen Boyle: Yes. In effect, are you asking whether the money is being allocated to the right places?

Maggie Chapman: Is the money being allocated to the right places but is it also being used effectively once it is allocated? Those are different stages, are they not? You can give somebody money and they can squander it, or you can give somebody money and they can use it wisely.

Stephen Boyle: Yes, indeed. It is such an important question. Ultimately, you are asking how we measure whether the money is being spent well and whether it is delivering the required outcomes. I point the committee to two factors. Scotland made considerable progress with the creation of the national outcomes in the national performance framework, but that has somewhat run aground, particularly in the absence of good quality data and measurable metrics. I am sure that the committee knows that the national outcomes are imminently due for relaunch. I am not the first person to say this, but the connection between the budget that Parliament considers and the outcomes—and those outcomes being measurable—is of such interest to the committee because you need to satisfy yourselves that the money that is allocated can be measured and tracked and that, if necessary, changes can be made, during the year or in the following year.

The other point to make, which the witnesses in the earlier round-table evidence session mentioned, is about accountability. At the moment, accountable officers for the various public bodies in Scotland are largely measured against the criteria applied to their organisation. We so regularly—and grandly, even—talk about collaborative leadership. Perhaps more than in any other public service in Scotland, in the justice system, you can see the interconnected nature of the service, but that is not really how we are measuring performance or incentivising leaders and boards in Scotland. Too often, performance is measured on an organisation-by-organisation basis. Much work and thinking has been done on evolving accountability so that we can genuinely move to a collaborative leadership approach, so that an accountable officer is not penalised if, for example, they overspend on their budget when they know that that could bring enormous benefit. Karyn McCluskey mentioned sums of money that could be released if the system ran more effectively, and some of those numbers are eye watering.

We can track and monitor outcomes, and take a view on whether the outcomes are as intended, and that should be aligned with the budget documentation, and then more work that takes place more quickly is needed on accountability.

Maggie Chapman: Linked to that, how can the committee challenge and ask the right kind of questions to ensure that accountability for the services delivered fits with a longer-term prevention agenda, which, as Karyn McCluskey alluded to, we know we have not achieved? How do we make those connections?

Stephen Boyle: I am keen for more pace on that—that is easy to say. The vision for the justice system, including accountability, needs to be developed more quickly. So much is riding on the publication of the national outcomes, which is imminent, and I think that that will afford parliamentarians a much clearer route to scrutinise the budget decisions that you are asked to make.

Maggie Chapman: Thank you. Craig Naylor, this question follows on from some of Stephen Kerr's questions about staff psychological health and wellbeing. If we are serious about supporting our police service and other justice services to deliver the kind of support that we want them to deliver, what are the consequences of the gaps in relation to officers having the time to decompress and debrief after a traumatic incident and having the right levels of line management from experienced officers? We heard this morning that people are leaving the force early and that it is no longer seen as a 30-year career, because of the pressures. What are the consequences of the gaps, and how can we use budget decisions to fill them? Can we use budget decisions to do that, or are we missing something?

Craig Naylor: To address your last point first, budget decisions and people must be seen in the same light. We have got to align better the understanding of what has got to be spent and the understanding of people and how they are affected by it. In recent years, we have touched on that in a number of reports, including the wellbeing report, the conduct report and "Frontline Focus: Tools of the Trade", which talked about uniform and

equipment and whether people are equipped correctly to walk out the front door of a station and do the duties expected of them.

The psychological support is patchy, to be honest. On the services provided, I make particular reference to the Rivers centre in Edinburgh, which I have been aware of for a very long time. It provides exceptional highest level support for individuals who are dealing with cases that involve child sexual abuse, online exploitation and so on. It does an incredible job to keep those people well, but it is a small number of people who get that particular dedicated service.

We see a real gap in the day-to-day supervision by experienced officers and staff, and we have called that out on many occasions over the past 10 to 15 years, because we need a better system that sets objectives at the start of the year, checks in on objectives and performance, wellbeing and integrity matters. All that management of a large workforce is difficult, complex and based on an information technology platform that is 20-plus years old and that does not really meet the purpose of managing a 23,000-person workforce in the 21st century.

Maggie Chapman: That is quite a stark message. Are we measuring the right things when we talk about investment, staff wellbeing, digital integration and so on? Are we capturing what matters in relation to improving stability or achieving positive outcomes, rather than just measuring increased activity and reducing administrative burden or cost? Are we actually getting the right data?

12:15

Craig Naylor: We are getting better data now than we have ever had before. Over the past five years, Police Scotland and the Scottish Police Authority have gone on a journey on performance management. They introduced a balanced scorecard approach at the beginning of this financial year, and that is evolving. We see a much smaller document on outcomes and service delivery than we have ever seen before. Previously, it was 110 pages of data and charts that really did not tell you anything other than that there was a volume of work.

However, we are not seeing the unmet demand, and that is the bit that troubles me. Where there is growth in demand on Police Scotland that cannot be addressed because no resource is coming with that additional demand, Police Scotland is starting to struggle. I have talked about the significant number of child sexual abuse inquiries, and the exponential growth in that is not coming with the resource to meet it. That is one of the ambitions that the chief constable has set out in her submission. To address that, you have to have the resources, whether that is for the covert policing side, the operational policing side or the wellbeing catch-up when you do it. That is just one of many areas of growth that are not about having yellow jackets on street corners dealing with the public.

I go back to a point that Sir Iain Livingstone made when he was chief constable. He said that, in the 30 years of his career, as has happened during my career, we have moved from policing street corners with yellow jackets to doing that in a more effective manner, to doing it with a public health approach, to dealing with what happens behind closed doors, with the growth of domestic abuse cases over the past 20 years, to now policing the internet. How do you put a virtual yellow jacket on the corner on the internet or on a dark web server? That is incredibly difficult, and that demand is growing exponentially. It is very unseen, but that unmet demand is massive.

The Convener: Ms Chapman, you can have a final, brief question, and we will need a brief answer so that I can move on to other colleagues.

Maggie Chapman: Karyn McCluskey talked about the increased pressures on community justice despite the increasing funding. Indeed, we have seen that community justice social work funding has actually decreased. What are the consequences? What changes can we make to commissioning and accountability that would allow better use of the stretched resources? Are there such changes, or have we made the changes that we can make?

Karyn McCluskey: We want more people in the community. We want a community-first approach, where it is safe to do so. However, expectations on more people and more complex people—we have talked about homelessness and mental health issues—and capacity need to move together. We cannot expand the number of people and the complexity and just expect people to expand to fit that. We are dealing with longer sentences and more unpaid work. We also need different sentencing options to deal with people in the system who have really complex needs, to allow us longer to work with people and get them to a more stable place.

When I was at the committee previously, I think that I mentioned the issue of what the outcomes look like. Of course, there are a variety of outcomes. We absolutely want reduced offending, but we also want people to remain stable in their housing, to engage with treatment and support and to participate in education and employment. No single measure will tell the whole story but, at the end of it, there will be fewer victims, which we really want, and a smaller justice system. However, that will require investment elsewhere,

which is really challenging. People do not always think about prevention, because it seems amorphous, and we seem unable to put our finger on it. We think, "Well, it's jam tomorrow." However, it is not jam tomorrow; it is fundamentally about public protection and fewer victims.

The Convener: Thank you, Ms McCluskey. I will hand over to Marie McNair.

Marie McNair: Good morning. I will start with Stephen Boyle, who I hope can help us to help the Government. If you were advising ministers on the 2027-28 budget, what three changes would you say would deliver the greatest long-term improvements in justice outcomes?

Stephen Boyle: I will caveat my answer by saying that, of course, I am not an adviser to ministers or Parliament, and my role is independent from both. I guess that that affords me the opportunity, through the work that Audit Scotland does and through the value for money audits that we do, to make evidence-based comment on our audit of individual public bodies.

As I mentioned to Maggie Chapman, this is clearly an integrated system, and I do not think that the way that we are incentivising leaders is allowing for some of the preventative, impactful change that Karyn McCluskey referenced.

We need to review accountabilities, and we need to look much more closely at intended outcomes when you are scrutinising the budget. With regard to the third change that you asked for, I should have mentioned it earlier, so I am pleased to get the chance to mention it now: it is encouraging a more medium to long-term approach. Yes, perhaps it is about multiyear budgeting, but it is also about multiyear financial forecasting. The Scottish Government has been in a rhythm of producing medium-term financial strategies; it has not done so this year and has referred to variabilities and complexities, with today's UK budget being a very significant one. However, it remains my view that, regardless of the circumstances, a medium-term financial strategy is an important feature to support parliamentary scrutiny of spending decisions. As I said to the previous Finance and Public Administration Committee in evidence, there will always be variables that, inevitably, mean that the medium-term financial strategy that a Parliament is considering will not have the same numbers that end up being reported in the Government's accounts in years to come. However, the strategy gives you a better chance to scrutinise and to support the Government to make decisions. That is why I recommend that that medium-term financial planning and parliamentary scrutiny are features of budget setting, year in, year out, regardless of what variables are at play from one year to the next.

Marie McNair: Finally, what current areas of justice spending provide the weakest evidence of value for money? What should we do differently?

Stephen Boyle: I would not like to pin that on a particular area. Our audit work is evidence based and leads to recommendations; for example, I mentioned the joint audit inspection that we did with HMICS colleagues. As I have said many times in evidence to the Public Audit Committee, the vast majority of public bodies spend the money well: they do what is there to do within the circumstances in which they find themselves. Forgive me for repeating the point, but accountabilities is an area that is not leading to optimal spending or encouraging collaboration, because people do not access public services on a public body by public body basis. They just want the services that they need at that time, and those can come from a range of partners. Looking at accountabilities much more closely will really help that. To tee that up, through our audit work, we are looking at a range of areas of spending.

One of the areas that has been referenced a couple of times already—I know about it particularly from the narrative and communication from Police Scotland—is the impact that mental health services have on the demands on the police service. We previously covered some of that work in our adult mental health report. As I mentioned, the next report from us will be on the joint audit inspection of the Scottish Fire and Rescue Service estate arrangements. That allows us, through our work, to make recommendations, give assurance and follow up on progress.

Marie McNair: It would be helpful to the committee if you could also follow up with detail on value for money in any of the areas that I have talked about.

Stephen Boyle: I am very happy to do that.

Marie McNair: Thank you. I will move on to Karyn McCluskey. Do you agree that the community justice capacity is not keeping up with the ambitions to reduce the prison population? What scale of investment is required to fill that gap?

Karyn McCluskey: It cannot do so at the moment. According to Audit Scotland's report, community justice gets a third of the overall budget that prison gets. We are judged to a different standard. We know that offending is greater when people leave prison, and 6,500 people are there for sentences of under 12 months. If we really want to change that, we will fundamentally have to shift resources into community justice. That is not just about justice social work, but about those

hyperlocal, third sector services that can really meet people at the earliest point in the justice system.

Stephen Boyle is absolutely right—our budgets are fragmented. The community justice partnerships are not statutory, so they can convene everybody around the table, but they cannot pull budgets. SCTS talks about cases, and Police Scotland talks about police reports, but these are people who are going through the system, and we need to have a no-wrong-door approach. If someone comes to our door with mental health or homelessness issues, we try to deal with them at the earliest possible point.

However, the answer to your question is no, it has not kept pace. I do not think colleagues were very happy at my mentioning that, under the Sentencing Act 2026 down in England and Wales, an extra £700 million had been moved into probation services to cope with the reduction that they wanted to make in the prison population. Obviously, it will not be like for like, but we will need to be looking at something on the scale of £60 million or £70 million to try to achieve that level of change here.

Marie McNair: What would be the risk if we had prisoner numbers falling but the corresponding investment was not in place? I should say that I very much agree that we need to move to having much more preventative spending than we have just now.

Karyn McCluskey: I am sorry—can you repeat the first part of the question?

Marie McNair: What are the risks if prisoner numbers fall without the corresponding investment in community services?

Karyn McCluskey: We deal with risk, and with incredibly complex people. The people going through sheriff and jury courts and the High Court are going to end up with very significant sentences, but often we are talking about those who have been in and out of prison, having served life sentences or short-term sentences. These are the people who are committing lots of the shoplifting, which I know is an issue that members have raised before, and other low-level crime. It is all about quality of life. It is really challenging, and we need some really skilled people to manage them in local areas, because this is not something that you can give to somebody just brand-new, off the shelf.

These people lead complex lives and often they do not trust some of the services that we have, so you also need some really good third sector services, because they can get to those places that the public sector cannot get to. They are also often cheaper—and I hate to say that, because we are an expensive resource.

That is the scale of investment that we are talking about. I have already referred to the SCTS's great piece of work, showing that 2,900 people are responsible for 25 per cent of all the court hearings.

Marie McNair: I am sorry—can you repeat that figure?

Karyn McCluskey: The SCTS said that 2,900 people were responsible for 25 per cent of all the business in the courts. That is extraordinary. They also accounted for almost 50 per cent of all the warrants—and we have thousands and thousands of warrants. These people have a huge impact on public finances. They are costing us a fortune. Please forgive the gendered language, but we could almost man-mark them to get a better return on investment than we are getting right now.

Marie McNair: Thank you. I could ask more questions, but I will leave it there.

The Convener: That is great. I will bring in Amanda Bland and will then call the deputy convener to finish off the questioning.

Amanda Bland: Good afternoon. My first question is for Stephen Boyle. I read with interest your previous comments about the lack of measurable outcomes, and you have talked about that today in some detail. In fact, when I was reading your comments, I was asking myself, "How does the Scottish Government know what's value for money? How does it justify its spending decisions?" Therefore, my question for you is this: what information should the Scottish Government be publishing annually to enable the Parliament to assess whether justice spending is achieving its intended outcomes?

Stephen Boyle: Good afternoon. Audit Scotland and I have commented regularly on the need for a much clearer connection between public spending and outcomes. How do we, as a country, do that at the moment? Our outcomes are largely set out in the 150 or so public bodies' annual reports and accounts each year, so you would, as I and my colleagues do, have to read them in order to come to a system-based view. However, that is really difficult for the Scottish Government to do. Its own consolidated accounts and performance report go some way towards that, but they cover health, social care services and all the other parts of public service, so it is really difficult.

That is why we were positive about the steps that the Scottish Government took with regard to the national performance framework and the

national outcomes. It sought not just to connect in a better way the outputs from public spending, but to look at the difference that that spending was making. Was it not only delivering value for money but making a difference to people's lives? However, the framework got somewhat stuck when its ambition outstripped the practical realities of what supporting data was available.

Not to give advice, but I recommend starting with the data that you have and ensuring that it is robust and can be scrutinised and reported on, so that the Parliament and the public have a clear idea of what is making a difference. If it is making a difference, that is great—you should do more of it and spend more money on it; if it is not, or if the difference is not measurable, you should challenge whether that is the best place to spend public money.

12:30

Forgive me for repeating myself, but accountability is so important—it is about how we are tasking Scottish public service leaders to perform against the incentives that we create for them. I am not sure that I align with some of the narrative. We regularly talk about collaborative leadership and systems and solutions being in the hands of leaders, and my assessment of that is, "Yes—but". There is much to do, but the awaited relaunch of the national outcomes will give the Parliament a much clearer sense of whether the ambition to align outcomes with spending can be realised.

Amanda Bland: Karyn McCluskey, which community justice interventions deliver the strongest results for the money that is spent?

Karyn McCluskey: Drugs and drug support interventions, because of the volume of people. As someone who also chairs a rehab centre, I believe that trying to get people out of substance abuse would have the biggest impact. Of course, we could consider homelessness, but you have asked about an intervention. If you hang around the courts, as I do frequently, you see that the people who are there are absolutely in the grip of addiction. Drug support is not a justice thing, although I would argue that it is.

Amanda Bland: That is interesting. Thank you. Craig Naylor, what poses the greatest risk to public safety if workforce and resource pressures are not addressed?

Craig Naylor: Police Scotland defines the risk to public safety through a tool called the management of risk in law enforcement—MORILE. I am going to do him a significant disservice, but DCC Stuart Houston was briefing me on it yesterday afternoon and the greatest risk to public safety is from online child sexual abuse and exploitation, which is double the level of risk that is posed by drugs in our communities. We have significant issues with drugs, particularly synthetics such as nitazenes, and the number of deaths associated with drug abuse is not changing in a positive direction.

When we look at that, we start getting into organised criminality. Over the weekend, there was a shooting at a pub in Edinburgh, and there are all sorts of issues with feuds between various people—I am sure that committee members have heard of operation portaledge. Those issues are at the high end of the threat radar, along with counter-terrorism and foreign state actors. They are resource intensive and are playing out increasingly in the prosecutions and indictments from the Crown Office. Three years ago, about 800 or 900 indictments were raised for the High Court and sheriff and jury courts whereas, this year, there is an expectation that there will be 2,700 indictments, so there has been a growth in the cases that create the highest demand and the really complex cases. To me, the system is working as well as you could expect when the growth in the high end is being tackled effectively, but it leads to other areas not working as well as they could.

It is a misnomer to describe the criminal justice system as a system; at times, various parts join together that have different IT systems, different expectations and different outcomes. To respond to Karyn McCluskey's point, if we could address the individual needs within the systems, fewer people would come into them, particularly those on the lower level who are bouncing around sheriff courts and district courts and serving short-term sentences. They will be the high-end criminals of tomorrow unless they get an effective intervention. MORILE is a scientific tool that has added huge value to how Scotland polices its organised criminality and state threats, which are massive.

The Convener: We will finish up with questions from the deputy convener.

Ben Macpherson: Mr Naylor's response to Amanda Bland has answered one of my questions, but I want to pick up on some of the points that others have raised.

Cara McCluskey, in one of our predecessor committee's pre-budget evidence sessions, you recommended a specific figure for an increase in Community Justice Scotland's budget that would have a real impact on its capacity. If there is something that you want to relay to the committee in that regard, I would be interested to hear it.

You also made powerful points about the impact and vulnerability of the third sector. At the moment, the Government is trying to implement three-year funding for the third sector. That would be transformative in a number of ways. Do you want

to say more about that, given your remarks at the beginning of the meeting regarding people being put on notice and recruited on a cyclical basis?

Karyn McCluskey: I do not want to talk about our own budget, because that seems slightly banal when the challenges that front-line partners face are so significant. We are well past the time when the third sector part of the community justice work that we do should be viewed as a nice-to-have. Those groups are critically important, but, at the moment, they get the rounding up after everybody else has got their budget. Police Scotland's work on arrest referral absolutely relied on the third sector. However, those services have gone, so all the work that was happening in arrest referral in some areas has disappeared because the third sector has not been able to sustain its work.

I work with lots of third sector groups. They used to have six months' worth of reserves, but they are now down to three months' worth. They are getting squeezed more and more. A huge number of people in those groups earn a pittance in comparison with what people get in some of the public services, yet they are expected to deal with things that, often, the public sector would not deal with. They deal with risk, meeting people coming out of prison and so on, and they work with incredibly complex individuals. However, as I said, many of them will be getting redundancy notices in January because we just do not know where the money will come from.

There needs to be three-year funding. I know that you spoke to Lynne Thornhill from UpSide this morning. Community Justice Scotland made a case for UpSide's funding to be three years plus one plus one, which is almost like a five-year funding cycle for that work. That would enable us to continue to employ those really skilled people who can deal with early release and all the other things that we have thrown at them. It is also important that that funding arrangement keeps pace with inflation. There have not been inflationary rises in the funding, which means that, as the years go by, the money is worth less and less. That would not be a suitable arrangement for public services, and I do not see why it should be suitable for the third sector.

Ben Macpherson: That funding arrangement really needs to come in as soon as possible.

Karyn McCluskey: Yes, indeed.

Ben Macpherson: Mr Boyle, in session 5, I was a member of the Justice Sub-Committee on Policing. One of the bits of work that it did concerned a consideration of the fallout from the failure of the i6 information technology project. I know that Audit Scotland has done quite a bit of work on that, including a report in March 2017 that identified the loss of £200 million in savings as a result of the collapse of the scheme and another report in March 2023 that emphasised the need to deliver police IT requirements. I raise that issue because some points relating to that have been aired in your remarks and those of others today. Can you comment on progress that has been made since that report in 2023?

Stephen Boyle: With your agreement, I might ask Craig Naylor to say more about the nature of the digital progress within Police Scotland. First, though, I will make a wider point about digital that echoes Karyn McCluskey's point. As we move into the modern era, Scotland's public services are still using very dated IT infrastructure that is not fit for purpose, is not efficient and harbours cybersecurity risks, as we can see from examples from the past week or so concerning the advancement of artificial intelligence and the threat that that poses to organisations' websites. The issues that are raised by that represent a daily challenge for organisations in the public and private sectors. Almost all organisations will have digital security as their number 1 risk, but they still need to invest and make the necessary transformational change.

The i6 project might be an example—among others around that era—of public bodies not delivering successful IT investments. It was actually one of the more benign examples, if I can use that term, because the issue was not necessarily about a public sector failure, as there were challenges with delivery on the part of a supplier. However, public bodies will have to get over some of their angst about investment in IT, because it is vital for the public service reform agenda, fiscal sustainability and the delivery of better outcomes and experiences for users of public services.

We recognise that we have a role in that, too. The last thing that Audit Scotland wants to do is position itself as an organisation that is seen as inhibiting innovation and drive. There has to be change and investment. Policing, justice services, courts and tribunals—all the organisations that this committee looks at—need to continue thinking about their IT investment. I am quite sure that that will be part of the scrutiny that this committee and Parliament carry out over the months ahead.

Craig Naylor can say more about the specific issues with regard to policing.

Ben Macpherson: I am glad that I asked the question, because it was helpful to hear those reflections. Mr Naylor, would you like to add something?

Craig Naylor: I agree with Stephen Boyle's comments. The i6 issue was less about public sector delivery and more about supplier delivery. I do not want to go much further on that.

The justice system must be joined up through the delivery of a future IT platform. I know that Malcolm Graham has spoken about that, and I am very supportive of what he is trying to do. However, the fact that budgets are set within silos—the police get a budget, the courts get a budget, COPFS gets a budget—means that people struggle to cut across those silos in order to deliver an IT platform for the whole system. That is one of the historical problems that we face. As Stephen Boyle said, we are still dealing with systems that are 10, 15 or 20 years out of date. However, it is expensive to invest in those things and the funding cannot be found within the current budget settlements in terms of the capital budgets of policing and other elements in the system.

At the tail end of 2016, I went down to England to be deputy chief constable of a force that is about a tenth of the size of Police Scotland in terms of its budget, resource and everything else. My capital budget was exactly half of what Police Scotland's capital budget was at that point. However, within a year, we delivered our new crime system, which was called the Niche regional management system. Shortly after that, we delivered a mobile data platform with 28 applications that produced on a digital device every operational system that a police officer needs. We did that 10 years ago because I had the ability to move capital into that sort of spend-to-save environment, which allowed us to build the first two-way interface that we had ever had with the Crown Prosecution Service. That allowed the data to move digitally, rather than being delivered on paper or, in the case of digital exhibits, on a data stick.

The ability to do that involves having a joined-up approach; it cannot just be down to single organisations designing, delivering and implementing their own systems. The work must be done on a system-wide basis. Thought must also be given to other systems that the new system can engage with, such as those in health, as policing systems must engage with systems around mental health, group-based child sexual abuse and exploitation and so on. Thought must be given to where those interfaces happen and to how we can ensure that the general data protection regulation is satisfied and that, to go back to Karyn McCluskey's point, information is shared in a way that recognises the individual who should be at the heart of the system.

Ben Macpherson: That is helpful. Thank you very much.

The Convener: I am sure that we could go on for a lot longer, partly because you guys are incredibly knowledgeable and we want to delve into the issues that have been raised, but I am afraid that we are out of time. I thank all three of you for the evidence that you have given us today—it has provided much food for thought. I am sure that many of the issues that you have raised will find themselves forming our line of questioning next week, when we have the Cabinet Secretary for Justice and the Cabinet Secretary for Public Service Reform in front of us. You may now leave the room.

As the committee dealt with item 3 on the agenda earlier, I now move the committee into private session.

12:45

Meeting continued in private until 13:14.

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