Official Report
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Criminal Justice Committee

Comataidh a' Cheartais Eucoirich

Wednesday 4 November 2026

Session 7

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Wednesday 4 November 2026

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CRIMINAL JUSTICE COMMITTEE
10th 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:

Chris Brown (Scottish Police Authority)
Neil Gray (Cabinet Secretary for Justice)
Chief Superintendent Rob Hay (Association of Scottish Police Superintendents)
David Kennedy (Scottish Police Federation)
Ivan McKee (Cabinet Secretary for Public Service Reform)
Craig Naylor (His Majesty's Inspectorate of Constabulary in Scotland)

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Criminal Justice Committee

Wednesday 4 November 2026

[The Convener opened the meeting at 09:00]

Decision on Taking Business in Private

The Convener (David Linden): Good morning, and welcome to the 10th meeting in session 7 of the Criminal Justice Committee. I have not received any apologies for today's meeting. Under agenda item 1, do we agree to take items 4 and 5 in private?

Members *indicated agreement*.

Pre-budget Scrutiny 2027-28

09:00

The Convener: Our next item of business is pre-budget scrutiny for the 2027-28 financial year. This is the committee's final evidence session in its pre-budget scrutiny programme. Over recent weeks, the committee has gathered a significant amount of evidence from stakeholders and has heard from organisations involved in the delivery, oversight and scrutiny of justice services. Today's evidence session gives members an opportunity to explore those issues with ministers and officials.

To that end, we are joined by Neil Gray, the Cabinet Secretary for Justice, and Ivan McKee, the Cabinet Secretary for Public Service Reform, who are accompanied by the following Scottish Government officials: Gabrielle Cahen, team leader, fiscal sustainability strategy; Cat Dalrymple, director of justice; and Don McGillivray, director of safer communities. You are all very welcome, colleagues, and we look forward to hearing your evidence.

I have agreed that we will allow both cabinet secretaries up to five minutes each to make an opening statement. I hand over to the Cabinet Secretary for Justice to kick us off.

The Cabinet Secretary for Justice (Neil Gray): Good morning, and thank you very much for the invitation to take part in the committee's pre-budget scrutiny. I welcome the opportunity to discuss the justice portfolio's priorities and the challenges and opportunities that we face as we prepare for the 2027-28 budget.

The United Kingdom budget that was announced last week has made the Scottish Government's fiscal position significantly more challenging, because it delivered a real-terms cut to Scotland's budget of about £650 million in 2027-28. Although Scotland's budget is expected to increase in cash terms compared with 2026-27, funding has been reduced in real terms, once inflation is taken into account. Those pressures reinforce the need to focus on reform, prevention, productivity and value for money.

Turning to the justice budget, I would like to first reflect on the budget position that was reached last year. Across the justice system, we are investing more than £4.6 billion, which recognises the important role of the justice system in supporting safe, thriving and inclusive communities. When I was last at the committee, I was asked, I think by Ms Chapman, what the definition of a successful justice system was. My answer was:

"One that reduces the number of victims and keeps the community safe."—[*Official Report*, *Criminal Justice*

Committee, 7 October 2026; c 11.]

That remains my priority and the priority of the Government. I am committed to delivering a justice system that is focused on the needs of the people and the communities it serves. I want to ensure that Scotland continues to be a safe place to live, work and visit, while maintaining public confidence in policing, courts, prisons, community justice and the wider justice system.

As the committee will be aware, the public sector continues to face substantial financial pressures. Demand across our justice system remains high, while inflationary impacts, workforce costs and increasing complexity of need continue to place significant pressures on budgets. Against that backdrop, difficult choices will have to be made, and it will not be possible to meet all the asks made of the Government.

Our approach is guided by a clear set of principles and priorities: protecting front-line services, maintaining public safety, supporting victims and witnesses, tackling violence against women and girls, and investing whenever possible in reforms that will improve outcomes and deliver long-term value. The justice portfolio plays a critical role in supporting Scotland's broader economic and social wellbeing. Effective policing, a functioning court system, robust rehabilitation services and preventative approaches to reoffending all contribute to safer communities and reduce future costs to the public purse.

As you would expect, convener, in developing our budget requirements, we are engaging closely with justice partners, including Police Scotland, the Scottish Police Authority, the Scottish Courts and Tribunals Service, the Scottish Prison Service, community justice partners and the community and voluntary sector. They have reinforced the significant achievements that have been made by the justice system but also the growing demand and pressures that services are managing.

The choices that are before us are not simply about funding current activity. We must enhance our justice services so that they are sustainable and fit for the future. That requires balancing immediate operational demands with investment in transformation, digital innovation and prevention and early intervention.

Prevention is key to a sustainable justice system. Tackling the root causes of offending and reoffending will improve public safety, ease pressure on services and deliver better outcomes for communities. Achieving that requires action beyond justice, with health, education and housing all playing a vital role.

I will continue to work with our public bodies, my Cabinet colleagues and the committee to maximise the benefits of our investment and support reform and transformation to deliver a sustainable justice system.

I look forward to this evidence session.

The Convener: Thank you. I hand over to Mr McKee.

The Cabinet Secretary for Public Service Reform (Ivan McKee): I welcome the opportunity to appear alongside my colleague the Cabinet Secretary for Justice to discuss with the committee the role of public service reform in supporting the long-term sustainability of Scotland's justice services.

As the cabinet secretary has outlined, justice organisations are operating in a challenging environment in which they face significant pressures and increasing demand. In that context, public service reform is not a separate programme that sits alongside the justice portfolio; it is about how we improve outcomes while ensuring that services remain sustainable for the future. In the letter that I provided to the committee, I set out how the principles of Scotland's public service reform strategy apply specifically to the justice portfolio. The central argument is simple: in a constrained fiscal environment, if we are to maintain public safety, access to justice and public confidence, we must reduce avoidable demand, improve the way that services work together and make better use of public resources.

The public service reform strategy is built around three connected themes—prevention, joined-up services and efficient services—and the programme for government has committed us to accelerating that work. In justice, that means intervening early to prevent problems from escalating and addressing the underlying drivers of demand where possible. It also requires a whole-system perspective, recognising that outcomes are shaped by interactions across policing, prosecution, courts, prisons, community justice, health services, local government and the third sector.

We need to make the best possible use of public resources by building on successful reforms that have already been delivered, investing in digital transformation, reducing duplication and ensuring that workforce and financial resources are focused on where they add greatest value. It is important to see that as not just being about reducing costs; it is about improving outcomes, reducing avoidable demand and creating services that are sustainable over the long term.

As I set out in my letter, justice partners are working together to develop a justice portfolio delivery plan. The purpose of that work is to bring greater coherence to reform activity across the

portfolio, align action around shared outcomes, identify cross-system opportunities and provide a clearer basis for delivery, monitoring and future investment decisions.

I look forward to discussing those issues further with the committee.

The Convener: Thank you. That was very helpful. The two of you have set the scene, so I will move on to questions.

In the first part of this discussion, we will focus on front-line police, fire, court and prison services. I will start with policing. Mr Gray, it has been suggested that a flat-cash settlement for policing would lead to a reduction in officer numbers that would take us back to numbers that we have not seen since 2003 or 2004. You would not let that happen on your watch, would you?

Neil Gray: I have received the budget ask from Police Scotland, and we are considering it carefully. It is important to acknowledge, first of all, the quarterly police numbers that were reported just yesterday, which show that we have not had a higher level of police numbers since, I think, 2023. Recruitment in the police is strong, and we have funded Police Scotland to allow the continuation of a figure of about 16,500 officers.

We will consider the budget ask and will ensure that we support Police Scotland to make operational deployments as it sees fit. We will also ensure that the protection of police officer numbers is part of the discussion, so that Police Scotland has the necessary resources to meet modern policing needs.

The Convener: Do you accept that we now have roughly 1,000 fewer full-time equivalent officers than we had in 2013, when the figure was 17,496? That is just a fact, is it not?

Neil Gray: Yes, it is. I accept and understand that.

The Convener: Are you clear on the fact that a flat-cash allocation would lead to a further reduction in the number of officers? You are not disputing that.

Neil Gray: I am not disputing that—I understand that. As with much of the justice portfolio, there is not much room for us to achieve savings, because policing is so workforce driven. I recognise that the suggestion that has been laid out in evidence to the committee, alongside a potential pay freeze, would be an implication if we were to move to a flat-cash position.

The Convener: Okay. How would a reduction in the number of officers be compatible with the Government's decision to prioritise tackling violence against women and girls?

Neil Gray: It would be extremely challenging.

The Convener: It would indeed. When the Scottish National Party came into government in 2007, we promised an extra 1,000 officers. What is the Government's target for the number of police officers that we need?

Neil Gray: Through the most recent work on funding that has been done with Police Scotland, we have sought to maintain a number of about 16,500. You will be aware of the recruitment challenge that the police faced during the Covid pandemic. Mercifully, the position has recovered. I again cite yesterday's figures, which show that there has been an increase in recruitment and that we have gone beyond the figure of 16,500, which is very welcome. I appreciate the work that has been done at Tulliallan to ensure that we have a strong police force through a strong focus on recruitment and training.

The Convener: Why is it the case that 2,915 officers are on modified duties and 1,600 are undeployable? How does that tie in with the challenges that we face in relation to police officer numbers?

Neil Gray: I explored those issues the last time I gave evidence—I think that it was Mr Kerr who asked questions about modified duties. The first thing to say is that it is Police Scotland's responsibility to manage that. However, I have raised with the chief constable and Deputy Chief Constable Smith how the issue is being managed by the police.

Clearly, we must provide a supportive environment so that our police officers receive the necessary support—whether on health, including mental health, or other issues—to enable them to return to duty as quickly as possible, while being dealt with compassionately. I know that DCC Smith and the chief constable are alive to the position that you have narrated and that they want to improve the situation so that more officers can return to full duties as soon as it is possible for them to do so.

The Convener: You will be well aware of the challenge to policing that is presented by the loss of 0.75 million policing hours to mental health call-outs. We have barely moved the dial on that figure—it has probably been reduced by only about 2 per cent. That is costing the policing budget the best part of £40 million, which is the equivalent of about 480 full-time equivalent officers.

I will direct this question to Ivan McKee. You are Cabinet Secretary for Public Service Reform because of your experience in the private sector in finding efficiencies and dealing with silo working. Given the well-versed issue of the number of

police officers who are called out to deal with non-criminal demand issues, as you look at the state of our public sector, what is your reflection on the fact that we are losing 0.75 million policing hours as a result of mental health call-outs?

Ivan McKee: That goes back to the Christie commission principles of joining up services and focusing on prevention, as well as to the empowerment agenda, as a way of tackling the problem.

It is important to recognise that the problem that we are talking about exists on a very large scale, because it involves large organisations interacting with one another across a complex landscape. Therefore, it is not simply a challenge for the justice service; it goes much wider than that.

09:15

We need to understand what is driving what and the root causes of the mental health call-outs, so that we can then understand how to measure those, how to put resources in the right place to address the issues and how to monitor the improvements made as a consequence. We need to take a joined-up approach to tackle that, and that requires leadership to take a different approach by thinking outside silos and changing the culture so that money can flow through the system to enable that. It also requires a measurement system, so we are reformatting the national performance framework precisely to address those issues. That will be launched in the near future. We must focus on shifting the dial on those measures, as you have indicated, because that is how to get the right resources in the right places. It takes time to roll out that systemic approach.

The Convener: I have one more question before I bring in the Cabinet Secretary for Justice. Do you accept my belief that justice is sometimes the poor relation and that other things—such as failures in housing for throughcare, or issues in the health service—can get shunted into the justice portfolio? You have had a cross-Government view of things. Is it a fair analysis to say that the burden falls unfairly on the justice portfolio?

Ivan McKee: The justice portfolio is not unique in that regard, because other portfolios have to address the consequences of things that happen elsewhere in the system. However, you are right that the justice service would probably have very little to do if we lived in a perfect world where everything could be prevented and you are right that it is important to do as much as possible upstream, in other areas, to address societal issues such as poverty, housing and health, because that would reduce the load on the justice system.

There are two parts to public service reform in justice. I have been working within the justice portfolio. There has been some great engagement with leaders in the justice system and a lot of good work has happened, is happening and is planned. It is hugely important to join up measures and to focus on the stuff that happens upstream in a way that will, as you say, reduce the demand on justice services.

The Convener: I know the cabinet secretary wants to come in something that is a massive problem for the police.

Neil Gray: It is, so I appreciate the question and the committee's focus, which has obviously been driven by significant evidence. I entirely agree with what Mr McKee said in both his answers and I can update the committee about the activity that I have engaged in, along with Ms Oswald, since we last met. I have been able to visit the nook in Aberdeen and to see its work and I suggest that that sort intervention, in a community and voluntary setting, is what is needed from both the health and the justice perspectives.

Mr McKee made a point about knowing where we need to put resources in order to ensure that people know where they can go—which, in the case of the nook, is when they are in mental health distress—and to have somewhere partners can go to ensure that people are provided with the support that they need. I visited the nook in Aberdeen; there is one in Glasgow, too, and there are more to come. It is clear that that sort of intervention will not only reduce the demand for police call-outs, because it is a preventative mental health measure, but provide a supportive place for the police to go when they are the first responders to an incident involving someone who is in mental health distress but does not need to go to an accident and emergency unit. That will lead to a discernible difference in what has been one of the greatest burdens on policing time.

The Convener: What would your target be? How far do you want to move the dial on that before you next appear in front of the committee? What is your target for a reduction in the number of mental health call-outs? I presume that there is a Government target.

Neil Gray: I will be before the committee to look at regulations in a couple of weeks' time, so I do not think I will be setting myself a target of a few weeks, I certainly want to see a continued—

The Convener: How about when you come back for post-budget scrutiny?

Neil Gray: That is fair, convener. The work that we are doing to support Scottish Action for Mental Health in its roll-out of nook provision is what we need to do in order to ensure that we are providing

better and more consistent services across Scotland. That is where we will make the greatest discernible difference in the policing resource that has been deployed.

I entirely agree with the convener that it is inappropriate for uniformed officers to respond to mental health call-outs. It is not what the individual needs and not what police officers need. I believe that the continued roll-out of those nook services, which need to be phased in, built up and developed, and which are the ones that—

The Convener: You are not answering my question. What is the target?

Neil Gray: Forgive me, convener, but I do not have a target. It is dependent on the roll-out of nook services. We are working with Scottish Action for Mental Health on how, where and how quickly those services can be established. That work is being undertaken in the health portfolio to ensure that those services can be provided more consistently.

The Convener: My question, though, would be: how can the committee hold you and Government to account on whether we are making progress on the issue if there is not a benchmark against which we can measure it?

Neil Gray: We are working with Police Scotland on a benchmark of the number of police hours that are lost and on a measure of what success looks like. I have asked the chief constable that question, and we are working with Police Scotland on forming the detail on what those measures can be.

When I had my previous portfolio, I visited the haven in East Lothian, which was a pilot project run by the Edinburgh Children's Hospital charity. It had a similar premise to the nooks that are now being rolled out by SAMH, in that it provided a non-medicalised but supportive and signposting environment. A wraparound service was exactly what was needed so that people did not need the involvement of community mental health practitioner or to be in acute mental health services, but had an alternative route and were getting support for all the drivers of their poor mental health, including clinical issues and issues relating to housing, social security and other things.

The Convener: We could go round the houses on this. The only thing that I will caution you on, minister, is the issue with the nook. It is clear as day to the committee that the spike in the call-outs for mental health provision is happening outwith the hours that statutory services operate. Many of those nook services do not operate 24 hours a day, so be very careful before you think that they are a panacea, because they are not.

I want to move on to pressures in the court service. We have received evidence from the Faculty of Advocates that says that the most productive single investment would be an increase in the numbers of the judiciary, but the number of senators is limited by an act of Parliament. Could we increase those numbers as a short-term fix that would be relatively small in cost?

Neil Gray: We have already increased the number of judges. I brought through an order in the past couple of months to increase the number of judges in the High Court by one, with the flexibility to provide an additional—

The Convener: That was for the Sheku Bayoh inquiry, was it not?

Neil Gray: Yes, that was because of the particular judge in that setting, but let me conclude. The particular judge in that inquiry is obviously recused in order to take forward the inquiry. The immediate action is to increase the number of senators by one, but there is the flexibility in the order to increase that by a further six over the period. I do not need to come back to committee or Parliament to ask for an increase in the number of senators. The flexibility is now there to allow an increase in the number of senators every time there is a judge-led public inquiry.

The Convener: The policy note for the Maximum Number of Judges (Scotland) Order 2026 shows that the cost of that increase is £318,000 a year. It is one thing to have the legal provision to increase it by six, but will the budget be available to do that? It would alleviate pressure on the High Court.

Neil Gray: Conversations are ongoing with the Lord President and the court service on what staffing will be required for the increased number of High Court sittings that are coming in January. Should those resources be required, that will be part of the budget consideration.

The Convener: I want to finish up on challenges for the Scottish Prison Service. I will come back at the end of our evidence session on the issues relating to Polmont, which I am not particularly happy about.

The prison population is more complex at the moment, and the Scottish Prison Service has acknowledged that. The prison system operates at 109 per cent of its capacity. What is the budget impact of that, and where do you see future prison budgets going?

Neil Gray: You will be aware that the figure is just over £50,000 per prisoner place, so you can do the maths to find out the direct implication.

We also have HMP Glasgow and HMP Highland in Inverness coming on stream in the next couple of years. We are staffing up for those, and particularly for Highland, as of now. There is increased resource demand for the Prison Service relating to prison officer numbers. We are working with the Prison Service on its budget ask to reflect the complexity and pressure in the system.

As you will be aware, separately from the budget process, during the summer, we consulted on measures to bring forward a more sustainable prison population and on how we manage offenders and use prison. That is about who prison is there for, what it is there for and what we need to do in our communities on the inevitable release of prisoners. The discussions are still to be had and the decisions are still to be taken on the final conclusions on potential penal reform to bring forward a more sustainable prison population. What the Prison Service is facing in Polmont, which we will come on to discuss and which is an illustration of the issue, is unsustainable and needs to be addressed. Parliament and Government need to address that.

The Convener: Before I come on to Polmont, are we still on track on HMP Glasgow?

Neil Gray: Yes.

The Convener: Is the budget still in place?

Neil Gray: Yes.

The Convener: We are not expecting any slippage at all on that.

Neil Gray: No.

The Convener: I have asked you this before but, is it the case that, when HMP Glasgow opens, HMP Barlinnie will close for good straight away?

Neil Gray: As I have said previously, that is the current intention. However, given the prison population figures that we are working with and the projections on High Court business and other matters, HMP Barlinnie is a resource that might need to be called on, but no decision has been taken on that.

The Convener: Do you understand that any decision to keep HMP Barlinnie running would have to be planned well in advance? I have had a conversation about that with Mick Stoney. We could not just do that overnight, but it seems to me that the Government is now thinking that that could be an option. Is that right?

Neil Gray: As I said, no decision has been taken, so no conversations have been had with the governor. However, I am well aware of the operational need for any decisions in that regard to be taken as early as possible so that the necessary planning can be done. I stress that it is still the intention of the Government and the Prison Service that Barlinnie will close on the opening of HMP Glasgow. However, I am cognisant of the current and projected prison figures, so the decision could still be reviewed.

The Convener: I will move on to the situation at Polmont. Why was it felt appropriate for the BBC to be briefed on a prison riot that involved 30 inmates and that necessitated officers from four establishments to come in to restore order, but for the Parliament and, in particular, this committee not to be told about that major incident?

Neil Gray: That is an operational matter for the Scottish Prison Service. It has operational responsibility, which I have to say it discharged impeccably in restoring order. I was kept informed that evening on the progress of the incident, and I have since written to thank the prison officers who were involved, who were not just from Polmont but from other jails, and who were dispatched to restore order. It was an impeccable restoration of order.

The First Minister set out to you yesterday how careful we need to be in such scenarios, given the prison population measures. It was—

The Convener: Why was the BBC told when Parliament was not?

Neil Gray: The incident was reported at the time. The *Sunday Mail* and *The Sun* reported it at the time, on the weekend of the incident, so it was in the public domain. However, we need to be careful. It is an operational matter but I, as justice secretary, as well as the Scottish Prison Service and other agencies that have operational responsibility for maintaining public order such as the police, need to be careful in how we report such incidents and how we ensure that we continue to restore order, given the sensitive nature of the system that we are operating.

Obviously, Ms Pollock gave her interview to the BBC and set out the situation at Polmont, but I stress that the incident was reported at the time—it was in the public domain, and it was reported by the *Sunday Mail* and *The Sun*.

The Convener: So, it is all right for the committee to find out from the *Sunday Mail* and *The Sun*.

09:30

Neil Gray: Forgive me, convener, but that is not the point that I am making. It was in the public domain. Given the situation around operational issues that arise in the Prison Service and regarding the police, you will understand the sensitive nature of the matter. We need to be incredibly careful around reporting it and the

dissemination of such information, given the very sensitive nature of our prison system at present. Mercifully, it was possible to respond to, contain and resolve the situation relatively quickly. However, given where we are with the prison system, I do not want a situation where there could be further disorder elsewhere in the system.

The Convener: This committee has oversight of your portfolio, and prisons policy in particular. The idea that such information would be concealed or withheld is a gross discourtesy to the Parliament. You and I both served as members of the Westminster Parliament, and we have rightly gone through Tory Government ministers for not providing such information to Parliament. I would be keen for Government and the Prison Service to reflect on how that information can be conveyed to Parliament. There are mechanisms for doing that. The committee should not be finding out about prison riots through the media.

I will now hand over to Ms McNeill.

Neil Gray: If I may first add, I am more than happy to reflect on that. As Ms Pollock set out, the incident was, mercifully, not one that we have seen in our prison system for a very long—

The Convener: She also said that it was not unexpected.

Neil Gray: Given the pressures that I have been talking about.

The Convener: Correct.

Neil Gray: That is the reason why, as a Government and as a Parliament, we need to consider how we can make our prison system and prison population sustainable. I agree with Ms Pollock about the incident potentially being an outcome of the population pressures. The point that I am making and that I wish to reflect on is that it is a rare issue. Of course, I will reflect on what information that can be provided to committee, and I will ensure that that is done, not just by me but by Linda Pollock and others across the system.

The Convener: Good.

I call Ms McNeill.

Pauline McNeill (Glasgow) (Lab): I had a supplementary question, but I am happy that you have covered it.

The Convener: That is fine; I will come back to you when we come to questions on the police.

Stephen Kerr (Mid Scotland and Fife) (Con): I do not think that your answers are good enough, cabinet secretary. You do not seem to understand that you are accountable to Parliament. Ms Pollock is accountable to you. Correct?

Neil Gray: Yes.

Stephen Kerr: You are accountable to Parliament.

Neil Gray: Yes. I understand the line of inquiry that Mr Kerr is taking. What took place was an incredibly sensitive operational issue in the prison system. I was—

Stephen Kerr: Six weeks. Six weeks.

Neil Gray: If Mr Kerr will allow me to conclude.

Stephen Kerr: Six weeks it took from the moment of the incident—

Neil Gray: If Mr Kerr will allow me to conclude—

Stephen Kerr: —for it to go to the BBC and for us to get it.

Neil Gray: —he will be able to make his point without interrupting. The—

Stephen Kerr: If we do not interrupt, you might just talk forever—but we might not hear anything.

The Convener: Let the cabinet secretary answer. I will then hand over to Mr Kerr for his line of questioning.

Neil Gray: This was an incredibly sensitive operational issue. On the point that Mr Kerr is making about Linda Pollock's accountability to me, that was clearly discharged in the way that she and her team kept me briefed overnight. I had a meeting with them that evening, and I had a further meeting with them early on the Saturday morning. They kept me well updated on the response and on how the incident was contained.

Stephen Kerr: Sure.

Neil Gray: On the point about the dissemination of the information to committee, as I have said to the committee, I am more than happy to reflect on when there are operational—

Stephen Kerr: I think an apology would be more appropriate.

Neil Gray: Convener, when there are operational considerations such as in this case, I am more than happy reflect upon—

Stephen Kerr: If you were informed overnight by Linda Pollock—

Neil Gray: —what can be done to ensure that the committee is provided with the necessary update to allow you to hold me accountable, and to ensure—

Stephen Kerr: We cannot hold you—

The Convener: Mr Kerr.

Cabinet secretary, please finish; I will then bring in Mr Kerr for his line of questioning.

Neil Gray: I am more than happy to reflect on the point about ensuring that the committee has

sight of the necessary information, within the realms of the operational independence of the Prison Service, the police and others who carry out operational duties that I am briefed on. The committee must understand that I cannot always disseminate information. However, in this instance, I am happy to ensure that there is a proper reflection.

I understand the perspective of the committee and the need to ensure that you can be furnished with information to hold me accountable. I have no fear of that accountability. Mr Kerr and the convener know me well enough to know that I am open and transparent with the Parliament about the challenges that we face, and I will continue to reflect on ensuring that you have the information that you need.

Stephen Kerr: It is precisely because the convener and I both know you from our time in Westminster. If a Conservative home secretary had sat on information about the worst prison riot in a UK prison for six weeks and not informed the Parliament and we had had to learn the details of such an incident through the media, then, rightly, you would have been the first person on your feet on the other side of the chamber when the home secretary finally fessed up. That is why I think that it is appalling that it did not cross your mind to think about reporting the incident to the Parliament. Do you understand where we are coming from?

Neil Gray: I understand where you are coming from, although committee members must also understand that, first and foremost, my consideration is for the safety of our prison systems—

Stephen Kerr: Six weeks.

Neil Gray: Mr Kerr, my first thought is the safety of our prison system, our prison officers, and those who are incarcerated. I discharge my duties from that perspective. Of course, I am accountable to the committee and the Parliament and I am feeling that accountability this morning, as the First Minister did yesterday. There is no desire not to be as transparent as we possibly can be in operational matters such as this. I have given the commitment to reflect on the dissemination of information on operational decisions on matters such as this to ensure that the committee is given the information that it needs.

Stephen Kerr: I am sure that we will return to the matter, because, as far as many of us on the committee are concerned, it has not concluded.

The SPA has said that a flat-cash settlement would result in nearly 1,000 fewer officers. The convener addressed the issue with you directly. Is there a relationship between the spending review, which was conducted only in January, and the 2027-28 budget?

Neil Gray: Yes. The spending review sets out indicative figures for our spending priorities over the course of the spending review period. However, Mr Kerr will also be aware of the UK budget's intervention and the difference that that makes to the budget that we have available throughout the spending review period. He will acknowledge that there has been a £650 million real-terms reduction: £550 million in resource and £100 million in capital.

Stephen Kerr: To govern is to choose. I hope that the cabinet secretary agrees that there is no greater priority than public safety.

Neil Gray: Of course. It is the first duty of Government.

Stephen Kerr: The SPA has done the public a service by spelling out what the consequences would be if a flat-cash settlement was to be given. Can you give the committee an assurance, given that the first duty of Government is public safety, that we will not be discussing that scenario after the budget is delivered?

Neil Gray: We are engaged in pre-budget scrutiny, rather than setting the budget. I know that Mr Kerr understands that. I cannot set out what will be contained in the budget, beyond saying that we have received Police Scotland's budget asks, which we are currently considering, and we are working across Government on the prioritisation of our resources. Alongside the priorities that I have already set out on our prisons, the police service is at the forefront of my thinking. As a consequence, I know that it will be at the forefront of the Cabinet's thinking when it comes to decisions about the allocation of a diminished resource.

Stephen Kerr: Ivan McKee, last week, David Kennedy of the Scottish Police Federation told the committee that the federation had been told by the Government that, in effect, there was a plan to cut public sector spending by 5 per cent overall. Is that correct?

Ivan McKee: I do not recognise those numbers. As you have already indicated, we have laid out the spending plans for years up to 2029-30 in the recently published spending review. As my colleague Mr Gray has indicated, there are challenges with the funding that will come from the UK Government next year. The Deputy First Minister will announce the budget in short order to address those challenges—

Stephen Kerr: So, the 5 per cent figure is not correct.

Ivan McKee: I do not recognise that figure. The spending review lays out the numbers that will be available. As we have indicated, those numbers will be subject to the reduction in funding from the UK Government.

Stephen Kerr: You are saying that we should not take the 5 per cent figure literally.

Ivan McKee: I do not recognise that.

Stephen Kerr: Neil Gray, the Police Scotland submission talks about the consequences of not having the additional investment that the force needs to maintain a police service that we would recognise as being even of the current order. It talks about having to

"prioritise emergency response and the highest threat, risk, and harm"

with

"Prevention and early interventions … limited."

In fact, last week, the Scottish Police Federation told us that there was effectively no crime prevention work going on in real terms. Is that the level of policing that you would like to see? I doubt that it is.

Neil Gray: I think the chief constable would dispute that if she was before the committee.

A resource is provided to Police Scotland and deciding how that resource is utilised is an operational matter for the chief constable. However, I recognise, as I set out in my response to the convener, that the evidence implies that there are only two ways the police can go, and that those are to have a reduction in personnel or a reduction in pay. I recognise the challenges and that is part of what the Government will consider in allocating resources.

Stephen Kerr: It is obvious that the chief constable wants to get back to community policing, which is something that I think we all agree with. Her plan of having two named officers for every ward would require investment, and without that investment she is not going to be able to deliver visible community policing.

Neil Gray: Mr Kerr has said to me that to govern is to choose. The allocated resource is provided to the police and how that resource is utilised is an operational matter for the police. However, I recognise that the more resource that is available, the easier it is for the chief constable to be able to do that level of preventative and community work.

Stephen Kerr: Another way of saying that is that it becomes possible for the chief constable to do what she wants to do if she has the resources to do so, and that it is not possible to do what she wants to if she does not have the resources.

Neil Gray: We are playing with semantics to some extent. However—

Stephen Kerr: No, because you spoke about things being easy to do.

Neil Gray: I recognise that there are challenges and having an increased resource makes things easier, but things are not impossible.

Stephen Kerr: Ivan McKee, I come back to you regarding something that the convener has already mentioned. I feel that both you and Neil Gray missed the point in the answers that you gave to the convener, because the police should not really be responding to mental health calls at all, given that 90 per cent of those calls do not involve any criminality.

Neil Gray: Before Mr McKee comes in, it is important to stress that there are some calls that the committee would recognise as ones that the police have to be involved in.

Stephen Kerr: Yes.

Neil Gray: What Mr Kerr has put on the record is not a true statement. There are some calls that the police have to respond to.

Stephen Kerr: Yes, some.

Neil Gray: The point we are currently wrestling with is that the number is, unfortunately, rather large.

Stephen Kerr: Do you have a number?

Neil Gray: I do not have a number before me.

Stephen Kerr: How do you know it is large?

Neil Gray: The number of incidents where the police have to be involved is not insignificant.

Stephen Kerr: Can you give us the numbers?

Neil Gray: I do not have them before me.

Stephen Kerr: Could you send them to us?

Neil Gray: Of course. I will do what I can.

Stephen Kerr: Can you send us the proportion of the total number of calls that are police related?

Neil Gray: The point that I am making is that I am not disagreeing with Mr Kerr's fundamental point, which is that the police are involved in too many call-outs.

Stephen Kerr: Yes.

Neil Gray: That is the situation we are attempting to address.

Stephen Kerr: Ivan McKee, how will public service reform transform that picture of 700,000 calls? What will change specifically? We have had some piecemeal discussion today, but you are more strategic, are you not?

Ivan McKee: We are working closely together and Mr Gray has outlined some of the interventions that can be helpful in that space.

The core principle is about joining up services so that the right people are in the right place at the right time to be able to—

Stephen Kerr: So the police will not be going to mental health calls if they have no policing requirement at all?

Ivan McKee: Police will need to join up with other services so that the appropriate resource, from the appropriate service, is used to address the particular challenge.

Stephen Kerr: Is that on the agenda? Will we see that in the coming financial year?

Ivan McKee: Specific steps are being taken, as Mr Gray has outlined, and I have seen other examples of joined-up working. It is important to put that in place to have an impact on that number.

Stephen Kerr: What about citations? I am sorry to rush us on, but we do not have a lot of time. His Majesty's Inspectorate of Constabulary in Scotland produced a report on citation delivery, which is a huge workload for the police. Will public service reform mean that we will stop sending police officers to deliver court citations?

Ivan McKee: All those areas need to be looked at to be able to address—

Stephen Kerr: They have been looked at. A report was produced and there are 50 recommendations. However, we were told last week that not one of the recommendations has been actioned.

09:45

Ivan McKee: I will go and look at the specifics of that. I do not know whether Mr Gray has anything to say on that but, more generally, I make the point that we are looking across the whole public sector and indeed beyond precisely in order to identify where there are opportunities to do things—

Stephen Kerr: Will you—

Ivan McKee: Will you let me finish on this? It is an important point.

Stephen Kerr: Yes.

Ivan McKee: We are identifying where there are opportunities to do things more efficiently. That is about getting the right resource in the right place so that the limited resource that we have can make the biggest impact. It recognises that that resource is not always used as effectively as it could be.

The Convener: You have one more minute, Mr Kerr.

Stephen Kerr: You know that I support that, minister. I want you to succeed in your public service reform programme.

I have many questions, but my final question for now is for Neil Gray. Another area where a lot of inefficiency is built in is the way that police officers appear at court. They appear at 9 o'clock in the morning, but they may not be called that day, or they may be called only late in the afternoon. Surely there is a more effective way in which we can use police time when it comes to appearing at court.

Neil Gray: Actually, there has been significant work and improvement in that space. I am happy to provide the committee with the detail that I have received from the Lord President and the chief executive of the Scottish Courts and Tribunals Service on the ability of police officers to give remote evidence in court hearings from their own police station. That gives them the flexibility to appear remotely to give their evidence so that they are not, as Mr Kerr highlighted, sitting in court and not being called.

It is a fundamental part of a police officer's duty to give evidence in court, and we cannot move away from that. However, the ability that I have mentioned is a good example of sticking to the principle that Mr McKee has set out and making sure that we have the most efficient use of resources. I am happy to provide the committee with the detail that was provided to me by the Lord President.

The Convener: I am about to bring in Ms McNeill, but I note that our understanding is that only 13 per cent of officers who appear at court are actually called.

Neil Gray: I have data that might be more helpful to the committee in relation to appearance at court, convener.

The Convener: We will look forward to receiving that.

Pauline McNeill: The chief constable has asked for £110 million, which is a modest request, but she has been told by your department that she should operate on the basis of a flat-cash settlement.

Neil Gray: That is not the case.

Pauline McNeill: Are you certain that that is not the case?

Neil Gray: Budget decisions affecting either the police or any other public body have not yet been taken, and they will not be taken until the budget process is concluded, which is some weeks away.

Pauline McNeill: If you cannot give the chief constable the £110 million that she has asked for just to stop the outflow of police officers and keep the service as it is, how can you say that it is a matter for the chief constable to worry about?

Neil Gray: No—

Pauline McNeill: You say that she should be accountable. If you do not give her the £110 million, why are you not accountable? Why is she accountable?

Neil Gray: No—

Pauline McNeill: I received an email this morning from someone who said that they have been waiting for four days for evidence to be collected in a sexual crime case, so this is real to people.

Neil Gray: That is completely unacceptable. The £110 million ask is not just a standstill ask. It includes enhancements for prevention and additionality, so it would not be true to say that the £110 million is just a standstill ask.

On Ms McNeill's point, we are considering—

Pauline McNeill: I did not say that, by the way. I was just saying that the chief constable has been told that it will be a flat-cash settlement. You are saying that that is not the case—

Neil Gray: That is not—

Pauline McNeill: She has asked you for that amount. I am asking you how you can say that it is down to the chief constable to be accountable—

Neil Gray: I was coming to that.

Pauline McNeill:—as if it is the Police Service that is not good enough and not you.

Neil Gray: I was coming to that point. Of course accountability lies with me. We give the resources that allow the police to do their job. The point that I am making, which I also made to Mr Kerr, is not that, once the resources have been passed over, all responsibility is absolved. Of course the resources need to meet the requisite demand. The point that I am making is that, once the resources have been allocated, the chief constable has the discretion and the flexibility to use them as she sees fit in an operational manner.

Pauline McNeill: I understand that, and I will talk about that flexibility. It goes back to the question about flexibility that Ivan McKee was asked. Either the budget has to be good enough or we have to free up police officers' time. I come back to that point, because I do not believe that you will deliver either of those things.

Last week, I asked an important question that I have asked previously: do you accept that more than £2 billion in savings has been delivered in the police budget over the past 14 years? Does the Government accept that figure?

Neil Gray: The savings figure that I am aware of is £290 million. I am not sure where the £2 billion figure has come from.

Pauline McNeill: It is from Police Scotland's submission to the committee. You might be familiar with the figure that I was familiar with, which is £1 billion, but £2 billion was the figure in the submission to the committee.

Neil Gray: Obviously, savings have been accrued from the move to a single force. I would be happy to interrogate the figure that Police Scotland has given and the one that you have suggested. The £290 million and its—

Pauline McNeill: Is your position that the figure is £290 million?

Neil Gray: Significant savings have been accrued on the back of the formation of Police Scotland. That has allowed us to ensure that, with a pressed public service budget across the board—I was just speaking about the fact that the UK budget has reduced the amount available for public expenditure in Scotland by £650 million in real terms—

Pauline McNeill: I am sorry to interrupt—I am not trying to be rude—but we have limited time. I am clear in my mind, but I want to see where you stand on this. We can argue about what the figure is another time. I put this question to Ivan McKee, too. Surely, in public service reform, the Government must accept that significant savings have already been made through the centralisation of police and fire services. Ivan McKee's letter alludes to that. I am talking about the police in particular at the moment. Are there really any more savings that can be made?

Neil Gray: I accept that significant savings have been accrued. If we are talking about cumulative budget savings, the figure will, clearly, be closer to the one that Ms McNeill referenced.

Ms McNeill is correct that, as we have spoken about previously, the work that has been done to provide a national force has allowed for operational deployment changes and benefits. This is not only about requiring financial savings; it is about the operational benefits that can be derived for Police Scotland.

There is always more that can be done. Of course, because of that exercise, it is more challenging to achieve the same level of reform, savings and efficiency in the police and fire services that we are seeking in other parts of the public sector.

Pauline McNeill: Ivan McKee, I have the figure here: the claim being made is that £2.3 billion of

savings have been made. If the Government cannot provide the police's ask, something else will have to give. For public service reform, I do not see much left in the budget to scrape, but that is just my view. Well, you tell me—you have already been asking questions about how it could be done, but we do not have any concrete answers.

I have been pursuing a line of questioning about whether we could look at something else. You will be familiar with the structure of Police Scotland. Mistakes were made. The VAT issue was one of them, and the police no longer have the ability to carry forward reserves. Why cannot that be an option to give some flexibility in the police budget?

Ivan McKee: Is that question for me to answer?

Pauline McNeill: Yes, if you do not mind.

Ivan McKee: There are a few things to say. First, I will get back to you on the specific numbers, but my understanding is that the figure for annual savings is £290 million and the figure that you provided relates to cumulative savings. That shows the value of that reform, which has freed up resources that can be applied to front-line services and so on.

Secondly, Mr Kerr has helpfully laid out a number of opportunities for doing things more effectively and efficiently and saving police time—and there are others that we are working on. That shows that, although the solutions to such issues often lie outside the justice system, if those issues are addressed in a system that is working as efficiently and effectively as it can be, with joined-up solutions, there is the opportunity for things to be delivered more efficiently. It is always true that there is more that can be delivered, and it is important to recognise that. I do not know whether that answer helps.

Pauline McNeill: Not really. If you need some flexibility in this budget, carrying forward reserves—

Ivan McKee: In terms of year on year, and carrying forward—

Pauline McNeill: Or multiyear funding. Is it possible to look at that?

Ivan McKee: No, it is not possible. There are clearly issues. Given her responsibilities, the Deputy First Minister is better placed to answer that. Across the whole public sector, the Scottish Government's ability to carry forward reserves year to year is severely limited at the top level. We have asked the UK Government for more scope to do that.

Pauline McNeill: But police forces had that ability before the centralisation.

Ivan McKee: That all gets added up into—

The Convener: Mr Gray is looking to come in, too.

Neil Gray: Sorry, Mr McKee. The correspondence that I am providing to the committee today in response to points raised at my previous evidence session sets out more detailed answers to Ms McNeill's points on holding reserves. She is correct to say that that was previously possible at a local level when there was closer interaction with local government and we were able to hold a reserve. However, green book rules mean that, when the funds go to a national force, it is not possible to hold reserves.

Pauline McNeill: That is not an option.

Neil Gray: It is no longer an option.

Pauline McNeill: That is what I wanted to know.

Neil Gray: That is because of the green book rules.

As Ms McNeill is correct to say, and as Mr McKee has set out, the figure that I had in my head of £290 million relates to annual savings, and the £2 billion figure relates to cumulative savings since 2013. According to the Police Scotland submission, that figure is £2.5 billion, so I will check the difference between what we have and what it has.

Pauline McNeill: Thank you for clarifying that, at least.

I go back to this point: if, at the Cabinet table, you cannot provide what is required to deliver the police service that the public want, you have to free up police time. I will be candid with both cabinet secretaries: the complacency is absolutely staggering. If you really care about the service and about delivering it, something else has to change.

The police are unique in that they are the only service whose members cannot walk away from people in accident and emergency departments. That is the truth. Doctors can walk away—it is not their problem. I am sick of listening to people saying, "Progress has been made." It has not. The police are left with a problem. If the Government does not tell the national health service or other agencies that it is their responsibility, police officers will be left in exactly the same position. If the settlement is not good enough, the service will get worse, and you will have presided over that, having accepted the complacent findings of people telling you, "We are making progress." Frankly, that is not good enough. If they were doing what was expected of them, we would be able to see how many hours would be freed up for police officers. It is not court time that takes up most of their time; it is attendance at A and E. Surely you must be banging heads together about that. You

cannot be satisfied that there has been enough progress.

Neil Gray: No—I am not satisfied. I am not complacent, and neither is the Cabinet Secretary for Health and Care, my predecessor in this role. Neither of us is content with the current arrangements.

It is not an either/or situation. It is not that we either free up police time or give the requisite budget; I want to be able to do both. That is where the discussions are leading, because we want to provide the funding required and ensure that police time is freed up, in relation to the courts, as Mr Kerr set out, and in relation to accident and emergency and mental health call-outs, as Ms McNeill set out. Both those matters are not just under consideration; they are being driven by ministers.

I have set out the policy intervention relating to the nook. There is also the manifesto commitment on the 24-hour mental health service. The investment in mental health services within the health service is substantial, and I would expect that to continue to be a priority following the budget.

The Convener: Ms Chapman has a couple of brief questions in this section. We will then move on to Ms Bland and the next section.

Maggie Chapman (North East Scotland) (Green): Good morning. I have two questions on the Scottish Fire and Rescue Service. Mr Gray, what is your assessment—or, indeed, have you done an assessment—of the minimum safe operational capacity of the service?

Neil Gray: Assessing operational deployment to meet demand is an operational point for the Scottish Fire and Rescue Service. The service delivery review reflected upon those operational demands and on meeting the new challenges that are coming to the service beyond domestic fires—as, mercifully, the incidence of domestic fires has been substantially reduced, thanks to the fantastic preventative action that has been taken by the service. However, operational demands persist, and they are changing. We are working with the Scottish Fire and Rescue Service to ensure that the budget allocation in the coming year is commensurate with ensuring that the service is able to have the infrastructure to meet demand.

10:00

Maggie Chapman: That is not really an answer to my question. One of the challenges is that there does not seem to be a clear, overarching vision for a definition of a safe fire and rescue service, given the changes in demand that you have highlighted, as well as the need for decontamination facilities, the need for fire service stations to be upgraded and the need for rural communities not to be left to wait for hours and hours—never mind the increasing pressures, although that is an issue that the committee will keep coming back to. I am not convinced by the answer that it is an operational matter. I think that the Government should have a clear view on what safe operational capacity is, but I am not hearing that from you.

Neil Gray: I do not disagree with the points that Ms Chapman has put on the record about what fits within consideration of what a safe operational requirement looks like. I have visited many of the facilities, including training facilities, to look at how we can enhance those areas, particularly the area of decontamination training for wildfires. I have seen the investment that has been made in Perth, where there is a fantastic £3 million facility. Our firefighters are no longer continually exposed to domestic or other fires because we have been so successful in reducing those incidents, so the facility provides a realistic training environment to ensure that they retain the operational experience that is required when faced with a domestic fire or if they have to decontaminate with personal protective equipment after a wildfire. Previously, because of the rate that officers were deployed to domestic or other fires, they were exposed to fire behaviour in a way that they are not at the moment. That is why it is important to invest in training.

Maggie Chapman: Mr McKee spoke earlier about ensuring that our public services are sustainable and fit for the future. Role expansion for firefighters was agreed to four years ago. The Scottish Government, the service and the Fire Brigades Union all agree, yet the service has been waiting for investment to implement measures that would result in savings being made by the Scottish Ambulance Service, as well as several other public service areas. You talk about joined-up working, but when is the investment going to be made available for role expansion?

Ivan McKee: I will let Mr Gray talk about the specifics of the investment, but that is a good example on a number of levels, because it recognises that the service is changing. The representatives of the workforce are supportive of the initiative and are keen to drive it, and that talks to the important role of the empowerment agenda.

Maggie Chapman: We have been waiting for four years.

Ivan McKee: We will come on to talk about that. You are right that it generates efficiencies, if you want to call it that, across other parts of the system.

Neil Gray: I agree entirely with Mr McKee that role expansion is wanted by staff and unions and

that it has been committed to by the Government. Ms Chapman will recognise that pay, terms and conditions for the fire service are negotiated at UK level. I was hoping to be in London this month in order to have bilateral discussions on this and other issues with the likes of the home secretary, but that is not going to happen, due to availability. However, I want to be able to interact with my UK counterparts on the issue and hear about their relative prioritisation and about how role expansion could be done through the negotiations that take place at a UK level on pay, terms and conditions.

Maggie Chapman: I could go on, but I will leave it there.

The Convener: There is another instalment of Ms Chapman to come, so do not worry. I will now hand over to Ms Bland.

Amanda Bland (Central Scotland and Lothians West) (Ind): Good morning. I have three questions about the third sector that I will direct to Mr McKee. I will put them into context for you. Based on the evidence that we have heard across the panels at committee, I would argue that the Scottish Government cannot achieve meaningful public service reform without a sustainable, independent and influential third sector. The third sector must be given the financial security, recognition and decision-making powers that are necessary to fulfil their vital role in supporting our statutory agencies and the communities that they serve. Do you agree?

Ivan McKee: I see that every week in my own constituency, where organisations are doing fabulous work.

Amanda Bland: I was heartened by your opening statement, in which you talked about reducing avoidable demand and about prevention, joined-up services and early intervention. There are many organisations within the third sector, and the committee can see an intricate web across the statutory and third sectors.

My first question is this: how will you ensure that public service reform translates into a genuine commitment to sustainable investment in the third sector?

Ivan McKee: If you read the strategy, you will see that we are very clear about the important role of the third sector. We have workstreams that focus specifically on how the third sector can be given its proper place within the wider system.

It is important to recognise that both my job title and the work that we are taking forward use the words “public service reform” not “public sector reform”. That is done specifically to recognise the wider role of the third sector. We have individuals with third sector experience sitting on the public service reform board, which directs and drives the work that we are taking forward, and I meet frequently with representatives of the third sector. I am absolutely seized of the need for the third sector to take a critical role in delivering that activity.

Amanda Bland: We heard last week from Karyn McCluskey of Community Justice Scotland. I am going to quote from what she said because she represents many voices from the third sector. She said:

> “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.”—[*Official Report, Criminal Justice Committee*, 28 October 2026; c 52.]

I used that quote because I have heard that time and time again from charities in my own region of Central Scotland. What do you say to Ms McCluskey and to people from other charities to reassure them?

Ivan McKee: You are absolutely right. I have met Karyn on a number of occasions. She has done great work in the past and continues to do so.

That goes to the heart of the preventative agenda, because third sector organisations are often best placed to deliver on that agenda in a cost-effective way and are also often able to join up and integrate services in the way that the PSR work seeks to deliver. That is because they meet individuals and families to address their needs, instead of working on a siloed basis. Those organisations are an exemplar of what we want to roll out more extensively—

Amanda Bland: So what have they got to look forward to?

Ivan McKee: I will come on to that.

They are an exemplar of what we want to roll out more extensively as part of the public reform work.

You are absolutely right that those organisations should not have to take the steps that you identify when they come to the year end, so more stable funding is important. Part of the work that we are doing—and this is also set out in the PSR strategy—is to look at the grant funding schemes for third sector organisations. That is because there are too many; they are too complicated; and they are not necessarily integrated, because they are driven through silos within Government rather than being coherent across the piece. There is some work at the moment to understand what the

grant-funding schemes are, how they can be better joined up and integrated, and how reporting and assessment within those schemes can be more effectively targeted so as to be less burdensome for third sector organisations and to give them more stability.

My final point is that when we are under budget pressure we are always in danger of looking to cut the things that are easiest to cut instead of protecting the things that are delivering the preventative and integrated agenda in a cost-effective way. The budget process must take its course, but recognising and prioritising the work that the third sector does across portfolios is really important.

Amanda Bland: That leads me to my next question. Last week, Audit Scotland was very clear about the lack of available data. What evidence does the Scottish Government use to assess the effectiveness, impact and outcomes of its funding for the third sector? What I see is a complicated web, and I am not convinced that we have data that can guarantee that public money is being spent in the right places at the right time. I need to understand what evidence you base decisions on, given that the area is so complex.

Ivan McKee: Are you asking on what evidence we base decisions about where to allocate funding to the third sector?

Amanda Bland: Yes.

Ivan McKee: You are right to say that it is complex. We will never get a perfect answer to this, because understanding the impact of a preventative intervention somewhere else in the system at a later point in time will always, by its nature, be complex. It is always going to be difficult to understand the impact of a third sector intervention before we make it and to be 100 per cent sure about that, but—

Amanda Bland: So, you cannot guarantee that you are always achieving value for money.

Ivan McKee: I think that that is a given due to the nature of the third sector, but that should not prevent us from doing the right things, which are, as you identified, joining up the processes and the funding streams and providing certainty on funding.

It is a complex environment and, to be honest, the problem is possibly the opposite. We sometimes take too much of a belt-and-braces approach in seeking assurances rather than understanding that the work that the third sector does in providing local services is almost like providing essential infrastructure. We need to simplify the mechanisms whereby different parts of Government ask for different forms to be filled in or for different information and the process is not necessarily co-ordinated. It is important to reduce that burden on the third sector and streamline the processes whereby we provide funds so that that is done in a more integrated way.

The Convener: I will bring in the deputy convener briefly before we go back to Ms Chapman.

Ben Macpherson (Edinburgh North Eastern and Leith) (SNP): To build on the point that Ivan McKee just made, during the pandemic, we managed to make the processes much more expedient without opening up the public sector to additional risk of fraud. There is plenty of learning from that that we can build on to give trusted organisations resource in a more efficient way.

The Government has—commendably, in my view—made commitments to three-year funding cycles for the third sector, which should make a huge difference both on the ground and to the security that those organisations have. It will remove the risk that my colleague mentioned, and which Karyn McCluskey spoke to the committee about, of organisations having to issue redundancy notices only to withdraw them again because of the uncertainty, or of losing staff and then having to rehire and retrain them, with all the waste that is involved in that process.

How far away are we from securing three-year funding cycles for the sector, even to some extent? That will make a transformative difference.

Ivan McKee: I do not have the specifics on that aspect of the work. I think that I am right in saying that Ms Somerville is leading on it, but we will get back to the committee on that. However, your point about how the process operated during Covid is a good example of how, working with trusted organisations, we can deliver.

One of the fundamental challenges that we have lies in breaking out of the traditional siloed approach that has been taken. Money goes to portfolios, which then allocate it to third sector organisations through a plethora of schemes that are focused on what is important to that portfolio rather than what is important across the whole system. Tackling that part of the challenge requires us to do things very differently in how we allocate resources and monitor their use, but that is essential if we are to have a relationship that will allow the third sector to deliver effectively.

Ben Macpherson: If the Government could follow up on that and provide the committee with as much information as possible and indicative timescales, we would welcome that. We would encourage the Government to move as swiftly as possible on it, because it would make a big difference in both the justice portfolio and others.

The Convener: I will bring in Ms Chapman. We are still on the topic of the third sector and victims.

Maggie Chapman: I will carry on with questions to Mr McKee about grant funding and support for the third sector. In response to Amanda Bland, you said that the third sector should be treated as essential infrastructure. Why is it then that, through the various grant funding systems or because of various Government priorities, third sector organisations are repeatedly asked to reinvent themselves—to create a new project and start something new—even if we know that what they have been doing for the past five years works? How is that sustainable? It is a huge waste of resource and time and, frankly, it is really frustrating for those people, who are just trying to do their jobs.

10:15

Ivan McKee: You are absolutely correct. That is why the public service reform strategy has a workstream on grant funding that addresses those issues. It is why we have pulled together, for the first time within and across Government, a list of the grant funding that is delivered to the third sector. Such a list did not exist previously. Around 500 grant-funding relationships are on that database.

Maggie Chapman: I am sorry to interrupt, but the issue is not just about the number of funding organisations; it is about what they are seeking.

Ivan McKee: That is absolutely correct.

Maggie Chapman: The funders are always looking for innovative new projects and asking, "How can we do this differently?" What if we do not need to do it differently, because what we are already doing works?

Ivan McKee: Yes—I am agreeing with you. You are absolutely correct. The first step is to understand the scale of all this, which is the aim of the work that we have undertaken so far, and the next step is to understand how we can streamline those asks.

You are right that there is a conceptual issue. Silos in Government often feel that they need to be seen to be doing something different. You are absolutely right that, very often, it is better to just do more of the same and to do it consistently and effectively. It needs to be recognised that, because of the nature of the services that those organisations provide, they should be integrated and joined up and not made to fit into the specific silos of the funding mechanisms.

Maggie Chapman: Do you agree that, if third sector organisations are undertaking vital and often life-saving work that complements and supports public sector agencies, they should receive funding that covers the costs for delivering those services? I am talking about a full-cost recovery model, rather than funding for just a project, which does not recognise that the infrastructure of the organisation needs to exist for the project to exist.

Ivan McKee: Conceptually, I understand what you are saying. Clearly, the mechanics of that—who is funded to do what—is a separate bit of work that needs to be done within the budget constraints, but I understand your point. You need to recognise, though, that third sector organisations receive funding from a variety of sources and not just from Government. As you know, those will often be complementary arrangements, such as matched funding and other funding from the public sector that can give confidence to other providers to fund services.

However, you are right that, in general, that should be as simple as possible and organisations should not have to patch all those things together to continue operating.

Maggie Chapman: That is helpful.

Services such as the victim support services and advocacy services that we have heard about in this committee should be considered to be core justice infrastructure. If they are to be treated as essential and core justice infrastructure, the Scottish Government is beholden to ensure that they have the funding for appropriate premises. It is much the same situation as when we challenge you on ensuring that there are premises and facilities for the fire and rescue service. It is almost as if the Government's position is that it will fund the salaries of the staff who do the work but not the things that need to exist for the staff to do that work. I just ask you to reflect on that in your conversations.

I have a question for Mr Gray on support for victims and survivors. How will your budget asks and decisions ensure that victims and survivors receive timely and sustained support throughout their engagement with the justice system, rather than it just being counted as a success if a successful referral is made and someone moves from one agency to another?

Neil Gray: The organisations that Ms Chapman is speaking about in the community and voluntary sector provide a significant amount of support in that space. Victim Support Scotland, Rape Crisis Scotland, Scottish Women's Aid and others provide substantial support in that regard, and we give them funding to support that endeavour. She will be aware that we are currently working on ensuring that some of those organisations are given the funding that they need to respond to the demands that have been illuminated, partly

through this committee's sessions, but also through events that took place in the summer.

Maggie Chapman: Given that you have mentioned Rape Crisis Scotland, I should probably remind folk that I used to work for a rape crisis centre.

When you say that you will provide the resources to meet demand, what is an acceptable waiting time for somebody who has been raped and who is looking for advocacy and therapeutic support?

Neil Gray: Obviously, we want to ensure that that support is provided as quickly as possible. The evidence that has been provided on waiting times in certain parts of the country is the reason why we are looking to provide additional support to those organisations. We would expect to come forward with that following discussion with the organisations, while getting their financial needs properly assessed and worked on. We would expect to be able to provide that in short order.

Maggie Chapman: Do you have an idea of what an acceptable waiting time is, or how long waiting lists should be?

Neil Gray: That is a very difficult question to answer.

Maggie Chapman: But it is the question that those organisations grapple with every day.

Neil Gray: Of course they do—I understand that. The point that I am making is that the Government wants to ensure that those organisations can provide their services to individuals as quickly as possible. The level of waiting that has been set out by some organisations, which was put in the public domain over the summer, is what prompted the Government to look to intervene and provide additional support. We recognise that some of the waiting times are clearly unacceptable, as is the fact that, in some cases, we have closed waiting lists. That is not where we want to be. That is why we are reviewing the situation and working with the organisations to assess what it would take to speed up the processes.

Maggie Chapman: My final question on this topic is for Mr McKee. Your strategy talks about

"organising services around people … rather than around organisational boundaries".

What needs to change in public sector agencies to enable that to happen, so that there is a through-flow or coherence between the public sector and the third sector, in the way that currently works well in some places but does not work at all in others? How will that principle apply in the interconnection between the public and third sectors?

Ivan McKee: I recognise that that principle should inform the other work that we take forward. You are right that it will work better in some places than in others. Clearly, there is a wide range of activity right across all the portfolios in the public sector where that can apply. Some of that comes back to the culture, which is important when it comes to public sector leaders recognising the importance of the third sector. Some of it will come down to how we design services.

As we work our way through the landscape review and the understanding of what effective public services could and should look like in their structural design, streamlining things and ensuring that as many things as possible are integrated at local level is really important. That is where third sector organisations can often add significant value.

Maggie Chapman: Thank you. I will leave my third sector questions there.

The Convener: I hand over to Ms McNair.

Marie McNair (Clydebank and Milngavie) (SNP): Good morning, cabinet secretaries and officials. It is good to see you.

The Wise Group stated in its written submission for last week's meeting that poverty has been treated separately from justice spending. How are you addressing the link between poverty, deprivation and justice demand? You touched on that in your opening remarks, Mr McKee, but I ask you to expand on that a wee bit.

Ivan McKee: I have visited the Wise Group, and its approach and the work that it does are commendable. It has an effective model for addressing that issue. It recognises many dimensions of the challenges that, unfortunately, can lead people to an interaction with the justice system, and it is able to unpick and address those.

The issue comes back to the fundamental point about not thinking or budgeting in silos and understanding that, within Government, the money needs to be joined up effectively on the ground, if I can put it that way, so that it addresses the systemic or holistic issue, where everything, or many things, are joined up and influence other parts of the system. It comes back to the point that we made about siloed funding and the fact that the way in which we have traditionally done things is not helpful in delivering solutions on the ground.

Marie McNair: If successful anti-poverty measures were in place, what impact would you expect them to have on the police, courts and prison service?

Ivan McKee: I will not put a number on it. Although poverty can be a driver—

Marie McNair: It is a huge driver.

Ivan McKee: It is not the only driver. Conversely, to say that everyone who is in poverty will be interacting with the justice system is not a fair representation. The First Minister's top priority is to address child poverty, and considerable resources have been applied to that. The work that we are doing on preventative budget tagging in the budget process will help us to identify where money has been spent on prevention. As part of that, we will look to understand and quantify the links between interventions and how addressing poverty could have an impact elsewhere in the system, whether that is on the economy, housing, health or justice.

As you can imagine, that is a complicated piece of work; it is not just a question of putting £1 in somewhere and getting X out somewhere else. Understanding those relationships is difficult and complicated, but that should not prevent us from taking those measures and recognising that poverty interventions will positively impact other parts of the public sector.

Marie McNair: You are nodding, Mr Gray. Is there anything that you want to add?

Neil Gray: Mr McKee makes an important point about budget tagging. We need to see housing investment as justice preventative spend and poverty preventative spend, as well as a good economic contributor in its own right. We need to see education as justice preventative spend. We need to work with that dynamic across Government and remove silos, which is a critical element of public service reform that Mr McKee is taking forward.

Particularly from a budgetary perspective, we need to ensure that we are able to do that. The programme for government sets out how we will do that, with the key areas, principles and outcomes that we are looking to drive at. It is the collective responsibility of the Government and departments to look to achieve those outcomes. We want to have safer communities through a better functioning justice system, and we want to address child poverty, grow the economy and have good public services. All those contribute towards improving the picture and preventing people from interacting with the criminal justice system.

The Convener: We will move on to the next section on community justice and workforce wellbeing. I hand over to Ms Chapman to lead on that.

Maggie Chapman: This follows on nicely from Marie McNair's questions. You have recognised that prevention requires up-front investment that might benefit the broader justice system, even if it accrues in a different portfolio or budget line. What practical changes have you already made to this year's budget process to allow the investment to be made in one place and the benefits or savings to be realised somewhere else? I do not know which of you wants to answer the question first.

Neil Gray: Mr McKee might disagree, but, fundamentally, that is a question for the Deputy First Minister about how she is managing the budget process.

In recent years, we have seen a shift towards more outcome-based resourcing and budgeting, rather than budgeting purely on the basis of departmental spend. We are looking in the round at investment areas that could clearly be deemed to be preventative spend for the health service as well as the justice system, which Mr McKee and I have spoken about.

The Deputy First Minister is taking forward that approach. I am due to have a bilateral meeting with her this week to set out some of the areas of discussion and to indicate where I would like there to be investment within my immediate responsibilities and in other portfolios.

We have touched on many of the issues where there are opportunities for preventative activity; Mr Kerr spoke about the work of the police, for example. I believe that we need resourcing to allow preventative work to happen and to relieve pressure on the justice system—I have mentioned housing and social work services, as well as the community and voluntary sector, and community justice services.

Maggie Chapman: You said that you are working with the DFM on that. Is it the DFM who has the authority to agree shared investment across different outcomes in justice, housing, local government and so on?

10:30

Neil Gray: We do that collectively as a Government, but as she leads the budget process, informed by the work of Mr McKee from a public service reform perspective, the answer is, ultimately, yes.

Maggie Chapman: Who will be accountable if those systems—

Neil Gray: In Government we are collectively accountable, so we are all accountable.

Maggie Chapman: Okay. Can you give me an example of an area where the Government is prepared to spend more now in order to save somewhere else, because it knows that that will reduce harm and keep communities safer in that area and also reduce harm and demand elsewhere in the system?

Neil Gray: I referenced increased investment in housing. Taking it back to my portfolio area, I note that we have substantially increased the budget line for community justice and provided increased resourcing in that space. I also referenced the need, from a public protection perspective, to ensure that social work is given the necessary resource to manage individuals and to work with families in order to prevent either the first interaction with the criminal justice system or reoffending.

There are also a number of other areas. Drug and alcohol services have a clear interaction with the justice system. I point to those examples as the most immediate, but there are a range of others where we have seen an increase in resource that is important both for its own ends and as a direct contributor to preventing offending in the first place or reoffending.

Maggie Chapman: If we get prevention right, it will be a different way of funding services. As Ivan McKee said, it involves putting the person at the centre and getting the right services around them, regardless of who provides those services or which budget line they come out of.

Does the conversation about prevention and the different way of thinking require us to shift our thinking on what we measure? Last week, we heard powerful evidence from the Wise Group that measuring stability is better than just recognising that somebody has completed an intervention or that a certain outcome or output is complete. Actually, what matters is whether the person has genuinely moved away from the circumstances that brought them into contact with the justice system, rather than whether they have completed a short-term programme. How do you see what the Government does having to change in response to that?

Neil Gray: Mr McKee might have more to say on that, but I am familiar with the Wise Group. I have met it repeatedly both in my current role and in my previous role. It does phenomenal work, both in my constituency and elsewhere.

What you are asking for is difficult to measure, as Mr McKee said earlier. Some of those things are not data points but overall outcome assessments, which are more challenging for us to pull together on a consistent methodological basis. However, that is the type of area that Mr McKee is speaking of when he says that the Government is looking to put the person at the centre and have whole family support as a priority in order to tackle and eradicate child poverty, as well as to support people away from substance dependency, support people to ensure that they are complying with bail conditions or their licence conditions, and to ensure that we stop the escalation of antisocial behaviour into serious criminality. All of that fits into this work, and justice social work and social work services in general have a central role to play in that, as do the police.

The wider public protection landscape, which includes some of our community and voluntary organisations and the information that they are able to pass on, including information that is given not as a data point but on a free-form basis, will be critical to ensuring that we get better outcomes for individuals and their families.

Neil Gray: I want to ensure that justice social work—and wider social work services—is given the resource that it needs to manage its case load and to do the preventative work that I was speaking about in my previous answer.

We are working with Joanna Macdonald, the chief social work adviser at the National Social Work Agency, on what we need to have in order to support the workforce properly while also growing it to meet the increasing demand, especially as we are seeking to shift from managing so many individuals within custody towards providing more services in the community to prevent offending happening in the first place and to prevent reoffending occurring. That is a key piece of work that Joanna Macdonald is taking forward for us.

Maggie Chapman: You have hinted at my final question on community justice. Karyn McCluskey was clear that we cannot expect the same number of people in community justice to deal with increasing complexity and increasing demand if we are genuine about our desire to see a shift away from custody. How will you balance the pressing needs around our custodial facilities and the investment that is so desperately needed, given how stretched community justice and justice social work services are already?

Neil Gray: I understand that point. That is part of the discussion that Government is currently undertaking, and which Parliament will need to engage with, around ensuring that we have the space within the Scottish Prison Service to manage those offenders who pose a risk to the public and for whom serious sentences have been laid down.

I do not apologise for the fact that there has been a 37 per cent increase in sentence lengths over recent years, nor do I apologise for the fact that there is a rising number of long-term prisoners in incarceration—which is because we are better able to investigate, through the police, and prosecute, through the work of the courts, very serious offending, particularly sexual offending, both historic and current, as well as offending involving serious organised criminality. I commend the work of the police, the courts and the Scottish

Prison Service in seeking to disrupt and deal with that.

However, we need to have a conversation to ensure that we have the space to manage those very serious individuals and that we have the capacity in play in the community to support offenders when they are released from custody in a way that reduces reoffending, while preventing offending from happening in the first place and looking to utilise the community disposals better so that we can better manage individuals, rather than seeing custody as being the only answer in some cases.

Maggie Chapman: I think that we still need a little bit more recognition that community justice and justice social work should be seen as equal partners in the justice system. I am not sure that that is always the case. However, I want to move on.

Neil Gray: I totally understand that. That is a key thread of work, which is currently being taken forward by the Social Work Agency to inform the budget position.

Maggie Chapman: I have a question on workforce wellbeing. This applies to community justice, to justice social work and to the police—I think that it applies across the board. We are losing staff who are very experienced and skilled, because of the stresses and pressures of their jobs, either because they do not have the number of colleagues that they need or because they are dealing with increasing complexity without appropriate support and supervision. What is your plan to retain experienced staff across the justice portfolio, and how will that be reflected in the budget?

Neil Gray: I think that I have already covered the point about where we are with social work services. I recognise that that is a challenge in social work, because we are seeing more complex individuals and more individuals who require support across social work, whether in children's services, adult services or, indeed, justice services. That work is under way.

I also recognise some of the points that have been raised around the police in relation to modified and reduced duties. I understand that work on that is ongoing with Bex Smith and the police service at present. In response to Ms Chapman's earlier point, I referenced the work that is being done to provide training and support to the fire service, to ensure that the necessary PPE and other elements are in play, and to ensure that the service is given the requisite support that it needs.

Across our workforce, including in our court service, we are looking to ensure that we have the capacity to be able to deal with the demands that are on it. Ensuring the welfare of those who work in our justice system is paramount, too.

To take the prison service as an example, I hear directly from the Prison Officers Association Scotland, as I do from Linda Pollock, about the challenging environment that prison officers are operating in at present. It is my ambition to make the prison service an attractive place in which to work and do life-changing work with individuals, turning their lives around and ensuring that they return to communities reformed and rehabilitated. That is part of why we are looking at how to provide greater capacity for them to do their work; how to create more space in the prison system; and what potential there is for penal reform, which we consulted on over the summer. It is to ensure that we give our prison officers the space to do the work that they want to do—that is the greatest challenge that they face at present.

Maggie Chapman: Across the board, however, it is not just a numbers game. If you lose prison officers, police officers or third sector workers with years—sometimes decades—of experience, you leave behind workers who do not have that level of experience, and, although they might be very skilled and expert at their jobs, they will not have seen as much as somebody who has been there for 20 years. How do we ensure that we give those staff sufficient time for support and sufficient training?

We have heard stories that certain staff do not have proper appraisal systems, because there is not the time to do that. Others do not have an experienced mentor to whom they can go to sense check everything, because the mentor has resigned due to the stresses. How do we ensure that we build in not just the number of staff but the time and capacity for training, support, supervision and appraisal?

Neil Gray: It is not an either/or situation. The numbers clearly help to provide the capacity for people to do their jobs well, but having workforce support is critical. Whether we are talking about the justice system or any other part of public service, looking after our number 1 asset—our workforce—making sure that they are able to do their jobs well and looking after their wellbeing is a priority. Police Scotland is investing significant amounts in ensuring workforce wellbeing. I made the point in response to Mr Kerr that, when officers are on modified or reduced duties, we must support individuals to be able to return to full duties, instead of taking punitive approaches.

Whether we are talking about the police, the Prison Service, the Fire and Rescue Service or the court service, we are looking after individuals' wellbeing and ensuring that—to pick up on Maggie Chapman's point—they are in the best possible

place to provide the incredible service that they provide. Regardless of which part of the public service they are in, we want to ensure that they are able to do the best job that they can.

Maggie Chapman: That is not the evidence that we have heard. I have another small question.

The Convener: I will come back to you during the wash-up, because I want to bring in Mr Kerr for a very brief question—if we can have a brief answer—before moving on to the final section.

Stephen Kerr: I want to come in on what Maggie Chapman has just said about that not being the evidence that we have heard. In fact, it is not the evidence that we heard from His Majesty's chief inspector of constabulary in Scotland, Craig Naylor, who, in response to questions from me and Maggie Chapman, made it clear that we are letting down the workforce, particularly in Police Scotland, which is in his purview. He said that "psychological support is patchy". He said that only a small number of people get the support that they need to help them through the psychological issues that arise from policing due to the things that they deal with. He went on to talk about gaps in "day-to-day supervision", the absence of objectives, performance management and checks on matters to do with wellbeing, conduct and discipline. He talked about an information technology platform for all of that that is more than 20 years old. It is clearly not a priority, cabinet secretary.

The Convener: We will put that down as a comment rather than a question, because I want to move us on. It is important that Mr Kerr has put that on the record, but I want to go on to the final section, which is our wash-up, and to come in to land on some of the issues.

10:45

If Police Scotland and the Scottish Fire and Rescue Service are the poster children for public service reform—this question is directed specifically to Mr McKee—I note that the reform under the Police and Fire Reform (Scotland) Act 2012 took place prior to your entering the Parliament. What are your candid reflections on how the move to a single service has been for the police and fire services? With the benefit of hindsight, what lessons could we learn from that?

Ivan McKee: There will be individuals who are better placed to reflect on that than me. I would not call those services "poster children", but I would say that they are examples of what can be done.

Looked at simply from the perspective of resource allocation, or the effectiveness of that allocation, it is important to recognise that significant costs have been taken out from areas of duplication in the services, which continues to be the case each year, and that resource is available for investing in front-line service delivery. Some aspects are very effective, such as the ability to co-ordinate more effectively—whether facing into organised crime or cybercrime—technology and sharing data. There are always things that you can do better and there will be lots of details that we can learn from, and it is valuable to take those lessons in terms of both the opportunity that is there and as we move forward to roll out restructuring across other parts of the public sector.

The Convener: I have a final question for Neil Gray before I hand over to Ms McNeill; other colleagues might want to catch my eye, too. We heard from Karyn McCluskey about the lack of a long-term vision for justice. We have heard that a couple of times. Tell me if that is wrong. What is your long-term vision for justice?

Neil Gray: The first thing to say is to supplement what Mr McKee has said about police and fire reform. If we had not done that more than a decade ago, we would certainly be doing it now.

On a vision for the justice system, before the summer recess, I clearly set out to the Parliament where I viewed the justice system in general; the interaction of the prison population with not just the prison system but the wider system; and how we must look at what prison is for, who it is for and how those interact. That is clearly looking to set out the changes that are required to ensure that we have a sustainable justice system that serves the needs of victims, witnesses and the public by providing safety, which is the first duty of Government.

The Convener: We are into the final 10 minutes or so, and I want to give colleagues the opportunity to come in for one last bite of the cherry, as it were. Let us keep questions and answers brief.

Pauline McNeill: I thank both cabinet secretaries for coming along today. Ivan McKee, you responded to the convener by saying that there is definitely something to be learned from the centralisation of the police and fire services. I agree with the centralisation—I wanted to say that for the record. However, some would say that the centralisation of both police and fire has gone beyond that; I will give you some examples to illustrate it. We have lost nearly 1,000 fire officers and nearly 1,000 police officers, give or take—there is a variation in numbers between 900 and 1,000.

This is why I think that it is an important starting point for the budget, and I will give three examples. Police cars in Scotland—to my knowledge, and I have been in one recently—do not have access to the police national computer when on the road, so

officers cannot check a number plate. It seems to me that, in the centralisation and in avoiding duplication, there has been a serious level of cuts over the past 14 years and, in my opinion, some of that money should have been held back. I know that you cannot account for your predecessors, and I am not trying to make you accountable for that.

Ours was the last police service in the UK to roll out body-worn cameras, which I think is because we took too much money out of the service.

A report a couple of years ago said that police offices were in such a state of disrepair that it was causing depression among police officers, who were coming to work and not having the basic things that people would expect. The fire service would probably say the same. I want you to acknowledge that, in the past 12 or so years, we have gone beyond efficiency savings. There have been serious cuts over the years—the lack of investment in some areas is testament to that. I wanted you to think about that.

Ivan McKee: There are two separate issues there. One is that, if we had not done the reforms, we would be content to spend significant resources on things that were—

Pauline McNeill: I agree.

Ivan McKee: That resource has been made available more widely.

There is a separate question about how much money is spent on the items that you have identified. If we had not done the reforms, we would be in a worse place, because we would be starting three steps back from the starting line before we even started to have that conversation. We would be spending money on duplication and the aspects that were taken out as a consequence of the reorganisation. It is important to consider those issues separately.

Pauline McNeill: Yes. Whatever figure you accept—for example, the chief constable's—the money does not really matter, because those were savings. What I am saying is that some of them were cuts, and there is no getting away from the fact that that was spent elsewhere in the budget.

Amanda Bland: I have a question for Mr Gray. Let us return to the issue of Barlinnie prison. You talk about a long-term vision and forward planning in penal reform and prison staff welfare. We all welcome that, but the evidence that we hear does not match it. What alarms me, and what I am confused about, is how you could consider keeping Barlinnie prison open, because of the Government's lack of forward planning and long-term vision, when it is well documented that Barlinnie is not fit for purpose, and that it should be bulldozed and the staff and prisoners moved to more humane conditions. Why, in one breath, are you talking about penal reform and staff welfare, and, in another, considering keeping the building open and in operation?

Neil Gray: As I said in response to a question from the convener, no decision has been taken in that space. It is still the intention that Barlinnie prison will close on the opening of HMP Glasgow. The investment that has been made in Glasgow will provide more modern and up-to-date standards, including the provision of facilities for an ageing cohort, who require additional social care in our prison system.

That being said, our responsibility, which His Majesty's chief inspector of prisons holds us to account for, is to ensure that, whatever facility we have available to us, it meets the highest possible standards. That would be the case regardless of any decisions on keeping Barlinnie prison open or what we need to do to provide additional prison capacity. We need additional prison capacity, and work is ongoing in Government to establish where that capacity can be generated. I have spoken to the committee previously about modular units, the potential for new house blocks and what we need to do around penal reform to ensure that prison is there and available for those who the public need to be protected from. We need to ensure that the significant serious escalation—

Amanda Bland: You do see my way of thinking.

Neil Gray: Of course I do. I perfectly understand the premise of Ms Bland's question, convener. That is not in dispute. Barlinnie is a Victorian jail—I have seen inside it and it is clearly not up to modern standards. The point that I am making is that, regardless of the decision that is taken on Barlinnie or anywhere else, we need to ensure that the facilities that we have available to us meet modern standards. That will be our consideration in decision making on where capacity can be generated.

Ben Macpherson: Cabinet secretary, you talked about penal reform. We are aware of the need for the reform in the court system that Malcolm Graham has set out. I know that you are well acquainted with that. If you wanted to say anything on that, I am sure that the committee would be interested.

I want to touch briefly on police and fire, and follow up on what some of my colleagues have said. Notwithstanding the fact that there is always room for improvement, have we reached a position where the police and fire services have done their public service reform? You said that, if we had not done that centralisation during Parliament's past, we would be looking to do it now. What concerns the committee, based on the evidence that we have heard, is that the police and fire services feel

that they have more than done their bit to find savings, modernise and do what has to be done. However, the pressure on both services with respect to risk, resilience and public safety seems to be the most acute that it has been during my time in Parliament, so can you reassure us that you are mostly looking elsewhere when it comes to public service reform, because those two services have really played their part?

Neil Gray: I know that the deputy convener understands the point that public service reform is about outcomes and not only about generating savings or making efficiencies. The police and fire services have, of course, generated savings: we have established the savings generated by the police service in the past decade and a half, so they have done their bit, in that sense.

To say that public service reform has been completed in those areas would be to miss the opportunities that are available from digitisation and from the data-sharing arrangements that can be put in place. That takes me back to the deputy convener's first point, because the modernisation of the courts service is an opportunity, as is the work on data-sharing arrangements and joined-up justice that has been taken forward by Malcolm Graham. Those elements are still there for us to work on because they are still aspects of public service reform. We cannot see that work purely in terms of savings or efficiencies, because that is not the driver of public service reform: it is about how to generate better outcomes so that we have better public services at the end of the process. I know that that is the driving force behind Mr McKee's work. Mr Macpherson's point about the police and fire services generating savings is well made, but we will not stop doing the work of public service reform that will improve their ability to provide better services. That work is on-going.

Ben Macpherson: I appreciate your putting that on the record.

The thematic focus of today's meeting is pre-budget scrutiny. I appreciate that you cannot talk about specific discussions, but is there an understanding within the Cabinet of the sheer demand and increasing complexity faced by the services in this portfolio? Is there an understanding that others may have to tighten their belts to make resources available for this area of society and of Government delivery?

Neil Gray: Mr McKee is free to contradict me, but I have not been shy in coming forward about the challenges that the justice system faces and I do not think that I am betraying Cabinet confidence in saying that.

Ivan McKee: I would not contradict that. Mr Gray has been forthcoming on that subject, because that is his job.

I have a couple of important points to make about your earlier question and to reinforce what Mr Gray said. It is clear that a lot of structural reform has taken place in this area and similar work has been done in other areas, such as colleges regionalisation. Mr Gray will also be familiar with work in other areas. For example, in the economy portfolio, the enterprise agencies have done significant work to reduce costs, share services and work together.

There are good examples and it is important to learn from what has been done as we take the work forward. I understand that some portfolios have moved forward faster than others, but it is important to say that more can be done. Members have given examples today of opportunities that still exist to make services more effective and efficient and of work that is still to be done. That is all part of public service reform.

I know that we are at the justice committee talking to the justice secretary about the justice budget. However, the final point that I will make goes back to the point that I made right at the start. If we cannot get ourselves into a place where we are able to join up budgets and get them to deliver more effectively, and where we stop looking at it through a siloed lens, we will not succeed in relation to the broader public service reform work.

Ben Macpherson: That goes back to some of the points that colleagues raised around the need for the NHS, with its enormous resource, to do more to assist justice services in relation to mental health.

Ivan McKee: Yes. That is one example. There are also many others. However, Ben Macpherson is right that it is important to join that up; otherwise, none of it will succeed.

The Convener: I am grateful for the time that you have given us this morning. We have covered a lot over the past two hours.

The committee will next meet on 11 November, when we will consider a draft report on our pre-budget scrutiny for 2027-28. Do members agree to consider that draft report in private at next week's meeting?

Members *indicated agreement*.

The Convener: I will suspend the meeting for around five minutes to allow for a changeover of witnesses.

11:00

Meeting suspended.

11:07

On resuming—

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)

The Convener: Our next item of business is scrutiny of two statutory instruments. The committee has received written evidence on both instruments and has agreed to take oral evidence before reaching any conclusions.

We are joined by Chris Brown, chief executive of the Scottish Police Authority; Rob Hay, president of the Association of Scottish Police Superintendents; David Kennedy, who joins us virtually and who is general secretary of the Scottish Police Federation; and, last but by no means least, Craig Naylor, chief inspector of constabulary in Scotland. Thank you all for joining us and for being willing to appear before us.

Before I go round the table and get colleagues to ask questions, I will open with a simple question on the regulations. One of the key points is the issue of parity of esteem. There was discussion in the review by Dame Elish Angiolini about combining the two sets of regulations. Paragraph 30.8 of that review states:

> "There is a strong case for combining these two sets of regulations into one. That is a matter for the Scottish ministers to consider but combined legislation would in my view be more straightforward and user-friendly."

I am keen to get the reflections of each of the members of the panel on that point, and I will start with David Kennedy.

David Kennedy (Scottish Police Federation): Thank you for the opportunity to speak to you. On your question, that would be extremely good. You would need absolute independence, because one of the issues with the senior officers regulations is about who could complete the investigations, carry out the inquiries and chair the meetings of an independent panel. If we combined the regulations and both panels had that independence, particularly for gross misconduct, that would be a very good and fair approach that our members would accept.

Craig Naylor (His Majesty's Inspectorate of Constabulary in Scotland): It is slightly performative to have separate sets of regulations but, within a single set of regulations, you would have to have two different processes. You would have to deal with chief officers separately from officers up to the rank of chief superintendent. What I mean by that is that you would have a separate body investigating conduct and gross misconduct of chief officers, yet Police Scotland would be investigating conduct of officers up to chief superintendent and police staff discipline matters.

For me, the issue is not about whether you have one set of regulations or two sets; rather, it is about what the regulations do and whether they achieve a fair outcome and a quick process. We have inspected on that in recent years.

Chief Superintendent Rob Hay (Association of Scottish Police Superintendents): Good morning, convener, and ladies and gentlemen of the committee.

To the specific point, we agree with colleagues in the SPF that a single set of regulations is most likely to generate fair and just outcomes. In preparation for coming before the committee this morning, I prepared a short statement. With the committee's permission, I will deliver it.

The Convener: You have permission.

Chief Superintendent Hay: The statement expands on some of the issues that have been raised.

I am a chief superintendent with 26 years of service. As the convener said, my full-time role is currently as the elected president of the Association of Scottish Police Superintendents. I was elected to the position in 2023 and re-elected this year.

The association is 102 years old. It is a staff association that provides the professional voice for all police officers of superintendent ranks in Scotland; that is, the senior operational leaders in policing. For clarity, although superintendents and chief superintendents are officers of very senior rank, where I use the term "senior officers" during this evidence session, I am referring to senior officers in terms of the regulations, being officers of assistant chief constable rank and above.

I have been a chief superintendent since 2021, and I have served in two other roles previously to this one. I have served in the superintendent ranks continuously since 2015. Prior to taking up this role, I carried out the role of chair and assessor in misconduct hearings on several occasions, being among the most experienced officers in those duties.

I have been involved in the dismissal of several police officers for gross misconduct. Conversely, in my current role, I have represented officers subject to allegations of gross misconduct, and supported officers making allegations of

misconduct about others. I believe that those experiences allow me to put the association's position in a uniquely balanced way.

The association recognises the damage that has been done, and that is done, to the reputation of policing by misconduct of police officers. That has been most apparent in high-profile cases in which police officers have broken the law. In every one of those cases, it is the hard work of honest police officers that results in those criminals being brought before the court. It is those honest officers who represent the vast and overwhelming majority of the faithful public servants in Scottish policing, and not those who disgrace the uniform through vile criminal acts.

Although those crimes loom large in public consciousness, it is nonetheless necessary to draw the clear distinction between internal misconduct processes and the criminal justice system. Misconduct processes exist to manage breaches of the standards of professional behaviour—put simply, that means the rules that govern how police officers are expected to act, in the workplace and at all other times. That includes where crimes are committed; however, the vast majority of misconduct cases do not, in fact, involve criminal behaviour. It is important to recognise that, and not to conflate misconduct and criminal processes.

The highest sanction available to a misconduct chair is dismissal. That is worth remembering when views are expressed around what is said to be officers escaping justice by resigning early. If their behaviour is egregious, the sooner that they leave policing, the better, and the greater the saving to the public purse, both in wages and procedural costs. To repeat, the worst sanction that they would encounter is the loss of their job.

In any case, the Association of Scottish Police Superintendents recognises the public interest, and the Scottish Government's objective of ensuring that modern, fit-for-purpose regulations are in place to deal with misconduct. Critical in our system of policing by consent, those matters speak to the heart of public trust and confidence. However, we are not entitled to that trust—we must earn it. It must be won, and it must be maintained. As such, we must do everything that we can to ensure that the conduct of Scotland's police officers is beyond reproach.

It is against that backdrop that we consider the new regulations. The association supports some of the measures in the new regulations, and has concerns regarding others. I will explain both of those positions to the committee now.

The association supports the transfer of responsibility for the assessment and investigation of complaints of misconduct by senior officers from the Scottish Police Authority to the Police Investigations and Review Commissioner. Although such complaints are always few in number, the impact on individuals, including the officers who are the subject of the complaint, is always considerable. Given that, in England and Wales last year, five chief constables were all suspended from duty at one point, although the numbers might be small, these are not simply theoretical matters.

11:15

Within policing, given the cultural and actual power that is afforded in the hierarchy, the expectation of compliance with orthodoxy is such that raising a complaint against a senior officer is very much a last resort. It has been the recent experience of the association that such complaints, when made by our members, have not been managed in a fair, timely, consistent, transparent or appropriate manner. I am limited by what I can say in detail, due to ongoing legal processes that the association has had to raise, but the cases include allegations made by our members of discrimination, abuse of position, misuse of police resources and bullying and harassment. In one case, the association is supporting a member who has made allegations that are protected under the Public Interest Disclosure Act 1998.

We have a belief amounting to certainty that all those alleged matters are breaches of the standards of professional behaviour, and that, had those allegations been made against an officer in the more junior ranks, such as one of our members or a member of the federated ranks, they would have been subject to a misconduct investigation and likely placed under duty restrictions. Where the SPA has chosen not to investigate such matters—without speaking to witnesses—that has astonished us.

The association recognises legally distinct processes for senior officer misconduct versus misconduct in all other ranks, but we do not accept a differential application of the standards of professional behaviour. The code of ethics applies equally to all ranks, and it cannot be the case that the most powerful people in the organisation are the least accountable for their conduct. Indeed, it might reasonably be argued that the higher the rank an officer holds, the greater their responsibility to uphold their professional standards of behaviour and lead by example. The failure to administer the processes in a manner that commands the confidence of our membership leads us to conclude that the PIRC is the more appropriate organisation to take up this responsibility.

The effect of the current situation that I have described is to create a two-tier experience of misconduct, and that is potentially exacerbated by some of the provisions of the new regulations. The matter of independent qualified legal chairs is key to that difficulty. The regulations suggest that only senior officers would be dealt with in that manner in respect of gross misconduct matters. For ASPS, and I am sure for our colleagues in the SPF, that raises several concerns.

First, the association recognises the public interest associated with ensuring that hearing chairs are demonstrably impartial. After all, the suggestion that police officers may be lenient or act in a biased manner towards other police officers is damaging to public confidence. We note the position taken by the Women's Rights Network Scotland that the scrutiny of independent chairs is necessary for victims of abuse to have confidence. We support that position, which has also been taken by other victims' rights organisations. The association believes that it is a necessary step. Moreover, on the topic of abuse and violence against women and girls, we are absolutely clear that any such allegation against a serving officer must be vigorously and thoroughly investigated, regardless of the rank of the officer in question.

Secondly, over the past three years, the association has supported four colleagues who had allegations made against them, from a cohort of 145. In three of those cases, the conduct was assessed as gross misconduct; two of those cases then went on to be disposed of through non-sanctioned improvement action, while the other is ongoing. That disparity in initial assessment versus eventual outcome has been noted by hearing chairs.

The current threshold for assessment of gross misconduct seems irrationally low. A former colleague, now retired, who served in the professional standards department has stated that, in the current climate on police misconduct,

"No one wants to be the least offended person in the room, in case it is suggested that you are part of the problem."

The effect of that is an up-tariffing—

The Convener: If I might interrupt you, Chief Superintendent Hay, I have to say that I tend not to be a massive fan of pre-prepared statements. I was willing to give you a bit of time at the beginning. I am a very strong defender of the members on the committee having the ability to put questions. Unless you are at the end of your statement, I must ask you to draw it to a conclusion, because I want my members to be able to ask questions, if that is okay.

Chief Superintendent Hay: I apologise, convener. I am happy to pick up the points in answer to questions.

The Convener: That is great. Thank you.

Mr Brown, can you address my question about parity of esteem and the two-tier issue?

Chris Brown (Scottish Police Authority): Yes, convener. With your indulgence, though, I would like to address some of Mr Hay's points, too, if that is okay.

First, my position on having two sets of regulations versus one is very similar to Mr Naylor's. The substantive issue is more about having consistency, fairness and parity across both sets of regulations, rather than necessarily forcing them into a single document. To that extent, I think that that plays into the substantive issue that we want to discuss today, which is about fairness and perceptions of the two-tier system that Rob Hay has just alluded to.

I actually agree with a lot of what Rob Hay has said. I do not agree with everything, and there are some things that I cannot really comment on, but I passionately believe that we must address the perception that there is some degree of proximity bias between the SPA and Police Scotland. On that basis, we fully support the transfer of our senior officer conduct functions to the PIRC, which is exactly where they should be.

I can probably say more about having independent legally qualified chairs, which I think will be the key issue in this discussion. I can say that now, or during later questions—whichever you prefer.

The Convener: We will come to that in the course of our questions. Mr Kerr has caught my eye, as has Ms Bland; others who wish to come in should also catch my eye. I now hand over to Stephen Kerr.

Stephen Kerr: I thank the witnesses for everything that they have said so far. My first question is for Rob Hay. What are your members' specific concerns about the chairing of misconduct hearings? At the moment, the chairs are not independent.

Chief Superintendent Hay: Currently, misconduct hearings are overwhelmingly chaired by our members, but the complexity and challenge of doing that is outside their wheelhouse, because it is not part of the normal work of a police officer. Those hearings are quasi-judicial proceedings that could cost someone their career, so there is a significant onus on the chair to get that right.

Stephen Kerr: What training do people get to fulfil the role?

Chief Superintendent Hay: There is a two-day training course.

Stephen Kerr: Two days?

Chief Superintendent Hay: Yes.

Stephen Kerr: Just two days.

Chief Superintendent Hay: Yes.

Stephen Kerr: Right. What are David Kennedy's concerns about the independent chairing of those proceedings?

David Kennedy: We want proceedings to be independently chaired, for the reasons that you have heard. There is no training for superintendents or chief superintendents who chair misconduct or gross misconduct hearings—or not the training that you would expect that they would want to ensure that they were capable of doing what they have to do.

My next point comes from what the evidence shows us. The most recent police appeals tribunals led to seven officers who had been sacked being returned to service. To be frank, that is a complete waste of money. It costs an extraordinary amount of money to go to a police appeals tribunal, and the evidence shows that we are not getting it right, because the last seven officers have been reinstated and given their jobs back, some with final written warnings. Having an independent chair would certainly assist that process.

Another concern comes from what we can see in England and Wales. The chair there was independent, but forces down there decided that not enough police officers were being sacked and wanted to bring the process back in house in order to have more control over it. There can also be concerns when the process is internal.

I know that a lot of good superintendents and chief superintendents chair the hearings, but we must look at fairness and accountability. Having independent chairs is the only thing that would be seen as fair by our members and by the public. To be honest, it is the fairest way to operate, and we will always have unfairness if we do not do that. Even if a gross misconduct case against an officer is found to be not proven, the public could say that that happened because it was decided in house.

When we first looked at the regulations, we asked for the PIRC to do everything, but I suppose that there could be a halfway house, where the lower end of misconduct cases could be dealt with internally, while gross misconduct cases were heard externally.

I have another issue to raise for my members. We have to pay legal costs for our members, or our members have to pay those costs themselves, unlike superintendents, chief superintendents and senior officers. The cost is extreme, and we would like parity, so that, if our members require a solicitor, that is paid for.

Stephen Kerr: Is it the case that chief superintendents and senior officers get paid-for legal support but other ranks do not?

David Kennedy: Yes.

Stephen Kerr: What are your thoughts on Rob Hay's point about the hurdle for something being called gross misconduct? We have got to be clear about this. You are describing misconduct. Is it gross misconduct or misconduct? Misconduct in a workplace would be dealt with in an organisation—that is pretty routine—but we are talking about gross misconduct here, are we not? What is your concern about where the threshold lies?

David Kennedy: The threshold is far too low. I have been involved in the misconduct regulations for more than 25 years. I have defended police officers, and I helped the Government to come up with the regulations. However, the bar has been set far too low by Police Scotland. I am not saying that that was done intentionally, but what happens at a gross misconduct hearing destroys people as human beings. I will be frank: if someone goes through a gross misconduct process, it absolutely destroys them and can destroy their family, because the process is more of a punishment than what comes at the end of it.

If, after a gross misconduct hearing, it is found that there has been no misconduct, that is totally unacceptable. Someone should be going to a hearing and losing their job only if the evidence is there to point to gross misconduct. The vast majority of gross misconduct cases are found not proven, and the person gets a verbal or written warning. In my book, that is not acceptable. The regulations were written so that we should start from the bottom and work our way up, but we are working from the top and going down, which is totally incorrect.

Stephen Kerr: When officers go to the police appeals tribunal, and it basically all gets undone again—they get put back in the ranks, perhaps with a verbal or written warning—what effect does that have on them as individuals?

David Kennedy: It has a massive effect.

Stephen Kerr: What about their career prospects?

David Kennedy: If they get a finding, their career prospects will be finished for at least several years, until the finding falls off. They will feel that they do not have any career prospects. It is damning for individuals who go through that process, and we know about the depression and everything that comes with it.

We are not against a process that gets rid of bad police officers—we need that—but the problem is that the current process is destroying people and

their families. Some officers who get reinstated do not want to come back, because they have been through so much hell to get to that point.

Stephen Kerr: HMICS did a report on conduct. At the heart of the issue is the perception that there is a two-tier approach in the support that officers get when a certain situation arises. We have just heard clearly that there is a two-tier approach. In your report, there was quite a lot of criticism of the perception of preferential treatment for senior officers. As the chief inspector, why do you think that that perception is important?

Craig Naylor: If you do not mind, I will pick up on a couple of points. The changes in England and Wales that David Kennedy talked about were on the back of a Home Office review following the Dame Louise Casey work on the Metropolitan Police. It was not police forces wanting to take control back—it was a Government and Home Office-led approach.

In our review, we did a lot of work, and we followed the evidence on a lot of issues for a fair period. Many of the regulations now cover what we hoped they would cover. That includes transparency and publication of results, and transparency and publication of chief officer gross misconduct hearings. It also includes a wider understanding and publication, particularly for those who have made complaints.

We think that the regulations address some of the issues that the Scottish Police Federation and the Association of Scottish Police Superintendents were concerned about, and which we were definitely concerned about. Moving chief officer conduct matters from the SPA to the PIRC, which deals with such matters day to day and has the muscle memory to do so, is a significant and positive step, and we are grateful for that.

11:30

Stephen Kerr: But the two-tier system that you expressed concern about, because of the perception of unfairness, continues to exist, does it not?

Craig Naylor: I do not think that “two tier” is an appropriate description of it. There are two separate processes. Calling that a two-tier system would suggest that there is unfavourable treatment.

Stephen Kerr: We have just heard from David Kennedy and Rob Hay that there are two sets of different treatment.

Craig Naylor: Moving chief officer conduct matters to the PIRC will address that.

Stephen Kerr: What about the other ranks?

Craig Naylor: What we are trying to do, and what David and Rob both described, is address their belief that their members are treated more harshly than chief officers.

Stephen Kerr: That is correct.

Craig Naylor: Moving to an independent body that would investigate whether something constitutes gross misconduct and then make recommendations would address that.

Stephen Kerr: You just said that that is only for senior officers.

Craig Naylor: Yes.

Stephen Kerr: What about the other ranks?

Craig Naylor: What I am saying—

Stephen Kerr: It is not fair on them, is it, if someone else is adjudicating whether—

Craig Naylor: What you are describing to me, and what others have said, is that chief officers are given more favourable treatment. Moving such matters to an independent body and placing them under an independent chair removes any proximity bias, as Chris Brown mentioned, and brings greater rigour to the process that is applied to chief officers. It will bring the process up to the same standard to which constables, inspectors, chief superintendents and superintendents are held, thereby addressing the inequality.

Stephen Kerr: As chief inspector, are you still supportive, as you were at the time of the Angiolini review, of having independently appointed legally qualified chairs in proceedings for all ranks? That was your position then, was it not?

Craig Naylor: That was four and a half years ago. At that point, we had not conducted the misconduct inspection that we have now completed, and we had not seen either the Casey review or the Home Office review by Lord Barber. At the time, we said that we wanted those issues to be considered. The Scottish Government’s policy position has since been pursued and, through the regulations, we will see the implementation of legally qualified chairs in proceedings for chief officers. I am very supportive of that.

In relation to legally qualified chairs in proceedings for other officers, I think that everyone’s position around the table has shifted since then, because the SPF and the supers opposed legally qualified chairs in 2022, while I supported having such chairs. However, on the basis of the evidence that we have since seen, I have been convinced that having a legal assessor or adviser to the chair of a gross misconduct panel will improve outcomes. Deciding who is appropriate to sit within its own processes is

something that any organisation should be allowed to do.

The Scottish Police Authority appoints chief officers. It is therefore very difficult for the SPA to run a process involving a chief officer. Moving the process to the PIRC is a significant and positive step.

Stephen Kerr: I hear that.

Craig Naylor: My views have changed, to be honest. When I worked in England, I was very fortunate to use the services of legally qualified chairs several times. I sat as an adviser to police appeals tribunals, and we carried out an internal check on every case that we put forward to a gross misconduct panel where dismissal was the expected outcome. I know that Police Scotland has worked very hard to bring that rigour into its internal processes, and David Kennedy has spoken about his view that someone should be referred to a gross misconduct panel only when the expectation is that they will be dismissed.

The Convener: Mr Kennedy has indicated that he is quite keen to come in.

Stephen Kerr: I thought that I heard Mr Kennedy say the opposite of what Mr Naylor said.

The Convener: I will bring in Mr Kennedy, and then I will move on to other members. I hope to get a chance to come back to you, Mr Kerr.

Stephen Kerr: I have a load of questions.

The Convener: I know.

I ask Mr Kennedy to come in before we move to questions from Ms McNeill.

David Kennedy: We were previously against the proposal to use legally qualified chairs, primarily because we have to pay all the solicitors' fees—our members must pay for themselves. We also have concerns about the way in which the bar has been set for gross misconduct.

The Police Service of Scotland (Conduct) Regulations 2014 were brought in on the back of reform, and Parliament now has a real opportunity to review all of this and ensure that we get it right. The regulations would have worked if they had been implemented properly, but they have not been. That is our biggest concern.

If we continue with the regulations as they currently stand, somebody—perhaps not me, but somebody else—will be back in this seat in four or five years' time talking about the same things over and over again. That is what happened before, and now we are here again.

I hope that I have addressed those points; I apologise if there were any other points that I have not cleared up.

The Convener: Thank you, Mr Kennedy.

Pauline McNeill: I should say that I was on the committee that scrutinised the legislation but, to be honest, it was a bit of a blur at times. However, we should have spent some more time on this particular issue.

I want to get clarity on a few things. There is the question of how misconduct and gross misconduct are treated. I was a trade union official in a previous life, and my understanding of employment law is that misconduct does not necessarily lead to dismissal, whereas gross misconduct does.

I am a bit confused about the conflation of misconduct and gross misconduct. Perhaps David Kennedy would be the best person to start answering my question. It seems that the two have been conflated—or are you saying that something can start as misconduct and then become gross misconduct as it goes through the process? If we are talking about having independent chairs to oversee cases that involve the more junior ranks, that should surely apply only to cases of gross misconduct.

David Kennedy: Our problem is that the bar is set far too low. Misconduct is being assessed as gross when it clearly is not. We started looking at what became the 2014 regulations way back in 2005, when the Taylor reforms were introduced in England and Wales. It took a long time to plan the regulations in order to try to get them correct. The assessment was exactly one of the issues. However, it was envisaged then that cases of gross misconduct would be few and far between, because there was more of a focus on performance and the lower end of misconduct.

It should be quite straightforward that there is a case of gross misconduct when somebody is convicted of a criminal offence, having committed a criminal act, and they are no longer able to be a police officer because of that. However, some of the cases that involve people who have been convicted and are waiting to go through the process have now been under way for nearly a year. There may be different delays that have caused them to take that long, but if the evidence is so overwhelming, and if it is likely that the person is going to be sacked, there should be no issue with the case being treated as gross misconduct—that is what gross misconduct is there for.

When the 2014 regulations were written, the service wanted to bring in a process of demotion of rank, which we did not want. As things stand, a constable who faces a case of gross misconduct is likely to be sacked. However, people who are at a rank above that, including federated ranks—that is, sergeant and above—at least have an opportunity to lose their rank instead. That does

not equate properly to me. Somebody has either committed gross misconduct or not committed it. It should not matter whether they hold a rank; it should be treated the same way.

Pauline McNeill: That is helpful. You said that cases that are not gross misconduct are being treated as gross misconduct when they should be treated as misconduct. What needs to happen at the assessment? Does the independent chair come after that point?

David Kennedy: That is why we asked for the process to be looked at independently—

Pauline McNeill: Do you mean as well as having an independent chair? Are those two things?

David Kennedy: Yes. We had asked for that to be totally independent. The problem is with the assessment, because it will depend on who the assessor is. For our members, the assessor will normally be at the rank of chief inspector or above; that is the person who assesses whether a case is to be treated as gross misconduct. The point is that we are getting that wrong. We have gone to seven police appeals tribunals, and every single one—

Pauline McNeill: Yes, I picked that up. Thanks—that is helpful.

Craig Naylor might be the best person to answer my next question. I recall that the PIRC did not want to do the assessments. It is not straightforward to conduct an investigation; a lot of resource is required, particularly for the senior officer. Am I right in recollecting that there was a concern about resourcing if we were to transfer the assessment process to the PIRC?

Craig Naylor: You are absolutely right. We cannot conflate the issue of independent chairs with the assessment and investigation of gross misconduct. The gross misconduct investigation is done by a superintendent within professional standards, who sits separate from the operational day-to-day running of the police force. It would be a separate senior officer—a chief superintendent or a superintendent—who would chair the gross misconduct panel.

Fewer than a quarter of all the allegations of gross misconduct made against police officers are taken to a gross misconduct investigation, and not even all of those go to gross misconduct hearings. The fact that an assessment is made that someone has grossly misconducted themselves does not mean that the matter will go to a hearing, because there has to be a significant investigation.

It is my view that, if you try to outsource that to the PIRC, you will be taking away the organisation's ability to investigate itself and its people, which is a strong thing to do. If you are going to try to have another process, with a different organisation, you will have to significantly increase the PIRC's resources and train them in a different way of doing investigations.

Pauline McNeill: In the past, the PIRC gave evidence telling us that it did not want to have that role, for that reason.

Craig Naylor: The regulations for senior officers allow a small number of them to do that process, but that would be a resource demand on them.

The Convener: Before we come to questions from Ms Chapman, I will hand over to Ms Bland.

Amanda Bland: Do we have a definition of gross misconduct? Can anyone help me with that? You spoke about the bar being set too low, so I am wondering what the definition is.

David Kennedy: In the plainest terms, the definition is misconduct so serious that the person could no longer be a police officer. There is a definition within the misconduct regulations, but I would have to dig that out.

Amanda Bland: I just wondered if anyone had that to hand.

This question is for David Kennedy. I need clarification about the legal fees. Please correct me if I am wrong, but I understand that members of the federation can have their legal fees paid but may choose to do otherwise and pay those fees independently. Is that correct?

David Kennedy: Their fees would be paid via the Scottish Police Federation if they subscribed to the voluntary fund and if it was deemed that they needed a solicitor. We can decide whether we think a solicitor is required, because we also have federation representatives.

Amanda Bland: They could have their legal fees paid.

David Kennedy: In a sense, they are paying the fees themselves, because their membership pays for them. People at superintendent level and above have their fees paid by the service.

Amanda Bland: I understand that.

David Kennedy: My members have to pay for that themselves. It is members' money that pays for that.

Amanda Bland: I get what you mean.

David Kennedy: It is very expensive.

Amanda Bland: I do not know whether you have this information, but how many gross misconduct decisions have been successfully appealed in recent years? Do we have that information?

David Kennedy: I certainly do not have the statistics to hand, but I can say that we will go to a police appeal tribunal only if we believe that we can win the case for our member, and the most recent seven members in that position have all been reinstated.

Amanda Bland: Can you explain that as a proportion or a percentage? I am trying to understand what seven looks like compared to the totality.

David Kennedy: Are you asking about the number of gross misconduct cases?

Amanda Bland: Yes.

David Kennedy: I cannot give you that information now, but I can get it for you if you get back to me.

The Convener: Mr Naylor caught my eye, so, before I turn to Ms Chapman, I invite him to deal with the issue of legal fees.

Craig Naylor: I do not quite recognise David Kennedy's position on legal fees for chief officers. It is a long time since I was a superintendent in Police Scotland, but, when I was a chief officer in England, I paid for an insurance policy to cover any legal fees that I would come into contact with should I be accused of misconduct or gross misconduct. There was an insurance policy process.

Chris Brown: Can I add something?

The Convener: Yes.

11:45

Chris Brown: There is a nuance there as well. When senior officers are informed of their attendance at a misconduct or a gross misconduct panel, all the legal costs borne by the officer then transfer to the SPA. The insurance policy covers costs up to the point at which it is confirmed that there will be a misconduct panel, at which point we pick up the cost.

The Convener: But you are not off the hook after that.

Chris Brown: Under the existing regs, there is no cap on those costs for the SPA, and that is addressed in the amendments to the regulations.

The Convener: That is very helpful, Mr Brown. I will hand over to Ms Chapman now. If other colleagues are looking to come in, I ask them to please catch my eye.

Maggie Chapman: Thanks. Rob, did you want to come in on that point as well? It might be helpful.

Chief Superintendent Hay: For absolute accuracy, I will say that superintendents and chief superintendents have an insurance policy that is covered as part of the ASPS membership. It is similar but maybe not quite as generous as what Chris Brown is describing in terms of everything transferring; however, a policy is in place around that.

Maggie Chapman: I have two questions that follow on from what has already been said. I will put the first one to Rob and Craig. Could the two days of training that are currently provided be expanded in order to give confidence? Is that possible, or is it not needed? I suppose that I am asking what the qualitative difference is between somebody who goes through that two-day training and a legally trained independent chair. How does that difference manifest itself in the process?

Chief Superintendent Hay: I think that there is quite a stark difference. The issue is consistency. Within our ranks, police officers come from various backgrounds and from across the country. Some of them are very academic and would pick these things up quickly; for others, that quasi-judicial responsibility might be quite alien to them. With a legally qualified chair, you are getting someone who is a professional in that area.

Could those two days of training become a week of training? Could there be two weeks of training? There could, but the training does not compare to someone having professional experience of that legal, judicial process. That is what we need, because we are talking about people's futures—reputations are on the line.

You have heard a little bit from David Kennedy about how difficult it can be for someone who is subject to the process. In some cases, it is even more intense when you are a senior officer. The sense of humiliation and isolation is extreme, along with the fear of losing your job and your income. Suicidal ideation is not uncommon in these situations. Having somebody there who is unquestionably independent is how we need to move forward—for everybody.

Craig Naylor: I have a slightly different take on this from Rob. I think that you need to choose who you train and who you put forward to sit in those roles. I was very fortunate—I was a head of professional standards in Lothian and Borders Police, back in the day, and when I moved out of that role, I was an assessor on the panels, so I sat beside the chief superintendent. I did that after two days of training, but, by that point, as a police officer, I also had 20-plus years of training in understanding evidence and how evidence is presented, and in assessing and making decisions, often quickly, around firearms incidents or public order incidents. I was therefore used to understanding information, taking it on very quickly and making decisions about it. So, to say that it is

only two days of training underrates what a senior police officer—meaning a superintendent or a chief superintendent—goes through.

When I eventually chaired gross misconduct panels, I had two superintendents sitting beside me. As a chief superintendent chair of a gross misconduct panel, my biggest challenge was that not only did I have to assess and make decisions on the evidence that was presented, but I had to do the presentation myself. I was the one who was chairing the panel and I was the one who was bringing in the witnesses, asking questions of the witnesses, understanding what they were saying to me, making notes contemporaneously, and then making a decision at the end of the day.

The new regulations take that pressure away from the chair and give either a senior constable, another person in the organisation or a legally qualified person the ability to present the case to the chair. To me, that is the biggest change in all this, and it is the one that brings fairness, because someone who is separated from the chair—and separated from the organisation, to an extent—has the ability to present the case, and the lawyer, usually, who is presenting for the officer, has the ability to counter that. You are putting in place a very senior, very skilled individual to assess evidence, understand the process and make a decision on the basis of a well-presented and well-defended case. To me, that is an appropriate and very sensible way of going forward.

Maggie Chapman: I will stay with Craig Naylor for my second question. You have all in different ways spoken about the need to build, restore and maintain trust and confidence in the police service as a whole. David Kennedy talked about seven appeals that overturned dismissals. Does that in and of itself undermine trust, not only in the complaints process, but in the police force as a whole?

Craig Naylor: There must be an appeal process, and that appeal process must be, to my mind, quicker and slicker. It will move from its current position at the SPA to the Scottish Courts and Tribunal Service imminently.

Maggie Chapman: But that is not really the point.

Craig Naylor: Can I just come on to that?

I do not know the exact detail of the seven appeals that David Kennedy talked about. I do not know whether they were appeals against the decision that there was gross misconduct or appeals that the sanction was too serious. The sanctions that are available to the chair of a gross misconduct panel include dismissal, dismissal with notice, reduction in rank, and warnings.

Gross misconduct needs to be seen as misconduct that is of a level that can lead to dismissal but does not automatically lead to dismissal. Like David, I would much rather that people who have been found guilty of egregious crimes were taken through the process and dismissed. That is why the speedy process is built into the regulations.

However, I have a slight concern. If there is gross misconduct that does not meet the level of dismissal, that needs to be tested with the evidence that is available, following an assessment process and the presentation to the panel of significant evidence that has been taken through the investigation. It is not just one individual that sits on the panel; it is usually a chief superintendent and two superintendents, who are called assessors.

Maggie Chapman: I understand that, but the point that I was getting at is that you talk about seven people who have been dismissed and then reinstated. Whatever the reasons for the appeal being successful, that in and of itself undermines that initial misconduct process.

Rob, do you want to come in on that?

Chief Superintendent Hay: I agree with what you are saying. We are talking about seven appeals, but what David Kennedy said is significant: the seven appeals in which the decision was overturned were all seven appeals that were taken to the police appeals tribunal, so 100 per cent of cases that were taken to the tribunal were overturned.

Craig Naylor and I see the same things but reach a different conclusion. He is absolutely right when he talks about how a panel should be conducted, but I have been that chief superintendent conducting one of those panels. The surety that you get is not based simply, for example, on Craig Naylor's excellent chairing or Rob Hay's good chairing of a panel, but on someone who is professional in the discharge of their duties, which what a legally qualified independent chair gives you.

There are 35 chief superintendents and 110 superintendents in Scotland. I am aware that all of them do not approach chairing or assessing in the same way that I would. Some of that is just a reflection on how difficult the process is and how busy they are, because since 2022, the number of superintendents and chief superintendents has gone down significantly in Scotland. However, those panels deserve the fullness of our attention.

In professional standards, it is an essential and important job. Where they are focused on making sure that people who do not deserve to wear the uniform of a police officer are exited from the

service, they have 100 per cent of our support. However, we will not sack our way to good conduct in policing. That is just one aspect, and we cannot focus on it to the exclusion of all else in the area.

The Convener: Stephen Kerr has another few questions. I will allocate him another five or six minutes, then I will bring the session to a close, so I am looking for short questions and short answers. [*Interruption*.] Pauline McNeill and Marie McNair also want to speak. Given that we have not yet heard from Ms McNair on this item, we will hear from her first.

Marie McNair: Good morning. How would improvements in public confidence be measured?

Chief Superintendent Hay: We in the association survey our membership—usually every year, although the most recent survey will be a biannual one—and we look specifically at confidence in the system and how we orient towards that. More broadly, I think that Police Scotland has systems in place for looking at public satisfaction and public confidence.

The one thing that has been consistent throughout my 26 years as a police officer is the accusation that the police mark their own homework. The introduction of an independent legally qualified chair would kill that dead. To the point that you have heard—and I am sure that panel members will have heard from victims groups on how they feel about it—it would allow that absolute independence to be apparent within the process. How that would then be measured is something that the service would want to look at.

Marie McNair: Will the reforms improve outcomes for victims?

Chief Superintendent Hay: Are we talking about victims of crime or people who are within the misconduct process? As I said at the start, those are two separate things.

Marie McNair: I was thinking about victims of crime.

Chief Superintendent Hay: Similar to what David Kennedy said, if a police officer has committed a crime, we speak with one voice. It is simple to put somebody through a misconduct process if they have been convicted of a crime. We need to be clear that, most of the time, when we talk about misconduct, we are talking not necessarily about criminal behaviour but about workplace conduct that is short of that. However, if a crime has been involved, the swiftness of the process is key to retaining the confidence of victims in Scotland.

Craig Naylor: The regulations as they are currently written address the point about cross-misconduct and the victims of cross-misconduct. There is transparency, outcome focus and an ability to update those who have made a complaint. The current process does not have those things.

The Convener: Pauline McNeill has a brief question, then we will hand over to Mr Kerr to take us out.

Pauline McNeill: Thank you. I am a wee bit concerned, in that what I am hearing today and what I know about the scrutiny of the 2025 act give rise to a feeling of that things are not sitting together all that well. Next week, the committee will decide on all the regulations. If it decides in favour, there will have to be a rethink, and we will have to distil the information that you have given us, because you are saying slightly different things and we will need to piece that together.

I have always had a bit of concern about the current regulations and the 2025 act. As you know, Craig Naylor, I raised with you previously the problem that, if we do not get it right, the relationship between misconduct, gross misconduct, sacking officers and vetting could get very murky. You will be aware that the federation has now taken a case in which the officer was cleared of misconduct but has now not passed his vetting. Are you concerned, looking back, that the regulations are looking a bit messy?

12:00

Craig Naylor: I would disagree with that. The reason why I would not agree with you, although I do not know the details of the case that the federation has rightly raised—

Pauline McNeill: It is exactly that scenario that I raised at the time. A police officer who had an allegation of misconduct was cleared internally under the current process—it was found that there was no case to answer—but then failed the vetting. I raised that I was concerned that vetting would be used as part of the misconduct process, and I believe that I was right about that.

You do not need to answer in relation to that point, but I just think that the whole situation is very messy now, given the discussion this morning and the relationship that we have talked about.

Craig Naylor: I would not agree with you. The reason why I would not agree with you is that the processes that have been put in place around vetting are strong and robust, and there is an appeal process as part of that. The regulations that are before us today are trying to deliver a process that is clearer, simpler and more straightforward and has better safeguards in it, so that challenges can be brought effectively and do not undermine public trust and confidence.

I am content that, in a complex area of business, the new regulations are simplifying things and moving things forward. Therefore, I disagree with David Kennedy on this. I think that we have sufficient safeguards in the regulations as proposed. We have focused very much on legally qualified chairs and very little else in this discussion, but I think that we have to look at the regulations in the round, particularly—

Pauline McNeill: That is fair enough.

The Convener: You said that you disagreed with Mr Kennedy. It is always difficult for someone who is appearing virtually to insert themselves into the discussion, so I want to give Mr Kennedy the opportunity to come back on that point.

David Kennedy: I want to clarify that the officer that Ms McNeill mentioned was sacked and then reinstated by the assistant chief constable, who heard the appeal. However, he subsequently lost his job again when allegations that were known previously and had been deemed not to be misconduct were used against him in his vetting. I repeat that those allegations were previously known and that he never faced misconduct proceedings in relation to them, but they are the reason why he was sacked after vetting. We are currently engaged in a judicial review of that case. Therefore, I do not agree with that reference, and I do not agree with Mr Naylor. That is where we are with that case.

You can have a set of guidelines, but the problem that we have identified concerns knowing how decisions are made based on those guidelines. It can come down to an individual making a decision, and that is where it becomes really difficult. When vetting came in, we predicted that this would happen, and we have been proven exactly right. The first case has gone to judicial review because we think that what has happened to that officer is a travesty.

The Convener: I appreciate that, Mr Kennedy.

Mr Kerr, we have a couple of minutes left, so I will hand over to you.

Stephen Kerr: I understand what you are saying, Mr Naylor, but we have to accept these regulations as a whole or not at all. If there is any doubt about the completeness of any one of these regulations, we need to do what Pauline McNeill suggested and have another think about this.

Interestingly, in relation to independent chairs and the cost associated with that arrangement, Dame Elish Angiolini considered the proposal in terms of the increased trust in the police that would result from it, and she concluded that it was worth making that investment in independent chairs, simply because it would get round what Rob Hay described as the long-standing suggestion that the police mark their own homework.

I have a question for Chris Brown. Professional standards department reports that have been presented to the SPA complaints conduct committee show a doubling in the past two years of the percentage of misconduct assessments that have been classified as gross misconduct. What is the explanation for that?

Chris Brown: That is a question for Police Scotland; I do not know the answer to that. It is factually accurate: there has been a doubling over the past four to five years.

Stephen Kerr: Police Scotland was asked for an explanation by the SPA.

Chris Brown: I do not have that information to hand.

Stephen Kerr: The other thing that I want to ask about is the length of time that people have to wait. I know of cases where people wait multiple years—three, four or five years—for outcomes in those cases, which must be disastrous in terms of a life being lived, frankly. I cannot even imagine what that must be like. The professional standards department reports that have been presented to the SPA suggest that the average number of days to complete misconduct investigation proceedings has gone up from an already astonishing 217 to 389 in two years. Does the SPA have any insight into why we have suddenly got those lengthy delays?

Chris Brown: First, that is not acceptable, and, secondly, the committee has been very interested in that. Roughly half of current gross misconduct investigations relate to criminal matters, so, to some extent, the professional standards department is at the mercy of the criminal process through the Crown and the courts. However, there are instances where there is not a dependency on a criminal process taking place. The PSD is probably under-resourced; I know that it is resourcing up this month.

Some of the numbers are not routinely in the public domain, but, starting early next year, all the conduct reporting that the PSD currently brings to the committee and that is discussed in private will be aired publicly. More importantly, there will also be a public discussion, so people will be able to understand the committee's interest in this and the scrutiny that is applied.

To follow up on that point, which ties back to the earlier discussion this morning, I note that the further upstream you go in trying to understand why things are working in the way that they are and why policing is struggling across a number of areas, you find that resourcing is at the heart of it. There is certainly a relationship between the

discussion that we have been having and this morning's discussion on the budget.

The Convener: We are very tight for time, so I will give Mr Kerr one final short question, and ask for short answers, please.

Stephen Kerr: I would like to have gotten to Calum Steele's assertions, but we will not have time for that, sadly. He made strong assertions about the influence that has been brought to bear on chairs. The argument for independent chairs has already been rehearsed several times over, but his letter is well worth rereading.

Remembering that we can only take the regulations as a whole—we cannot take them in parts—are there specific changes that you would like us to consider before we vote one way or another on commencement? Is there anything that should be changed in either of the sets of regulations? I know that they are different. Are there any specifics that you would like to give the committee as a final witness statement?

David Kennedy: I had asked for the regulations to be paused to allow them to be looked at properly. However, if that cannot happen, we would want independent chairs for gross misconduct cases, at least. I would hope that that would force the bar to be moved, because the bar is far too low.

I have the figures here; I managed to get what I could see from HMICS and the SPA. In 2024-25, 97 gross misconduct cases were investigated and 34 gross misconduct hearings were scheduled. Since December 2025 and up to 1 April 2026, there were 26 gross misconduct hearings, with 12 dismissals from them. The SPA should have all those figures, which it gets from the PSD.

I would ask for independent chairs. We would also ask that something is done to assist police officers with the payment of legal costs, because it is not fair that federated ranks have to pay and the other ranks do not. Legal costs are in insurance policies, but who pays the insurance policy? I believe that it is the SPA that pays and not the member.

Chief Superintendent Hay: Similarly, we would want independent legal chairs, for the reasons that we have heard and for one further reason. Among my members, there are 35 chief superintendents, and, if someone makes an allegation against one of them, it is almost impossible to convene a panel that does not include a conflict of interest. Take me, for example: I have worked with or for every assistant chief constable who is currently in the force—in fact, one of them used to work for me—so how could someone in my position get in front of a panel that was free from conflict of interest? For senior officers, there is the conflict of interest element as well as all the things that we have spoken about.

The Convener: I am very grateful and incredibly apologetic, because we are tight for time today. We have another session on the regulations with the cabinet secretary on 18 November, when we will consider the motions to annul, but, for now, I thank the three of you who have appeared in the room and Mr Kennedy, who has appeared virtually.

I have a final brief question for Mr Kennedy, which is unrelated to the regulations. There is a debate in the chamber this afternoon about niqabs and burqas, in respect of face coverings. How much of a problem are niqabs and burqas for your members?

David Kennedy: Any face covering would be an issue if somebody was hiding their identity. If it is for religious reasons, my members are not coming to me and saying that they have an issue with that.

The Convener: Thank you.

That concludes the public part of today's meeting. Our next meeting will take place on Wednesday 11 November. As agreed earlier, that meeting will take place in private.

We will now move into private session to consider items 4 and 5.

12:10

Meeting continued in private until 12:36.

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