

F/T: 0300 244 4000  
E: [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

Douglas Ross MSP  
Convener Education, Children and Young People  
Committee  
Scottish Parliament

By email: [ecyp.committee@parliament.scot](mailto:ecyp.committee@parliament.scot)

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17 December 2025

Dear Convener

Please find enclosed information in the attached annex that I undertook to provide to the committee at today's meeting.

Please find attached the briefing and speaking note I received for Stage 3 of the Victims, Witnesses, and Justice Reform (Scotland) Bill in relation to Liam Kerr's amendments 31 and 32 in Group 5. The quote by Professor Alexis Jay is on page 6 of the annex.

I also undertook to share a minute of my short private call with Professor Jay on 1 December. This is also attached. This was not included in the correspondence sent by the Minister for Children, Young People and the Promise on 10 December because it was considered a note of a meeting rather than correspondence between the Scottish Government and Professor Jay, which had been requested. It was noted at the meeting this morning that the Cabinet Secretary for Education and Skills also had a meeting with Professor Jay on 2 December and she has suggested that the minute of this is also enclosed for your information.

In addition, the committee asked for information on how briefing is prepared in relation to amendments and what discussions would have taken place between officials in different portfolios. In relation to Liam Kerr's amendments, responsibility for the coordination of the briefing notes sat with the Bill team within Justice Directorate, working with officials in the policy area of child protection, which is within the Children and Families Directorate. The work of child protection officials includes broader work to address child sexual exploitation and abuse including providing the secretariat function for the National Strategic Group.

The central co-ordinating Bill team liaised with lead policy officials across government as necessary for all amendments lodged that required such engagement. As Andrew Watson confirmed this is a normal procedure for Scottish Government officials. In relation to Liam

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Kerr's amendments 31 and 32, the Bill team liaised with colleagues leading on child protection policy. Those child protection officials considered the terms of the amendments and prepared the briefing that included the quote from Professor Jay.

I would also like to draw the committee's attention to [my recent letter to the Criminal Justice Committee](#), which contains an update on work relating to independent legal representation and independent legal advice relevant to Mr Greer's questions on these topics this morning.

During the committee meeting I undertook to look into updating the parliamentary record to clarify the context of Professor Jay's quote that I referenced during the debate on Mr Kerr's amendments to the Victims, Witnesses, and Justice Reform (Scotland) Bill. I can confirm that I have today written to the editor of the Official Report in this regard.

Yours sincerely

**ANGELA CONSTANCE**

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

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**Annex:**

- P&E briefing and speaking note in relation to Mr Kerr's amendments 31 and 32 to Stage 3 of the Victims, Witnesses and Justice Reform (Scotland) Bill
- Note of call between the Cabinet Secretary for Justice and Home Affairs and Professor Alexis Jay on 1 December 2025
- Minute of meeting between Cabinet Secretary for Education and Skills and Professor Alexis Jay on 2 December 2025

# Victims, Witnesses, & Justice Reform Bill: Stage 3 Briefing

## Group 5: Research on child sexual exploitation and abuse

### Purpose and Effect Notes

<b><u>Amendment number(s)</u></b> – 31 and 32
<b>Subject</b> – Research on group-based child sexual exploitation and abuse
<b>Speaking Order</b>
<b>Government position</b>
Reject
<b>Text of amendment(s)</b>
<p><b>Liam Kerr</b> After section 18, insert—</p> <p style="text-align: center;"><i>&lt; Research</i></p> <p>Research on group-based child sexual exploitation and abuse</p> <p>(1) The Commissioner must, no later than 3 years after section 1 comes into force, carry out research in relation to group-based child sexual exploitation in Scotland.</p> <p>(2) The aims of the research under subsection (1) are to—</p> <ul style="list-style-type: none"><li>(a) build a national picture of the prevalence of group-based child sexual exploitation and identify local and national trends,</li><li>(b) assess the availability and quality of data in relation to group-based child sexual exploitation,</li><li>(c) provide an assessment of the demographics of—<ul style="list-style-type: none"><li>(i) the perpetrators of group-based child sexual exploitation,</li><li>(ii) the victims of group-based child sexual exploitation,</li></ul></li><li>(d) review the extent to which group-based child sexual exploitation is understood by the Police Service of Scotland and other relevant agencies,</li><li>(e) review the cultural and societal drivers for group-based child sexual exploitation.</li></ul> <p>(3) Research under subsection (1) may include consideration of any other matter relating to group-based child sexual exploitation that the Commissioner considers appropriate.</p> <p>(4) As soon as reasonably practicable after the research is carried out, the Commissioner must—</p> <ul style="list-style-type: none"><li>(a) prepare and publish a report on the findings of the research, and</li><li>(b) lay a copy of the report before the Scottish Parliament.</li></ul> <p>(5) A report under subsection (4) must include recommendations on—</p> <ul style="list-style-type: none"><li>(a) prevention and early intervention in relation to group-based child sexual exploitation,</li></ul>

- (b) whether a public inquiry is needed in relation to group-based child sexual exploitation,
- (c) such other matters as the Commissioner considers appropriate.

(6) The Commissioner may carry out the research under subsection (1) and prepare the report under subsection (3)(a) or appoint a person to do so.

(7) For the purposes of this section—

“child” means a person who is aged under 18, “child sexual exploitation” means any form of sexual abuse of a child involving physical contact or the use of technology by a person or group of persons to take advantage of an imbalance of power to coerce, manipulate or deceive a child into sexual activity, including where the sexual activity appears consensual—

(a) in exchange for something the victim needs or wants, or

(b) for the financial advantage or increased status of the person or group,

“group” means two or more persons of any age, connected through formal or informal associations or networks, including, but not exclusive to, friendship groups.>

## Section 19

**Liam Kerr**

32 In section 19, page 11, line 3, leave out and insert <,16 and section (*Research on group-based child sexual exploitation and abuse*)(4)>

### **Purpose and Effect**

The purpose of amendments 31 and 32 is to add to the functions of the Victims and Witnesses Commissioner (VWC) to undertake research on group-based child sexual exploitation in Scotland and provide a report to Parliament no later than 3 years from the VWC provisions in the Bill coming into force.

The effect of amendment 31 is to require the VWC to research and report on group-based child sexual exploitation as part of their functions.

The effect of amendment 32 is to add research carried out by virtue of the requirement imposed by amendment 31 to the list of reports the VWC must produce.

### Background note(s)

- This amendment relates to the publication of Baroness Casey's [National Audit on Group-Based Child Sexual Exploitation and Abuse](#) in England and Wales on 16 June 2025, with UKG accepting all 12 recommendations.
- There is a high level of press and political attention on Scottish Government's response to the Casey Audit, seeking its view on participating in the inquiry announced by the UK Government or establishing similar in Scotland.
- Liam Kerr has asked four PQs since the publication of the Audit about the extent of the group-based child sexual exploitation in Scotland.
- There is limited current evidence that there is group-based child sexual abuse and exploitation offending in Scotland to the same extent as reported in England and Wales and therefore such an amendment would not be appropriate for the Commissioner role.
- A number of actions are already underway including a Police Scotland review of historic and existing cases of group-based CSAE offending.
- Police Scotland will provide an update on their findings at the National CSAE group meeting on 8th October.
- Discussion of Police Scotland's findings, alongside other priorities including enhancing data and evidence on CSAE, workforce improvement and education will take place at the next meeting of the National CSAE Strategic Group on 8th October. The Strategic Group brings together key statutory, third-sector, academic and service delivery organisations who could be considered best placed to assess and make recommendations for action to tackle CSAE in Scotland, and would be expected to engage with the Victims' Commissioner on shared issues of interest.
- It should also be noted that it is not likely that stakeholders would expect the Victims' Commissioner to discharge the duties set out in the amendment, especially given the existing role of the Children and Young People's Commissioner to scrutinise and uphold children's rights in Scotland. Therefore this amendment would also risk unnecessary duplication, and may not represent an effective use of resources which could be better directed towards tackling other victim prevention and support services - an issue which has been repeatedly raised by stakeholders.
- From a technical and resourcing perspective, the amendment ties the duty to commencement, however as the Commissioner is not likely to be in place for up to a year after commencement the time period for reporting is likely to be less than 3 years from appointment. This amendment is also not costed and would be expected to have significant resource implications on both the Commissioner, their staff and relevant justice and/ or other agencies. Together this significantly challenges the feasibility of the Commissioner role having the capability and capacity to achieve the outcomes sought by this amendment.

<b>Consultation</b>
<p><b>Police Scotland:</b> Officials met with Police Scotland (PS) on 8 September to discuss the proposed amendments. PS reiterated the work currently underway to scrutinise relevant historic and current group-based child sexual abuse cases in line with the Casey Audit, and affirmed initial findings were still on track to be presented to the National CSAE Group in October. They indicated findings from this work did not indicate any new or unknown larger-scale group-based CSAE cases, noting that PS have recently taken the lead in investigating allegations linked to historic abuse in Edinburgh City Council. PS also highlighted that other, more prevalent forms of CSAE and child protection concerns exist and the amendment would place undue prominence on the issue of group-based abuse.</p>
<p><b>Contact – [name of official redacted]</b></p>

## **Additional Briefing**

### **Background to the National CSAE Group group**

The National Child Sexual Abuse and Exploitation Strategic Group has been established to increase cross-sectoral coordination and capability to address the risks and harms of CSAE in Scotland by scrutinising existing and emerging evidence and practice to inform, prioritise and agree actions.

The group met in November and December 2024, after which the group aims to meet quarterly. The National Child Sexual Abuse and Exploitation Group held an extraordinary meeting on 14 July to discuss Baroness Casey's Audit and its implications and impact for Scotland. The group noted ongoing Scottish Government and Police Scotland activity to consider the audit's findings and recommendations and the linkages with a number of areas already identified in the group's workplan, including data development, supporting multi-agency information sharing and improving practitioner training and education on identifying and responding to child sexual abuse and exploitation which cover the majority of the recommendations in Baroness Casey's Audit.

It should be noted that former Chair of the Independent Inquiry into Child Sexual Abuse (IICSA) in England and Wales, Professor Alexis Jay, is a member of the Group, and at the meeting did not recommend that a Scotland-specific inquiry is required on this issue. Professor Jay has previously stated to the media that she does not support further inquiries on CSAE given the significant time and resource already spent on IICSA, Casey Audit and other reviews, and has indicated the focus should be on implementing service- and system-level improvements.

**Alexis Jay, BBC Radio 4's Today Programme (7 January)** that "people should get on with" implementing her reforms and "locally people need to step up to the mark and do the things that have been recommended".

"We've had enough of inquiries, consultations and discussions - especially for the victims and survivors who've had the courage to come forward,"... asked if a new national inquiry would hinder the implementation of her recommendations, Prof Jay said: "It would certainly cause delays."

## **SG current position on a Scottish inquiry on group based CSAE**

Police Scotland have advised the Scottish Government that there are no current investigations in Scotland involving offences against children which would mirror the investigations described in the Audit as being perpetrated by “grooming gangs”.

However, to ensure that every appropriate step is taken to consider these issues, Police Scotland are conducting a review into previous investigations of the type are also reviewing the profile of on-going investigations. We will be closely scrutinising the findings to consider whether further investigation is required.

We are working at pace with partners, including Police Scotland and the National Child Sexual Abuse and Exploitation Strategic Group, to assess Baroness Casey’s Audit findings and recommendations to understand how they might apply in Scotland. However, in order for any action to be effective, we must appropriately consider the relevance of these recommendations for our specific legislative, statutory service and regulatory landscape, and the scale of this specific form of organised gang-related sexual abuse of children and young people in Scotland.

## **SG work to improve CSAE response**

Scottish Government and partners are taking a range of action, including raising awareness through communications campaigns, enhancing guidance to assist practitioners identify and respond to sexual abuse, improving data about the scale and nature of these crimes and improved support to victims and their families through third-sector partners and by establishing the Bairns Hoose network in Scotland.

We know we need to go further however, which is why we established a Child Sexual Abuse and Exploitation National Strategic Group in October 2024 with operational partners and other expert stakeholders, including the former Chair of the Independent Inquiry into Child Sexual Abuse in England and Wales, Professor Alexis Jay, to review current actions and agree where additional focus is needed to better protect children from abuse and exploitation.

The group will assess existing workplans and consider whether further dedicated working groups or strategic approaches are required for specific issues

## **SG response to the recent findings of Rupert Lowe's 'rape gang' inquiry**

Former Reform MP Rupert Lowe crowdfunded to set up a rape gang inquiry and has published his first report which has reported abuse five Scottish Local Authorities in Scotland: Aberdeen, Argyll and Bute, Angus, Glasgow and Edinburgh.

Councils have advised that there is no intelligence to suggest that this is the case.

### **Costs of adding this to VWC**

Stage 2 Sharon Dowey said: "I want to make a big difference for victims, and I am concerned about the substantial amount of money that will be required for a victims commissioner. I think that some victims have a mixed view of whether it will help or not, so I will not press the amendment."

Adding these functions to the VWC is not costed and would significantly increase the costs of the Commissioner.

## **GROUP 5 – SPEAKING NOTE (3 mins)**

Presiding Officer, let me start by saying the Scottish Government of course recognises the terrible suffering experienced by children who are abused and exploited, and we are determined to tackle that. I know this is a sensitive area and it needs treated as such by all.

However, I do not support these amendments, which do not represent the most effective approach to these grave matters.

The National Child Sexual Abuse and Exploitation Strategic Group was established in 2024. It is an expert group of key statutory, third-sector, academic and service delivery organisations and is best placed to assess and make recommendations for action to tackle child sexual abuse and exploitation, rather than a Victims Commissioner, which the Conservatives have had doubts about establishing, which following commencement will need to be recruited and will have a variety of duties to deliver not least the delivery of a Charter as we debated in Group 1.

When it comes to this sensitive and crucial issue, I want to know we have expertise and knowledge of the issue, and the National Child Sexual Abuse and Exploitation Strategic Group is best placed to provide that. The Group is already working at pace to strengthen workforce identification of abuse, improve data collection and information sharing to better understand prevalence, and enhance multi-agency coordination to improve our collective response to this abhorrent crime.

Police Scotland has advised that there are no current investigations in Scotland involving offences against children and young people which would mirror the investigations described in the UK Government National Audit on Group-based Child Sexual Exploitation and Abuse, conducted by Baroness Casey. However, all members will agree there is no room for complacency in relation to these hidden and under-reported crimes and Police Scotland is reviewing historical and current cases of this nature. The Strategic Group have already considered the implications of Baroness Casey's Audit and will discuss agreed actions, including the findings of Police Scotland's analysis at a meeting next month.

Presiding Officer, it should also be noted that stakeholders have already cautioned about the need to ensure that the roles of the Victims and Witnesses Commissioner and the existing Children and Young People's Commissioner complement one another - and are not in competition or create inefficiencies in their important work to scrutinise and uphold children's rights in Scotland.

In my view amendments 31 and 32, as well as not being the right route to address this issue, would risk unnecessary duplication, and would not represent an effective use of resources which could be better directed towards improving prevention and victim support services - an issue which has been repeatedly raised by stakeholders who rightly would prefer focussed action rather than more layers of research and review, when that is already in place.

I am sure that Liam Kerr will understand these arguments and realise that his amendments are not the right route and will not press to the vote tonight and that the Parliament will reject them if he does.

**NOTE OF PHONE CALL BETWEEN ANGELA CONSTANCE MSP, CABINET SECRETARY FOR JUSTICE & HOME AFFAIRS & PROFESSOR ALEXIS JAY**

**Monday 1 December 2025**

The Cabinet Secretary for Justice & Home Affairs (Angela Constance) spoke to Professor Alexis Jay on Monday 1 December at approx. 6.30pm by phone.

Ms Constance thanked Professor Jay for taking her call and stated that she was very sorry that Professor Jay, as a professional expert, was caught up in a political debate about her being quoted by the Cab Sec in September. She expressed regret that it detracted from the very serious substance of the issues around CSAE, and that she (the Cab Sec) fully understood and respected Professor Jay's position on the matter.

Professor Jay said she considered the matter closed and that she had no objection to her letter being fully published and thanked the Cabinet Secretary for her call.

PS/Cabinet Secretary for Justice & Home Affairs

2 December 2025

## **Meeting with Alexis Jay**

**2<sup>nd</sup> Dec 13:30 – 14:00**

### **MS Teams**

Jenny Gilruth - Cabinet Secretary for Education and Skills

Professor Alexis Jay

Angela Latta – Deputy Chief Social Work Advisor, Office of the Chief Social Work Advisor

Kate Higgins – Special Advisor

#### **Note :**

- Cab Sec requested a view from Prof Jay on the need for an Inquiry into Organised Networks. Prof Jay responded to say that she did not believe there was sufficient evidence at this stage to require this. She went on to state that any work should consider wider exploitation and not only organised networks
- Cab Sec formally requested Prof Jay take over the chairing role for the National Strategic Group which Prof Jay accepted
- Cab Sec requested Prof Jay provide a briefing for members in the new year, sharing her expert advice and plans for the National Strategic Group. This was also accepted