



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Criminal Justice Committee

Wednesday 11 March 2026

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website—
www.parliament.scot or by contacting Public Information on 0131 348 5000

Wednesday 11 March 2026
CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1
CRIMINAL JUSTICE SYSTEM (CHALLENGES FOR SESSION 7)	2
PETITIONS	66
Justice for Megrahi (PE1370)	66
Judiciary (Register of Interests) (PE1458)	66
Non-fatal Strangulation (Ban) (PE2136)	66
SUBORDINATE LEGISLATION	67
Police Service of Scotland (Vetting) Regulations 2026 (SSI 2026/46)	67

CRIMINAL JUSTICE COMMITTEE
10th Meeting 2026, Session 6

CONVENER

*Audrey Nicoll (Aberdeen South and North Kincardine) (SNP)

DEPUTY CONVENER

*Liam Kerr (North East Scotland) (Con)

COMMITTEE MEMBERS

- *Katy Clark (West Scotland) (Lab)
- *Sharon Dowey (South Scotland) (Con)
- *Jamie Hepburn (Cumbernauld and Kilsyth) (SNP)
- *Fulton MacGregor (Coatbridge and Chryston) (SNP)
- *Rona Mackay (Strathkelvin and Bearsden) (SNP)
- *Pauline McNeill (Glasgow) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Karen McBride (Scottish Biometrics Commissioner)
Calum McCarthy (HM Inspectorate of Prisons for Scotland)
Craig Naylor (HM Inspectorate of Constabulary in Scotland)
Deborah O'Brien Demick (HM Inspectorate of Prosecution in Scotland)
Dr Brian Plastow (Scottish Biometrics Commissioner)
Stephen Sandham (HM Inspectorate of Prisons for Scotland)
Sara Snell (HM Inspectorate of Prisons for Scotland)

CLERK TO THE COMMITTEE

Stephen Imrie

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament Criminal Justice Committee

Wednesday 11 March 2026

[The Convener opened the meeting at 09:30]

Decision on Taking Business in Private

The Convener (Audrey Nicoll): Good morning, and welcome to the 10th meeting in 2026 of the Criminal Justice Committee. We have received no apologies this morning. Our first item of business is a decision on whether to take in private item 5, as well as any further consideration of our draft legacy report at future meetings. Do we agree to take those items in private?

Members *indicated agreement.*

Criminal Justice System (Challenges for Session 7)

09:30

The Convener: Our next item of business is the continuation of our series of evidence sessions with different inspectorates and commissioners within our remit. Our aim is to seek out their views on the state of the criminal justice system and the challenges for session 7, which will inform our legacy work for our successor committee. I am very pleased that we are joined by Sara Snell, who is His Majesty's chief inspector of prisons for Scotland, and, also from HM Inspectorate of Prisons for Scotland, Stephen Sandham, who is the deputy chief inspector of prisons, and Calum McCarthy, who is the inspector of prisons. A warm welcome to you all.

I refer members to paper 1. I intend to allow up to 60 minutes for this evidence session. I invite Sara Snell to make some opening remarks.

Sara Snell (HM Inspectorate of Prisons for Scotland): Thank you for inviting His Majesty's Inspectorate of Prisons in Scotland to give evidence at the Criminal Justice Committee. I should like to begin by explaining that I am accompanied by Stephen Sandham and Calum McCarthy because it would not be proper to present the key work of HMIPS during session 6 without acknowledging the key role that they have played during that time, as they will both have retired before session 7.

No one will know better than this committee how challenging things have been with the prison population. I imagine that some of your questions will focus on the issues, so I will start by highlighting some of the progress.

The investment in physical infrastructure in Scottish prisons is impressive. Few jurisdictions invest in that area. As well as the much-needed building of replacement prisons for HMP Inverness and HMP Barlinnie, much of the infrastructure of the older Scottish prisons has been entirely replaced, such as at HMP Edinburgh and HMP Glenochil. That has included in-cell telephony, making it easier for people to maintain family contact and request support and assistance privately, such as from our independent prison monitors.

The Scottish prisons assessment and review of outcomes for women, which, for obvious reasons, is called SPAROW, looked at the new Scottish Prison Service model of custody for women. As I am describing progress, I will cite the innovative strategy and the physical design, while flagging that the vision cannot be fully realised without commensurate changes in rules and approaches.

The new high-security psychiatric unit for women at the state hospital means that those requiring such treatment do not have to go south of the border or, indeed, remain in prison.

Upside, the new service supporting short-sentence prisoners and those on remand to return to the community, has been in operation for a year now.

There is a better staffing and skills mix of national health service prison healthcare teams.

It represents a significant success that there have been no major incidents of concerted indiscipline in Scottish prisons and that there has been no large-scale loss of living accommodation.

Our key concerns clearly include overpopulation, which, among its myriad ills, breaches international standards such as by requiring convicted prisoners to share with remand prisoners.

The number of deaths in custody reached record highs in 2024 and included the highest annual number of completed suicides. Although the number reduced to 51 deaths in custody in 2025, there is still not enough understanding of causes and prevention.

Transport problems lead to cancelled healthcare appointments and disrupt access to secondary care, as well as attendance at the bedsides of seriously ill family members or at funerals, and access to courts, but there has been improvement in those areas.

A more complex population is being incarcerated, with rising needs for support and supervision. Increasing numbers of people are being held in solitary confinement and there is a lack of progression for people serving long and life sentences.

The Convener: It is very pleasing to hear that there is some positive news, although there are also significant challenges. I will begin our questions by asking about how you monitor the implementation of the recommendations that you make following inspections. We know that a great deal of work goes on across the inspectorates, not least your own: you spoke about the SPAROW report and we are aware of reports regarding remand issues. How are you able to monitor the way in which the numerous recommendations from those reports are put into place? There is concern that, although we know what the challenges are and what the recommendations are, delivering on the recommendations is a challenge.

Sara Snell: Calum will talk in a little more detail about this, as he is very much one of our leads in doing the day-to-day work of following up

recommendations. I will start by making a general observation that we get a very prompt response to our reports from individual prisons, listing the actions that they propose to take against the recommendations. Calum will talk to you about how we manage that.

One of the weaknesses in the current approach is that, quite often, a problem will have several causes and there will be several people who need to engage on the causes, and that has proved to be a little bit problematic in getting long-term change from the recommendations that we make. We have just moved to a new approach, in which we try to focus on describing the outcomes that we want to see when we return on an inspection. We then convene a round-table meeting to support the people who need to solve a particular problem. The example that is in my head is the problem that we are working on with Glenochil prison. It is about complaints, which has been a systemic and repeated issue in pretty much every report that we have done. You will have seen that the Scottish Human Rights Commission produced a report, based on many of our findings, to try to get a more concerted effort from responsible people across all stakeholders to look at what might be required to achieve change. I will let Calum speak a little bit more to the detail.

Calum McCarthy (HM Inspectorate of Prisons for Scotland): Good morning. We have a process in place. Following the publication of one of our reports that includes recommendations, we ask the prison to give us an update on the recommendations after six months. If it has met a recommendation and wishes to close it, we ask the prison to provide evidence, which we assess. If it is a case of the prison not having been able to supply certain files or documents in the past, we might be satisfied by that evidence.

Between six and 12 months later, we ask for another update, and we go back and say whether the evidence on the recommendations has been accepted. If the prison wants to have another go at providing evidence to us, it can do so. At the 12-month period, we look again at all the evidence that has been submitted, and we then close that off until the next inspection.

Between inspections, we might use our independent prison monitors. We meet them shortly after a prison report has been published, to try to organise a way for them to tick off some of the stuff that we need to observe—some of the less complex stuff such as the basic monitoring of the prison. We give them tasks to do to help us with that. I and my team will go into the prison for a day or two and check the more complex stuff and perhaps do some observation. After the 12-month period, we call it a day and move on to looking at

the recommendations the next time that we do an inspection.

The Convener: Thank you. That is a helpful practical overview of the process of monitoring. Is it fair to assume that the size of the prison population, as it is at the moment, is impeding the implementation of some recommendations that are made?

Sara Snell: That is a really interesting question. Although one's attention has to be focused somewhat on firefighting and making space to bring people in from court as they are sent to prison, the size of the population inevitably impedes one's ability to focus on some of the more difficult recommendations.

Our thematic reports almost inevitably relate to things that have to be done at a strategic and headquarters level. For example, in 2024, we published a report on progression, and a team has been set up around the actions that the SPS proposes to take to try to resolve some of the problems with that. However, when we ask for updates, we are told, "We haven't quite got to the part we thought we'd get to because our small and limited resource has been taken off to do short-term prisoner releases." There is certainly some halting or slowness in the ability to respond to recommendations that we think are important. That is because of the short-term firefighting approach that has been typical of the situation since I took up office last February.

The Convener: How can the prison population be reduced?

Sara Snell: We are strongly of the opinion that prison should be a measure of last resort and that the people who come to prison should be those who present the greatest risk to the public and who cannot safely be managed by alternatives. We think that many of the recommendations in the sentencing and penal policy commission's report, which look at the whole journey from early interventions to parole and release for those who have served sentences, offer really good solutions.

When sheriffs or sentencers have looked at every alternative for the people who are in front of them and have genuinely demonstrated that those alternatives are not appropriate, either because they are not available at all or they are not available in the area, that begins to gather a body of data that allows us to understand where some of the shortfalls might be with alternative sentences.

I am quite new to the Scottish system, but I have been told that an impact assessment was done before the removal of the three-quarters release point for long-term sentences—automatic release

into the community is now six months before the end of the sentence—and I am fairly sure that some of the increase in the long-term population has come as a result of that policy. For me, in considering future legislation, we need to understand what the impact would be and then, if that legislation goes ahead, commensurate plans should be made to cope with the increase in population. Alternatively, we need to think differently about the legislation that is proposed.

To answer your specific question, I would try to remove from incarceration the people who present the least risk to the public. Later today, you will talk to the Scottish Biometrics Commissioner, who has innovative recommendations on the potential use of biometrics to keep the public safe, which obviously is everybody's major concern, through alternative measures to traditional incarceration. There are several measures. There is no single answer.

The Convener: Thank you. I open up the discussion to questions from colleagues.

Liam Kerr (North East Scotland) (Con): Good morning. I have a question on staffing and the officers in our prisons. Your recent inspection activity has highlighted that there are considerable pressures on the staff in prisons, and that that has an attendant impact on the regimes that are operating. Can you set out for the committee what those staffing challenges are and what pressures they are facing? What impact do those staffing pressures have on the operation of prison regimes?

Sara Snell: There are a range of reasons why staff might be short in a particular prison. That might be a recruitment or retention issue or it might be a sickness absence issue. Another element is directly related to overcrowding. Prisons might be asked to take additional prisoners, but there is no additional staffing for that. That is not just about SPS staff; it might also be healthcare staff or prison-based social work staff.

09:45

For example, when Low Moss was asked to take 100 more prisoners, there was no increase in the overall staffing level; instead, staff were asked to do overtime and were paid *ex gratia*. That sort of measure might be welcome and feasible if it is temporary, but when it becomes a long-term solution, people get tired and exhausted and no longer want the overtime. They just want to work the ordinary hours that they are scheduled to work.

So, there is a range of causes. We know that there was a lot of change during Covid, with older staff moving on and new staff coming in, and the new people were not used to the kind of prison regime or routine that had been typical before

Covid. Some staff found it very difficult to adjust to a more normal prison regime, so there has been some attrition.

The most significant thing that we have seen affecting people's confidence and competence is the ability for them to be buddied, mentored or looked after when they first join. Some brand-new staff are being mentored by staff who perhaps have been in the job as little as six months themselves. I would say that six months is rare, but mentoring staff will have been on the job perhaps only two years and, at most, five. That results in people getting a certain level of on-the-job learning in what is a very difficult job with significant stresses.

In our inspections, we have seen staff doing their very best, running multiple regimes in busy halls or flats; rushing to ensure that those held on the wings under rule 95 get their statutory minimum entitlements; or ensuring that people get to visits, get food or get time in the fresh air. Honestly, we have seen some people get to the end of these very pressured days and say, "I can't come back in tomorrow." We have indeed seen that level of exhaustion in some of the places where staffing is a particularly difficult issue.

As I think that you will know, the Prison Service has responded to that by asking individual prisons to introduce a changed approach to rostering, shortening the day for prisoners and putting in small resources to try to ease the pressures and even, in some cases, to free up staff for additional work. However, we are right at the beginning of all that, and it has not been introduced in all prisons yet. We recently visited a prison that was three weeks into the new approach, and our concerns, which are on the record, were about the important things that it potentially takes away from prisoners, such as access to family—and children, in particular—if later visits in the evening are not possible. As a result, families are faced with the choice of either taking children out of school, which is clearly not good for the children, or having shorter visits.

If we are talking about, say, Perth, a prisoner might say, "I don't want my daughter to come over from Glasgow on an evening, because she'll have to come out of school early", but if they give up their evening opportunity so that the daughter now comes on a Saturday, they will have only 40 minutes instead of an hour with her. I know that that is a very specific example, but it is those sorts of things that we are anxious about.

We are also anxious that this shortened day has been created only by the staff agreeing to do long days at other times. As a result, they will do maybe four 12-hour shifts on the trot and then have a significant amount of time off. At our recent prison

visit, the staff were very pro the approach and found it very positive for their work-life balance; because the day was shorter, they were getting home earlier. However, we worry that, over time, staff sickness absence and attrition might rise again, because those kinds of long shifts are quite demanding. Moreover, if you lose somebody off that kind of long shift, you cannot backfill them; in other words, there are no people doing the early shift who can be asked to extend into the late shift or, vice versa, there is no one who can be asked to come in early. In the end, actually managing your sickness absence flexibly can become quite difficult.

I am sorry—that was a very long answer to an important question.

Liam Kerr: It is a very interesting answer, which I will follow up on, if you do not mind. You mentioned recruitment and retention as well as issues with exhaustion. Have you discovered whether those pressures have an impact on the safety of the staff in prisons and/or the prisoners, and do you have a solution to the recruitment and retention challenges?

Sara Snell: We see some good practice, where governors have recognised the challenges of a new member of staff coming in and have made a real attempt to show people the environment. We have it a little bit with our independent prison monitor volunteers. If you have never been inside a prison, you have no idea how you will feel once the door closes behind you—the sounds, the sights, the noises, the smells—so making sure that people are aware of the environment that they are signing up to in advance of undergoing expensive and significant training is part of that.

Prisons are trying to offer new staff a soft landing, so that when they start in the prison, they are not immediately live. They can buddy up with people to watch and observe, they can be additional to the minimum shift and sort of feel their way in, which is to be welcomed. We inspected some places in Grampian and commended as good practice the mentoring scheme that they had put in place.

Sadly, sometimes when we commend good practice, we find that it has changed by the time we go back. We know that it has already been scaled back somewhat in Grampian because the staff resource that was given to the mentoring is now needed for something else, but there are ways in which people can be supported to feel more confident, more competent and safer in a very unusual environment.

Liam Kerr: Have you picked up on any impact on the safety of staff and prisoners?

Sara Snell: We were trying to look at the level of incidents of violence. Stephen, do you have some statistics on that?

Stephen Sandham (HM Inspectorate of Prisons for Scotland): There is no direct evidence that overcrowding and pressures on staff are leading to an increase in violence. If anything, the current statistics for the year to date show that the number of prisoner-on-prisoner violent incidents is lower than we have seen in other years, so there is no direct correlation. We think that that is partly because people are behind their cell doors more often. We know that, in the period that you are talking about, which is 2021 to 2025-26, the staffing pressures and overcrowding issues that we have talked about and the challenges in managing all that have resulted in people being locked up for longer than desirable. We have some statistics on the average amount of time that people say that they get out of cell—it is worryingly little.

The thing about being behind your cell door is that, in some respects, it sounds safer. You are more likely to be subject to an assault if you are out and about in periods of freer association. The answer to your question is that there is no direct evidence of an adverse impact on safety.

Liam Kerr: I am very grateful.

Rona Mackay (Strathkelvin and Bearsden) (SNP): I want to ask about prisoners' needs and rehabilitation. We are aware that the needs of the prison population have changed with the demographics. Are you satisfied that prisons are able to cope with those changing needs in terms of medical issues and mental health? What effect do they have on the general running of the prison and throughcare for all prisoners?

Sara Snell: I almost want to frame the question differently and link it to what we said earlier about who should be in prison. Prisons are doing an extraordinary amount to understand the changing nature of the people they are looking after. There is a whole flat at HMP Glenochil for elderly and infirm prisoners, with 24-hour social care. Should it be the prisons, with support from social care and healthcare teams, that are adapting to meet those needs or are there alternatives for elderly, infirm prisoners who are suffering with dementia?

One of the recommendations in the sentencing and penal policy commission's report highlighted the age of 60, but people often talk about 50 as the age at which people in prison—as opposed to people in the general community—begin to suffer the infirmities of older age. The commission's report said that we need to look at those needs and decide whether prison is the most appropriate place to manage that risk. The health teams are constantly having to readjust their skill mixes

because of the nature of the needs of people who are coming into prison. Stephen Sandham will be able to say more about that. The level of understanding of neurodiversity, how it affects criminal behaviour and how it brings people into the carceral net is improving all the time. We are trying to keep abreast of that and understand the implications.

The hard work that is done in putting resources into ensuring that people are safe, that they have three meals a day and that they have access to their basic entitlement can distract from the task of preparing people for release. This is more of a personal observation than something that you will find in our reports, but the work that is done to prepare prisoners for release—this is the case with short-term prisoners in particular—tends to begin towards the end of their time in prison. The Parole Board for Scotland would say that it would like long-termers to think about how to prepare for parole right from the outset. Currently, the system is not set up in such a way as to allow that to be possible, but if we had the capacity to change things, we would want to engage in preparing people for release right from the outset.

Things such as the acquisition of life skills are available to prisoners only in the last few weeks before their release, because such provision is a precious commodity and a level of prioritisation is needed. The acquisition of such skills might be valuable for remand prisoners and people who might end up going out on short-term release. However, if that short-term release comes sooner than anticipated, they will not have that opportunity.

I mentioned Upside, which is a very positive service that has become available this year. We do not yet have evidence on Upside's work—a report will be produced on that—but it was envisaged that the service would support people who were leaving custody after short-term sentences. Upside's ability to do that has been somewhat affected by the need to be there for those who are released under the short-term release process. As a result, there has been much more of a hiatus in the development of the service than I think was intended.

Stephen Sandham: I will follow up on that. Research that was published by the Scottish Government in 2022 highlighted that 15 per cent of the prison population had long-term mental health conditions, 17 per cent had a history of self-harm, 30 per cent had alcohol use disorders, 16 per cent had anxiety and 18 per cent had depression. In 2024, the Scottish Prison Service organised a prisoner survey, the results of which were even more alarming: 31 per cent of respondents said that they were under the influence of alcohol at the time of their offence; 32

per cent reported being under the influence of drugs at the time of their offence; 35 per cent said that they were still using illegal drugs while in prison; 46 per cent reported a prior diagnosis of depression; 35 per cent suffered from anxiety or panic disorders; and 21 per cent had post-traumatic stress disorder. That highlights the fact that we are dealing with really significant issues.

The University of Stirling did some research that looked at prisoners on release and followed them for four years after their release, and that research shows that the released prisoners had a disproportionately high impact on NHS services. They were eight times more likely to be involved in ambulance call-outs that were linked to mental health issues and four times more likely to be admitted to psychiatric hospitals. The list goes on. It is quite alarming. That shows the level of complexity of the issues that the Scottish Prison Service has to deal with.

Rona Mackay: How has the situation changed over the decades? I realise that you will not have exact figures, but has that always been the case or is the situation much more severe now?

Stephen Sandham: I do not have figures that would give you a comparison. The research shows that the issue was significant in 2022, and the 2024 survey—which was self-selected—suggests that, if anything, it is getting more difficult. That is the only survey that I am aware of that has examined what happens to people on release and the impact on health services at the point of release, and its findings seem to be significant.

10:00

Rona Mackay: It is a good illustration of the challenges that are faced.

I would like to move on to the SPAROW report on women's custody units, which you mentioned in your opening remarks. At the recent cross-party group on women, families and justice, there was a presentation from the researchers who had done a great piece of work on that over a period of months or possibly a year—I am not sure how long it was. I think that you were present, Sara. I will be honest: I was really surprised and disappointed when I saw that presentation. I think that we had all been extremely excited, as we thought that the units represented a visionary way of dealing with women leaving prison. However, there were significant problems to do with the rules and process, as you noted in your opening remarks. Will you expand on the general findings of the report for the rest of the committee?

When I was listening to the presentation, my impression was that there had been a lack of preparedness within the Scottish Prison Service regarding how the custody units should be run.

The facilities are great, but the problem seemed to be that how to actually run them had not been fully worked out. Maybe you could expand a wee bit on that.

Sara Snell: We have conducted two inspections. HMP Stirling owns the Bella and Liliias units, if you like, so the governor of Stirling is responsible for them, with unit managers being the day-to-day operators within them. We conducted an inspection very soon after the units opened. We do not yet have evidence from inspections about their operation, although we receive regular input from independent prison monitoring.

There are no human rights concerns, but, when comparing the original vision with the delivery, one thing that is clearly very disappointing is how difficult it has been to encourage women to see the units as a positive option. It has been very challenging to keep the units fully occupied. Given that so much of the prison estate is massively overburdened, having parts of the estate standing empty is a waste.

The other thing that the report flagged was that, although the units were probably initially envisaged as a progression opportunity for longer-term and life-sentence women, in practice around 70 per cent of recent use has been by women serving short-term sentences, which has brought its own complexities.

I think that there was an intention that the units would evolve over time—that allowing women to experience a much freer form of engagement and have a far less oppressive physical infrastructure would lead to their growth. There was also meant to be an element of co-creation, with the women themselves helping to determine how the units should operate. However, the report noted that a significant number of the original staff—who had been trauma-informed trained and really bought into the vision and concept—had moved on and that the new staff had perhaps not been hand picked in the same way or trained quite so well. They brought with them a more traditional approach: “I am a prison officer. I follow the prison rules. This is a prison like any other.” That shows the critical importance not only of having a vision but of ensuring long-term investment and leadership for the programme.

My personal desire would be to develop a new model of custody for young men in the same way as we have introduced a new model of custody for women. However, the concept needs to be embedded much more firmly, along with further exploration of various issues—for example, whether it is possible to allow quicker community access for longer-term prisoners, because that is the whole point of the model. Again, though, that potentially involves legislative change, and it

raises questions about equality between men and women who are held within the Scottish Prison Service, so these are not easy issues to deal with.

The report is incredibly helpful, but taking things forward requires significant leadership and direction from the Scottish Prison Service.

Rona Mackay: One of the issues that came up in the report was the tensions between prison staff and the women. The wearing of prison uniforms did not help in that situation—I do not think that any of us envisaged that the staff would be wearing their uniforms. There were clashes between women serving short-term and long-term sentences, and there was not much community access—if any.

Another point made in the report was that the units should have been places for family-friendly integration, so that that aspect could be worked on before the women were released. However, we had a tour of the units and we were told that the women did not even want to invite their families to the units, because they just looked like small prisons, which was incredibly disappointing. It was a great new vision, and we are all fully in support of the concept, but it seems that the rules and a lack of leadership spoiled it. Is there a way back from that? Can the units still be of use?

Sara Snell: Absolutely. As I said in my opening statement, one of the things that Scotland has done well is having the vision for, the investment in and the courage to try to offer trauma-informed care in a physical environment that is more trauma informed—I will not say that it is entirely trauma informed, because it is incredibly difficult to create a prison that is trauma informed.

I certainly would not despair. The SPAROW report can be used to understand what has worked well and what has perhaps worked less well, and also to have a bit of a reset in order to focus attention on this area. As a member of the cross-party group, you will know that women are such a small proportion of the prison population that policies and procedures are not usually predicated on them. Policies and procedures end up being for the lowest common denominator rather than being gender specific. A more systemic look at what can be done differently in relation to policies and procedures for women versus men in Scottish prisons—although preferably in community provision rather than in Scottish prisons—and understanding where, for example, there is a risk to the public and a risk of someone being in the community might encourage more significant engagement.

On my visit to one of the units, I heard an extraordinary story of a life-sentence prisoner who had, just at the point that I was there, after patiently waiting, finally got access to her family and home

visits. She had been going to the local church one day a week. However, from the point at which her home leave kicked in, she was no longer allowed to go to the church, although that was the community link that she had built up.

Rona Mackay: That is an example of bureaucracy getting in the way. It would surely not cost anything to fix and would require just changing the practice of how the units operate. Anyway, thank you for that answer.

Sara Snell: Do not give up hope, Rona.

The Convener: It is interesting to hear some feedback on the report. The presentation at the cross-party group was certainly interesting.

Sharon Dowey (South Scotland) (Con): Good morning. How sustainable are the current prison population levels?

Sara Snell: They are not sustainable. I look at the numbers every day and, if you will forgive me, I will give you some statistical information. You will all know that last year, on Wednesday 5 November, the Scottish Prison Service recorded the overall prison population in Scotland as being at 8,431, which was the highest number ever recorded. There are 7,773 available spaces, so that was 656 more prisoners than places. Today, we are five prisoners short of that record number, despite the several early releases.

You will have heard from Stephen Sandham, who was my predecessor when he was acting in my role before I took up the position, that those numbers do not give the full extent of where the overpopulation is. Eleven out of the 17 prisons are overcrowded, and it is always Barlinnie that has the highest number of prisoners. Therefore, Barlinnie prisoners have the most restrictive regime and are most locked behind their doors, because that is one of the consequences of overcrowding.

Sharon Dowey: How much work can you do in advance to predict what the prison population will be in the future? Do you look at the Crown Office and Procurator Fiscal Service to see how many people look as though they will get a custodial sentence?

Sara Snell: That is not our area of responsibility, but it is a critical point. Good data collection and analysis is absolutely critical, and we would definitely recommend that the area is looked at with great attention to detail in the forthcoming parliamentary session.

As I said earlier, I was told that an impact assessment had been done of the change of legislation for long-term prisoners. If it has been done, it has not made its way into planning for prison places, as far as I can tell. If you have

looked at any of the international work on how to reduce prison populations, you will see that data is one of the key things in understanding exactly who makes up your population, predicting where your population will go, and understanding what needs to be done as a consequence of that.

I know that the justice analytical services division has done that, but I understand that those figures are for only six months, which is not long enough in advance. I have also heard that the high, low and mean numbers are so wide that they are not necessarily helpful for planning. We would definitely say that there is a need for good understanding and modelling, and planning accordingly.

Stephen Sandham: The 11 prisons that are overcrowded are holding 900 more prisoners than they are designed to hold. In reality, that means 1,800 prisoners are doubled up in cells that are designed for single use but have to be used as double cells.

Sharon Dowey: That brings me to my next question. Are there any particular parts of the prison estate where capacity pressures are most acute?

Stephen Sandham: That is Barlinnie, without question. It is holding 400 more prisoners than it is designed to hold. It is more than 40 per cent above capacity.

That is the most significant prison, but it is not the only one. We would argue that even smaller prisons that are holding more than they are designed to hold are under pressure. It is not purely a numbers game. The problem with overcrowding, the lack of progression and the blockers to the progression system mean that people are not getting to the national top end and they are not getting through to the open estate at Castle Huntly as quickly as they should. They are also missing the parole board windows because they are not getting to do a programme when they need to, so the parole board says to them that they have not done the offender behaviour programme, so they fail the parole board and they are kept in prison for a year longer than might be necessary. There are pressures throughout the system.

Sara Snell: The opportunities in the national top end have also reduced because Letham hall—how many does it hold?

Calum McCarthy: It holds 60 or 70.

Sara Snell: Letham hall, which had a decent number of places for people who were doing part-time work in the community to prepare for release, had to be repurposed and is now used for offence protection because those numbers have increased so much. Because of the lack of spaces, there is

less opportunity for prisoners to progress to the national top end.

Sharon Dowey: So, a lot of the rehabilitation work is not happening because the prisons are too overcrowded and we do not have enough staff to allow all that rehabilitation to happen. Do we need more capacity?

Stephen Sandham: We need more capacity in programme delivery, which is badly affected. There is a shortage of social work teams and psychologists in some prisons. There are shortages in a number of key areas.

Sharon Dowey: You mentioned the elderly, infirm and people with dementia who are in our prisons. There was a report by Wendy Sinclair-Gieben that said that we needed to look at the estate and the models that we are providing. I have probably always referred to it as a secure care home. Are there conversations taking place about that? How far along the line are we towards providing models in the estate that meet the needs of the prison population, but also mean that victims are seeing justice and that those who committed the crimes are still serving a sentence?

10:15

Sara Snell: That is not our area of responsibility. I understand that the Scottish Government has considered whether or not there may be some ability to repurpose care sector environments to provide precisely that. This is not my area of expertise but, as I understand it, there is an absolute dearth of such facilities. There was no easy solution for repurposing something that already exists to use as a secure care home, as Stephen Sandham has described it. My understanding is that that has been considered, but that there was not an easy or short-term option.

As regards what people tend to think of if investment is being made, I have some experience south of the border, where new prison building tends to be future proofed, which tends to mean that we can put absolutely anybody in there.

Scotland has always had a strong belief in using incarceration only where it is most needed, only putting in those who present most risk and managing the population down, rather than building. My sense of repurposing would be to build for the current older population in such a way that the facility could then be used as a care home in the community, if there is also a shortfall there, were you are able to reduce your population and take your prison capacity down.

Rather than building prisons that can be used for all kinds of prisoners and those prisons just getting filled, which we have seen the world over, you could have something that meets the needs of one

part of the population now, and that can ultimately meet the needs of the external population when it is no longer needed.

Sharon Dowey: So, more focused buildings in the estate.

Stephen Sandham: We see prisoners who clearly represent no physical threat to the public any more. That is not to say that there are no victims, however. I fully expect those prisoners still to serve their sentence; we are not saying that that is not right—we absolutely understand that. They pose no physical threat, however. They are people who are being hoisted in and out of beds, they are in wheelchairs, and they are using zimmer frames to get to the shower. The question is: do those people need to be held in the absolute most secure settings, or could they be held in a different setting that is still secure but less secure than the current high-security setting?

Sharon Dowey: That is a difficult question. It is a matter of ensuring that the victims see justice. They would expect the prisoner to be in a secure location.

Stephen Sandham: I understand that.

Sharon Dowey: However, they do not cause harm.

I turn to my last question. As has been said, prison is a last resort, and it is for people who cannot be safely managed in the community. Perhaps people who are the least risk to the public could be removed, but once people get to prison, they are there for a reason. Although some of them might not cause a risk to the public, they are there because of the crimes that they have committed. Are you aware of any other conversations that have taken place on what we could do to fix that problem?

Sara Snell: The sentencing and penal policy commission's report examines the whole journey from early intervention to release after incarceration. There is a sense of confidence in sentences that are different from incarceration. People tend to think that, if someone is not in prison, they are somehow not serving a sentence. That is very much not true. Community sentences are still sentences. The people who undergo them will often say that they are harder, because the expectations on them and their ability to complete them are almost greater. It may be relatively easy to do time in prison, but it is not so easy to serve the requirements of a community sentence. There is also a sense that, when someone is on licence, they are somehow not serving a sentence. A life sentence is a life sentence and someone is still serving it even when they are out in the community on licence.

There is a slight misunderstanding—I do not mean yours, I meant the community's. Sentences cover a range of things from community payback to being in the community on licence as a life-sentence prisoner who can be recalled if they do not stick to their conditions.

Katy Clark (West Scotland) (Lab): I will ask a little bit more about planning for release, which, as you said, happens towards the end of a sentence, and about the impact of the legislative changes that you referred to.

As you said, we have had a number of early-release programmes, and last week this committee voted to reduce the automatic release point for short-term prisoners from 40 per cent of the sentence to 30 per cent of the sentence. In many ways, that was a crisis management response, but how much time does the system need to put steps in place to respond to legislative change? The concern is that, given the change from 40 per cent to 30 per cent, planning for release might not take place in the way that it should.

Sara Snell: That is not an area in which we have a lot of expertise or one that we inspect. The Care Inspectorate would be better placed to answer that question. Stephen, is there anything that we would want to say about the progression review?

Katy Clark: You may have a view based on your experience of seeing the system failing, though, and you have spoken about the importance of planning.

Sara Snell: It is so complex. We do not have enough evidence yet, because we are only now beginning to see it, but one of the things that seems to be emerging—although one does not always know the connections—is that more people are coming into custody from homelessness and more people seem to be going out without having secured accommodation. We are beginning to see that it looks as though housing is a challenge, but we do not have enough evidence to say definitively what is causing the issues. Possibly, we would not know, if it were a local authority pressure, for instance, and there were particular issues in the community for people who needed to be housed. We absolutely know that people leaving custody without somewhere safe to call home is a massive cause of reoffending and re-entering prison custody. That is one example where we are beginning to get a sense that things are not straightforward, but I am sure that the pressures are not just prison pressures.

There was a delay in the implementation of the short-term release tranche in order to allow services to prepare, understand who was returning to the community and what services they needed, but, when it comes to the evidence on exactly

which aspects were and were not hit, and what the challenges are, I am afraid that we do not have information that we can give you. Stephen, do we have any information on that from the progression review?

Stephen Sandham: I do not think that we have anything direct. We know that there are examples of prisons doing really well at maintaining links with prisoners after their release into the community and getting feedback and a sense of what happens to them, which we have commended as good practice. HMP Grampian is one example of a prison that has a really good process in place, and we encourage that.

The other point that is linked to that is that one issue that worries us is the high number of prisoners being held on remand for such long periods. That increases the risk that they will lose jobs and housing tenancies while they are in prison. Even if they are found innocent, they are released back into the community without a home or a job, so they are more likely to get in trouble and tangle with the criminal justice system again.

Katy Clark: The cabinet secretary told us that it was accepted that planning for the first tranche of early-release prisoners was not as good as it could have been, and there was an attempt to learn lessons from that for the next tranche. Have you seen that, and to what extent is planning improving or now in place? Would you look at that, or is that not something that you—

Stephen Sandham: We would look at that jointly with the Care Inspectorate in our next inspection, but we have not yet received any evidence on that either way.

Katy Clark: You responded to Sharon Dowey on some points around rehabilitation. Would you look at rehabilitation and the extent to which it is actually available to individual prisoners? The impression that a lot of people have is that if a person is sent to prison, they will get help and there will be attempts to rehabilitate them, but we often hear evidence that that is not the case—the programmes are not in place. To what extent do you look at that, or does another agency focus more on that?

Sara Snell: In every inspection that we do, we work in partnership with the Care Inspectorate, which understands the health services and the level of provision before somebody comes into custody, at the point at which they receive those services in custody and then in signposting on release.

We also work with HM Inspectorate of Education, which looks at access to and quality of education, vocational training, employment and gymnasium and library facilities with regard to

prisoners gaining skills and qualifications and improving their education.

I think that it would not be unreasonable to say that, in general, our conclusion is that there are never as many spaces as there are prisoners who need them; however, we also find that the take-up is lower than the available spaces. Although there are more people in prison than there are rehabilitation spaces available, the spaces are not full because there are challenges for all sorts of reasons, such as staffing and getting people there. During our inspections, we have seen work areas shut because of staff shortages and found that the staff who run the sheds are operating on the wings to support the basics such as providing time in the fresh air, food and so on.

We also think that the personal officer role—which is about providing support and mentoring, and enthusing people—has really struggled over the years as a result of staffing shortages and overcrowding. There is not a named person who tries to get somebody to understand what is available to them and what they might do while they are in custody. You therefore tend to get the same people who are motivated while those who would benefit are not being encouraged to participate.

If everybody participated, there would not be enough provision, but not everybody does. As Stephen Sandham mentioned, there is a massive shortfall in terms of the delivery of programmes and, unfortunately, at present, participation in a programme is mostly the way in which a prisoner's risk is judged to have been reduced.

Stephen Sandham: There is also a lack of access to vocational training. Our Education Scotland and HMIE colleagues have highlighted that there is an insufficient number of opportunities for people to acquire a vocational qualification. There have been good examples of that in Perth prison—we have just been there, and we saw that it was doing some really good, innovative stuff, but that is the exception rather than the rule.

Katy Clark: Is it fair to say, from what you are saying, that the main problem is a lack of staff as opposed to a lack of prisoners who wish to partake?

Sara Snell: I think that it is both.

Katy Clark: You think that it is both—okay. We have not heard a lot of evidence on the specific point about prisoners not being willing to participate, so that is interesting.

Finally—if we have time, convener—I note that you spoke about prisoners who present the least risk. Many members in the Parliament, over many years, have taken the view that the prison population in Scotland is too high across the

board, in particular the population of women prisoners. A lot of politicians would take the view that most women should probably not be in a custodial environment and that the numbers of women in prison in Scotland are unacceptably high, as are the remand levels. Nonetheless, there is a disconnect between policy and implementation.

You may not see this as your direct role, which is interesting in itself. I am thinking about how we, as politicians, try to grapple with how we make legislative changes to enable us to identify the prisoners who have to be in prison—there are clearly many of those—and provide a framework for alternatives. Can you say anything about how we evaluate which prisoners present the least risk? Is there more of a role for prison governors, for example? What is your view on how we assess the risk that is presented by those who are in prison?

Sara Snell: This is not a great area of expertise for me, but my starting point would be to look at the countries that have managed down their prison populations. For example, I would look at how the Netherlands has reduced its prison population. I understand that the Netherlands adopted a measure with regard to driving down of the number of children being put into custody. I had some experience of that approach when I worked in England and Wales. That involved having wraparound health, education and social work provision from skilled groups of people who looked at the youth offending system, for example, and said, “Right—how do we support this person to stay out of crime and out of prison? How do we divert this person completely from the criminal justice system?”

10:30

That was a very effective approach to driving down the number of children being held in custody. I understand that, in the Netherlands, the approach was somewhat similar, but it was about asking, “How can we wrap around this family that, potentially, has generational issues of poverty, lack of education, health and so on?” I am putting it in a simplistic way, but they put a youth offending team around the families. It was not so much about identifying risk, although I think that that is where you are at with regard to your current population. It was about how we can reduce the number of people going into prison by offering alternatives in the community that prevent the sort of behaviour that is bringing them in front of the courts and ending up with them being in prison. I commend looking at those in Europe who have been successful in driving down their prison populations.

The Convener: We have reached our time but, if I may ask for your forbearance for another 10 minutes or so, a couple of members still want to come in, because very interesting issues are coming up.

Pauline McNeill (Glasgow) (Lab): Good morning. I want to ask about the on-going issue of overcrowding in prisons and the conditions that some prisoners are experiencing. Some have worse experiences than others. You spoke about Barlinnie, which is the obvious place to start. It might be beyond your remit, but I will ask you anyway. Do you have concerns about prisoners who are serving their sentences in a place such as Barlinnie, which is extremely overcrowded—it is doubling up—compared to the experience of a prisoner who is serving a similar sentence in another jail? Is there a human rights issue in that regard? You would think that all prisoners should have broadly similar conditions and access to rehabilitation while they are serving their sentence. Do you want to say anything on that?

Sara Snell: Our focus is and must be on the international standards: access to fresh air, access to family, access to health. You are absolutely right that, if you are in a more overcrowded prison, your access to health will almost inevitably be curtailed, compared with that of somebody in a prison that is not overcrowded. The Prison Service has focused incredibly strongly on trying to ensure that, for example, the requirement to provide for prisoners to spend an hour in the fresh air is not breached. However, we are also aware of places where it has been explained to prisoners that, because the prison has such a large number of people who are being isolated, either because of substance misuse or because of being placed on rule 95, they are going to get only half an hour, because that is the only way that the prison can manage it. There are, sort of—what is the word that I am looking for?—official breaches, in the sense that it is communicated to prisoners that the prison is not meeting the statutory minimum requirements. That is absolutely a consequence of overcrowding.

Pauline McNeill: On a similar theme, someone wrote to me on behalf of a prisoner about the conditions in Barlinnie, and not for the first time. In this case, the man is serving an eight-year sentence in a jail that is designed for short-term prisoners. In my experience, that has been happening for years. Do you look at that situation? Have you come across that?

Sara Snell: We look at the population in the prison. In the past four years, we have been able to introduce a pre-inspection survey, which tells us the views and experience of a diverse range of people in the prison. We hear from the longer termers and the shorter termers, so, in any one prison, we can see where experience varies and

where it is similar. That is the basis on which our remand thematic review was undertaken. We can get some headline information about where those differences sit and what people's experience is.

There has been a population strategy; it so happens that somebody who is currently seconded on to our team previously worked for the SPS and was responsible for that. I know that people are now working on it. I think that you would absolutely need to talk to the SPS about this, but the idea is that we have some prisons that specialise in particular roles and responsibilities.

Rona Mackay pointed to the frustrations in the Bella and Lilius units for the long-term women prisoners who see short-term women come and go. Those are very real experiences and perceptions, and addressing that would take a significant population strategy with a short-term, medium-term and long-term vision. The sense is currently that overpopulation is such that it is simply about managing to put people where there are spaces. It is very hard to have a strategy in those circumstances.

Pauline McNeill: I know that what I have described has been happening for a lot longer, as far back as 10 years ago, when I visited Barlinnie. I am no longer surprised to find that there are prisoners serving a long-term sentence in Barlinnie. I could never understand it. I just thought that I would ask you if you had looked at that. Thank you for that answer.

Lastly, the committee is interested in orders of lifelong restriction; we have a round-table session about that topic on Thursday. I do not know whether you can comment on that, but you are probably familiar with the pattern. I was involved in passing the legislation for the orders, way back in the day, and I never thought, when we gave the courts the option for an extended sentence, which we need for the most serious cases, that it would result in more than 90 per cent of people who have completed the punishment part of the sentence remaining in jail. I can tell you that, as a legislator, I never thought that that was what it was for, so I am surprised. It seems that it is very difficult to question that, or to understand it. I understand that one of the reasons—to go back to Katy Clark's line of questioning—is a lack of access to rehab, but I am sure that it is not as simple as that.

Do you look at those sorts of things when you go into prisons—for example, if there are prisoners there who are under such restrictions—or is that not something that you would do?

Sara Snell: We do speak to prisoners who are serving orders of lifelong restriction, and we hear what their experience is, whether for good or ill. We have not conducted a thematic review in that

particular area, although that is something we could do, because we know who those people are.

I will give one example that highlights some of the complexities. I know that I cannot extrapolate from a single story, but on my very first inspection in Scotland, I met a young man who was on non-offence protection and he told me that he was serving an order of lifelong restriction. He told me, "I've served 17 years, and 13 of those years I've done in the digger." He had just been diagnosed properly with autism—when I say "properly", I mean that he had been through the assessment and it was found that he had autism. He was currently receiving proper support for his autism, although it was not perfect, because it was delivered in a prison environment. There is a real sense that there are complexities sitting underneath those sentences that would bear exploration, but we have not gone into that area.

Pauline McNeill: But it is open to you to undertake such a review. It seems to me that it should be somebody's role to undertake an independent assessment with regard to those prisoners who are serving well beyond the punishment part of their sentence. So far, it seems that no one has any remit to say whether or not the practice has exceeded the scope of the legislation, or whether a review of the legislation is needed. I know that that would not all be down to you, but some of it would be, would it not?

Sara Snell: Yes. We would tend to reflect on what their experience is: what has and has not happened for them during their sentence, and what health or family needs they have. We would be focused on—

Pauline McNeill: Would it not be within your remit to look at whether there is a blockage to people getting out of jail because of a lack of services, such as mental health services?

Stephen Sandham: That is our remit. We certainly have a role in and look at the issues of access to programmes, support, mental health and whatever else.

Linked to that, the management of lifelong restriction cases is very time-consuming and onerous for the Prison Service. It is another burden that was unanticipated, because you are absolutely right that, when the legislation went through, we thought that we would have no more than about 50 cases, but we are up at about 250 to 300. The process of having regular dialogue, annual case conferences and reviewing what more can be done is extremely onerous for the Prison Service.

Pauline McNeill: No one has made representations to you to look at that. It seems like an obvious thing. The committee has received

correspondence on that, which is why we would like to find out about it. I realise that we are in the last two weeks of this parliamentary session, but it is a controversial issue now.

Stephen Sandham: The Scottish Human Rights Commission published a report to highlight the issue of what is happening with this group, and we were pleased that it raised those issues. We are very sympathetic to the need for somebody to have a look at the issue. We have not had the resources to launch a thematic review, because we are doing a whole review of our inspection standards, but we would like to look at it in due course.

Fulton MacGregor (Coatbridge and Chryston) (SNP): You will be glad to hear that I have just a quick question. In your opening statement, you mentioned the women's hub at the state hospital at Carstairs. I am looking at the clerks because I should probably declare an interest: my wife is a social worker at the state hospital and also deals with the women's hub. You will be aware that, just now, it exists on an interim basis and deals with only small numbers of women. How will that help the Prison Service—or were you talking more about the fact that the service is likely to expand and will therefore contribute to creating a more helpful situation over time?

Sara Snell: I want to make sure that I understand your question. Are you asking whether we think that having mental health accommodation capacity for women in Scotland, as opposed to south of the border, will be an advantage?

Fulton MacGregor: Yes, in relation to what you referred to in your opening comments. The point that I am making is that it is a very small service, and it is in an interim phase—its assessment phase. I think that all of us, and the committee as a whole, hope that the service will be expanded. How do you see the service fitting into your work, and what benefits might it bring?

Sara Snell: It is really interesting. We are trying to understand it better. As part of the National Preventive Mechanism Scotland sub-group, we are working on really understanding what is happening from a mental health perspective for not just women, but men. One thing that we are asking about, but do not yet know, relates to rule 41, which is a way of isolating somebody because of their health needs, rather than because of their own safety needs or their risk to others. It seems that rule 41 might be underused. It was used more during Covid, and it is sometimes used where there is a very clear physical illness that potentially risks contagion, but it seems to be sparingly used. There is also an issue to do with people who repeatedly become well and less well, which

makes their access to more appropriate community-based secure mental health provision difficult to track. We are trying to get more data on and understanding of that, in order, we hope, to get better evidence on what is happening and whether there is a disadvantage for some people in being held under rule 95 when they should be being held under rule 41 and then progressing into better healthcare. We are struggling to ensure that we have the right information on that, and we are pursuing that properly.

Stephen Sandham: There is a relatively small number of women in HMP Stirling who have very high mental health needs, are very difficult for prison staff to look after and who arguably might be better looked after in a non-prison setting—a secure psychiatric setting. Part of the aspiration for the high-secure psychiatric unit for women in the state hospital was that some people who were probably being held inappropriately in medium-secure settings would be able to move to a high-secure setting, which would free up spaces for other people who could benefit from them. My point is that there could be a knock-on benefit of having that facility, as well as the fact that people will not have to go south of the border for the support that they clearly need.

10:45

The Convener: I will finish with questions that arise from the unfortunate news of the death this weekend of a 19-year-old boy at HM Young Offenders Institution Polmont. When was Polmont last inspected? What is your role in the aftermath of such incidents in, if nothing else, providing reassurance that Polmont is not an unsafe environment?

Sara Snell: Every death in custody is terrible for the family, the people who know the person and the staff. Clearly, we were extremely saddened to hear that news.

We inspected Polmont back in August, and, with slightly terrible timing, a report is due to be published before the current parliamentary session ends. The inspection was a pilot in which we were trying to begin to develop a methodology that we can use in every prison that we visit to understand the preventive factors. It is about what we think would be a supportive environment to encourage people to feel safe, to report issues if they do not feel well and to access mental health provision where that is necessary. Very specifically, it is about looking at the recommendations from the fatal accident inquiry into the deaths of Katie Allan and William Brown back in 2018.

As you will see when the report is published, there was a mixed picture. A lot has been done on

the specific FAI recommendations, but our concern as the inspectorate was that those were very much about preventing very specific things. Tragically, it is about ligatures being used for people to complete suicide. We are also worried about natural deaths in prison and deaths through substance misuse, but we had to start small, and we started initially looking at completed suicides.

The approach involves considering what the environment is like and what is available to people. We want to pick up a sense of whether people can access things that are meaningful to them, whether they can make relationships with their peers and with staff, and how much time there is out of cell to do those things, all of which we think are critical. We are building that methodology, which will be part of our revised standards. When we visit every prison, we will make judgments about the overall environment and how those preventive factors come together. Specifically, we will look at what action is being taken in relation to the internal learning about deaths in custody and anything externally from the fatal accident inquiries. We are very much at the beginning of that work.

The Convener: We have run over time, so apologies for that, but it has been a really helpful session. Thank you all. I extend the committee's best wishes to Stephen Sandham and Calum McCarthy on their impending retirements.

We will have a short suspension to allow for a changeover of witnesses.

10:49

Meeting suspended.

10:55

On resuming—

The Convener: I am very pleased that we are now joined by Craig Naylor, HM chief inspector of constabulary in Scotland, and Deborah O'Brien Demick, HM chief inspector of prosecution in Scotland. I refer members to paper number 1. I intend to allow up to 60 minutes for this session.

I invite Craig, then Deborah, to make some opening remarks.

Craig Naylor (HM Inspectorate of Constabulary in Scotland): Good morning. Thank you for the invitation to speak with you today, and I welcome the opportunity to update you on the recent work of HMICS and to set out some of the key findings from 2023-24 and 2024-25, our joint inspection with the prosecution inspectorate into the witness citation system, which I am sure we will both talk about, and our

recently published best value in policing audit with Audit Scotland.

HMICS has been an independent scrutiny body since the 19th century, and our role was reaffirmed by the Police and Fire Reform (Scotland) Act 2012. Our statutory powers require us to examine the state, efficiency and effectiveness of both Police Scotland and the Scottish Police Authority. We are also responsible for providing assurance that best value and continuous improvement are being delivered.

Over the past two years, our work has focused on areas that are central to public trust in policing: organisational culture; vetting; wellbeing; governance; and the experience of those who interact with the justice system. We have worked closely with other scrutiny bodies to ensure that policing performance is viewed in the wider context of justice, health and social care.

We carried out a broad programme of inspections in 2023-24, looking at organisational culture, vetting, mental health demand, wellbeing and forensic toxicology. We worked with partners on inspections relating to custody, children at risk of harm and adult support and protection services. The inspections highlighted strengths and areas where improvement is required. We also supported parliamentary scrutiny of the Police (Ethics, Conduct and Scrutiny) (Scotland) Bill, which is now an act, by providing evidence that was drawn from our vetting review. That work directly informed the inclusion of new requirements in the bill on vetting processes and regulations, which I understand will be discussed later this morning.

In 2024-25, we completed our first three-year scrutiny plan and launched our new plan for 2025 to 2028. We have also updated our inspection frameworks, giving Police Scotland, the SPA and forensic services clearer expectations.

Our assurance model has matured. We expect self-assessments conducted by policing bodies to inform our scrutiny work. Those assessments show improvement in quality and a better embedding of continuous improvement processes.

We also published several significant reports, including reviews of the SPA, road policing, missing persons and wellbeing. To increase transparency, we launched a public online tracker, which shows how progress has been made against the recommendations that we make.

I want to pull out two or three of the key reports over that period, the first of which is on mental health demand. In October 2023, we published a thematic review on mental health-related policing demand. Our findings were stark. Mental health-related incidents remain one of the most significant

pressures on Police Scotland. The police often find themselves providing care and support in situations that should be handled by health or social care services. Although we acknowledge improvements in the whole system, including the creation of a mental health task force and a strategic oversight board, the pace of system-wide change is not keeping up with the demand. A sustainable whole-system approach is required.

On our “Best Value in policing” report, our joint work with Audit Scotland is being discussed in the Public Audit Committee this morning, and policing is being looked at as a well-managed, well-led organisation with strong partnership working. Further reform is needed to maximise the use of resources. Clearer performance measures, better baseline data and more robust workforce planning are required.

Policing also continues to be constrained by financial rules that prevent reserves being carried across financial years. Major change programmes, particularly estate reform and digital transformation, would benefit from greater flexibility and longer-term financial planning.

I will not touch on citations, because I am sure that we will come back to that shortly.

In conclusion, policing in Scotland is on a positive trajectory, with improved governance, culture, and assurance. However, challenges remain, particularly in relation to mental health, modernisation of justice processes and long-term sustainability. Our work clearly shows that stronger collaboration across the justice and health and care systems is essential if we are to deliver better outcomes for the public that we serve.

11:00

The Convener: I come back to the “Best Value in policing” joint report that you and Audit Scotland published. In the submission that you sent the committee in advance of today’s session, you said that,

“Overall, the audit finds policing is on a positive trajectory but must accelerate transformation, address workforce planning and demonstrate continuous improvement across all services.”

You raised a concern about

“the medium term financial plan, which needs updated”,

and you pointed out that

“The inability of policing to maintain reserves or carry money between years causes problems, particularly in relation to expenditure in relation to large capital projects.”

It is safe to say that that has come up fairly regularly over the past few months—while we have been scrutinising the budget, in particular. I am

interested to hear a bit more on that particular issue around financial planning and, importantly, what your recommendations are with regard to how that can be addressed. Obviously, we are aware that the Scottish Government is having some dialogue with the UK Government on the issue of borrowing and carrying reserves.

Craig Naylor: There are several threads to that. The first is around the revenue budget, how Police Scotland spends the money year on year and medium-term financial planning. You will recall that, around about 2020-21, Stephen Boyle, as Auditor General, was responsible for several section 22 notices about the way in which Police Scotland was meeting its budget requirements. We have not seen those notices since then, which shows that a stronger financial model is now in place, with in-year controls and better management of the expenditure.

However, in the longer term, how Police Scotland aligns the income that it expects to get with the resources that it needs to have on the ground—the head count of police officers and police staff—will be critical. It is working on a medium-term financial plan but has not yet delivered a refreshed one. It is due to do so in the coming year and we are very keen to see something on that.

Secondly, spending capital that is allocated in one year is incredibly difficult, especially if you are looking at large-scale projects such as a new information technology system delivery or a building, premises or something similar. Police Scotland’s capital expenditure is very low in comparison to that of forces in England and Wales. When I was deputy chief constable in Lincolnshire Police, a force about a tenth of the size of Police Scotland, my capital budget was half of the Police Scotland capital budget—I mentioned that number when I was at the Public Audit Committee. In comparable years, I was able to spend significantly more per head of the organisation to deliver effective outcomes. It allowed me to have second-generation—at that point—body-worn video, and mobile data devices that were updated and linking into 28 of the policing systems that we had on our infrastructure. That efficiency was assessed by the University of Lincoln as a 15 per cent improvement in productivity per officer per day—indeed, officers had time to invest in proactive policing or to deal with other matters for one and a half hours out of a 10-hour day.

Police Scotland has a smaller capital budget per any metric that you could possibly imagine. It gets it and must spend it in the same year, which makes long-term planning very difficult. It does quite ingenious things, such as overprofiling its spend—so, it looks as if it will spend more than it gets but, because of slippage in projects, it comes in pretty

much on budget, and it has done that quite effectively over the past five or six years. I hope that that answers your question.

The Convener: Before I ask my follow-up question, I am sure that members noted my deliberate mistake—I omitted to bring in Deborah O'Brien Demick to make an opening statement.

Deborah O'Brien Demick (HM Inspectorate of Prosecution in Scotland): It is quite all right.

The Convener: I was keen to get on. I will come back to Craig Naylor to ask a follow-up question, and then I will bring you in. My huge apologies—I am very embarrassed.

Deborah O'Brien Demick: It is no problem. It is my first time at a committee, so I do not know any different. *[Laughter.]*

The Convener: Craig, thank you for your opening statement. All of that made sense. You referred to the focus on the estate programme that Police Scotland is undertaking. It is doing significant work to change the estate profile so that we can get the right buildings in the right places to maintain public confidence in policing by considering the community element of policing.

Moving on to the strategic workforce plan for policing, I note that you commented that it

“is under developed and the evidence base for the officer number and staff mix is not well evidenced”.

I am interested in hearing a wee bit more about that aspect of the inspection.

Craig Naylor: We inspected the strategic workforce plan about three years ago, and we noted that Police Scotland had tried several different ways to come up with a strategic workforce plan that links to the threats and risks that it faces. The plan was also linked to the finances that it was likely to get.

When we went back with Audit Scotland, we looked at the plan again because it is a key area of service delivery, and we found that there is no magic algorithm that shows how many police officers are needed for Scotland or, indeed, a county in England or Wales. However, Police Scotland is getting increasingly better at understanding the threats that it faces and the changes in the dynamics of the crimes and incidents that it deals with. We spoke at length during this and other inspections about mental health demand and mental health crises. It is very difficult to say whether 16,500 officers—the chief constable wanted another 900, I think—is the right number.

However, good practice is emerging in the community policing model that is being rolled out. It was piloted in the Forth Valley and Highland

divisions and Police Scotland is looking to roll it out during the coming years.

The development of understanding where the demand is in local communities is a good model to show what is needed in each local authority area. When Police Scotland can do that more effectively, it will allow it to better define what the organisation needs—not only the officer and staff numbers but the skill sets, experience and capabilities.

The bigger issue is how that links to finance. The problem that Police Scotland has is that it has distinct systems that cover finance, human resources, duty allocations and allocating people to shifts. That needs improvement. Much of the technology is 20-plus years old, and it does not allow for easy understanding of the data or the pressures or link it to the on-going threat and intelligence assessments. We would like it to focus on that during the coming years.

However, Police Scotland does not have the capital to spend on such systems. We would expect it to have an Oracle-type system or a software as a service-type system. That will cost £30 million or £40 million, and it does not have that capital. It has gaps in its estate budget, its fleet budget and its existing IT budgets.

The Convener: Deborah, would you like to make some opening remarks? We will then open to questions.

Deborah O'Brien Demick: Absolutely. Good morning, and thank you for inviting me to give evidence. I am pleased to be here on behalf of His Majesty's Inspectorate of Prosecution in Scotland to talk about our work.

I will touch on our recent joint inspection on citations in my opening comments, and I will also speak about the challenges that our inspectorates cover in the wider justice system.

Our statutory role is to inspect the operation of the Crown Office and Procurator Fiscal Service—COPFS. We are independent of COPFS and the Scottish Government. Our focus is on the quality of the prosecution service that is delivered to the public.

Our inspection reports highlight what is working well and where improvements can be made. Their recommendations are designed to strengthen the effectiveness and efficiency of the service that COPFS delivers.

Despite being a very small team—only 4.57 full-time equivalent staff—we consistently deliver high-quality, evidence-based inspection reports. Recent work has covered domestic abuse prosecutions, diversion from prosecution and the COPFS national call centre. Those inspections have shone a light on important areas of

prosecution work and contributed to meaningful improvements and necessary practical change.

I turn to our challenges, the first of which is resourcing. I am mindful of the pressure on public sector finance, but it is important to make the committee aware that only 3.57 of our 4.57 FTE staff carry out daily inspection activities. In contrast, the organisation that we inspect employed 2,416 people last year. As COPFS has expanded in numbers and priorities, our capacity has not. That makes it increasingly difficult to inspect the organisation effectively or follow up on all previous work. Our budget for 2026-27 leaves us over budget on staffing alone, which limits what else we can do. Our total budget is only 0.2 per cent of that of COPFS.

Our second challenge is the implementation of recommendations. It is important to say that I do not have a statutory power to compel COPFS. COPFS supports our work and accepts our recommendations, but implementation is sometimes slower than we would hope. We publish COPFS's progress against each recommendation in our annual reports and continue to publicise that information until all accepted recommendations are achieved. Monitoring progress takes my inspectorate considerable time and is challenging when we are also conducting inspections. When recommendations remain open for several years, the burden grows.

I turn now to our recent joint inspection on citations with HMICS, published just last week, of which the committee has a copy. That was the first time that the citation process has been reviewed end to end—from police statement right through to witness attendance at trial—despite its fundamental importance to the criminal justice system. The report contains 50 recommendations that are aimed at creating a more efficient and more witness-centred citation process. Last year, almost 400,000 formal citations were issued for sheriff court witnesses. Most civilian witnesses still receive citations by second-class post. A key recommendation is that COPFS should use email or another electronic method to cite witnesses.

Across both organisations, we also found a clear lack of leadership and governance and no accurate understanding of the overall cost of the citation process. Although summary case management, which the committee will have heard about, has reduced the number of citations issued, it has not addressed the underlying problems in the citation process itself. A certain number of witnesses will always require to be cited and to give evidence at trial.

A recurring theme—again, one with which the committee will be familiar—is churn: trials being

repeatedly adjourned because citation was not effective. We saw valuable practice in other jurisdictions, including emailed notice-of-trial letters, which are more trauma informed and reduce the need for police officers to deliver citations in person.

Another key recommendation is for the Scottish Government to work with COPFS and other justice partners to develop an integrated digital trial scheduling system that takes account of witness availability in fixing trials. Again, I recognise that budgets are tight across the public sector, but that type of investment would reduce excusals, adjournments and churn, alongside the significant costs that come with them. Importantly, it would also improve the experience for witnesses.

I hope that that is helpful and I am happy to answer any questions that the committee has for me.

11:15

The Convener: Thank you very much indeed. I know that members are interested in asking about the witness citation review, but I can vouch for the challenges—I think that all members can—because of correspondence that I have received from constituents. Some professional witnesses routinely have their diaries disrupted because of citations, so I look forward to hearing more about the report.

I want to return briefly to another recent review that has been undertaken. Among the recommendations that you make in the review report, “The prosecution of domestic abuse cases at sheriff summary level”, is a recommendation that the Crown Office should

“take immediate steps to ensure that victims are receiving basic information about their case ... timeously”.

The report notes that, in a case review, HMIPS found that only 33 per cent of victims were

“fully or mostly advised of the key dates in their case”,

and that the overall quality of communication was assessed as “unsatisfactory” for 80 per cent of victims with whom you engaged. To my mind, that seems like basic provision. Can you talk a little bit more about that inspection and some of the key recommendations that came from it?

Deborah O'Brien Demick: I would be very happy to do so. That links in with the point that I made in my opening comments about the pace of implementation. It is important to say that my inspectorate works closely with the implementation leads on all the inspection topics that are on-going with COPFS. I will comment first on how that works in practical terms and then circle

back to domestic abuse, because I think that it is important to make this point.

Implementation tends to work as follows. There is an implementation lead, who is usually a prosecutor or a leader who has the knowledge to implement the recommendations of the relevant inspection. For domestic abuse, that is the COPFS lead on domestic abuse. That individual will also have an operational job and will therefore need to straddle both roles.

Previously, there had also been working groups to govern the implementation of inspection recommendations and to support the implementation lead. Most recently, we were told that the implementation lead for the national enquiry point service was being ring fenced to implement the recommendations on that and that it would have an associated working group, but we have recently learned that that working group no longer exists. We understand that, under the auspices of the designed for success programme, which the committee will have heard of, governance, including how COPFS will take forward implementation of the recommendations in our inspection reports, is under consideration. It is important for the committee to be aware of that in general terms.

With regard to domestic abuse, we commented in our annual report on the pace of implementation. There are some good-news stories in relation to domestic abuse, and tackling violence against women and girls is a key strategic priority for COPFS. We have seen that it has channelled a great deal of improvement in guidance, through the domestic abuse handbook for prosecutors and practitioners, and training. We have attended the training provided by COPFS, which is of a very high standard. It is clear that that is a foundation on which prosecutors can start to build skills in the prosecution of very sensitive and difficult cases and engage further with victims as part of summary case management and early victim engagement.

It is interesting that you have drawn out, and asked me to comment on, the point about what practical change has been brought about for victims of domestic abuse from April 2024, when we published the report, to March 2026, as I commented on that in the annual report. In my view, that is where COPFS is perhaps lacking.

We have provided a breakdown of the number of recommendations that have been met. We broke it down to 47 recommendations, rather than 27; there were a lot of (a), (b), (c), (d) and (e) subparagraphs in the inspection report. We assessed that, as at November last year, two recommendations had been achieved; eight had been substantially progressed; 27 were in

progress and 10—including the recommendation that you mentioned, convener—had not been achieved.

As a result of that, because I feel strongly about the need to bring about practical change and to be able to demonstrate that to the public, our next piece of inspection work will look in particular at the provision of basic information and communication with victims of domestic abuse. We plan to revisit that in a short, focused way now that we have finished the citations inspection. We will go back to the offices that piloted summary case management to see how that and early victim engagement are working in practice, because, to my mind, that is vital.

It is also important to say that our conversations with COPFS about the implementation of recommendations on domestic abuse have been extremely positive. To that end, COPFS has identified another senior leader—a sheriffdom procurator fiscal in a local court—who will be responsible for the implementation of what I would describe as the more practical and meaningful recommendations that we want to make a difference to victims of domestic abuse in the sheriff court. That is particularly encouraging to me.

The Convener: That is encouraging to hear, so we will look forward to monitoring that. I will open up the questioning to members and bring in Liam Kerr.

Liam Kerr: Good morning. Deborah, I will take you to the witness citation review, which is a considerable undertaking and output.

Deborah O'Brien Demick: Yes.

Liam Kerr: In summary, it gives a pretty frank assessment of the process, which, to pick up Craig Naylor's words in his submission to us, is

"antiquated, paper-based and inefficient, with substantial negative impacts on witnesses and policing capacity."

That is some conclusion.

Deborah O'Brien Demick: Yes.

Liam Kerr: How effective is the collaboration, co-operation and co-ordination between Police Scotland and the Crown Office in managing the citation process? If it could be better, do structural issues impact on it?

Deborah O'Brien Demick: I do not think that there are structural issues at the heart of it. The structure exists between COPFS and Police Scotland; the fundamental question is whether it is being used efficiently. At the moment, there are national groups that involve COPFS and Police Scotland, but there are also some division-level groups, and there is not a flow of information between those groups, nor is citation, for example,

a regular agenda item in those meetings. That was one of the observations that we made throughout our inspection activity.

The review is a tough read, and deliberately so. As I said in my opening remarks, the citation process is fundamental to the way in which our criminal justice system works, yet no one has really paused to look at it.

Some good-news stories are peppered throughout the review, however. One of those is that Police Scotland had quite rightly identified that it was serving far too many witness citations personally and wondered what work might be done in that regard. COPFS and Police Scotland collaborated to extend the time that witnesses have to return postal citations, from 21 to 28 days in summary cases and from seven to 28 days in sheriff and jury cases. The results were more or less positive. There was perhaps a little blip, as you will see in the review, in relation to last summer's sheriff and jury figures, but, with regard to the number of citations that police officers require to serve personally, that work can only be a positive thing, because, as I am sure we might talk about later, police are far better served going out, being in communities and catching the bad guys. That is a really good example of COPFS and Police Scotland working in a targeted way to bring about practical results that make a difference.

Liam Kerr: I will stay on that point. You talked about the considerable consequences of what has been going on. You mentioned the fact—which Mr Naylor talked about, too—that personal service of citation demands have a significant impact on police workloads. It reduces the time that they have for front-line duties, which is something that the committee has been concerned about more generally. Deborah O'Brien Demick has just talked about there being no structural issues and said that there are groups in place, but there is no regular agenda item on citation.

The report also says that there is a

“lack of oversight, leadership, governance, strategy and monitoring of the citation process across both organisations.”

Given that the committee has heard an awful lot about funding and resource pressures on the organisations and the need to stop excessive or unnecessary spending and time taken on unnecessary activities, what did you find was being done prior to your review to address those things? Alternatively, do you get the sense that the lack of oversight and leadership that you have referred to led to nothing material being done until you had to produce a report to say, “You need to deal with this”?

Deborah O'Brien Demick: The work that I have just referred to between COPFS and Police

Scotland happened before the publication of the report, so that was already in train. We await the formal responses to our report from Police Scotland and COPFS, as it was only published last week. At present, we do not know whether they accept all 50 of our recommendations. The organisations can indicate to us in their action plans, which will be sent from their implementation leads, what they plan to do in response to our report.

Not long before we planned to publish our report, we met senior officials from Police Scotland and COPFS to give them the high-level messaging. We always tend to do that so that people do not get too much of a surprise when we publish. Certainly, there was an indication at that point that COPFS was going to consider a citation strategy and, in particular, focus on the witness excusal process. You will see from our report our assessment that COPFS deals with that particularly badly. That issue is massively impactful on all witnesses, whether they are a victim, a civilian, a professional—as the convener referred to—or a police officer.

I talk about practical and meaningful change. We have put a time limit on that recommendation. We said that COPFS has to change and create a process for excusal requests within six months of publication of our report. The IPS has not done that previously, and I have used that approach sparingly in this case—there are only three recommendations with time limits. I need to accept that it is not for me to dictate the business priorities of COPFS. However, HM Crown Prosecution Service Inspectorate takes that approach, so I decided to use that ability in a sparing but targeted way in relation to the citation process.

Craig Naylor: I want to raise a couple of points with the committee. This is very much about whether organisations are doing the right thing and, if they are doing the right thing, whether they are doing it well. Both services have looked at improving their current practice, but they have not looked at change. The evidence that we have from our inspection is that the way in which citations are delivered is pretty much the same as it was 37 years ago, when I joined Lothian and Borders Police. A cop is given a handful of citations and told to go and find the person in the community, knock on their door and then, with no real cognisance of what the person has been through to become a witness in the case, personally serve a document on them that says, “If you don't turn up, you might be arrested.” That is not trauma informed. That goes back 37 years, which was when I first did it, about three miles away from here in Craigmillar.

For the past 30 years, I have had the same email address and I have moved house four times in that

period, so it is easier to find me by email than it is to find me by postal service. When every other service that people engage with is going digital, it is concerning that justice has not followed suit, despite the Scottish Government's views on digital public service delivery. Our biggest concern is that we are still doing things in an antiquated manner. We are delivering bits of paper that warn people that they might be arrested if they do not follow what is said in them. We want significant change: we want the services to be doing the right thing and delivering it in the right way.

11:30

Liam Kerr: Finally, on that exact point, Deborah O'Brien Demick, you said in your opening remarks that there were two key recommendations: first, that the Crown Office should use email to cite witnesses, and secondly, that the Scottish Government should work with the Crown Office and justice partners to develop a digital trial scheduling solution.

Deborah O'Brien Demick: Yes.

Liam Kerr: You then told us that you have no power to compel anyone to carry those out. Do you have any sense of whether what you have recommended is actually happening? Craig Naylor talked about email and the digital trial scheduling solution. Will that happen? Who will lead on that from these organisations? Who will pay for it, particularly the digital trial scheduling solution?

Deborah O'Brien Demick: Is that question for Craig or for me?

Craig Naylor: I am happy to jump in.

Deborah O'Brien Demick: Do you want to start? I am very happy to come in on that, too.

Craig Naylor: During the inspection, we saw very good examples, particularly in Northern Ireland, of systems that can obtain information effectively from witnesses and then schedule a trial using some form of algorithm—it might have been artificial intelligence; I am not sure. It selected the three most feasible dates based on the availability of civilian witnesses, professional witnesses and police officers, ensuring that everyone could attend without disrupting their whole lives. It then issued citations efficiently, bringing people to court. When you do that, the churn rate is far lower, attendance by victims, witnesses and professional witnesses at court is far greater and the justice process reaches an outcome much earlier.

Every time that a civilian witness attends court, they are entitled to expenses, such as payment for their lost earnings and childcare costs. Each attendance has a personal impact for the witness, but it also creates a financial burden for the justice

system. If a witness attends court four or five times without giving evidence, that is four or five times that they will get expenses, and the costs rack up. The same applies to police officers—if they have to attend while on leave, on a rest day or on overtime—and to professional witnesses, and, again, the expenses rack up. If you do things more efficiently and effectively, reducing churn and lowering the number of excusal requests due to someone being on leave, attending a wedding or having something similar booked, you get better outcomes, you achieve more trauma-informed practice and you reduce costs.

This is a spend-to-save recommendation, if we get it right. The chief constable has mentioned to the committee, or certainly to a committee in this building, that the overtime cost of police officers attending court is £3.4 million per annum. Attending court is a core police officer duty, so there will always be a cost, but can we find a way not to spend on overtime for that and have police attending when they are supposed to be on a day shift or similar?

There is something here. Yes, expenditure will be required, and yes, there will be a need to involve senior responsible officers in both organisations in taking this forward. I think that Assistant Chief Constable Mark Sutherland in Police Scotland, who is the criminal justice services lead, will take it on. I am not sure who it will be in COPFS. A business case needs to be developed that makes it clear that we must make that change, because continuing with the current approach is too expensive.

Liam Kerr: I understand.

Deborah O'Brien Demick: I will add to that. We need to move with the times. We live digitally. We all live on our phones. That is where our lives are—whether it is booking appointments with your general practitioner, hairdresser or dentist, or booking an appointment to donate blood. The criminal justice system needs to move with the times, and I believe that that is what people would expect. We have to bear in mind, however, that that is not how everybody will want to be communicated with in terms of a trauma-informed approach; we need to be mindful of that, too.

Certainly, our sense is that those in COPFS and Police Scotland want to bring about modernisation and change, and that is in keeping with what they have advised when they have come along to this committee. The Crown Agent talks about digital transformation and working more efficiently.

As I understand it, the chief executive of the Scottish Courts and Tribunals Service is leading work on digitisation of the criminal justice sector, which is to last for nine to 12 months. We wrote to him in advance of the publication of our inspection

report to highlight the recommendations, which are relevant for SCTS, too, and we are meeting with him in a few weeks' time to discuss the wider implications of what we have recommended.

Given what we are recommending and the more general movement across criminal justice in Scotland towards digitisation and modernisation, which drags us into the 21st century and moves away from using second-class stamps for citation, we hope that our report is timely.

Sharon Dowey: I come back to oversight and improvement. Can you tell us a bit more about how you monitor the implementation of recommendations that are made following inspections?

Deborah O'Brien Demick: Yes, I am very happy to do that. As I said, the way that COPFS currently manages the implementation of our inspections is that it identifies a lead—usually one person—who will be responsible for the implementation of the recommendations. I might comment—and I have done so to COPFS—that that is a challenge. I was an operational prosecutor for nearly 26 years; sometimes, that can be a little unenviable. That is why we were delighted to hear that the lead for the inspection on the COPFS enquiry point was being ring fenced for that work.

As I said, working groups have been set up to support the implementation lead, but it would appear that COPFS is perhaps moving away from that with its new structure and its designed for success programme. I think that our inspection reports will sit under implementation and governance. Obviously, its inspectorate will sit under governance, and there are several new recruits at senior civil service level in COPFS, so I imagine that implementation might be a corporate responsibility.

We meet and correspond regularly with implementation leads in relation to progress made against recommendations. They provide us evidence, which we must consider. We ask that they submit evidence as to where they are meeting—or otherwise—each recommendation. We then assess the evidence that they provide to us.

I should circle back and say that, as I mentioned, when we publish an inspection report, COPFS provides us with an action plan, which is a really important document in relation to implementation. COPFS might give us an indication of where it is in relation to the recommendation, whether it is one that it needs to start from scratch or perhaps something that is already in train; it could perhaps give an idea of timescales. It tends to say how long it thinks that it will take to implement an inspection report.

In my fairly limited experience, having become His Majesty's chief inspector of prosecution just last July, I would say that the intention is there, but it is not followed up by the pace that we would like to see. For example, recommendations relating to domestic abuse have clearly not all been implemented, which is one of the reasons why we are following up in relation to the basic information that is provided to victims.

We already know that the inspection in relation to the national enquiry point will not be implemented by the end of this month, which is what COPFS had previously stated. Work will probably need to be done there, with on-going conversations around achievability.

Moreover, we publish our assessment of recommendations in our annual reports. I know that HMICS has an up-to-date recommendation tracker on its website. We are quite envious of that, but we do not have the resource to be able to provide something like that. It would be great to be able to do so, not least because that would be readily accessible to the public—there is a lot of interest in the implementation of our recommendations, and quite rightly so.

We continue to keep up the pace with COPFS with regard to implementation. As I have just said, there are a couple of recommendations on which I have put time limits for their being fulfilled, and we continue to work with COPFS where we see, perhaps, a need in that respect.

Regrettably, the recommendation on domestic abuse to which the convener drew attention was, in fact, supposed to have immediate effect. Clearly, that has not happened, and I have decided to use timescales instead of immediacy in the hope that that might make a difference. Essentially, we continue to publish our assessment of recommendations until the totality is achieved, which can take years.

Sharon Dowey: Indeed. One of the comments that you make is that

“recommendations remain open for several years”.

I was going to ask whether COPFS has progress reports with timescales, but you have basically said that it has an action plan with timescales on it. Do you give any indication about expected timescales?

Deborah O'Brien Demick: It sets its own timescales. It tends to say, “We'll meet the recommendations within a year”, for example, and we tend to adhere to that. If there is a particular sense of urgency, we will discuss when we would wish implementation to be achieved. For example, our inspection into complaints against the police took around four years to be fully implemented. Indeed, there is still one recommendation

outstanding, in relation to the IT case management system. However, that is not entirely within COPFS's control.

To my mind, we need to be fairly dogged about ensuring that recommendations are implemented—or, at least, be dogged about having conversations about implementing them. After all, inspections can only ever be a snapshot in time—with our inspection of citations, for example, we had to just stop, otherwise we would have been going at it for ever—and, with all the time that has passed, things might have changed. Legislation might have come in that has necessitated COPFS doing something differently, or a recommendation might have been superseded. In fact, not long before the publication of our annual report, we learned that COPFS no longer accepted one of the recommendations on diversion. Those are important conversations—that is really how we go about it.

Sharon Dowe: I noticed that 10 of the recommendations made in one of your annual reports had not been achieved, and 27 were still in progress.

Deborah O'Brien Demick: That was in relation to domestic abuse.

Sharon Dowe: So, after discussion with COPFS, it can say, "Actually, we don't accept that recommendation", and it will be taken off.

Deborah O'Brien Demick: Yes. It is a matter for COPFS, as it is with any organisation, whether it chooses to accept our recommendations.

Sharon Dowe: Is that updated on your website?

Deborah O'Brien Demick: No. HMICS has that facility, but we do not. We publish what I would describe as our action tables in our annual reports, which are available on our website for those who are interested.

Sharon Dowe: You have also said that there was no understanding of

"the cost of the citation process".

What was the reason for that? After all, every business or organisation will always be looking at productivity and efficiency. Why did the COPFS have no understanding of that cost?

Deborah O'Brien Demick: To be perfectly honest, there was really no reason that we could identify. We were surprised to find that neither organisation could quantify that cost.

The closest that we got with COPFS was in relation to a text service provided at certain points to witnesses who had given a mobile number, and that cost £11,000 a year. Moreover, as Craig Naylor has said, witness expenses are also a cost

for COPFS; I think that the figure is about £1 million, but that would cover all witness expenses, including High Court witnesses. Obviously, our inspection was just in relation to citations.

Those were the figures that COPFS was aware of, but there were questions about the costs of generating, for example, paper citations. Because those citations are sent out in batches with other legal paperwork for service, it was not possible to break down or properly quantify how much it was actually costing COPFS to send them out. Therefore, we have recommended that, before it can move on to digital citations, COPFS needs to be able to say how much the current process is costing, so that there can be a proper assessment of what the actual efficiency saving will be. It is clear to us that there will be efficiency savings. There will also be environmental savings because COPFS will not be sending batches of paper all over the country to different police stations and in different ways. There would be a consistent approach. However, neither organisation could quantify how much it currently costs.

11:45

Sharon Dowe: Craig Naylor, in your submission, you said that new legislation continues to be a challenge for the police due to the financial and operational impact of introducing new processes. We have passed a lot of legislation in this session. Which recent legislative changes will continue to place the most pressure on the police?

Craig Naylor: That is a really good question. A couple spring to mind. One is the legislation on dangerous dogs. Recently, there was newspaper reporting that the seizure of XL bully-type dogs, which were debated at length in the Parliament, is costing somewhere around £40,000 a year. When I went back and looked at the financial memorandum that came with the legislation, I saw that that was not properly covered. I suspect that it was not understood at that point, partly because the length of period for holding a dog before it can be returned to its owner, if there is a safe and proper way to do that, or for it to be destroyed, if that is the appropriate outcome, was not understood. Those are massive costs.

I know that the committee looked at length at the financial memorandum for the Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025 and questioned whether the initial memorandum was accurate. We are not yet into the new way of doing business under that act but we will be shortly, and there is an expectation that a number of costs will come into play, including for legally qualified chairs for senior officer conduct matters and the new way of doing police appeals tribunals. The question for me is how police Scotland and the SPA become

more effective at understanding the policy memorandum in the first instance and quantify what that would look like in a change of process, procedure or training.

I also recognise that a lot of good work was done on trying to understand the impact of Ms Regan's recent Prostitution (Offences and Support) (Scotland) Bill. However, that is an emerging area of threat and risk to police Scotland's budgets and something of which it needs to be much more aware. I know that the organisation is aware, but it is an emerging field.

The Convener: We will have questions from Jamie Hepburn and Rona Mackay. I ask for fairly succinct responses because we are just a wee bit over time.

Jamie Hepburn: I have a couple of areas that I want to explore. This was not one of them, but I am going to follow up on something that you just said, Mr Naylor. What figure did you provide for holding a seized dog?

Craig Naylor: I read it in a Sunday paper recently and I think that it was in excess of £40,000.

Jamie Hepburn: That is what I thought you said. Is that per dog?

Craig Naylor: Yes, per dog.

Jamie Hepburn: I am sorry, but I do not think that that figure is plausible. We might need to explore it separately.

Deborah O'Brien Demick: It is possible.

Jamie Hepburn: What the hell are we feeding them?

Craig Naylor: It must be gold plated or something. In my previous experience in Lincolnshire, when we seized dogs from hare coursers, we paid £500 per week per dog.

Jamie Hepburn: It is not an area that I wanted to explore in detail. It might be something that we need to examine and I wondered whether there was another way of reducing the pressure on the public purse. It seems an extraordinary figure.

There is an area that I want to explore with you, Craig, but my first question is primarily your area of responsibility, Deborah. It picks up on the points that Sharon Dowey explored on the recommendations that you make to the Crown Office and Procurator Fiscal Service, which, I think you said, is not required to implement them. We heard the same from Robert Scott about his responsibilities for the Scottish Fire and Rescue Service. I will not put words in his mouth, but he seemed to indicate that that worked well. However, I got a sense from you that it did not work quite as well in your case. Is that correct?

Deborah O'Brien Demick: It is not necessarily that it does not work well, but it means that we are toothless when it comes to compelling COPFS to implement recommendations that we believe would make a difference to the efficiency of its operation and, ultimately, make improvements for the public and stakeholders.

I guess that there is probably an element of personal frustration in that, because I see my role in the inspectorate as the improvement of COPFS. That is why we take great care in the way in which we go about our evidence-based inspections and how we frame our recommendations. I have been mindful of that in this recent inspection topic to try, in so far as is practicable, to make the recommendations workable. Some will take longer than others, of course.

Jamie Hepburn: Does the COPFS at least have a statutory responsibility to respond to the recommendations?

Deborah O'Brien Demick: It always does respond, in any event.

Jamie Hepburn: But it is not a statutory responsibility.

Deborah O'Brien Demick: No. It has a statutory responsibility to provide us with information about any inspection that we decide to embark on. Arguably, that could incorporate provision of an action plan, but it is not formalised in legislation.

Jamie Hepburn: Should it be?

Deborah O'Brien Demick: I do not think that it needs to be, because we do not see a lag in COPFS providing that information. We have a good, strong working relationship with COPFS, so it is not the provision of the action plan that we have difficulty with. It is the length of time that it takes for recommendations to be implemented that could make a significant difference to COPFS strategic aims and objectives and the wider criminal justice system. There is pausing and faltering, and recommendations are not being implemented in the way that we would like to see.

Jamie Hepburn: I might have picked this up incorrectly, so forgive me. I think that Sharon Dowey pursued the line of sight for the wider public with you.

Deborah O'Brien Demick: Yes.

Jamie Hepburn: Did you say that you do not publish that information and that it is not made publicly available?

Deborah O'Brien Demick: No. We publish it in our annual report.

Jamie Hepburn: Right. Okay. Maybe I just picked that up wrongly.

Deborah O'Brien Demick: Perhaps I caused the confusion, but the difference is that HMICS publishes that information in a live document on its website. We do not have that, so we publish it annually. It is important to me to be accountable and to set out where COPFS is in relation to the implementation of recommendations. The public and others across the wider criminal justice system are entitled to know that.

Jamie Hepburn: Is the difference between the organisations a statutory thing, or is it resource?

Deborah O'Brien Demick: It is just resource. We would love to be able to do that, but we just do not have the resource.

Jamie Hepburn: Again, it is useful to understand that. Craig, can you very quickly explain to us the equivalent powers? When you make recommendations to Police Scotland, is it obliged to implement them?

Craig Naylor: Police Scotland is obliged to take account of them, which is slightly different. Much like the prosecution inspectorate and COPFS, we are not able to force Police Scotland to implement recommendations, but we are quite public with our recommendations. We do all sorts of media and social media, and we talk about the issues, which puts the improvements that we are trying to make in the public's eye.

As Deborah O'Brien Demick mentioned, we also have a tracker. It is on our website, so people can search by thematic issues, dates or whatever else. The Scottish Police Authority's audit, risk and assurance committee is very good at holding Police Scotland to account for outstanding recommendations not just from us, but from other organisations such as that of Brian Plastow, who I know is behind me, and bodies that look at covert policing and so on. The organisation is highly scrutinised and it has a slick machine that responds to scrutiny and the recommendations made.

Jamie Hepburn: That is interesting. Our successor committee might want to look at whether there should be some wider coherence or equivalent power. It might not be necessary, but I am proffering it as something that we might want to do.

Deborah O'Brien Demick: It would be good to look at.

Jamie Hepburn: I have one final area for Craig Naylor that picks up on something that we will be discussing later, which is the Police Service of Scotland (Vetting) Regulations 2026. You have been very clear in your letter that you support them. I do not think it would be equitable to invite you to set out why you support them, because no one else has that opportunity. My question relates

more to your inspection function and to understanding whether that would be an area that you would be empowered to look at, not on an individual, case-by-case basis, but with regard to the number of people who might be dismissed or suspended, the number of officers who are demoted and the number of instances where the assessor has overturned whatever the decision might be. Will you be able to look at that and report on it? If a pattern emerges, will you make recommendations around it?

Craig Naylor: Absolutely. We reported on vetting two and a half years ago, and many of the recommendations that we made at that point will be signed off when the vetting regulations are put into effect. After a year or 18 months, we will go back and look at how they have been used. We know that there is a big risk in relation to people who sit within the organisation but, for various reasons, cannot sustain their vetting.

I am not going to get on my soapbox—I could, and I could talk about this all day—but we would do that review using our power to request information from Police Scotland, which is the same power that Deborah O'Brien Demick has. We would look at what progress the organisation is making and get some form of performance report on how it is using the vetting regulations. If we had concerns about what we see, we would consider doing a follow-up inspection at some point.

Jamie Hepburn: It is useful to know that that would be part of the process of the implementation of the regulations.

Rona Mackay: You have spoken about your recommendations being non-statutory and about how many are complied with. Presumably, there are some that are never acted on, although you must have made those recommendations for a good reason. What happens to them? Do they just wither on the vine, or do you get an explanation of why they are not going to be implemented?

Deborah O'Brien Demick: I would hope that, certainly while I am chief inspector, they will not wither on the vine. It goes back to the point I made that, unfortunately, because of our resources, we cannot go back and do follow-up inspections for every topic. My predecessor, Laura Paton, from whom you heard last week and who is now the Police Investigations and Review Commissioner, introduced the framework whereby the Crown Office and Procurator Fiscal Service provides an action plan, which serves to keep up the momentum in a way that did not happen previously. That means that the implementation stays on the radar of the Crown Agent and those other senior officials.

Rona Mackay: So, communication-wise, you can see in the action plan that something has not been actioned.

Deborah O'Brien Demick: Yes.

Rona Mackay: And that means that you do not need to do another inspection to see whether something has been actioned; you can just ask why it has not been implemented.

Deborah O'Brien Demick: Yes, and we do that.

Rona Mackay: And do you get a reasonable response?

Deborah O'Brien Demick: We tend to—that has been my experience over the past eight months. That is part of an on-going dialogue between my inspectorate and COPFS. It is a question of keeping up momentum and sometimes holding people's feet to the fire a little. That is really important to me.

Rona Mackay: Good. You mentioned resources. I presume that you think that you could do with more staff and more money. Is that a prospect? Do you think that that will happen in the future?

Deborah O'Brien Demick: I am a realist, so I would say probably not. I look at the current budgets across criminal justice and I think that it is only appropriate to flag to the committee what my resources are, versus those of COPFS. For the avoidance of doubt, it is quite right that COPFS's budget has increased incrementally, because we see how much change it faces. However, I think that it is a useful comparator.

A lot is happening across criminal justice and needs to be tackled by COPFS—of course, the Crown Agent has given evidence to you about that—including Covid recovery and the move back to stability, as well as the transformative change that COPFS is making in terms of SCM, body-worn footage, digital evidence sharing capability, the defence agent service, DFS and sexual offences courts, and also the fact that it has to deal with legislation such as the Victims, Witnesses and Justice Reform (Scotland) Act 2025. So much change is being brought about that it is quite an exciting time for criminal justice. However, we would like to be able to get in there and do more.

Rona Mackay: You just reminded me of a question that I had forgotten about. Do you have any oversight of the planning of the sexual offences court, or do you monitor what is going on in that regard?

Deborah O'Brien Demick: No. Susanne Tanner did a review of sexual offences, and that has been published. We do not tend to inspect something that COPFS has done itself, because

we want to be able to add value and do something different.

We do not have oversight of the planning around the sexual offences court, but we watch what is going on with interest, because it involves lots of things that are relevant to us, such as disclosure in terms of the Daly case and so on. COPFS is dealing with a lot of things that I would like to get in and about, but, at best, we can do an annual report and one inspection report a year, on which we might collaborate with another inspectorate. That is our limitation with regard to meeting our statutory function at the moment.

12:00

Rona Mackay: I am sure that I am not alone in being astonished to find out that citations are still being sent out by second-class post, and all the rest of it. I am interested in digitisation and coming into the 21st century. A long time ago—almost 10 years ago—the Justice Committee did an inquiry into COPFS, and the overriding issue that came out of that was a lack of communication with people. It seems that digitisation is starting to happen at a snail's pace. I am sorry if I missed this point from an earlier conversation, but do you have any idea of what the timescale for digitisation will be, whether that involves starting to send out emails and stopping using post, or things like that?

Deborah O'Brien Demick: I do not have an idea of the timescales. It is competent in law to cite witnesses by email, and legislation will come into effect this year to allow witnesses to be communicated with electronically if they express a willingness for that to happen. Digitisation could make a massive difference to people, but I do not know what the timescales for that would be.

Rona Mackay: Is it something that you keep an eye on?

Deborah O'Brien Demick: Yes, absolutely. It will be part of the implementation of our citations inspection because of the key recommendations that we made, one of which was that witnesses should be cited by email or other electronic means.

Rona Mackay: Thank you.

Pauline McNeill: I just want to clarify a point. Deborah, did you say that a participant would receive a citation by email if they were to be willing to receive it in that way?

Deborah O'Brien Demick: Yes.

Pauline McNeill: You will not force that on everyone.

Deborah O'Brien Demick: No, we will not. The Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Act

2025—I am reading because I want to get the title correct—is the recent piece of legislation that allows a witness to be cited electronically if they are willing for that to happen. There are all sorts of considerations that the committee will be aware of, such as taking a trauma-informed approach, and the fundamental consideration of ensuring choice. However, it is possible and competent to be cited electronically.

Pauline McNeill: Thank you. That is the way it should be. Most people would probably opt for electronic citation, but some people would probably prefer to have it on paper, and there is nothing wrong with that.

Deborah O'Brien Demick: Yes, and we need to think about digital poverty and things like that, too.

Pauline McNeill: It is easy to delete an email, as I sometimes do.

My final question is for Craig Naylor at HMICS. You were the first person to raise the issue of mental health and policing with the committee, and credit is due to you and your organisation for bringing it to our attention, because there has now been considerable focus on it. Mental health is now the biggest reason why police officers are tied up, not court duty.

I do not know whether you had a chance to hear the evidence that was recently presented to the committee by the NHS and the chief psychiatrist. If you did not, it is worth having a look at. My interpretation of what they said is that there is still a gap that they are trying to fill, which is disappointing.

It was pointed out to the committee that the police still attend calls for people who are in deep and acute emotional distress. There were phrases such as, “Well, it is a societal problem.” We all know that that is true, but it should not fall to the police and only the police. Has enough progress been made in relation to your initial report? We could also invite you at some point to bring the issue back to the committee—I hope that you will do so—following the evidence that we received a few weeks ago.

Craig Naylor: This is a subject that is close to my heart. When we did the inspection, we listened to representative bodies for people with lived experience about what it meant to them for a police officer in a van to turn up when they were at the lowest point of their lives and dealing with real crises.

The phrase that was repeated many times was, “They probably stopped me from killing myself, but they made it worse, because being in a van with blue lights was a detriment to me and sitting in the hospital handcuffed and with a police officer didn't

improve my wellbeing.” One of the core functions of policing in Scotland is to improve the wellbeing of individuals and communities. Leaving a police officer for 10, 12 or 14 hours in an accident and emergency department with someone who is suffering from some form of intoxication and a mental health crisis is not good.

I listened to the evidence that you described, Ms McNeill, with real interest. I am keen for Police Scotland to look at the risk that it faces in leaving police officers in that situation. That could be dealt with using body-worn video and new ways of triaging people to a professional in the health setting. An officer could say, “Jimmy, you are going through a crisis, but this is a safe place and a safe person to leave you with. We would rather leave you to get medical care and treatment than sit with you for the next however many hours.” The police could do that handover in a way that is based on the needs of the individual and is trauma informed but which also takes the risk away from policing.

Very often, the issue that police officers tell us about is error terror, as they describe it. They do not want to be the last person to have dealt with an individual who then does something to themselves, so that the officer ends up involved in an investigation by the PIRC that comes out with a conclusion that a terrible thing happened to an individual at their own hand or at someone else's hand because they were left by a police officer in a place of safety with other professionals. It is the police officers who are held to account, and no one else. That is not a sustainable position.

We are aware that the challenges of having police officers sitting in A and E or other places are not being dealt with as quickly as we would like. We will continue to agitate for that, and to support the progress that has been made by the task force. I know that the chief constable spoke about the issue recently at the Scottish Police Authority. She is determined to do something to change the balance on the issue, and that needs to happen.

Pauline McNeill: I presume that there will be an opportunity for you to write to a future committee, as you wrote to us, to make sure that the issue does not disappear.

Craig Naylor: I am not good at staying in my lane on such things. I do not publish a report and just give recommendations to the Scottish Police Authority and Police Scotland. I colour beyond the margins and send things to the Scottish Government and other partners where I think that there is a need to do so. I will continue to do that, because I think that it is right to address the whole system and not just the bodies for which I am legally responsible. I have been told off about that a few times, but I will continue to do it, because it is the right thing to do.

Pauline McNeill: Thank you.

The Convener: We have run over time significantly, but it has been an interesting session. Thank you very much for joining us.

We will have a brief suspension to allow for a changeover of witnesses.

12:08

Meeting suspended.

12:11

On resuming—

The Convener: I am happy to welcome our next panel of witnesses: Dr Brian Plastow, the Scottish Biometrics Commissioner, and Karen McBride, who is a subject matter expert at the Scottish Biometrics Commission.

I refer members to paper 1. I intend to allow about 40 minutes for the session, and I invite Brian Plastow to make some opening remarks.

Dr Brian Plastow (Scottish Biometrics Commissioner): Thank you, convener. I will start, as I always do, by saying that it is a pleasure to appear before the Criminal Justice Committee—today, for the last time in the current session of Parliament. As you mentioned, I am joined by Karen McBride. In the real world, Karen is a senior fingerprint examiner with the Scottish Police Authority forensic services, but she is seconded to my office until September 2027 to help me with a couple of important reviews, one of which—the “Joint Assurance Review of the Acquisition, Retention, Use and Destruction of Fingerprints for Criminal Justice and Police Purposes in Scotland”—was laid in Parliament yesterday.

I put on the public record my appreciation of the committee—both current and past members—for the fantastic support that my function has had over the past five years, and I also say well done on getting through a truly significant programme of work, which has been particularly legislation heavy.

Members have already had the opportunity to see my written submission, so I will just pull out a few highlights. First, I remind committee members that the Scottish Biometrics Commissioner function has existed for about five years now. It is a low-cost function that works extensively in partnership, and we maintain oversight of biometric data that is used by three policing bodies: Police Scotland, the Scottish Police Authority and the Police Investigations and Review Commissioner.

In the past three years or so, we have laid seven different reports in Parliament. Six of those have

been thematic assurance reviews, including the one on fingerprints, which was laid yesterday. We have also done a joint review on the laws of retention with the Scottish Government. Collectively, over the period, we have made about 34 recommendations, mostly to Police Scotland, for improvement. We also maintain a statutory code of practice in Scotland, so the legislation under which we operate is backed up by powers of enforcement. The first report that I will lay in the next session of Parliament, in the summer, will be an outcomes report that looks back at the previous four-year strategic plan and provides the Parliament with some analysis of what all of that means in terms of better outcomes for the public, for data subjects and for policing.

Yesterday, as I mentioned, I laid a report on fingerprints in Parliament. This is the first time that fingerprints have been looked at in Scotland since “The Fingerprint Inquiry Report” was published, in 2011. Members will remember that the Scottish fingerprint inquiry related to the misidentification of fingerprints in a murder in Scotland from 1997. The inquiry, which was led by Sir Anthony Campbell, explored the reasons why that had happened and made 86 recommendations for improvement. Significantly, the cost of the Scottish fingerprint inquiry was £4.8 million. I use that as an example of what can happen when forensics go wrong.

12:15

The good news from the fingerprints report that was laid yesterday is that all the recommendations that were made as a result of the Scottish fingerprint inquiry have been successfully discharged by the SPA forensic services. As I highlight in the report, in my view, the SPA forensic services provide a world-leading forensic service to the criminal justice system in Scotland.

However, as is highlighted in the report, some of that good work has been undermined by Police Scotland custody staff, who are failing to fingerprint thousands of people who are arrested each year, even though Police Scotland’s own policy dictates that they should do so. That obviously points to weaknesses in leadership and governance in Police Scotland’s custody division, and I am sure that the force will follow up on those recommendations with some urgency.

The last thing to touch on is that there are some challenges ahead in the next session of Parliament. Perhaps unusually, I am not coming to the committee saying that I need more money or more resources—I do not. However, there are a couple of matters on the horizon that may occupy the attention of your successor committee in the next session.

One of those is live facial recognition. As members will know, Police Scotland and the Scottish Police Authority are currently considering whether they should adopt live facial recognition in the future. That is in the context of the Home Office providing funding for live facial recognition for every police force in England and Wales, including UK-wide policing bodies that operate in Scotland—for example, the British Transport Police, which already has live facial recognition.

The other question to be considered in the next session of Parliament is whether it really makes sense to restrict the functions of the Scottish Biometrics Commissioner to three policing bodies in Scotland when biometric data is shared extensively throughout the entire criminal justice ecosystem, including in prisons, and whether there is an opportunity to do something a bit smarter in that space.

I will stop there, convener. We are happy to take questions.

The Convener: Thank you. I will go straight to questions from members, in the spirit of keeping to time, starting with Liam Kerr.

Liam Kerr: Good morning. I will go straight to the fingerprint assurance review and reflect on some of the remarks that you have made, Dr Plastow. The Scottish forensic capability is world leading—it is clearly important that we start with that—but you found that the police service only takes the prints of those who are charged, which is different from what happens in other parts of the United Kingdom.

You say in your report that that could have significant consequences and might mean that up to 12,000 prints are missed in any given year. Why is that happening, and what needs to change—and will it?

Dr Plastow: It is an interesting set of circumstances. The long-standing position in Scotland has been that if someone is arrested by the police, they will have their fingerprints and their photograph taken. Since the mid-to-late 1980s, they will also have DNA taken. That used to apply in Scotland regardless of whether someone was arrested or detained.

Around 2016, there was a legislative change, and arrested people became either arrested as officially accused people or arrested as not officially accused people. For reasons probably known only to Police Scotland, it took a decision at that time that it would fingerprint only officially accused people. That never used to happen in Scotland, and it does not happen anywhere else in the UK. It does not make any sense, because the Criminal Procedure (Scotland) Act 1995 allows

biometric data to be taken from anyone who has been arrested.

It makes sense to do that because, when you put someone who has been arrested on to the fingerprint machine—I will just call it that, because it is like a photocopier—if that person has been arrested anywhere in the UK previously, it will be able to confirm their identity within 20 seconds, or it might say, “See that guy you put in cell number 1 who says he’s Brian Plastow? He’s not.” That is the first part.

The second part is that, if fingerprints are not taken from people who have been lawfully arrested, their fingerprints cannot be compared to prints lifted from unsolved crime scenes in the UK, now and in the future. We have recommended that Police Scotland should consider a take-all policy. In other words, it should go back to doing what used to happen in Scotland. That is a decision for Police Scotland, and I am quite confident that it will decide to do that.

Liam Kerr: On a related matter that your report says you found concerning, you highlighted an unauthorised practice of bulk deletions when machines are rebooted and said that it could have a significant impact on victims and accused. You made 10 recommendations in your report, but you made specific recommendations about that practice. Can you tell the committee what they are, directly related to that practice? I acknowledge that your report was published only yesterday, but is there any indication of whether those recommendations will be taken on board and acted on?

Dr Plastow: I will answer the second part of that question first. I have not yet experienced an instance in which a recommendation that I have made to Police Scotland or the SPA has not been accepted and progressed. Some have reached completion and some are still in progress.

We mention in the report that certain mandatory information must be put into the fingerprint machine when someone’s fingerprints are taken and the data is transmitted to SPA forensic services, which, at the time of our fieldwork, was having to return 24 per cent of all submissions because of missing information, such as a missing date of birth, a wrong date of birth, and so on. All of that creates churn in the system.

When we visited a custody centre in a city in Scotland, at the time of our visit, three people who had been arrested were in custody but there were 202 live cases for which there was incomplete or missing information on the machine. What we think is happening is that there is an upper threshold on the machines, which can hold only 1,300 to 1,500 open cases and sometimes, when that threshold has been breached, the machine hangs and is not

available for people to use. It would appear that the machine has effectively been turned off and on again, and that has resulted in the deletion of data.

I am sure that we will have an opportunity to bring in Karen McBride, who has seen the other side of that. As a senior fingerprint examiner, she has received a request from the procurator fiscal to look at a set of arrest prints only to find that they are not there, because they have been deleted.

The substantive point is that the practice of deleting data is not authorised Police Scotland practice. Our recommendation asks that the ability to delete records—there are legitimate reasons why you might want to delete a record—be restricted to supervisory staff. At the moment, anybody who is a trained live-scan operator can do that. That is the issue. I have no doubt whatsoever that the recommendation will be accepted and progressed.

Liam Kerr: I understand. Thank you.

Pauline McNeill: Good morning, Dr Plastow. The key highlight of your report was well trailed in the press. It was really useful, and, to be honest, people were quite shocked that this was not happening. Do you think that it should have occurred to somebody in Police Scotland that, from what you are saying, not having that procedure in place is quite detrimental when it comes to solving crime?

Dr Plastow: Yes, absolutely. We were—sorry, I cannot speak for Karen—I was as shocked as you were to see the level of missed fingerprint opportunities. Upwards of 12,000 in a year is just not acceptable, and it needs to change. That was not completely unknown to Police Scotland; it knew about the problem, which is why I said in my opening remarks that it is an issue of leadership and governance.

Police Scotland has a biometrics oversight board, which is chaired by an assistant chief constable. It also has a head of biometrics. The problem is that biometrics span the portfolios of every single assistant chief constable in Scotland. In the case of fingerprints, the problems—if you want to call them that—lie fairly and squarely in the criminal justice services division. It is that division that needs to put its house in order and ensure that the situation improves and does so quickly.

Pauline McNeill: Karen McBride, I want to ask you about the use of fingerprints in court these days. I do not know exactly when it was—it was quite a long time ago—but I chaired the parliamentary inquiry into the Shirley McKie case, which cast some question marks over the use of fingerprints. How widely are fingerprints now used compared with DNA? What is the balance?

Karen McBride (Scottish Biometrics Commissioner): Fingerprints can be used alongside DNA. They do not always provide the same outcome, so fingerprints can sit completely separately from DNA. When cases come in, it might be that the fingerprints are more pertinent than the DNA because they specifically relate to a certain item, such as drugs packaging or something else where fingerprints have a different type of relevance. A DNA hit might provide the court with one piece of information, whereas fingerprints could provide something else.

This connects back to what Brian was saying. There are times when a charge set of fingerprints is not taken, so we are unable to prepare a report for court, even though there has been an identification for that person on a legally held set of prints on the system. Sometimes, there is a misunderstanding that, if someone's fingerprints are held on the system, the police do not need to take any more fingerprints. However, currently, to produce court reports, you have to have a charge set of prints so as not to disclose any previous convictions.

I do not have a statistic for how many DNA reports there are compared with the number of fingerprint reports. It is a regular occurrence in the fingerprint unit for court reports to be requested. Those requests sometimes come in with a standard forensic instruction, in which we are instructed to compare the fingerprints of a named person who has been charged. At other times, there is a search through the database for scene-of-crime marks, which hits on someone, and the police then go and detain that person. If they decide to charge them, we are asked to prepare a court report.

We do not give evidence all the time, because, a lot of the time, our evidence is accepted. However, we produce many joint court reports with detailed findings on the outcomes of all the marks in the case and whether they were identified or compared negative.

Sharon Dowey: Dr Plastow, in your submission, you say that the

“Scottish Government has no ... vision of where it wants Police Scotland to be with biometric data or technologies”

because there is no long-term strategy in place. You also say that there is a potential need to expand the commissioner's remit to create a

“public safety camera code of practice for Scotland”,

due to a lack of a coherent strategy to monitor public surveillance systems. Does Scotland require a more comprehensive national biometrics strategy?

12:30

Dr Plastow: Yes; my opinion is that it does. In my submission, I illustrate the point that, in England and Wales, the Home Office has a biometric strategy, and it has supported that strategy with significant funding to update the UK DNA database and the UK fingerprint database, for example, and to upgrade the UK custody image database by adding a strategic facial matcher capability. The Home Office also funds the police digital service, which concerns digitisation in general. It has also announced funding for a new police national AI centre. Further, leaving aside whether you agree with the policy or not, it has provided funding for an additional 50 live facial recognition vans to make that capability available to every police force in England and Wales.

Scotland does not have a Government-led biometric strategy. It has a strategy on public space safety cameras that is so old that it is still known as a CCTV strategy. Therefore, there is an opportunity for the next Government to set out what it does and does not want to do in that space. There are opportunities to do more in that regard. It would be a good idea to have a public safety camera code of practice for Scotland, given the inexorable rise of artificial intelligence and its application to public space safety cameras.

Sharon Dowey: Is that something that we could work on with the Home Office, so that we have a system that works for the whole of the UK? Obviously, crime does not have any borders, so should we take that approach, or do we need our own Scottish system?

Dr Plastow: My experience is that there can be difficulties around Scotland working with the UK on certain things. A good example of that is that, in 2021, when I took up this role, the civil service team was trying to pursue a section 104 order under the Scotland Act 1998 to bring the National Crime Agency, the British Transport Police, the Ministry of Defence and the police, in relation to their Scottish operations, under my jurisdiction—or, rather, the jurisdiction of the code of practice. I invested a lot of time and energy speaking to the chief officer teams of those UK-wide bodies. They were all agreeable, but here we are in 2026, and it has just never happened. It did not happen with the previous UK Government and it has not got any traction with the current UK Government. It is not a party-political issue; it is just an issue of Scotland and the UK sometimes seeing things differently.

Sharon Dowey: Would it be beneficial if we worked together? I am just thinking that it would benefit everybody.

Dr Plastow: Yes, it would be beneficial. I know that I have probably bored the committee with this statement before, but it does not matter whether

you are arrested in the Shetland isles or the Scilly isles, your data—whether it be your fingerprints, DNA or image—ends up in the same UK databases, so, yes, it absolutely makes sense.

Sharon Dowey: It would be beneficial if we had a system that everybody could get access to, so that the information crosses borders.

Dr Plastow: Yes.

The Convener: I would like to pick up on a point that you raised in your opening statement, with regard to extending your remit to the wider justice system. That seems to make sense, given the use of biometric data by bodies beyond Police Scotland. In your submission, you set out that the rationale for including prisons is that, under domestic legislation that is devolved to the Scottish Parliament, biometric data are required from prisoners, including those on remand, without their consent. You set out an interesting proposal about the positive use of biometric data in supporting things such as easing the prison population. Can you say a wee bit more about that?

Dr Plastow: On the broader point about prisons, when the Scottish Biometrics Commissioner Bill went through the Parliament, the original thinking was to restrict the commissioner's functions to Police Scotland, the Scottish Police Authority and the Police Investigations and Review Commissioner, because, in one way or another, those bodies all deal with data that has been taken from people without their consent, because they have been arrested or because they have been a victim of crime. However, given that biometric data is taken from people in prison under devolved Scottish powers, under legislation that has been passed by the Scottish Parliament, the same logic can be extended to that.

The preventative aspect that I referred to in my submission relates to what are known as e-carceration technologies, which are increasingly being used around the world to keep people out of prison or to manage offenders in the community. Members will be aware of the old-fashioned technology—the ankle tags—but there is now far more sophisticated technology, whereby people who have offended can be kept out of prison by being required to biometrically log on to their smartphone through fingerprint or face recognition. There are also skin-monitoring devices, whereby people who might have an offending history connected with alcohol abuse or drug abuse can be fitted with biometric wearables that send a reading to the monitoring centre every 30 minutes in order to ensure that they are complying with their conditions.

The point that I am trying to make is that biometrics can be a force for good. They can help to keep people out of prison in a controlled way at

a time when prisons—not just in Scotland but across the UK—are at capacity. That is the context. Of course, if the Biometrics Commissioner is not at the table because prisons are not part of the commissioner's remit, we are not available to give such advice or to make such suggestions.

The Convener: Will you include that idea in your outcomes report, which you said that you will lay in Parliament later this year?

Dr Plastow: That is a good question. There is a two-part process under way. The first part is that the Scottish Government is conducting a statutory review of our functions. That requirement is built into the Scottish Biometrics Commissioner Act 2020, under which the Scottish Government, no later than one year after the expiry of the first strategic plan—in other words, by late November this year—must lay a report in Parliament, setting out the Government's view on whether the commissioner's powers and functions should be increased, reduced or whatever. That is a Government responsibility, and I have fed my views on that to the Government team that is doing that work.

Separately from that, as I mentioned, we will lay in Parliament an outcomes report, which will look back at the period of the first strategic plan—the four years from 2021 until 30 November 2025. We hope to do that before the summer recess. That report will look back at all our activity on the code of practice, the compliance assessments, the five thematic assurance reviews—the fingerprints review is in the current plan—and our joint work with the Scottish Government. It will include some qualitative and quantitative data to highlight to Parliament what all that means and to show to what extent better outcomes have been achieved for data subjects and for policing, and with regard to public confidence.

On that last point, it is worth saying that, in 2021, we ran a public attitudes survey—that was done for us by the Scottish Centre for Social Research. We repeated that survey in 2025, when it was done by the Diffley Partnership as part of the Scottish Police Authority's annual public confidence in policing survey. We are running the survey again, for 2026—in fact, that has already been done. We have not had the results yet, but we should get those in the next two weeks.

All of that will be wrapped up in the outcomes report, and I will continue to reiterate where I see further opportunities in this space.

The Convener: In your submission, you refer to Police Scotland's work on the roll-out of live facial recognition technology. You say that, according to the chair of the Scottish Police Authority's policing performance committee,

“Scotland may be 18 to 24 months away from a business case on Live Facial Recognition being presented ... to the Authority.”

I am interested in your view on that. What will your role be in the on-going work to develop the capability of live facial recognition technology?

Dr Plastow: The first thing to say, which taps into a question that Pauline McNeill asked Karen McBride earlier, is that DNA and fingerprint evidence helps to solve about one in every 200 crimes in Scotland. I get quite nervous when I hear chief officers in the UK saying that facial recognition technology will revolutionise policing, because it will not. We know that because, although the Metropolitan Police announced that it had made 1,000 arrests using live facial recognition technology in the year and a half following its deployment, it had to scan 1.9 million faces to achieve those 1,000 arrests. That tells us that, to achieve a single arrest, it needed to scan 1,900 faces. Although such technology is a valuable policing tool in particular circumstances, it is not as valuable as DNA and fingerprint evidence.

I understand why Police Scotland and the SPA are looking at live facial recognition technology, because it is being rolled out in the rest of the UK. My position is that such technology could add value to policing in a limited and specific set of circumstances, but the difficulty for Police Scotland, if it decides to roll out such technology, will be in working out how to use it in a way that complies with the Scottish code of practice. If Police Scotland were to deploy it in circumstances in which the same objective could have been met using conventional policing techniques, the high bar of the Scottish code of practice would not have been met.

That is a clumsy way of saying that it is not by accident that Scotland is the only part of the UK that currently does not use live facial recognition technology. One of the reasons why that is the case is that the statutory code of practice in Scotland sets quite a high bar in relation to how biometrics may be used.

Significantly, the statutory powers of my opposite number in England and Wales, the Biometrics and Surveillance Camera Commissioner, under the Protection of Freedoms Act 2012, relate only to DNA and fingerprint evidence. He has no locus on how the police use facial recognition technology. That helps us to understand why there has been, particularly in the early days, some unregulated experimentation in that regard.

I am not totally opposed to the concept, but it would depend on the circumstances in which

Police Scotland was proposing to use such technology.

The Convener: Thank you. A couple of members would like to ask questions. I will have to ask them to be very brief, because we still have other agenda items to cover.

Jamie Hepburn: The issue of live facial recognition technology requires a substantial conversation, but I will be brief and ask all my questions together. First, do you recognise that it raises some ethical questions and considerations? We are talking about an adjunct of the state with powers of arrest. You said that the Metropolitan Police scanned 1.9 million faces. There are obviously issues involved. You said that the technology should be used in

“a limited and specific set of circumstances”.

It would be useful to get an insight into what you mean by that. Does the statutory code of practice cover the specific framework that would be required, or would it be incumbent on Parliament—clearly, Parliament can review whatever it wants—to consider whether further consideration of the legal framework is required?

12:45

Dr Plastow: It is probably useful to start by acknowledging that the technology is a highly controversial policing tool that raises a number of ethical considerations. At the same time, it is worth pointing out that you cannot walk into a major supermarket in Scotland and use the self-checkout without your face being scanned—

Jamie Hepburn: Although you can choose not to go into that supermarket.

Dr Plastow: Exactly. That is the point that I was about to make.

Under the existing legal framework in Scotland on biometrics, people need to have had their biometric data taken by the police because they have been arrested or because they have been a victim of crime, for example. However, live facial recognition is something completely different. It is an entirely different use.

The technology could be useful as part of a strategic policing response to violence against women and girls and in other circumstances, such as county lines drug dealing. Another point that I always make on the issue is that, if we were ever to experience an event like the Manchester arena bombing, in circumstances in which there was advance intelligence about a known individual attending an event in a crowded public or private space, and Police Scotland was not able to prevent that from happening because it had been denied access to a particular technology that could

have prevented it, the Parliament would rightly ask Police Scotland questions about why it did not use that technology. It is a difficult issue that raises lots of ethical considerations.

On legislation, there are two options. In the Scottish Biometrics Commissioner Act 2020, the provisions on the code of practice state that the commissioner, in the preparation of a code of practice, can create provisions for different purposes. In other words, we could use the current code of practice, which we intend to amend later this year. I should say that, when we amend the code of practice, it has to come back through the ministerial and parliamentary route, so it is exposed to the full scrutiny of Parliament.

We propose to amend the code of practice to update it in the light of UK legislative changes relating to changes from the Data Protection Act 2018 to the Data (Use and Access) Act 2025 and so on. However, there is a potential opportunity to include either an appendix or a specific provision in the code that would set out the suggested criteria under which facial recognition technology could be used in future, and then to expose that to ministerial and parliamentary debate. That is one route.

The other—

Jamie Hepburn: You talked about “debate”, but would that change have to be agreed?

Dr Plastow: Yes—absolutely.

Jamie Hepburn: Do you know the process?

Dr Plastow: Yes—

Jamie Hepburn: Sorry—you will know the process, but what is it?

Dr Plastow: Absolutely. So—

The Convener: I am conscious of the time, so I wonder whether you could write to us to set that out. I am sorry to interject, as I never like to do that, but I make that request.

Dr Plastow: Absolutely.

The Convener: Apologies, Jamie.

Jamie Hepburn: That is all right.

The Convener: I will quickly bring in Katy Clark.

Katy Clark: I want to raise the issue of facial recognition, too, but the response could be in writing. There are concerns and controversy around facial recognition, particularly in relation to racial bias and racial discrimination, but also in relation to misidentification. Already, there is extensive use of drones in Scotland—for example, they are used at protests. It would be helpful to get a response in writing that addresses some of those issues. I have absolutely no doubt that you are

aware of the concerns and the international controversy around the technology.

Dr Plastow: I am happy to do that.

I have one brief point on the issue. I am not sure whether members are aware that, a few months ago, Police Scotland stopped using the retrospective facial search functionality in the UK police national database. It did that voluntarily, after the National Physical Laboratory found that the algorithm contained statistically significant demographic bias. Police Scotland is the only police force in the UK that has discontinued the use of that software. I will include that in my written response.

Katy Clark: Thank you.

The Convener: I apologise for cutting things short. I never like to do that, but we are up against the clock.

Thank you very much. That was a really interesting session, albeit that it was slightly curtailed.

We will have a short suspension to allow our witnesses to leave.

12:51

Meeting suspended.

12:52

On resuming—

Petitions

Justice for Megrahi (PE1370)

Judiciary (Register of Interests) (PE1458)

Non-fatal Strangulation (Ban) (PE2136)

The Convener: Our next item of business is consideration of three public petitions that are currently live and that were referred to our committee during this session of Parliament. I am grateful to all the petitioners who sent additional information to us. I refer members to paper 2.

We need to decide whether to close the petitions or keep them open for our successor committee in the next session. My view is that there are reasons to keep all three petitions open because they involve on-going issues that have not yet reached a conclusion. I do not feel that it would be right to close them yet.

I seek members' views. Are members content to keep the petitions open? Jamie Hepburn, you are looking—

Jamie Hepburn: That is just the way that I look, convener.

I am broadly content. I note that there has been a bit more progress on non-fatal strangulation than on the other two, but I agree that they should be left open.

The Convener: Are members content to keep the petitions open?

Members indicated agreement.

The Convener: We will do any follow-up accordingly.

Subordinate Legislation

Police Service of Scotland (Vetting) Regulations 2026 (SSI 2026/46)

12:53

The Convener: Our next item of business is consideration of a negative Scottish statutory instrument that was held over from last week. Members will note that there was a change to the agenda for today and that there is no longer a motion to annul for us to consider. I am grateful to the Scottish Government, HMICS and the Scottish Police Federation for the additional information that we received earlier this week.

Do members wish to make any comments in relation to the instrument?

Pauline McNeill: I, too, put on record my thanks for the documentation accompanying the SSI, which was considerable and necessary. I want to set out why I decided not to proceed with the motion to annul.

My concern is about an issue that I raised during the passage of the Police (Ethics, Conduct and Scrutiny) (Scotland) Bill. The federation raised it with us then and has raised it in relation to the instrument. I support the legislation on vetting every 10 years. However, I am concerned about the power of the chief constable to vet officers in between that or periodically, when

“a reason to do so arises.”

I have thought from the beginning that that is too vague. That is the issue with the SSI; the issue is not about the wider question of vetting.

Vetting involves issues such as whether a police officer is financially vulnerable and personal behaviours that are contrary to standards of professional behaviour. Police Scotland says that it has a

“duty of care to the existing workforce”.

I think that it has a duty ensure that, in ensuring public confidence in policing, it is not scaring police officers, whose morale is not the highest. The power could be used willy-nilly, without any framework at all.

I note that Alan Speirs has said that dismissal following failure to maintain vetting would happen for only the most serious matter. I will give him the benefit of the doubt on that. However, for the record, the federation’s concerns—they are mine, too—are that vetting clearance can be withdrawn where an officer has not committed a misconduct offence, there has been no criminality and there has been no breach of the standards of professional behaviour. It can be withdrawn

because of perceived vulnerability and where the officer has done absolutely nothing wrong.

That is not to say that it is not right to have a periodic review, but I put on record for future reference that I would like members to consider whether the process is fair to officers. Withdrawal of clearance can be through no fault of their own. As we said during the passage of the bill—I certainly said this—we should not bypass the normal police conduct framework, which has safeguards. That is where the grey area lies.

The chief constable will have this new power. Previously, if someone did not clear their vetting, conduct or performance issues would be dealt with through a different framework. The new power means that significant employment issues will be determined in the operational chain of command and not through independent oversight. That is one of the issues.

I found the cabinet secretary’s letter helpful. From it, I derive that the officer concerned would be able to speak to the assessor, so there would be scope to question why vetting was not cleared. I appreciate that there is a right of dismissal that was not there previously. I would rather that the issue were dealt with before it got to the question of dismissal, but at least that provision is there.

I have scanned all the arguments from Police Scotland and particularly HMICS, which suggested this change. The only argument that HMICS has ever used is that we are out of line with England and Wales. It has not brought any evidence that we have big problems with Police Scotland police officers who have not cleared their vetting. That disturbs me a little. We have just heard that Police Scotland does things differently sometimes. I am not saying that we should not align but, to me, that is the only argument that has been made for the change.

I am sorry that I have been so lengthy, but I feel strongly about the issue and I wanted to get that on the record. Earlier, Jamie Hepburn asked Craig Naylor a helpful question about the provision, and Mr Naylor said that he will review the situation in 18 months. I hope that he means reviewing it from all sides—not just whether we are dealing with police officers who should not be clearing their vetting, but whether the process has been fair to police officers. I do not want it to be overused.

Thank you for letting me put that on the record, convener. With that, I am content with the SSI.

The Convener: I agree that the supplementary information that we received this week has been extremely helpful.

Jamie Hepburn: I agree that the additional information has been useful. I am inclined to agree with Pauline McNeill that, just because a set of

circumstances exists in other parts of the UK, that is not on its own reason enough to replicate that here. However, there are good reasons to have the ability to have intermittent vetting processes for police officers, given the powers that they hold.

The answer that Craig Naylor gave to the question that I asked gives me further reassurance. However, I have always been reassured that an assessor is involved and that an independent process will be carried out to look at the issue. On balance, I remain satisfied with the instrument.

The Convener: Are members content that the SSI comes into force?

Members indicated agreement.

The Convener: We were due to move on to our final agenda item, which is on our legacy report. However, given the time, do members agree to defer that item to next week, when we are due to bring it back in any case?

Members indicated agreement.

The Convener: With that, I close the meeting.

Meeting closed at 13:00.

This is a draft *Official Report* and is subject to correction between publication and archiving, which will take place no later than 35 working days after the date of the meeting. The most up-to-date version is available here:
<https://www.parliament.scot/chamber-and-committees/official-report>

Members and other meeting participants who wish to suggest corrections to their contributions should contact the Official Report.

Official Report
Room T2.20
Scottish Parliament
Edinburgh
EH99 1SP

Email: official.report@parliament.scot
Telephone: 0131 348 5447

The deadline for corrections to this edition is 20 working days after the date of publication.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba