



The Scottish Parliament
Pàrlamaid na h-Alba

Justice Committee

Humza Yousaf MSP
Cabinet Secretary for Justice
Scottish Government

All correspondence c/o:
Justice Committee Clerks
Room T2.60
The Scottish Parliament
Edinburgh
EH99 1SP

Tel: 0131 348 5195
Textphone: 0800 092 7100
justicecommittee@parliament.scot

By e-mail

28 January 2020

Dear Cabinet Secretary,

Re. Restriction of Liberty Order etc. (Scotland) Amendment Regulations 2019 (SSI 2019/423)

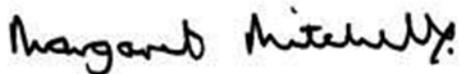
Thank you for your appearance at our previous Committee meeting. I am sure you agree that it is an important function of any parliamentary committee to be able to ask questions and hold the Scottish Ministers and their civil servants to account for decisions they take. A decision to breach the Parliament's 28-day rule for parliamentary scrutiny of SSIs is an unusual one, which merits further scrutiny.

The Committee agreed at its meeting that it did not wish to make any specific recommendations in relation to the Restriction of Liberty Order etc. (Scotland) Amendment Regulations 2019. The Committee did agree, however, that I should write to you with a number of questions to seek further information from you, given the limited time we had available to us yesterday.

1. Can you give us precise dates when your civil servants first became aware of the spike in demand for the use of electronic tags? I believe you referenced November but when in November?
2. In your evidence, you said that a decision was made in November to await further figures on RLO uptake in December before deciding whether you needed an SSI of this nature. What was your reason for this delay? Was any consideration given in November to informing Parliament and laying an SSI at that point and, if so, why was that ruled out?

3. What were the reasons behind the removal of Serco Geografix Ltd in s2.2(b) of the SSI? What services did this company previously provide to the Scottish Government?
4. Is it a contractual requirement for the Scottish Government with G4S that the latter can only use electronic monitoring technologies produced or provided by itself or its subsidiaries? Is there no scope to use previously prescribed equipment from this or other companies?
5. In November 2019, G4S reported that the Scottish Government awarded it a 5-year multi-million pound contract for electronic monitoring services. No information on the contract value appears to be in the public domain. What is the total value of the contract awarded to G4S?
6. In your letter to the DPLR Committee, you said that “When the relevant sections of the Management of Offenders (Scotland) Act 2019 are commenced, prescription of individual pieces of equipment will no longer be required in this way so this specific issue is unlikely to reoccur.” The relevant Act received Royal Assent on 30 July 2019. Why has the Government not previously made a commencement order for the relevant sections of this Act, thereby removing the need for SSIs of this nature?
7. You have said previously that administrative changes to the operation of Home Detention Curfew were going to result in an increase in the use of HDCs. Was this information available before the end of November and, if that was the case, was any assessment made that an SSI might require to be lodged as a consequence?

I look forward to receiving this information.



Margaret Mitchell MSP
Convener, Justice Committee