



The Scottish Parliament
Pàrlamaid na h-Alba

Clare Adamson MSP
Convener
Education and Skills Committee

By e-mail only

**Public Audit and Post-legislative
Scrutiny Committee**

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Dear Clare,

Disclosure (Scotland) Bill

At its [meeting on 12 March](#), the Public Audit and Post-legislative Scrutiny Committee took evidence from representatives of Disclosure Scotland and the Scottish Government in connection with the Committee's scrutiny of the Auditor General's report, [The 2018/19 audit of Disclosure Scotland](#).

As you are aware, the focus of the Auditor General's report is on the development of a cloud-based system called PASS, which was intended to replace the existing BT system. While the PASS was delivered by the end of September 2019, the report noted that the IT system "was late, over budget, and with less functionality than originally intended".¹ In particular, the final cost of the PASS system was £78.5 million, twice the amount estimated in the revised outline business case (approved by the Scottish Government).²

Given this recent history, the Committee was concerned by evidence it received during the session on 12 March on the implementation of digital elements of the Disclosure (Scotland) Bill. The Committee is aware that the Education and Skills Committee is the lead Committee for this Bill. The Committee considered that it might be helpful to draw your Committee's attention to the discussion that took place at the meeting on 12 March in advance of Stage 3 which, it understands, is due to take place on 29 April. A link to the Official Report is provided [here](#).

¹ https://www.audit-scotland.gov.uk/uploads/docs/report/2019/s22_191219_disclosure_scotland.pdf

² https://www.audit-scotland.gov.uk/uploads/docs/report/2019/s22_191219_disclosure_scotland.pdf

You will see from the Official Report that Disclosure Scotland is still at the very early stages of considering how it will implement certain provisions in the Bill. Committee Members raised concerns both about the timescale for implementation and the extent to which the costs of implementation would accord with those estimated in the Bill's [Financial Memorandum](#).

The Committee took evidence from Lorna Gibbs, the former chief executive of Disclosure Scotland (up to February 2020) who indicated that, while she was now back working in the core Scottish Government, she was “still very close”. Lorna Gibbs advised that Disclosure Scotland was “starting the very early stages” of scoping out the additional work that would be required in order to implement the provisions of the Bill. When asked how long it would take, she indicated that:

“Until we start the research, we do not know. We need to do the user research; once we have done that, we will have a small business case for a discrete piece of work, which we will need to get approval for. If we get approval for it, once we know what we are going to do, we will be able to say how long it will take. At the moment, I cannot say how long it will take, because we do not know what we are trying to do.”³

Gerard Hart, interim chief executive of Disclosure Scotland, sought to reassure the Committee that the “agile principles that will underpin the development of the bill work to the idea that you build out to what your budget permits you to build out to. There is no blank cheque.”⁴ He added that: “We need to make sure that, in our research and engagement on what we build, we build to the available budget and we deliver the functionality that is needed within that envelope. The financial memorandum is based on a reasonable estimate of the cost of implementing.”⁵

However, given Disclosure Scotland’s recent experience of handling the development of the PASS IT project, the Committee agreed to raise its concerns about the potential implementation costs and timescale of the Disclosure (Scotland) Bill to the Education and Skills Committee to take forward as it considers appropriate.

Yours sincerely,

Anas Sarwar
Acting Convener

³ <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=12582&mode=pdf>

⁴ <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=12582&mode=pdf>

⁵ <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=12582&mode=pdf>