

Criminal Justice Committee

21st Meeting, 2022 (Session 6), Wednesday, 22 June 2022

Priorities in the justice sector and an Action Plan

Note by the clerk

Introduction

1. The Criminal Justice Committee published a report (10 January 2022) setting out its [priorities for the criminal justice sector in Scotland and its Action Plan](#).
2. Following the publication, a number of organisations have provided a further update on the Committee's recommendations. These are set out in the **Annexes** to this paper. Submissions have been received from the following:
 - Scottish Government (**Annex A**)
 - The Parole Board of Scotland (**Annex B**)
 - Scottish Prisons Service (**Annex C**)
3. Responses/updates were requested from COSLA, SCTS and the Scottish Police Federation, but were not received at the time of publication.

Action

4. Members of the Committee will consider the information received as part of their deliberations at today's meeting.

Clerks to the Committee
June 2022

SCOTTISH GOVERNMENT (UPDATE ON THE ACTION PLAN)

Covering Letter

Dear Audrey

Action Plan for Justice

Further to your letter of 22 April 2022 requesting follow-up information about a range of issues, please find below my response to this request. As I have said in previous correspondence to the Committee, many of the specific actions in the action plan align with the Scottish Government's own commitments as already set out in the Programme for Government 2021-22 and in the Vision for Justice. I hope the Committee finds this of some assistance.

KEITH BROWN

1. Details of the timetable for the forthcoming Children's Care and Justice Bill.

The Children's Care and Justice Bill is a current Programme for Government commitment. A full public consultation launched on 30 March and runs until June 22. Detailed timings for the Government's legislative timetable will be announced as part of the subsequent forthcoming Programme for Government this year. We anticipate gathering a wide range of views during the current 12 week public consultation. This will support development of the policy proposals and we will publish our analysis of the consultation responses this summer.

2. We understand that the policy on whether any young person under the age of 18 should be in HMP/YOI Polmont is likely to be set out in the Children's Care and Justice Bill. I would be grateful for confirmation of this and whether everyone of that age or below should be in secure care or some may still be held in HMP/YOI Polmont.

Reducing, and then ending, the placement of children in YOIs is essential to Keeping the Promise and achieving the Scottish Government Youth Justice Vision published in June 2021. It is crucial that supervision, care and support happen in a trauma-informed way, which treats all under 18s as children first and addresses their needs as well as their behaviours. That is why respondents to the current Children's Care and Justice Bill consultation are being asked specific questions on whether a statutory prohibition on the use of YOIs for all children should be introduced, and on the potential role of secure care. The considerations will also extend to the appropriate use of secure care for placing young people who face serving a significant part of their sentence in YOI post-18. We are consulting on the best approach and listening to views, ahead of measures being introduced to Holyrood for full Parliamentary scrutiny. As well as legislative reform, resourcing, system and practice changes will also be needed to ensure the needs of all young people can be met.

3. Details of when the plan for serious and organised crime will be made public (due in Spring 2022).

Our refreshed Serious Organised Crime Strategy states, "When we publish progress reports we will include action plans for each of the four strands of the strategy (Divert, Deter, Detect and Disrupt) setting out what we plan to do and providing details of the projects and pilots we are undertaking. One aim is that these plans will act as a resource to assist Taskforce members and other organisations in identifying opportunities for joint working and further activity.

We will publish an annual report setting out what has been achieved and providing updates on ongoing projects."

No dates have been agreed but we will ensure that the Committee is informed as and when reports are published.

4. A breakdown of figures, year on year, for the sums recovered by the Civil Recovery Unit.

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
Criminal Confiscation	2,052,423	2,084,742	2,504,395	1,908,192	15,728,230	2,049,093	5,140,511	5,349,253

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
Asset Recovery	496,215	1,365,267	789,968	965,652	7,438,450	1,310,069	2,348,638	2,587,378
Cash Forfeiture	1,200,427	1,352,351	2,037,728	2,260,913	1,879,830	2,241,079	1,774,518	1,820,036
Account Freezing								
Listed Assets								
TOTAL CIVIL RECOVERY	1,696,642	2,717,618	2,827,696	3,226,565	9,318,280	3,551,148	4,123,156	4,407,414

TOTALS	3,749,065	4,802,360	5,332,091	5,134,757	25,046,510	5,600,241	9,263,667	9,756,667
---------------	------------------	------------------	------------------	------------------	-------------------	------------------	------------------	------------------

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	TOTALS
Criminal Confiscation	4,814,677	4,474,044	3,648,387	3,062,596	3,692,861	3,397,829	3,978,114	2,881,668	66,767,014

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	TOTALS
Asset Recovery	3,044,880	2,565,841	1,953,905	1,379,200	1,353,839	1,742,848	2,275,962	2,243,247	33,861,359
Cash Forfeiture	1,543,874	1,147,461	1,530,731	2,180,357	1,904,446	2,402,212	2,141,445	2,235,104	29,652,513
Account Freezing							972,912	464,267	1,437,179
Listed Assets							129,387	47,634	177,022
TOTAL CIVIL RECOVERY	4,588,754	3,713,302	3,484,636	3,559,558	3,258,285	4,145,060	5,519,707	4,990,253	65,128,073

TOTALS	9,403,431	8,187,346	7,133,023	6,622,154	6,951,146	7,542,888	9,497,821	7,871,921	131,895,087
---------------	------------------	------------------	------------------	------------------	------------------	------------------	------------------	------------------	--------------------

5. Your updated position on whether the Scottish Government plans to take forward safe consumption rooms.

The details of a service proposal, in relation to a potential safer drug consumption facility in Glasgow, intended to operate within the current legal framework, have been provided and are being examined as part of developing an approach to how any such facility would operate and be policed. There has been extensive multiagency involvement in the development of this proposal and that work is continuing.

The Lord Advocate stated that a new proposal would need to be precise, detailed and specific and one which is underpinned by strong evidence. She also stated that it would require support from various partners, including Police Scotland who will be responsible for policing such a facility.

Therefore, at this moment, detailed work and discussions are ongoing to introduce safer drug consumption facilities in Scotland. This work is delicate and highlights the challenges that involve bringing together Scottish Government policy commitments, the independent role of the Lord Advocate and the operational independence of the police.

6. Your view on the sentencing powers of specialist courts (will these be unlimited?).

Key aspects of the recommendation contained within the Lady Dorrian Review to establish a specialist sexual offences court have been included within our consultation *Improving Victims' Experience of the Justice System*, launched on 12 May. This includes the sentencing powers recommended within the Review which have been subject of debate since its publication. The Governance Group established to further progress consideration of the recommendations has also set up a short-life working group which includes representation from across the justice sector to further explore issues related to the creation of a specialist sexual offences court of which sentencing powers is a key consideration. Any legislative proposals will be informed by the outcome of the consultation as well as the deliberations of the Governance Group.

7. Whether you will commit to a review of the PDSO and whether its work can be expanded.

The Scottish Government does not propose to undertake a specific review of the PDSO, however we have requested that PDSO develop and forward suggestions toward its future development, including expansion of work. We will review these suggestions and will inform the Criminal Justice Committee, within 3 months, of the approach approved by the Minister for Community Safety for taking forward the work of the PDSO.

8. An updated timetable for the delivery of the recommendations from Lady Dorrian's review.

The cross sector Governance Group has been established to consider the collective and individual recommendations from Lady Dorrian's review and is working with partners to obtain updates on progress that has already been made and to identify what more requires to be done.

In addition to this, we are currently consulting on a number of the recommendations which would require legislation to implement: *Improving Victims' Experience of the Justice System*, which launched on 12th May. In response to the specific recommendations identified in the Committee's Action Plan, we can offer the following:

- **Improved communication with complainers** – Work is underway to revise the approach to communication across the criminal justice system, informed by a communications audit and independent research with those affected by crime. The Victims' Taskforce is also progressing work to embed a more victim-centred approach within the justice system, including undertaking a modelling and scoping exercise to develop options for how this approach can be realised.
- **The expansion of advocacy support services** – Our new Victim Centred Approach Fund will provide £18.4m over three years to eight nationwide specialist criminal justice advocacy services supporting victims of gender-based violence. This includes bolstered funding to Rape Crisis Scotland's National Advocacy Project with over £6m over the next three years allowing them to increase capacity.
- **Trauma-informed training for all personnel who deal with traumatised and vulnerable people** – We are working with NHS Education Scotland and partners across the justice system to develop a knowledge and skills framework. This will embed trauma-informed practice for how the justice system interacts with complainers including trauma-informed training for court staff and the judiciary. We anticipate publication of the framework in Autumn 2022.
- **The provision of visual recording of police interviews with complainers in sexual offence cases and used as evidence in court** – The Visual Recorded Interview (VRI) Pilot continues to be delivered by partners and work is underway on a review of the pilot to inform implementation plans for scaling up of the VRI process. This is also currently the subject of public consultation where we are considering the requirement for any legislative underpinning to support the implementation of this recommendation
- **The provision of evidence on commission to all complainers of sexual offences** – Preparation of the four dedicated evidence by commission suites (Glasgow, Inverness, Edinburgh and Aberdeen) is being led by SCTS who have advised that these should all be fully operational by the end of 2022/23.

- **Ground Rules Hearings (GRHs)** - This is the subject of public consultation. GRHs are however, already undertaken where evidence is taken on commission from sexual offence complainers.
- **Consideration of the right of complainers to independent legal representation** - This is the subject of public consultation. As outlined within the consultation, we are looking at the scope and operational requirements of any potential legislation necessary to progress this recommendation.
- **Court measures adopted to ensure the comfort and safety of victims and witnesses** – The roll out of evidence by commission for vulnerable witnesses will largely eliminate the need for those who report sexual offences to attend court. Separate waiting areas and witness rooms are provided for prosecution and defence witnesses, SCTS are also undertaking a staged review of our designated waiting facilities and entrances/exits for witnesses, with a view to making improvements to these wherever possible.
- **Steps taken to enhance the quality of jury involvement** – The Governance Group has established a cross sector short life working group to further explore this recommendation insofar as it relates to a pilot programme to tackle common rape myths, recognising that the implementation of such a pilot would be a matter for the Judicial Institute.

9. Further details on the work and expected outcomes of the Women’s Justice Leadership Group.

We have worked over many years to strengthen and modernise the justice system to improve the experience for women, and our Women’s Justice Leadership Panel, chaired by the Minister for Community Safety, provides a further opportunity to look across the whole justice system, with a gendered lens, to better understand and address inequality and the needs of women. The panel recognises that elements of the justice system are designed around the needs of men or the needs of the system, rather than that of women and those who rely on them, who are often disproportionately affected. Changing that approach is very much at the heart of the panel’s work.

This work will build upon our transformational priorities set out within the [Vision for Justice in Scotland](#), specifically seeking to further the aim of having an “... effective, modern person-centred and trauma-informed approaches to justice in which everyone can have trust, including as victims, those accused of crimes and as individuals in civil disputes”. The panel first met in January, and will aim to:

- Demonstrate that the experience of women in the justice system is different to men’s; and
- Promote consistent understanding of gendered issues within the justice system.

It brings together key players across the justice system and utilises academic, professional, and third sector advice; creating an ideal forum to discuss several themes which impact women. These include (but not limited to) caring responsibilities, 'hidden sentences', victims/ offender blurred lines, data, and gaps between policy and practice. Further detail, including membership, can be accessed at: <https://www.gov.scot/news/womens-justice-leadership-panel/>.

This work will promote the development of strategic outcomes which can guide and enhance the scope and uptake for gender competent policy making, and the design of justice policies which can go further for women and help achieve our Vision. This work will be crucial in furthering our understanding of gender competency and cultural change. The panel will continue to meet until the end of the year and we are aiming to publish the panel's report, findings, and evidence early next year.

10. Your policy on tackling violence against young women and girls in school and men's/boys attitudes.

Alongside relationships and sex education, there are a number of targeted programmes to support positive behaviour and relationships that help address gender based harassment in schools. Mentors in Violence Prevention tackles gender stereotyping and attitudes condoning violence against women and girls; Equally Safe at School, tackles gender based violence; and, Fearless educates and supports pupils to speak up about crime.

We have established a Gender Based Violence in Schools Working Group, which is jointly chaired by Scottish Government, Rape Crisis Scotland and Zero Tolerance to develop a National Framework document. This will help ensure consistency in messages on sexual harassment and gender based violence to everyone working with children and young people. The Working Group will also carry out a review of existing resources and identify examples of effective practice, as well as developing new resources. As part of our shared policy programme with the Scottish Green Party, we committed to explore whether further actions beyond those already planned, including guidance for schools, are required.

11. Further details on the continuing challenges for women accessing legal aid in domestic abuse cases.

The Scottish Government provides funding to the SWRC through the Scottish Legal Aid Board (up to £230,000 per year) and through the Scottish Government Violence Against Women and Girls Justice Budget (up to £347,347 in 2022/23). This funding enables the SWRC to provide free support and legal advice to women experiencing gender based violence, as well as services including a national helpline, legal surgeries, advocacy services, online legal guides, and the Sexual Harassment Legal Service.

12. Further details on who advises victims in court cases and where they can go for advice on outcomes. The COPFS indicated this was not a role for

them. If this is the case, who does provide this information to victims? We recognise that there are many bodies who liaise with victims (the police, third sector groups such as Victim Support and Victims Services within the SCTS) but it would be helpful to be clear who can liaise with them on court disposals.

Plea Negotiation

As the Lord Advocate set out in her letter to the Committee of 20 January, in the High Court, pleas offered by accused persons which a prosecutor intends to accept, and which would result in no further proceedings being taken on other charges, should be explained to the victim in advance of the case calling in court.

However, it is not possible, particularly in summary courts, to do this as a matter of standard practice. Pleas of guilty may, for example, be offered at a busy summary court with multiple cases underway and where the victim is not in attendance. Advance notification in every case would not be possible without significant criminal procedure reform.

Where a victim is receiving information and advice from the Victim Information and Advice service (VIA) of the Crown Office and Procurator Fiscal Service (COPFS), such as in a solemn case or a domestic or stalking case, VIA will contact the victim and advise them of the outcome of the proceedings and this would include information on any sentence imposed at the conclusion of the case.

Victims Right To Request Information

In addition, victims and witnesses have a legal right to request certain information about the case in which they are involved and responsibility for disclosure of information to a victim about criminal proceedings is defined within section 6 of the [Victims and Witnesses \(Scotland\) Act 2014](#). The central objective of this Act is to improve the experience of victims and witnesses within the criminal justice system in Scotland.

A [Protocol on Access to Information](#) between Police Scotland, the Scottish Courts and Tribunals Service (SCTS) and COPFS explains who to contact for information.

Victims can request information from SCTS on dates of any court hearings, the final decision of a court in a trial or any appeal arising from a trial, and any reasons for it. Victims can request any reasons given for the sentence that the judge imposes. This can be done by [completing this form](#) and sending it (along with the identification called for in the form) to the court which the case was heard.

If the case is appealed, the victim can ask for the reasons why the appeal was either allowed or not allowed.

A judge may decide to publish a sentencing statement following its delivery in court, in cases where:

- there is public interest
- the sentence is complicated
- the sentence has legal significance

These can be found on the Judiciary of Scotland website (Sentences & Judgments). The Victims' Code for Scotland also provides information about the rights of victims or witnesses of crime.

Support services, such as Victim Support Scotland (VSS), are located within some of SCTS's larger court buildings. If a victim wants to know what support is available, SCTS will direct them to VSS or other support services which are present in the court building. In some smaller court buildings where there are no support services on site, SCTS will provide contact details for them. If a victim is receiving support from services such as VSS, some of their staff may be able to access information on court disposals.

Victim Notification Scheme

I understand the Committee is also interested in the Victim Notification Scheme (VNS) and the opportunities a victim has to receive information about an offender, such as the date of release.

Victims can register with the VNS if they are the victim of an offender who was sentenced to 18 months or more in prison. VIA will let the victim know if they are entitled to receive information.

If victims choose to join, they can complete the application form provided by VIA and send it to the Scottish Prison Service (SPS). If a victim needs help to decide whether to join the VNS or complete the form, they can contact VSS. Once SPS receives the application form they will write to the victim to advise on the nature of information the victim will be entitled to receive under the VNS.

If a victim initially decides not to join the VNS they can still change their mind at a later date. If so, they can send the form to SPS or contact them at any time. However, victims can only be included in the scheme until the date where the offender's sentence comes to an end.

If a victim joins the VNS and later decides they do not want to receive any more information about the offender they can withdraw from it at any time.

If the offender has been sentenced to less than 18 months in prison, victims can write to the Scottish Prison Service and ask them to let them know when the offender is released.

As I set out in my letter to you on 29 March, an independent review of the VNS is underway to ensure it is fit for purpose and is serving victims effectively in line with Scottish Government's commitment to create a more person-centred justice system.

13. An update on your plans to take forward changes to the deaths in custody regime and if you will create an online centralised, transparent system that would allow the public to follow delivery of the recommendations. It would also help the Committee to have more information on whether any new regime will provide unfettered access to information needed to take forward any investigations.

An update on your plans to take forward changes to the deaths in custody regime and if you will create an online centralised, transparent system that would allow the public to follow delivery of the recommendations. It would also help the Committee to have more information on whether any new regime will provide unfettered access to information needed to take forward any investigations.

Gillian Imery, formerly HM Chief Inspector of Constabulary, was appointed as an external Chair on 11 April 2022 to provide oversight and leadership to the implementation of all of the recommendations of the Independent Review. Since Gillian's appointment she has met two of the co-authors of the Independent Review to gain deeper insight into their findings and recommendations. She has been engaged in introductory meetings with a number of key stakeholders including representatives from Scottish Prison Service and NHS and is shortly due to meet with representatives from Police Scotland, Care Inspectorate, Crown Office and Procurator Fiscal Service and Public Health Scotland. Gillian has established a Deaths in Prison Custody Action Group, comprising representatives from all of the relevant agencies involved in improving the response to all deaths in prison custody. This group will oversee and drive forward the programme of work necessary to make the suggested improvements and meet the recommendations. The first meeting of this group is due to take place in June. Further, a working group with relevant stakeholders has been set up by Scottish Government to focus on the key recommendation of the Independent Review. That group has started to consider the form that the new inquiry process may take, how that would interact with existing processes and which body may be suited to take on this function. This group will continue to meet regularly.

There is no intention to create an online centralised system where delivery of the recommendations can be tracked.

- **Buvidal** – provision of a progress note on rolling out the use of Buvidal across the prison estate.

To ensure same-day access to OST and to ensure that long-acting buprenorphine (brand name Buvidal) is available as medication-assisted treatment option for all those for whom it would be appropriate, the Government has asked all local services to embed and implement new Medication Assisted Treatment standards. Same-day treatment is MAT standard 1 and having long-acting buprenorphine available as a choice is part of MAT standard 2.

The MAT programme team have started work with the Scottish Prison Service, National Care Networks (prison and police custody), and specific prisons to raise

awareness of the MAT standards and scope out plans for full implementation of the MAT standards.

The MAT programme proposes to work with Her Majesty's Prison Perth, local police custody suites and with Dundee, Perth and Kinross, Angus and Fife Health and Social Care partnerships to identify models of care that can ensure the standards are met across the pathways between all settings. The learning from this will be shared nationally to assist scaling up across Scotland.

- **Recovery cafes** – funding for a café in each institution where appropriate.

The work that recovery communities are involved in doing up and down the country is vital to making recovery visible and gives us all hope for a way forward out of this crisis.

The drug and alcohol field in Scotland is very rich in lived and living experience-led initiatives with family support groups, recovery communities, networks of activist drug users and peer navigators and mentors all playing their part.

Recovery initiatives within prisons and for newly released prisoners provide vital support and often help individuals to break the cycle of re-offending and turn their lives around.

- **Residential rehabilitation** - funding for improved provision.

We have committed over £23m in new facilities and bed capacity projects at Phoenix Futures, River Garden, NHS Lothian and Aberlour.

Our investment in the four projects combined will provide a total increase of 85 beds by 2025/26, boosting the current rehab capacity in Scotland from 425 to 510 beds – an overall increase of 20%.

Aberlour will construct two new units to support women and their children through recovery. Phoenix Futures Family Service will offer a unique family-focused recovery programme, River Garden will offer a model of community integration and LEAP (Lothian) is the only statutory provider of residential rehab in Scotland.

While there has been progress on increasing numbers of publically-funded placements, we will further improve pathways into and from residential rehab.

The Scottish Government have provided ADPs with £20 million additional funding per year over the next five years, beginning in this financial year. £5 million is allocated to support additional capacity and take up of residential rehabilitation.

Public Health Scotland's interim report, published on 26 April 2022, found that 114 residential rehab placements had been approved by ADPs between October and December 2021.

- **Under 18s/Secure care** – change to prison rules to permit over 18s to remain in secure care if they do not have long left on any sentence imposed i.e. not immediately transfer from secure care to HMP YOI Polmont.

The consultation on the Children’s Care and Justice Bill – which is live until 22 June – outlines background to this issue and proposes that children should be able to remain in secure care beyond their 18th birthday, where necessary and in their best interests, to avoid the practice outlined in this recommendation from the committee. It also has specific questioning on the best approach. The Bill is a current Programme for Government commitment. We are consulting across a range of topics, alongside a raft of engagement with stakeholders and partners, in order to listen to views ahead of measures being introduced to Holyrood for full Parliamentary scrutiny.

- **Purposeful activity** – re-introduction of this to previous levels as we recover from the pandemic and consideration of the extension of appropriate elements of this activity to shorter term or remand prisoners

The Scottish Prison Service supported individual establishments to return to pre-pandemic regimes from the end of September 2021. However, measures remain in place to allow for regime changes where this is deemed necessary, for example, in an outbreak situation.

Despite all elements of the regime being restored, attendance at many activities is in reduced numbers due to the need to maintain social distancing. It is anticipated that numbers will increase further as SPS continues to manage its way out of the pandemic.

- **Drugs Taskforce recommendations** - faster progress being made on implementing the recommendations of the Taskforce.

The Scottish Government has been working with partners to take forward the various recommendations from the Drug Deaths Taskforce (DDTF) as a matter of urgency and will continue to do so. The DDTF will be publishing its final report in summer 2022 which will summarise work done to date and will include all of the recommendations made by the group over its lifespan for Scottish Government and partners. Moving to implement these recommendations will be a priority for all parts of Scottish Government, particularly Drugs Policy and Justice departments.

- **OPT and Naloxone** - same day access to Opiate Substitution Therapy alongside the provision of Take-Home Naloxone supply.

To ensure same-day access to OST and to ensure that long-acting buprenorphine (brand name Buvidal) is available as medication-assisted treatment option for all those for whom it would be appropriate, the Government has asked all local services to embed and implement new Medication Assisted Treatment standards. Same-day

treatment is MAT standard 1 and having long-acting buprenorphine available as a choice is part of MAT standard 2.

The continued provision of take-home naloxone remains a priority for the Scottish Government. This includes the areas that the Committee have highlighted, such as the provision of THN following liberation from prison, which was one of the original targets of the naloxone programme, as well as post-hospital release and following a near-fatal overdose.

Additional initiatives, such as the click-and-deliver service operated by Scottish Families Affected by Alcohol and Drugs and the peer-to-peer initiative overseen by Scottish Drugs Forum, are also supported by the Scottish Government and are effective in furthering distribution of THN.

The independent evaluation of the Police Scotland pilot has now been published ([Naloxone In Police Scotland: Pilot evaluation \(napier.ac.uk\)](https://www.napier.ac.uk/research/evaluation-of-naloxone-in-police-scotland)) and the national roll-out of the initiative in the police is now underway. Similarly work is continuing with Scottish Ambulance Service and the Scottish Fire and Rescue Service.

- **Diversion funding** - consideration given to providing additional resources for local authority schemes aimed at diversion from prosecution and greater flexibility and understanding shown to the participants.

We currently invest over £119m of ring fenced funding in community justice services, which includes not only community sentences, but also other interventions such as bail supervision, structured deferred sentences, and diversion from prosecution. The bulk of this funding - around £108m – is distributed to local authorities for the delivery of justice social work services, allowing them to meet statutory responsibilities and to target local priorities aimed at reducing reoffending. The remainder comprises £11m of direct funding to third sector organisations for the delivery of related services.

If we are to succeed in shifting the balance towards a greater use of community-based sentences and other interventions, we need to ensure that the relevant services are available, consistent, and of high quality.

Diversion from prosecution is part of the existing formula for JSW funding though there may be opportunities for individuals diverted to access a wider range of interventions, which may be funded by other sources.

A Funding Review Group, comprising key stakeholders and delivery partners such as COSLA, Social Work Scotland, the Criminal Justice Voluntary Sector Forum, and Community Justice Scotland, is considering – amongst others things – how approaches to JSW funding might be able to address concerns around consistency and availability, and help support the establishment and expansion of valuable services across Scotland. Diversion is one aspect of this.

- **Alternatives to custody** - consideration given to a greater use of alternatives to custody, such as bail supervision and residential rehabilitation, with adequate funds in place for these to work.

Whilst decisions on bail and sentencing are for the independent courts in each case, the Scottish Government is committed to ensuring credible alternatives to custody are available across Scotland. This year we have provided an additional £15m to support community justice services in recovering from the pandemic. This includes £3.2m to strengthen bail supervision services across all parts of Scotland and support the implementation of electronically monitored bail as a further alternative to remand. This support recognises that community-based alternatives to custody are effective in reducing offending and keeping our communities safe.

- **Pill presses** - regulation of pill presses

The Scottish Government is aware that the National Crime Agency is leading work to gather intelligence on the nature and scale of the market in pill press machinery, working closely with Police Scotland and other enforcement partners. Based on the evidence they will then provide an assessment of the level of threat across the UK in order to inform the thinking on what more can be done to tackle the problem.

The Scottish Government and Scottish Ministers continue to work with counterparts in the UK Government on this matter and will provide further updates when available.

- **DTTOs** - expansion of the use of Drug Treatment and Testing Orders.

DTTOs are an intensive disposal specifically targeted at individuals with entrenched problem drug use; chaotic lifestyles and a history of offending. They were introduced to combine justice and health approaches in a targeted way.

The Scottish Government welcomes the Drug Death Taskforces consideration of DTTOs and we intend to carry out some initial exploratory work reviewing the evidence available and how they align with what is known about good practice in this area.

Sentencing decisions in each individual case are, of course, a matter for the independent courts.

- **Safe consumption rooms** – provision of a detailed case proposing a pilot scheme and a means for evaluation.

See response to question number 5 above.

- **Efforts to improve prosecution** - update from the Scottish Government, the Crown Office and Procurator Fiscal Service and the Scottish Courts and Tribunal Service on the actions being taken to tackle the delays to prosecution of sexual offences and domestic abuse cases.

The backlog caused by the COVID pandemic has meant that cases are taking longer to conclude than before the pandemic and we know how difficult delays can be for victims and witnesses, particularly in cases involving sexual offences or domestic abuse. As part of the Recover, Renew, Transform Programme we have supported new ways of working to help the courts mitigate the impact of the backlog on victims and witnesses and we have provided funding for enhanced court capacity. We continue to work with justice partners to expand pre-recording of evidence which allows evidence to be captured at an earlier point in the process, before a case calls for trial. We are committed to improving victims' experiences of the justice system and the consultation we launched last month seeks views on a range of ways to empower and protect victims.

- **Specialist courts** - view from the Scottish Government on whether a specialist sexual offences court, if one were to be established, could have unlimited sentencing powers and what legislative changes would be required.

See response to question number 6 above.

- **Secure care** – confirmation from the Scottish Government whether data is collected which details the number of requests for secure care places each year and the number provided and, if so, if that data is publicly available.

The Scottish Government do not currently collate data relating to the number of requests for secure care places each year. We are considering a future minimum dataset for secure care, which would include this information.

- **Deaths post-custody** – view from the Scottish Government whether it will commission a review of the post-release deaths of those who were previously in custody and, whilst undertaking non-custodial sentences and diversion schemes.

A serious incident review (SIR) should always be carried out when a person on a statutory order or licence has died or been seriously injured in circumstances which indicate the need for public assurance. The Care Inspectorate already have an overview of those and they published their most recent report on SIRs on Wednesday 1 June. In addition the Scottish Government are approaching COPFS Fatalities Unit to understand if there are any improvements that can be made to processes for preventing deaths of those post release or on community orders. In light of those existing processes and actions, there are at present no plans to commission a further review of post-release deaths of those previously in custody and of those undertaking non-custodial sentences and diversion schemes.

ANNEX B

The Parole Board of Scotland

Dear Ms Nicoll

Action Plan for Justice

Thank you for your letter dated 22 April addressed to Mr John Watt, Chairperson of the Parole Board for Scotland. There are two actions identified in the action plan that specifically relate to the Parole Board for Scotland. I have provided an update against each of these below.

Key issue	PBS Update
Review of service standards - review the implementation of the standards of service for victims and witnesses by Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Courts and Tribunals Service, the Scottish Prison Service and the Parole Board for Scotland. This is to determine whether these organisations are meeting their statutory obligations outlined in Section 2 of the Victims and Witnesses (Scotland) Act 2014	The Standards of Service were reviewed and updated in March 2022, new standards were included in relation to the right of victims in some cases to request to attend a parole Tribunal as observers and the right to receive a decision summary.
Parole Board for Scotland - update on the timetable for implementing the amendments to the Parole Board Rules and details of the work it is doing to improve Parole Scotland's communication with victims to ensure they understand the parole process	The amendments have been fully implemented. There was some delay in implementing Tribunal observations due to COVID 19 but observations commenced in April 2022. The Board has recruited a Victims Team to improve victim's understanding of the parole process by providing support and guidance.

I hope this is helpful. Please let me know if you would like any further information.

Colin Spivey, Chief Executive

ANNEX C

SCOTTISH PRISON SERVICE

Dear Ms Nicoll

UPDATE FOR CRIMINAL JUSTICE COMMITTEE ON ACTION PLAN FOR JUSTICE

Thank you for your recent correspondence to Teresa Medhurst dated 22 April 2022 in relation to the Action Plan for Justice.

As requested, I have enclosed a SPS update on the Action Plan provided by the Criminal Justice Committee which I hope is helpful¹. With regards to the additional information requested I can provide the following:

An update on the roll out of video and mobile technologies so that prisoners can keep in contact with their families

SPS recognises the importance of maintaining family contact and work is currently underway to identify the preferred option for in-cell telephony across the prison estate. Once SPS is in a position to share further information around this proposal, I am of course, happy to provide an update to the Committee. SPS remain committed to the continual provision of this technology and the current mobile phone devices and virtual visits will remain in use as we progress our plans.

Details of any COVID recovery plan in the SPS

Further information has been provided in the attached Action plan and has been broken down into individual aspects of COVID recovery across the prison estate.

Information on whether you will be establishing any more recovery clinics in Scottish prisons

The collaboration between SPS and Scottish Recovery Consortium (SRC) provides a platform to develop prison recovery even further. SRC continue to build and develop coordination and connectivity amongst establishment recovery activities through the SPS recovery network. This work was complimented by SRC's appointment of a dedicated Prison Healthcare Recovery (PHR) Officer to support individual establishments to create initiatives connected to recovery, recovery communities and develop or improve their own recovery cafes. This has been achieved through close working relationships with staff, knowledge and capacity building through training, consultation and project development collaboration.

¹ See Paper 3 for today's meeting

An update on the plans to end Friday releases

I can advise that proposals to end Friday release is a matter for the Scottish Government and colleagues there would be better placed to advise the Committee on progress to date. SPS does however remain committed to supporting this legislative initiative.

I hope that you find this information and the updated Action Plan helpful.

Yours sincerely

Jim Kerr
Deputy Chief Executive (Interim)