
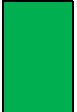




Introduction

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. Part of the ongoing work that the Committee will undertake on the Action Plan is to produce a regular assessment of the progress that is being made by the Scottish Government and others to implement the recommendations in the Committee’s report, where they have been agreed to.
3. The **Annex** to this paper sets out an assessment on progress. There are two sections. The first is for those priorities which remain to be completed and are ongoing. The second is for those that the Committee has previously judged to have been completed.
4. The key to the colour coding used in the draft assessment is as follows:

	Being considered or underway		Completed or information requested has been provided
	Assessed as being on track		Behind schedule or not delivered

**Priorities that have yet to
commence or are ongoing and
remain to be completed**

The impact of COVID and recovery

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
<i>Short-term actions (within 6 to 12 months)</i>			
<p>COVID Recovery and Courts A range of measures to enable the courts to recover from the impact of the pandemic on operations</p>	Yes	<p>The Committee will need to assess whether the proposed flat cash settlements for the future budgets for SCTS will affect the scope for capital investment projects and hence full recovery from COVID.</p>	<p>Ongoing monitoring of the trial backlog is required. Progress could be judged as completed once the backlog has been eliminated or at least reduced to a manageable level.</p> <p>The Scottish Government has said that SCTS publish monthly information on the backlog. As of October 2022, the total number of trials scheduled had reduced by over 12,000 (28%) during 2022. SCTS also published updated modelling in September 2022 including a revised target of outstanding cases which would broadly reflect recovery. In line with this modelling, in November, SCTS confirmed the proposal to shift the focus of extra court capacity from summary to solemn from April 2023.</p> <p>The Committee could ask the Cabinet Secretary/SCTS what they deem to be a manageable backlog and what target has been set.</p>

Prisons and prison reform

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
<i>Short-term actions (within 6 to 12 months)</i>			
Remand – details from the Cabinet Secretary on how he plans to tackle remand numbers	Yes	Consideration of the Bail and Release from Custody Bill is now underway	From May 2022 regulations came into force allowing for the use of electronic monitoring for bail. The Bail & Release Bill was introduced to Parliament in June 2022, including provisions to reform the law relating to bail decisions. The Scottish Government has said that during 2022/23, £3.2m in additional funding has also been provided to expand the availability of alternatives to remand.
Women and children - details from the Cabinet Secretary on how he plans to tackle numbers held and improve the care of these prisoners	Yes	Opening of two Community Custody Units for women during 2022.	According to the Scottish Government, progress is underway through the new trauma-informed female custody units, the rollout of Barnahus and their new Whole System Approach to prevent Youth Offending. In August and October, two new Community Custody Units were opened by the Scottish Prison Service in Dundee and Glasgow for women offenders. The purpose of the CCUs is to support the needs of women who will benefit from closer community contact and access to local services and to create and sustain independence in preparation for

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			<p>successful reintegration into the community. A new national women’s prison, operating on trauma-informed principles, is under construction and will open in 2023. As of 2 December 2022, there were 287 women in prison custody, down from 390 in March 2020.</p> <p>As of 2 December, there were two under 18s in a Young Offenders Institute, down from 20 in March 2020.</p> <p>Progress could be judged as completed once numbers have been reduced to a manageable level. The Committee could ask the Cabinet Secretary/SPS what they deem to be a manageable figure for the number of women and children held in the prison estate.</p>
<p>Recovery cafes – funding for a cafe in each institution where appropriate</p>	<p>In remains unclear if the Scottish Government supports the Committee’s actual recommendation, which was for funding for recovery cafes in each institution where appropriate.</p>	<p>To be decided. Further information has been requested from the Scottish Government.</p>	<p>The Scottish Government has previously expressed support for the work of recovery cafes. However, it is not clear if sufficient funding has been provided for cafes to be established in <u>all</u> institutions that need one.</p> <p>The Committee could ask the Minister for Drugs Policy for confirmation that sufficient funding is available for any SPS institution</p>

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			that wishes to establish a recovery cafe.
Residential rehabilitation - funding for improved provision	Yes		<p>The Scottish Government has previously provided information on the £23m it has provided for new facilities and bed capacity projects at Phoenix Futures, River Garden, NHS Lothian and Aberlour.</p> <p>The Scottish Government is providing financial support for people to access residential rehabilitation on release from prison through the prison to rehab (P2R) pathway funding. It also provided the following information:</p> <ul style="list-style-type: none"> • In the previous financial year, there were 24 approved placements through the prisons to rehab pathway. The Scottish Government spent around £250,000 on P2R placements in 2021-22. • In quarter one of this financial year, there have been 7 approved placements. • The Prison to Rehab pathway was established in the summer of 2020 to support individuals into residential rehabilitation services during the

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			<p>unprecedented time of the COVID-19 pandemic.</p> <ul style="list-style-type: none"> • The Prison to Rehab pathway enables individuals with problem substance use to access residential rehabilitation immediately on release from prison. • The Prison to Rehab pathway supports people to continue their recovery at a time when community support and connection with others in recovery can be challenging. • The pathway has established a clear route of continuing care for individuals leaving prison who have shown a strong motivation to become substance free. <p>The Scottish Government has also 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.</p> <p>The Committee could ask several third sector organisations for a view</p>

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			on the adequacy of funding for residential rehabilitation.
<p>Throughcare – reintroduction of the service in the prison estate</p>	<p>Yes, but indicated this an operational matter for SPS.</p>	<p>Although some other schemes are in place, it is not clear if the former SPS Throughcare scheme is going to be reintroduced which is the recommendation of the Committee.</p>	<p><i>Information provided by the Scottish Government</i></p> <p>The SPS Throughcare Support Officer Service was one element of a wider throughcare provision, for both long and short-term prisoners.</p> <p>The Scottish Government has said that it has funded national third sector throughcare services for men and women since 2013. This voluntary service is available to men leaving short-term sentences and to women leaving short-term sentences, remand and also provides support to some women on community payback orders. The Scottish Government has engaged Community Justice Scotland to consider how SG should commission third sector services in the medium to long term.</p> <p>The Scottish Government has said that in addition, people leaving short-term prison sentences can request voluntary throughcare support from their local authority. And local authorities deliver statutory throughcare for individuals leaving long-term prison sentences.</p>

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			<p>The SG is currently engaged with social work stakeholders to refresh operational guidance for this work.</p> <p>The Committee could, however, seek information on whether the SPS Throughcare scheme is going to be re-established and monitor developments in relation to the review by Community Justice Scotland.</p>
<p>Access to medical prescriptions upon liberation</p>	<p>Yes, but indicated this an operational matter for NHS Scotland</p>		<p>The Committee has been in correspondence with NHS Scotland on this. NHS Scotland will now hold a meeting with several health boards to review the provision.</p> <p>The Scottish Government has said that following discussion at the Prison GPs Forum and subsequently agreed by the Core Steering Group of the National Prison Care Network, Prison Healthcare teams will receive communication that prisons should provide individuals with a 28-day supply of medication at the time of liberation. This may be in the form of medication to be handed to the patient or via a prescription to be presented at the chemist on return to the community. Prison Healthcare teams will be requested to inform the</p>

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			<p>prescribers responsible for generating liberation medications within their establishments of the above recommendation.</p> <p>The exception to this will be around the prescribing of Opioid Substitute Treatments which will continue to be arranged via community addictions teams in advance of liberation.</p> <p>The Committee could monitor progress of this new arrangement.</p>
<i>Long-term actions (within this parliamentary session)</i>			
<p>Under 18s – delivery of the manifesto commitment not to hold under 18s in HMP YOI Polmont</p> <p>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</p>	Yes	<p>Included in the provision in the Children (Care and Justice) (Scotland) Bill (introduced 13 December)</p>	<p><i>Information provided by the Scottish Government</i></p> <p>The Scottish Government has said that in line with the Promise and UNCRC, it is committed to ending the placement of under 18-year-olds in YOIs. Where children require to be deprived of their liberty, the Scottish Government has said that it is clear that should be in small, trauma informed facilities, such as secure care. The Children (Care and Justice) (Scotland) Bill includes provisions to reflect this change together with regulation-making provision to allow those who turn 18 while in secure care to remain in</p>

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			<p>secure care beyond their 18th birthday, up to 19, where it is agreed in partnership that it is in the best interests of that young person and the other children in secure care.</p> <p>The Scottish Government has said that there are no current plans to extend the prohibition of the use of YOI to include those aged up to 21. They recognise the specific needs of those aged 18-21 – as reflected in the Scottish Sentencing Council’s recently published guidelines for sentencing young people. The Scottish Government has said that wider reforms to how prison is used, for example the recently introduced Bail and Release from Custody (Scotland) Bill, will impact on those aged over 18 with a continued focus on shifting the balance from the use of custody, in particular short-term imprisonment, to community interventions, where appropriate.</p>

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<p>Remand – reduction in the overall numbers held on remand in prisons</p>	<p>Yes</p>	<p>Remand numbers are not yet falling. The Committee recognises the Scottish Government's plans to address this and the Committee will keep numbers under review.</p>	<p>Remand numbers are not falling significantly (currently around 25% of prison population). Reference is made by the Scottish Government to tackling remand through the new Bail and Release from Custody Bill. The Scottish Government's Vision for Justice refers to establishing an Alternatives to Remand Reference Group and for it to meet 2022-23. It will report by the end of 2022.</p> <p>The Scottish Government has said that the Reference Group have informed the development of initial recommendations, which are being considered in more detail to explore resourcing requirements and associated timescales.</p> <p>During 2022, the number of people held on remand has fallen by 9% from 2,250 in January to 2,055 on 9 December.</p>
<p>In-cell telephony/technology – further role out of suitable systems across the estate where appropriate</p>	<p>In part</p>	<p>Estate wide project for in-cell telephony commenced.</p>	<p>The Scottish Government's Vision for Justice refers to improved digital infrastructure across the estate and wi-fi enabling in HMP Polmont. There will also be self-service KIOSK provision. The Scottish Government has said that SPS has commenced an estate wide project of installing in-cell telephony</p>

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			<p>across the prison estate which will replace the mobile phone devices currently in use.</p> <p>The tendering process has concluded and contracts have been awarded for the implementation of the project in a two-stage approach.</p> <p>The first phase of the project focuses on the cabling aspect of the work, followed by the second phase which will include the specification of handsets and the necessary software systems will be considered and commissioned.</p>
<p>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</p>	<p>In part</p>	<p>The Committee will keep the situation under review in order to ensure that there is a full role out of purposeful activities across all establishments in the prison estate</p>	<p>The SPS has previously provided an update on the levels of purposeful activity. Measures remain in place to allow for regime changes where this is deemed necessary, for example, in an outbreak situation.</p> <p>SPS anticipates that numbers will increase further as it continues to manage its way out of the pandemic.</p> <p>SPS is also undertaking an Activity Profile review which seeks to understand the current purposeful activity delivered within the prison estate, the perceived outcomes and to consider what might constitute</p>

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			<p>meaningful and effective activity in the future.</p> <p>At present, there are few signs of extending the regime of purposeful activity and work to those on shorter term sentences or remand. SPS could be asked for an update on the review.</p> <p>The Committee could also ask the Scottish Government when it will respond to the recommendations, and whether the initial recommendations include access to purposeful activity etc for those on remand.</p>

Misuse of drugs and the criminal justice system

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<i>Short-term actions (within 6 to 12 months)</i>			
Friday releases - consideration needs to be given to changing legislation governing Friday releases	Yes	To be considered as part of new Bail and Release from Custody Bill.	Section 6 of the Bail & Release Bill seeks to improve access to services for prisoners upon release. It does this by further restricting the days on which prisoners are released from custody – thereby bringing forward the release dates of affected prisoners
Joint working – hold a meeting with other committees (Health and Social Justice) to hear regular updates	Not applicable	Ongoing	Three joint evidence sessions have been held to date, with a further meeting planned in spring 2023. A joint Chamber debate was held on 31 May 2022.
<i>Long-term actions (within this parliamentary session)</i>			
Drugs Taskforce recommendations - faster progress being made on implementing the recommendations of the Taskforce		The Taskforce published its final report in July 2022.	Information has been provided previously by Scottish Government on how it has been working with partners to take forward the various recommendations from the Drug Deaths Taskforce (DDTF) as a matter of urgency. The Committee can continue to monitor progress through its joint meetings with other parliamentary committees (see above).

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<p>OPT and Naloxone - same day access to Opiate Substitution Therapy alongside the provision of Take-Home Naloxone supply</p>		<p>The Committee has been provided with an update from the SFRS about its pilot on the administering of Naloxone (dated 2 August)</p>	<p>Information has been provided previously by Scottish Government on same day access to OPT and the provision of Take-Home Naloxone supply.</p> <p>The Committee had asked for details of the number of staff who have volunteered to administer Naloxone, any analysis of the impact of their interventions to date, and any plans for the Service to expand this initiative. SFRS replied that “The second stage and further expansion, planned for later this year will identify volunteers from operational and support staff who will carry and administer Naloxone”.</p> <p>The Committee could ask for a further update.</p>
<p>Trauma training - further roll out of trauma-informed training across the criminal justice sector where this has not already been provided</p>	<p>Yes</p>		<p>The Scottish Government has said that the draft “Trauma Informed and Responsive Justice Workforce for Witnesses, A Knowledge and Skills Framework” was issued for consultation in March 2022 and was endorsed by the Victims Taskforce in December 2022, ahead of final publication.</p>

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			The Committee will need to monitor what happens next.
<p>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</p> <p>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</p>	In part. It is not clear if the funding referred to by the Scottish Government is additional.		<p>Information has previously been provided by the Scottish Government on the £119m of ring-fenced funding provided for community justice services.</p> <p>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 other 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.</p> <p>Feedback from COSLA has previously been provided.</p> <p>The Scottish Government has said that in addition to the £119m of ring-</p>

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			<p>fenced funding, £15m is being provided in 2022/23 through the post-COVID Justice Recover, Renew and Transform fund towards community justice services, including £3.2m for alternatives to remand.</p> <p>The Committee could ask COSLA for an update on the adequacy of funding for diversion and alternatives to custody.</p>
<p>Pill presses - regulation of pill presses</p>	<p>In part. It is unclear if further regulations will be brought forward</p>		<p>Information has previously been provided by the Scottish Government that it is working with the UK Government on this matter.</p> <p>The Scottish Government could be asked for a further update on when the regulatory framework will be in place to enable the Scottish Government to regulate the use of pill presses.</p>
<p>DTTOs - expansion of the use of Drug Treatment and Testing Orders</p>	<p>In part, it is unclear if further expansion of DTTOs will be taken forward</p>		<p>Information has previously been provided by the Scottish Government.</p> <p>The Scottish Government could be asked for a further update on its initial exploratory work to review the evidence available and</p>

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			how they align with what is known about good practice in this area.
<p>Safe consumption rooms – provision of a detailed case proposing a pilot scheme and a means for evaluation</p>	<p>Yes. The Committee will await the further updates from the Scottish Government</p>		<p>Information has previously been provided by the Scottish Government.</p> <p>The Minister for Drugs Policy announced on 23 June 2022 that a detailed service specification for a drugs consumption room in Glasgow is being considered by the Crown Office. Following that consideration, it will be referred to the Lord Advocate for consideration of any related statement of prosecution policy.</p> <p>The Convener wrote to the Crown Office in December to ask when a view on the specific proposal for a drug consumption room in Glasgow will be provided to the Lord Advocate. [as part of the cross-committee work on this issue].</p>

Violence against women and girls

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
<i>Short-term actions (within 6 to 12 months)</i>			
<p>Sexual offence cases: Implementation of the recommendations from the report by Lady Dorrian into improved management of sexual offence cases</p>	Yes		<p>The Scottish Government has said that on 12 December 2022, the Scottish Government published an independent analysis of responses to the consultation on improving victims' experiences of the justice system which ran from 12 May 2022 to 19 August 2022. This included consultation on recommendations arising from Lady Dorrian's report on improving the management of sexual offences cases. A series of reports from the Scottish Government-led Lady Dorrian Governance Group were also published at the same time. Scottish Ministers have confirmed that a Criminal Justice Reform Bill will be introduced in this parliamentary year.</p>

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
<p>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.</p>	<p>Yes</p>	<p>The Scottish Government has provided the information requested. The Committee will keep the situation under review.</p> <p>In particular, the Committee will monitor the efforts to reduce the backlog in our courts (not just from the delays due to COVID but also pre-existing). The Committee regards this as a major priority where progress still needs to be made.</p>	<p><i>[Information provided by the Scottish Government, June 2022]</i></p> <p>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.</p>

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<p>Co-ordination in government - the Scottish Government should send an update on how it is co-ordinating measures across relevant portfolios to identify and address the causes of violence against women and girls</p>	Yes		<p>Information has previously been provided by the Scottish Government including the establishment of the Women's Justice Leadership Panel. The Scottish Government has said that it is now scheduled to report in 2023.</p> <p>The Committee could ask for more detail on when in 2023, as this was previously to be delivered by the end of 2022.</p>
<p>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</p>	Yes		<p>The Scottish Government has said that consideration of the recommendation for a specialist court, and the issues arising including sentencing powers, is ongoing by Scottish Government and will be informed by the outcomes of the Working Group and the broader public consultation.</p> <p>The Committee could request a timetable for the above.</p>
<p>Not proven and judge-only trials - confirmation from the Scottish Government on its plans to progress both of these issues and a timescale for doing so if it is going ahead.</p>	Yes		<p>The Scottish Government has said that in its recent Programme for Government, it announced plans to abolish the not proven verdict and take forward any accompanying reforms in the forthcoming Criminal Justice Reform Bill, due for introduction this parliamentary year.</p>

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
			Consideration of the recommendation for a pilot of judge-only rape trials, and the issues arising, is ongoing by Scottish Government and will be informed by the outcomes of the Working Group and the broader public consultation.
Charging of fees for accessing court records in cases of rape or sexual offences – setting up a system, perhaps starting with a pilot scheme – to remove the charging of fees for accessing court transcripts	In principle		The Committee has received correspondence from the Cabinet Secretary, which will be considered at the committee meeting on 11 January 2023.
<i>Long-term actions (within this parliamentary session)</i>			
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			Some information provided by Scottish Government and the Parole Board, but none by COPFS and SCTS The Committee may wish to task the clerks with contacting COPFS and SCTS for an update.
Codes of practice - Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Courts and Tribunals Service, and the Lord President, Lord Carloway, to provide details of how they address unacceptable behaviour and language and ensure that their	Yes.		Crown Office, Police Scotland and the SPA have previously provided detailed information on this. Lord President/SCTS still to respond.

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<p>workforces are meeting the needs of vulnerable and traumatised people. This should include: details of any codes of practice and ethics and how these are enforced; transparent complaints processes; and how recruitment processes have been adapted to attract a more diverse workforce that meets the culture, skills and principles of the organisations</p>			<p>The Scottish Government has said that the Programme for Government outlined its commitment to introduce a Police Complaints & Misconduct Bill in parliamentary session 2022/23. The Scottish Government has said that the Bill will embed good practice and underline the importance of maintaining and exceeding the high standards expected of Scotland's police officers, improving transparency of police complaints and conduct processes.</p> <p>The Committee may wish to task the clerks with contacting SCTS for details of their codes of practice.</p>

Victims' rights and victim support

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
<i>Short-term actions (within 6 to 12 months)</i>			
<p>VNS - Crown Office and Procurator Fiscal Service to review its administrative processes for those registering for the Victim Notification Scheme (VNS) as a matter of priority to avoid re-traumatising victims. This should include updating the registration process.</p>	In part		<p>COPFS has previously explained it will contribute to the Scottish Government review of the VNS scheme. COPFS will also carry out a review of correspondence which it issues to victims and relevant persons to ensure it is trauma informed and properly explains the scheme.</p> <p>The Committee may wish to task the clerks with contacting COPFS for an update.</p>
<p>VNS - Scottish Prison Service to review how it manages the Victim Notification Scheme</p>	Yes		<p>SPS has previously advised Scottish Government (the policy owners of the VNS scheme) that it will participate in the 'Independent Review of the Victim Notification Scheme'.</p> <p>In addition, SPS is currently working with Scottish Government to review VNS letters issued by SPS to improve the communications victims receive.</p>

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			The Committee may wish to task the clerks with contacting SPS for an update
<p>VNS - update from the Cabinet Secretary for Justice and Veterans on plans, and a timetable, for reforming the support provided to victims and a review of the Victim Notification Scheme</p>	Yes	Independent review of the VNS in progress	<p>The Scottish Government has said that in March 2022, the Cabinet Secretary for Justice and Veterans appointed Alastair MacDonald and Fiona Young to conduct an independent review of the VNS, including the separate scheme for victims of offenders with a mental disorder. The review started in April 2022 and is due to take around 12 months to complete.</p> <p>The Committee can now monitor progress.</p>
<p>Friday releases - Scottish Prison Service to review its communication processes in the run up to a prisoner's release and its administrative process to ensure that victims are not informed on a Friday about a prisoner's release</p>		The Bill is now being scrutinised by the Committee	To be considered as part of the new Bail and Release from Custody Bill.
<p>Vulnerable witnesses – views from the Crown Office and Procurator Fiscal Service, the Scottish Courts and Tribunal Service, Police Scotland and Social Work Scotland on how the scheme for vulnerable witnesses is working</p>	In part	To be decided	Some information has been provided but it is not clear if COPFS believe the scheme is working or whether there are delays. Police Scotland referred to its work on VAWG (see other section of this Action Plan).

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			The Committee may wish to ask several third sector groups for a view on the effectiveness of the scheme for vulnerable witnesses.
Victim centred approach fund - details from the Scottish Government on how this fund is helping the victims of crimes and their families	Yes		<p>Some information has been provided. The Scottish Government's Vision for Justice refers to funding being allocated for projects in March 2022.</p> <p>The Scottish Government has said that total funding of £48m over the period 2022-2025 to 20 different organisations supporting victims and survivors of crime was announced in March 2022, through the Victim Centred Approach Fund.</p> <p>The Committee may wish to ask several third sector groups for a view on the availability of sufficient funding for the victim fund.</p>
<i>Long-term actions (within this parliamentary session)</i>			
Barnahus - update from the Scottish Government on its plans for the introduction of Barnahus facilities in Scotland and roll-out of these facilities, including incorporating the Joint Investigative Interview in its working	Yes		<p>In its Programme for Government 22/23, the Scottish Government has said it will set out the next steps in ensuring access to “Bairns’ Hoose” services for all children referred for support.</p>

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			It is not clear when this will happen though, and the Committee may wish to monitor progress.

Reducing youth offending, offering community justice solutions and alternatives to custody

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
<i>Short-term actions (within 6 to 12 months)</i>			
Sentencing guideline and judicial training - details of the training and support that will be provided to prosecutors and sheriffs, and details of how outcomes, such as reducing reoffending rates, are to be captured	In part		Some information provided on training plans, but no detail on how outcomes, such as reducing reoffending rates, are to be captured
Secure care – progress update from the Scottish Government on the implementation and impact of the secure care pathway and standards	Yes		The Scottish Government has said that the Secure Care pathways and standards were published in 2020. Since then, the Children and Young People’s Centre for Justice (CYCJ), funded by the Scottish Government have developed materials to support local reflection on what the Pathways and Standards mean for secure care providers and local authorities to support full implementation of the standards. They have also formed a Champions group which acts as a forum to support implementation of the standards allowing practitioners to collaborate, innovate and constructively challenge practice. This work is still ongoing but many of the standards (in particular all ‘during secure care’ standards) have

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
			been implemented. The Care Inspectorate are also carrying out a review of the experiences of young people in, or on the edge of secure accommodation and will report in Autumn 2023.
Secure care - update from the Scottish Government, COSLA and the secure care providers on changing the funding model	Yes. Awaiting information from COSLA		The Scottish Government has said that sign off for Scottish Government funding 4 secure care beds (1 in each of the independent secure care centres) is imminent. Funding will take place between January and end of March 2023. Discussions are ongoing regarding extending this funding in 2023-24. The Scottish Government has said that longer term considerations of funding models are being taken forward through secure care redesign led by Children and Young People's Centre for Justice (CYCJ), this work will conclude in 2024.
Secure care - details of the timescale for the Scottish Government's plans to ensure that no child aged under 18 years of age is sent to HMP YOI Polmont and should instead be in secure care	Yes		The Scottish Government has said that this is included in the Children (Care and Justice) (Scotland) Bill introduced on 13 December. See above for more information

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
<p>Deaths in custody - formal and detailed response from the Scottish Government to all of the issues/recommendations in the Review report</p>	<p>In part. The Scottish Government said it has “no intention to create an online centralised system where delivery of the recommendations can be tracked.”</p>		<p>Information has previously been provided by the Scottish Government that 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.</p> <p>Ms Imrey has established a Deaths in Prison Custody Action Group, comprising representatives from all the relevant agencies involved in improving the response to all deaths in prison custody.</p> <p>Interim progress report on implementation of the Independent Review was published on 14 December 2022.</p> <p>The Committee may wish to seek an update on what next and a timetable.</p>
<p><i>Long-term actions (within this parliamentary session)</i></p>			

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
<p>Legislative review - Scottish Government review of the relevant provisions in Part V of the Criminal Procedure (Scotland) Act 1995 with regard to a court's powers to place a child in secure accommodation where appropriate</p>			<p>The Scottish Government has said that this will be covered through the Children Care and Justice Bill as the legal routes in to secure care will be expanded to all under 18s.</p>

Legal Aid

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
<i>Short-term actions (within 6 to 12 months)</i>			
<p>Information from the Scottish Government - nature of the proposed engagement with the legal profession and users of legal aid; its timescales; its purpose; and whether a general consultation is planned; whether the Scottish Government has in mind any specific reform proposals on which is it consulting and whether will it publish these; and the planned timescale for introducing the legal aid reform bill</p>	In part		<p>Some of this information has been provided in the Scottish Government's response to the report.</p> <p>However, no firm date for the Bill is currently available and more clarity is needed on short-term measures that may be taken.</p> <p>The Committee may wish to ask the Scottish Government for an update on whether this Bill may be in the Programme for Government in September 2023.</p>
<p>Methodology for setting fee rates - Minister for Community Safety to provide further information on when the research on fee-related issues commissioned following the report of the Legal Aid Payment Advisory Panel is due to be completed. The Committee also requires details on when the Scottish Government anticipates that revisions to the current fee regime are likely to be implemented</p>	No information provided	Further information is being sought from the Scottish Government	<p>The Committee may wish to ask the Scottish Government for an update from the new Minister for Community Safety and legal bodies on the negotiations on reform of legal aid.</p>

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
Fee rates - immediate action on fee rates	In part		See above
<i>Long-term actions (within this parliamentary session)</i>			
Legislation – introduction of a Bill to reform legal aid	Yes		See above

Priorities that have been completed and/or information requested has been provided

Completed priorities

NB. The priorities listed below have been judged to have been completed and/or information requested has been provided . They are set out here for information only

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
COVID Recovery			
COVID Recovery - Hold an evidence session with the Cabinet Secretary for Justice and Veterans, following the conclusion of the consultation on COVID-19 recovery	Not applicable	This session has been held.	Evidence taken from the Cabinet Secretary as part of the consideration of the COVID-19 (Reform and Recovery) Bill
COVID Recovery and Prisons - Provision by Scottish Prisons Service (SPS) of a detailed plan for the reinstatement of purposeful activities in prisons, including a timetable for when particular categories of activities will resume	Yes	SPS has provided the information requested. The Committee will keep the situation under review in order to ensure that there is a full roll out of purposeful activities across all establishments in the prison estate	<i>[Information provided by the SPS, June 2022]</i> SPS is progressing restoration to a fuller rehabilitative regime where possible while balancing the need to protect the health and wellbeing of those living, visiting and working in our prisons as we transition out of the Covid-19 pandemic. A 'Restoration of Services' project supported establishments to return to pre-pandemic regimes by the end of September 2021. However, measures remain in place to allow for regime changes where this is

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			<p>necessary and proportionate, for example, in an outbreak situation.</p> <p>The prison setting is a unique environment meaning that precautionary measures may remain in place to varying extent across the estate for some time.</p> <p>Attendance for purposeful activity had reduced due to the necessity to maintain social distancing measures. It is anticipated that numbers will increase further as SPS continues to manage its way out of the pandemic. Although some establishments have had to utilise the suspension or restriction of elements of the prison regime, these have only been used when necessary and for as short a period as possible.</p>
<p>COVID Recovery and Prisons - Commitment by SPS to regular access to exercise and time outdoor for fresh air, and consideration given to what other activities would be suitable for prisoners on remand</p>	<p>Yes</p>	<p>SPS has provided the information requested. The Committee will keep the situation under review, particularly in relation to purposeful activity and remand prisoners as it wishes to see a full role out of access to exercise and fresh air across all</p>	<p><i>[Information provided by the SPS, June 2022]</i></p> <p>Time in the Open Air is provided to all individuals in the care of the SPS. A minimum of 1 hour is offered daily.</p> <p>The only deviation from this has been when establishments have experienced significant impact due to Covid-19 (e.g. an outbreak) and it</p>

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		<p>establishments in the prison estate.</p> <p>The Committee has written to the SPS to seek confirmation that prisoners across the estate have access to purposeful activity for 1 hour a day.</p>	<p>was deemed necessary to utilise the SSI amendment to either restrict or suspend exercise for as short a period as possible.</p> <p>Establishments have also been looking to maximise access to Purposeful Activity for all in their care. This has meant that there has been some increase in regime developments.</p> <p>Remand numbers have however been significantly higher over the last 24 months, and establishments have tried to provide individuals with more access to Purposeful Activity where possible.</p>
<p>COVID Recovery and Prisons - Information from SPS on progress made in resuming in-person visits, including how arrangements may differ from pre-COVID-19</p>	<p>Yes</p>	<p>SPS has provided the information requested. The Committee will keep the situation under review.</p>	<p><i>[Information provided by the SPS, June 2022]</i></p> <p>In-person visits resumed on 26 April 2021. Access to in-person visits is available to all individuals in the care of the SPS. The only deviation from this is when there is a requirement to isolate an individual under Covid-19 isolation rules.</p> <p>(The SPS Public Information Page Quarter 4 2021/22 Update (page 22))</p>

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			<p>outlines the increasing access and uptake of in-person visits.)</p> <p>Establishments are continuing to carry out risk assessments in line with Public Health Scotland advice, and arrangements were put in place to assist in mitigating the risk of Covid-19 transmission.</p> <p>Visitors continue to be required to wear face masks (unless exempt) within prison establishments and adhere to physical distancing.</p> <p>SPS has also requested that any visitors do take a Lateral Flow Test prior to the visit, however this is not mandatory.</p> <p>The prison setting is a unique environment meaning that precautionary measures may remain in place which differ to community and other settings. Any changes to this will be set out in the SPS pandemic plan.</p>

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
<p>COVID Recovery and Prisons - An update on any inquiries made by the SPS into the use of hacked mobile phones, downloaded e-SIM cards etc by prisoners and a commitment that any problems identified have been addressed.</p>	<p>Yes</p>	<p>SPS has provided the information requested. The Committee will keep the situation under review.</p>	<p><i>[Information provided by the SPS, June 2022]</i></p> <p>All prison issued mobile phones have the IMEI number blocked prior to issue to prevent the ability for handsets to be used with other SIM cards. This has involved BT making requests to other network providers to block SPS issued phones. SPS also continues to seek further advice from a communications expert on the use of mobile devices as it moves forward in seeking to procure an in-cell telephony solution across the prison estate.</p>
<p>COVID Recovery and Prisons - A commitment from SPS that video/mobile technology will continue to be an option for prisoners to contact friends and family members and support services, and that the use of this technology will be expanded throughout the estate in a regulated and controlled manner</p>	<p>Yes</p>	<p>SPS has provided the information requested. The Committee will keep the situation under review, particularly on the procurement of new in cell telephony systems.</p>	<p><i>[Information provided by the SPS, June 2022]</i></p> <p>Virtual Video Visits continue to be available for individual's friends and family to remain in contact with their loved ones. SPS is currently funding this service and has been working to maximise the uptake of its usage.</p> <p>Work is currently underway to identify and procure an in-cell telephony solution across the prison estate which will replace the mobile phone devices currently in use.</p>

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<i>Prisons and prison reform</i>			
<p>Buvidal – provision of a progress note on rolling out the use of Buvidal across the prison estate</p>	<p>Yes</p>		<p>The Scottish Government has previously confirmed that same-day access to OST and to 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.</p> <p>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</p>

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			<p>plans for full implementation of the MAT standards.</p> <p>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.</p>
<p>Photocopying of prisoner mail – introduction of an SSI to change prison rules to help prevent drug smuggling</p>	<p>Yes</p>	<p>The Scottish Government has now passed the relevant SSI to make this change. The Committee will keep the situation under review.</p>	
<p>Tackling drug use in prisons – report from the SPS on its plans and reduction in the statistics for the prevalence in prisons</p>	<p>Yes</p>	<p>SPS has provided the information requested. The Committee will keep the situation under review.</p>	<p><i>[Information provided by the SPS, June 2022]</i></p> <p>SPS has security measures to prevent, detect and deter the introduction of contraband entering the estate.</p>

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			<p>SPS and Police Scotland work closely to tackle the use of illegal drugs, deploying a wide range of robust security measures to prevent contraband entering prisons. Ongoing training for SPS search dogs to identify new and emerging substances is being carried out with support from Dundee University.</p> <p>There is also a pilot project ongoing in relation to the use of an x-ray body scanner at HMP Barlinnie which, so far, has proved to be very successful in identifying illicit substances secreted about the body for those individuals being admitted to custody and for any individuals returning from community access.</p> <p>On 16 December 2021 a change was made to Prison Rules which provided SPS with the power to photocopy prisoner's general correspondence as an operational mitigation against the risk of the introduction of illicit substances through contaminated paper entering prisons.</p> <p>As outlined in the letter to Committee on 19 May 2022 from Teresa Medhurst, the</p>

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			<p>implementation of photocopying of general correspondence continues to have a positive impact across all establishments. This includes a sustained reduction in 'drug takes incidents' including those presenting as under the influence and the need to call upon external support from NHS and the Scottish Ambulance Service colleagues.</p> <p>SPS has seen a shift in the entry route for illicit substances. Prior to the implementation of the photocopying of mail SSI, mail had been a significant route for illicit substances being trafficked into the establishments. SPS is now experiencing this trafficking through other avenues, for example, contained within personal property for individuals sent into the establishment.</p>
<p>Violence and serious organised crime groups – detailed plans to tackle the issue and a reduction in the influence of such groups in prisons achieved</p>	<p>Yes</p>	<p>The detailed plans have been published.</p>	<p>The Scottish Government published a revised SOC Strategy in February 2022: Serious Organised Crime strategy - gov.scot (www.gov.scot)</p> <p><i>The Government confirmed that the refreshed SOC Strategy, which was published in February 2022, is the</i></p>

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			<p><i>spring update referred to previously by the Scottish Government.</i></p> <p>The Scottish Government will publish an annual report setting out what has been achieved and providing updates on ongoing projects. No dates have been agreed but they will ensure that the Committee is informed as and when reports are published.</p>
Misuse of drugs and the criminal justice system			
<p>Civil recovery - further information and details on the work of the Civil Recovery Unit to determine what success it is having in seizing assets relative to the value of the sums of money that can be made by criminals</p>	<p>Yes</p>	<p>The Scottish Government has provided the information requested. The Committee will keep the situation under review and is seeking further information from the Scottish Government on the civil recovery unit.</p>	<p><i>Information provided by the Scottish Government, July 2022</i></p> <p>The Civil Recovery Unit (CRU) acts on behalf of the Scottish Ministers under Parts 5 and 8 of the Proceeds of Crime Act 2002 (“POCA”). The Scottish Ministers are the only enforcement authority for civil recovery in Scotland. The CRU reports to the Lord Advocate as a member of the Scottish Government and a Scottish Minister. The Unit is staffed by civil servants who operate on behalf of and with the authority of the Scottish Ministers. The CRU is a multi-disciplinary unit which consists of solicitors, a forensic accountant, financial investigators and an administration team.</p>

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			<p>The aim of the CRU is to use civil proceedings to disrupt criminality and to make Scotland a hostile environment for those involved in unlawful conduct. Cases are referred to the CRU by other bodies, predominantly law enforcement agencies and prosecution authorities, but exercises its functions separately and independently of the Crown Office & Procurator Fiscal Service. Part 5 of POCA makes provision for the Civil Recovery Unit (CRU), acting on behalf of the Scottish Ministers, to recover, in civil proceedings in the Court of Session, property which has been obtained through unlawful conduct, including cash, houses, jewellery, business premises, cars and bank accounts. In addition to Court of Session asset litigation, the CRU is responsible for the civil litigation and recovery in the sheriff courts of cash, listed assets (e.g., watches, precious metals/ stones, artistic works) and funds in bank accounts (“account forfeiture orders”) which were initially seized and detained by law enforcement, and which were, on the balance of probabilities, obtained through</p>

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			<p>unlawful conduct or intended for use in such conduct. A criminal conviction is not necessary to recover assets under Part 5 of POCA.</p> <p>In terms of Part 8 of POCA, the CRU may apply for various investigative orders to assist with its investigations. These include production orders, requiring the production of material to assist the investigation; disclosure orders which require a person to provide information, relevant documents or answer questions at interview; or Unexplained Wealth Orders which can require certain specified persons to provide information about their interest in property and how they obtained it.</p> <p>The CRU has received referrals of 776 cases on average per annum between 2018/19 and 2020/21 (for year end 31 March). These referrals consist of Part 5 POCA 2002 recovery, cash forfeiture, listed asset and account forfeiture cases. The CRU has applied for 292 disclosure and production orders on average per annum between 2018/19 and 2020/21.</p>

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			<p>The Unit requires to recover information internationally in some cases which can lead to delays or barriers to an investigation. There are countries who do not recognise civil recovery and as a result may not be willing to provide the information sought. CRU has become a member of the International Proceeds of Crime Group, led by the Crown Prosecution Service and comprising law enforcement agencies across the UK, which seeks to proactively address international issues in asset recovery.</p> <p>The CRU sits on several practitioner forums to consider the effectiveness of the legislation and the associated working practices involved. If the CRU has any concerns or suggested improvements, they will be referred to the appropriate forum or if it is felt that a legislative fix is required then that will be raised with Government.</p>

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
<i>Victim's rights and victims support</i>			
<p>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</p>	Yes	<p>The Parole Board has provided the information requested. The Committee will keep the situation under review as the Committee still has several issues which it believes still need to be resolved.</p>	<p><i>[Information provided by the Parole Board, June 2022]</i></p> <p>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</p>
<i>Reducing youth offending, offering community justice solutions and alternatives to custody</i>			
<p>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</p>	In part	<p>The Scottish Government has provided the information requested. However, it is not clear if they will now collect such data. The Committee will keep the situation under review</p>	<p><i>[Information provided by the Scottish Government, June 2022]</i></p> <p>The Scottish Government do not currently collate data relating to the number of requests for secure care places each year. It is considering a future minimum dataset for secure care, which would include this information.</p> <p>The Committee may wish to ask for a timetable for this work to be completed.</p>

Priorities that were not agreed to

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
Prison Estate – incorporation of HMPs Greenock and Dumfries in SPS’s 5-year investment plans	No	Recommendation not agreed to	
Use of Moorov doctrine - sheriffs and judges should ensure that juries understand the consequences of applying the doctrine and should explain to complainers why a jury and judge reached a particular outcome in these situations	No. The Crown Office did not agree with this recommendation	Recommendation not agreed to	COPFS said it would be undesirable for prosecutors to discuss hypothetical situations with complainers that may not in due course come to pass. Prosecutors would be willing to explain the legal basis on which it was assessed after the conclusion of the trial
Sentencing of young people – update from the Crown Office and Procurator Fiscal Service and the Scottish Courts and Tribunal Service of their plans to implement and monitor the sentencing guideline to ensure it is applied consistently, whilst maintaining judicial discretion.	No. Crown Office indicated this is a matter for the judiciary only	Recommendation not agreed to	
Deaths in custody - creation of an online centralised, transparent system that would allow the public to follow delivery of the recommendations	No	Recommendation not agreed to	[Information provided by the Scottish Government] There is no intention to create an online centralised system where delivery of the recommendations can be tracked
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-	No	Recommendation not agreed to	[Information provided by the Scottish Government] A serious incident review (SIR) should always be carried out when a

<p>custodial sentences and diversion schemes</p>			<p>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.</p>
<p>PDSO – review of the role for the Public Defence Solicitors Office (PDSO), assessment of the effectiveness of it, including asking users, and to explore what additional roles the PDSO can play</p>	<p>No</p>	<p>Recommendation not agreed to</p>	<p>[Information provided by the Scottish Government]</p> <p>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</p>

			Community Safety for taking forward the work of the PDSO.
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