

# Criminal Justice Committee

16th Meeting, 2023 (Session 6), Wednesday 24  
May 2023

## Correspondence relating to the Committee's Action Plan for Priorities in the Justice Sector

### Background

1. At the start of this parliamentary session, the Committee published a report entitled [\*Judged on progress: The need for urgent delivery on Scottish justice sector reforms\*](#). This set out the Committee's priorities for reform of various parts of the justice sector in the form of an [Action Plan](#).
2. At periodic times since publication, the Committee updates its Action Plan on the progress being made to deliver against the recommendations made. The last update was in March 2023.
3. At that meeting, members asked various bodies for an update on particular matters. The responses are set out in the **Annex** to this paper and consist of:
  - The **Scottish Government** (with updates on COVID recovery, misuse of drugs, prisons, violence against women and girls, deaths in custody, legal aid and tackling online child abuse, grooming and exploitation)
  - The **Scottish Prison Service** (with updates on throughcare, in-cell telephony, purposeful activity and the VNS)
  - **COSLA** (with updates on adequacy of funding for local authorities for criminal justice activities)
  - The **Scottish Fire and Rescue Service** (with updates on Naloxone)
  - The **Criminal Justice Voluntary Sector Forum** (with updates on residential rehabilitation, vulnerable witnesses and victim's funding)
  - The **Scottish Courts and Tribunals Service** (with updates on the treatment of victims and witnesses, and codes of practice)
4. The next review of the Action Plan will take place before the end of this calendar year.

## Decisions

5. Members are asked to review the correspondence set out in the Annex.

Clerks to the Committee  
May 2023

**Scottish Government (6 April 2023)**

Dear Convener

Further to your letter of 06 March 2023 requesting information on a range of issues, please find attached my response to this request. The activity described in the annex is being taken forward in the context of the continuing delivery of our Vision for Justice in Scotland, our Programme for Government and our commitment to support the recovery of our Justice system from the on-going impact of the COVID pandemic.

I hope the Committee finds this information of assistance.

Yours sincerely

**Angela Constance**

Appendix*COVID recovery*

- **To ask the Cabinet Secretary to quantify what he deems to be a manageable backlog for court cases and what target has been set in terms of timescales to reduce the backlog of trials to pre-COVID levels.**

We want people's cases to conclude as quickly as possible, so that they can move on with their lives and recover from the harm they've experienced. It is important to remember, though, that there will always be a significant number of cases in progress on any given date, because the processes of investigating and prosecuting a crime take time. Figures published by the Scottish Courts and Tribunals Service in February show that at the beginning of the Covid pandemic (April 2020) there were 18,074 criminal cases which had been assigned a trial date but had not yet called in court. By the end of February 2023 that figure was 28,029, having reduced from a peak of 43,606 in January 2022. SCTS have set out that they are aiming to return to a point where the number of scheduled cases across all courts is approximately 20,000. They anticipate reaching that point by March 2026 meeting their targets for summary cases by March 2024, followed by High Court and Sheriff solemn cases. This COVID recovery activity is continuing to be supported with Scottish Government Recover, Renew and Transform funding.

The modelling that SCTS have carried out provides helpful indicators, but their operational data can only cover part of the picture. We now want to work together with justice organisations to improve our shared data set, to help us all better understand what the capacity of the criminal justice system is and where delays are occurring. As part of this, Justice Analytical Services are working with partners to compile data on the time it takes cases to progress through the criminal justice system, from offence to disposal.

This will help to support the monitoring of progress in reducing court backlogs.

*Prisons*

- **To ask the Cabinet Secretary to quantify what he deems to be a manageable figure for the number of women and children being held in the prison estate. Does he have any targets for a reduction in the current levels?**

With reference to women, decision on remand and sentencing, including custodial sentences, will continue to be taken by the independent judiciary, taking account of the circumstances in each case. As outlined in our Vision for Justice in Scotland, the long-term aim is that people should only be held in custody where they present a risk of serious harm. Due to the known damaging impact of prison and the changing nature of crime trends we must look to redefine the role of custody in the context of needing to better support individual's rehabilitation, by taking a trauma-informed and person-centred approach whilst also ensuring public safety.

The 2021 Programme for Government gave a commitment to safeguarding children within the youth justice system, supporting a presumption against under 18s in the Criminal Justice System, keeping them out of young offenders' institutions where possible and appropriate and supporting care-based alternatives. The Children (Care and Justice) (Scotland) Bill laid in Parliament on 13 December 2022, includes provisions that would end statutory routes to placement of children in YOIs in the future, meaning no children would be held in the prison estate. Subject to Parliamentary timetables and agreement, it is due to complete legislative scrutiny in late 2023.

- **Has an assessment been made of whether the two new community custody units and the proposed new prison at Stirling meet the needs of women, such as their healthcare and parental needs?**

In order to inform service provision SPS undertook a holistic needs assessment of the women in SPS' care. This needs assessment included evidence from partners and stakeholders. Services were then designed collaboratively with Health, Social Work and Voluntary Third Sector partners to ensure women's needs could be met.

The Strategy for Women in Custody is founded on the principle that all aspects of the care of women in custody should be designed for women and take account of their likely experience of trauma and adversities. All aspects of the approach will therefore be both gender-specific and trauma-informed. This approach applies to all women and young women who are in custody in Scotland, across all establishments, whether they are on remand or sentenced and whatever their sentence length. For young women, currently from age 16 to 21, the Strategy for Women in Custody is aligned with and applies alongside the SPS Vision for Young People in Custody.

HMP & YOI Stirling will include a bespoke Mother & Baby unit and, in addition, the CCU's can be adapted to support a mother and baby in line with the SPS Mother & Baby policy. The physical design of the facilities and the manner in which they will operate have been designed to promote and support family engagement.

- **To ask for an update on the number of young people being held in adult institutions (e.g. HMP & YOI Polmont and any other establishments).**

According to SPS data, as of 13 March 2023 there were 8 under 18s held in YOI in Scotland. Of these, 7 were untried and 1 was sentenced. For the same time period there were 163 18-20 year olds in prison, including YOI (71 of which were untried, 18 convicted awaiting sentence and 74 sentenced). The Children (Care and Justice) (Scotland) Bill laid in Parliament on 13 December 2022, includes provisions which would end statutory routes to placement of under 18s in YOIs in the future. Subject to Parliamentary timetables and agreement, it is due to complete legislative scrutiny in late 2023.

- **To ask the Scottish Government for confirmation that sufficient funding is available for any SPS institution that wishes to establish a recovery café on the premises.**

Since 2021, the Scottish Government has provided funding to the Scottish Recovery Consortium to integrate and embed recovery from alcohol and drug dependency across the prison estate. The vision is to create systemic, cultural and operational change by building understanding and implementation of a recovery focused approach. This work builds coordinated and connected recovery pathways throughout SPS establishments and our communities. The Scottish Recovery Consortium are currently working in partnership with 14 establishments with the remaining 3 in the initial stages of collaboration.

- **A request for additional information on the numbers of young people being held in secure care, including those not normally domiciled in Scotland, and any occupancy figures by establishment.**

The numbers of children held in secure care fluctuates on a regular basis. According to the Secure Accommodation Network Scotland website, on 16 March 2023 there were a total of 66 under 18s in the 4 independent secure centres in Scotland - 14 under 18s in the Good Shepherd Centre, 16 in Kibble, 18 in Rossie, 18 in St Marys, out of a total of 78 possible placements.

The Children's social work statistics Scotland 2020-21 provide the latest published occupancy figures by centre and the total number of placements from outwith Scotland. In 2020-21 there were an average of 29 residents from outwith Scotland. Statistics for 2021-22 are due to be published on 25 April 2023.

- **To request a response from the Scottish Government to the work of the Alternatives to Remand Reference Group**

To further inform developments and next steps, Scottish Government established a short-life Alternatives to Remand Reference Group involving justice partners, victims organisations, third sector and local authority representatives who all provided expertise and operational insight to inform the proposed areas for action.

During their considerations, the Reference Group identified four broad areas for development:

- Building capacity in alternatives to remand.
- Approaches to bail assessment, supervision and monitoring.
- Increasing access to support for people on alternatives to remand; and
- Strengthening monitoring and communication.

Work is ongoing to consider the resourcing implications and ordering of this programme of work which should be viewed alongside the ongoing activity in this area. That includes the additional investment in bail assessment and supervision services and the ongoing roll out of electronically monitored bail. Taken together, this will support the implementation of the Bail and Release from Custody (Scotland) Bill (if passed by Parliament).

#### *Misuse of drugs*

- **To ask for an update on any initial exploratory work to review the evidence available on DTTOs and how they align with what is known about good practice in this area.**

Justice Analytical Services are currently carrying out a review (as noted in the Scottish Government's response to the Drug Deaths Taskforce report), which has a number of components including reviewing the literature on court mandated drug treatment to provide an analytic framework for reviewing programme elements, mapping DTTO and CPO processes, assessing these processes against the literature-supported framework, and sourcing and integrating available data on DTTO and CPO cases in practice.

Officials are currently working through these steps and we expect that the final report will identify areas for consideration and further exploration with stakeholders. We expect a report to be published in spring 2023.

Once the review has been completed, we will consider what further action may be required, taking into account our Vision for Justice in Scotland, the National Strategy for Community Justice, and engagement with partners around implications for policy and practice.

#### *Violence against women and girls*

- **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. The Committee asks for more detail on when in 2023, as this was previously to be delivered by the end of 2022.**

A Women's Leadership Panel was established last year (January 2022) to address gender inequality and improve women's experiences within the justice system.

This Panel has brought together expert women from all aspects of the Justice System to discuss the experience and unique needs of women, and what this means for criminal justice processes.

Outputs from the Panel will inform, and complement, the work being progressed under our Vision for Justice Strategy, and we aim to publish the Panel's report, findings, and evidence during 2023.

- **The Scottish Government has said that consideration of the recommendation for a specialist court, and the issues arising including sentencing powers, is ongoing and will be informed by the outcomes of the Working Group and the broader public consultation. The Committee to requests a timetable.**

We have committed to bring forward a Bill before summer recess that will build on the recommendations of the Lady Dorrian Review, a key recommendation being to establish a specialist sexual offences court. We continue to consider all the recommendations, the reports of the Working Groups and the consultation responses to inform development of that Bill which is on schedule for introduction before summer.

#### *Deaths in custody*

- **The Scottish Government said it has “no intention to create an online centralised system where delivery of the recommendations can be tracked” in relation to deaths in custody. The Committee is not content with that response and asks the Scottish Government to reconsider or to set out why it disagrees with a simple means for people to track progress.**

The Scottish Government appointed Gillian Imery, formerly HM Chief Inspector of Constabulary, to provide independent oversight and leadership to the implementation of all the recommendations of the Independent Review of the Response to Deaths in Prison Custody. A Deaths in Prison Custody Action Group (DIPCAG) chaired by Gillian Imery has been established to oversee and support the work required. Information about the work of this group is available on the Scottish Government website. This provides a means whereby those with an interest in the progress of this work can find out more about actions that have been undertaken and planned future work.

Gillian Imery has also established a Family Reference Group comprising of family members with lived experience of a bereavement in prison custody to support the work of the group. The work of this group is supported by Families Outside. Gillian Imery meets regularly with this group to update them on progress.

Gillian Imery will publish a further detailed report on progress later this year.

- **The Committee requests an update on the future work and timetable for the Deaths in Prison Custody Action Group following its progress report. What milestones are now in place for what follows?**

The current priorities for the DiPCAG are in two main areas.

A number of the recommendations and advisory points relate to improvements to the Scottish Prison Service's internal review process following a death in prison, Death in Prison Learning, Audit and Review (DIPLAR). The SPS had established a review group to progress these recommendations which will produce revised paperwork and

processes to be undertaken. Gillian Imery has been supporting the work of this group and recently chaired a meeting between the family reference group and SPS leads providing bereaved families with an opportunity to provide their feedback and views on the proposed changes to the DIPLAR. A revised finalised product is anticipated within the next month, which will then be piloted and evaluated with the aim it will then be rolled out across SPS establishments.

In addition, the working group to progress the key recommendation is moving closer to being in a position to pilot the draft new investigative process and is working towards a timescale of commencement of the pilot in summer. There are some complex outstanding issues which could potentially take some time to resolve, such as all of the agencies involved having information sharing agreements in place to ensure the pilot has access to any relevant material and guidance to be agreed on.

#### *Legal aid*

- **To ask for an update on the proposed timescale for the introduction of a legal aid reform bill and whether this bill may be in the Programme for Government in September 2023.**

The Scottish Government remains committed to reforming the current system of legal aid to place the user at its centre, and to do so within this Parliamentary Session.

Targeted engagement, further to a manifesto commitment on legal aid reform, will be taking place this year. Such engagement is necessary to further inform the consultation exercise for legal aid reform in 2019. It is important to recognise the post-Covid justice landscape and user need, which has seen much greater adoption of technology by users, courts and legal aid providers. It is also important to try to build consensus around a reformed system of legal aid, with particular consideration on how more targeted and planned interventions can best support user need, within a demand-led budget for legal advice and representation.

The pandemic did necessitate focus to be directed to support legal aid providers. Since 2020 a number of SSIs have been commenced to address issues connected to legal aid fee arrangements. More immediate reforms to benefit access to and availability of legal aid by users have also been introduced, where possible.

- **The Committee asks for an update from the new Minister for Community Safety and legal bodies on the state of negotiations on reform of legal aid. Does the Scottish Government consider these to have concluded?**

The Scottish Government remains committed to working with the legal profession and other stakeholders on beneficial short term fee reforms as well as on wider reforms that ensure access to, and the sustainability of, publicly funded legal aid.

We have committed to working with the legal profession to develop an effective and evidence-based mechanism for keeping legal aid fees under review on an on-going basis. A group attended by representatives of the Law Society of Scotland and the Scottish Solicitors Bar Association has been established to take forward the research recommended by the legal aid payment advisory panel.



*Tackling online child abuse, grooming and exploitation*

- **Details of the work being done to gather data on what is effective with regards to preventative work with families and children, and with young people who might present a risk of harm to others in online spaces**

Data suggests that local areas are prioritising early support for children and families, helping alleviate concerns before reaching care and protection thresholds. CELCIS analysis shows that the number of children on the Child Protection Register has fallen from 2,580 children on 31 July 2019 to 2,104 children on 31 July 2021 – a decrease of 18%. The most recent Children’s Social Work Statistics 2020-21 published by the Scottish Government, showed that Scotland had the lowest rate of children on the Child Protection Register (22 per 10,000 under 18 years) when compared to the other nations within the UK (England - 43 per 10,000; Northern Ireland – 45 per 10,000; Wales – 52 per 10,000).

The Scottish Government is a member of the Police Scotland Multi-agency Group on Preventing Online Child Sexual Abuse and Exploitation. The group meets quarterly to discuss emerging trends, recent technological advancements in tackling online child sexual abuse and exploitation, new projects and support available for victims of child sexual abuse and exploitation, as well as data gathering.

The Scottish Government provides funding to Stop It Now! Scotland (SINS), a national charity based in Edinburgh, dedicated solely to reducing the risk of child sexual abuse. This funding supports a range of prevention activity including awareness raising amongst practitioners, parents and the wider community to build public confidence in recognising and responding to concerns about child sexual abuse and support to individuals with problematic sexual thoughts who are at risk of sexual offending. Though proving the outcomes of SINS’s work is challenging as much of their work is preventative, SINS provide Scottish Government with quarterly stats on referrals, detailing the numbers and categories of those they are working with. In 2021-22, 12,476 people from Scotland used SINS’s online resources for adults worried about sexual thoughts and feelings towards children, an increase in 262% on the previous year. They delivered 747 one-to-one sessions with people worried about their own thoughts, feelings or actions towards children.

In his previous correspondence to the Committee the former Cabinet Secretary for Justice and Veterans set out how we recognise that public engagement on this issue is vital. Evaluation of our 2022 communications campaign which promoted advice to parents and carers on how to help keep children safe showed that it had a strong impact upon on behaviour, with nine in ten recognisers of the campaign reporting taking action as a result. The Scottish Government re-ran this campaign in February 2023, reinforcing this important messaging.

- **A progress update on discussions with Police Scotland and the COPFS on the identified areas for updated legislation**

It is acknowledged that online child sexual abuse and exploitation legislation is complex and while there may be a range of views on whether legislative updating is needed, it is important to keep under review any practical issues that may arise from use of existing

legislation. The Scottish Government has engaged with COPFS on the issues raised by Police Scotland in their evidence to the Committee in relation to this area of legislation. We are assessing the views offered informed by COPFS feedback and will seek to meet with Police Scotland in due course to discuss our response to the issues they have raised. We are particularly focused on whether any practical issues arise with the current legislation.

- **Details of plans for a review of the impact of the implementation of the National Guidance for Child Protection in Scotland**

Following publication of the National Guidance for Child Protection in Scotland 2021, local areas have been considering and implementing adaptations and changes to local guidance, procedures and practice to align with the revised Guidance. A National Implementation Group was established in September 2021 for a period of 2 years to provide strategic oversight and support to local areas to implement Guidance. The Group will meet for a final time in September 2023, although it is recognised that implementation is a journey.

A Monitoring and Evaluation Subgroup was formed to develop and implement an approach to monitoring and evaluating the Guidance implementation up until September 2023. The Subgroup are focussing on monitoring and evidencing the extent to which key aspects of the Guidance have been implemented at the national and local level. A logic model has been developed and agreed, and the Subgroup is in the process of finalising a self-evaluation tool and a set of associated indicators. The intention is that these will allow for national consistency in self-evaluation activity, being mindful of the time and resource pressures locally to complete such tools.

The main aim of the self-evaluation tool is that it provides evidence and understanding of the extent to which the Guidance is being implemented. It is also hoped that the tool can support the planning and delivery of implementation activity. Once finalised, the tool will be shared with Child Protection Committees in Spring 2023 and they will be asked to complete it in September-October 2023 and return it to the Scottish Government. By sharing the tool and resources in advance, local areas will be able to gain an understanding of implementation and drive improvement activity. The data will be used to produce a national report of implementation progress and learning which will be published in early 2024. It will provide an overview of the extent of implementation across Scotland, highlight areas of best practice and identify areas where further support is required.

- **Details of any further work on encouraging the technology sector to design child sexual abuse and exploitation material out in the first place.**

The regulation of the internet is a reserved matter and falls to the UK Government. The UK Government's Online Safety Bill was introduced to the House of Commons on 17 March 2022, and is passing through the Houses of Parliament. The legislation contains a number of important provisions which will help to keep children in Scotland safer online.

The Scottish Government continues to work with UK Government counterparts and Ofcom on the implications of this legislation for Scotland. Scottish Ministers have written

on two occasions to the UK Government pushing for additional measures to protect vulnerable people online. Further protections for children have now been added to the Bill, including a requirement for Ofcom to provide guidance to internet providers in relation to the kinds of content that they consider to be harmful to children as well as a commitment to introduce an amendment to expand criminal liability for senior managers of technology firms

**Scottish Prison Service (dated 26 April)**

Thank you for your letter dated 6 March 2023 seeking further information for your action plan to track progress on priorities in the criminal justice system.

I can provide the following update on the 4 areas you have highlighted:

*Throughcare*

Following the suspension of the Scottish Prison Service (SPS) Throughcare Service, New Routes, Shine and Moving on PSPs, which provide voluntary throughcare and mentoring services for those serving non statutory sentences, were provided with additional funding by Scottish Government (SG) to expand their services in order to maintain a comparable throughcare provision for those leaving our care.

Community Justice Scotland and Scottish Government (SG) are currently exploring the provision of non-statutory, voluntary throughcare and mentoring services across Scotland for individuals serving short term prison sentences of up to 4 years. The design and development phase will also consider the potential to commission services to provide throughcare to individuals on remand.

However, the project scope does not include Voluntary throughcare delivered by Local Authorities (or their partners) as part of their statutory role, throughcare support delivered by Criminal Justice Social Work (CJSW) staff within the supervision of individuals released from long sentences, or subject to other post-release orders or any throughcare and mentoring services which may be delivered by the SPS now or in the future.

While SPS is aware that there are inconsistencies and service gaps for particular groups within the prison population who are not catered for through the current provision being reviewed by Community Justice Scotland and Scottish Government. SPS will continue to collaborate with and/or influence stakeholders to ensure provision meets the wider needs of the prison population, particularly given the changing demographics.

The research work that forms part of the commissioning project will consider how the wider activities of the local authorities, CJSW, the SPS and other organisations impact on the throughcare services which will be commissioned by this project. The new model will not be in place until April 2024.

*In-Cell Telephony*

The in-cell telephony project consists of 4 key areas:

- Cabling infrastructure
- Supply of phones
- Supply of voice gateways
- System supply and installation and installation of phones and voice gateways

The cabling work has been ongoing for some months now with the majority of prisons completed at the end of March 2023. Two other establishments, which have been more complex due to infrastructure challenges, will be completed by the end of this month. The contracts have been awarded for the supply of phones and voice gateways; these are digital devices which create the interface between a fully digital prisoner telephone solution and analogue handsets. SPS are now in the process of receiving stock of these items. The procurement process for the system supply has recently been completed and SPS are in the final stage of awarding this contract. The programme for this phase of work began on 3 April 2023 and is expected to be concluded by the end of June.

We are hopeful that we will be in a position implement the roll out of in-cell telephony across the estate immediately following handover of the system.

### *Purposeful Activity*

The SPS offers a range of Purposeful Activities (PA) that give purpose and structure to a prisoner's day. Under the Prisons and Young Offenders Institutions (Scotland) Rules 2011, PA should meet the interests and needs of those in our care to obtain skills and experience which will be of use to them after their release; or serve the requirements of the operation and maintenance of the prison.

These may include:

- Work
- Education of any type, including physical education
- Counselling and any rehabilitation programmes
- Vocational Training; and
- Work Placements outside the prison.

The SPS PA Framework provides the link between the PA programme of work and the need to develop supportive prison environments. This includes taking steps to maximise the potential for individual change, while recognising the differing contexts within which PA is delivered.

We are currently undertaking a post covid recovery activity review which has identified a baseline of activities across the estate with parallel work continuing to develop a revised set of working principles such as person centred, outcome focused and inclusive, innovative, evidence based, trauma informed and therapeutic. These components will support the foundation for the development phase of this work.

The development phase of this review is scheduled to be delivered within SPS 23/24 corporate planning cycle.

### *Victim Notification Scheme*

SPS continue to engage in the Independent Review of the Victim Notification Scheme' (VNS) and we continue to liaise with the review team including meetings with the Chair and Vice-Chair of the Review. SPS representatives also attended the 'VNS Review Workshop' held in Edinburgh in October 2022.

We also continue to collaborate with justice partners on aspects of administration of the VNS. This includes the 'Criminal Justice Agencies Victims' meeting held quarterly, and the 'VAWG and Victim Support Organisations' conference call held on a monthly basis. Relevant updates are shared from SPS in both meetings regarding the VNS.

In December 2022, five SPS staff members attended a SG sponsored virtual 'First Word' webinar session to learn more about 'how to put people's needs at the heart of our writing'. Examples were given of how small changes in the layout and language used in correspondence, can have a significant positive impact when organisations communicate with victims.

In addition, we are currently working with the Scottish Government's Victims and Witnesses team with First Word's expertise, to review VNS letters frequently issued by SPS with the aiming of improving the communications victims receive.

I trust this update is helpful.

Yours sincerely

**Teresa Medhurst**  
**Chief Executive**

**COSLA (dated 20 April)**

Dear Audrey,

**Update on the Criminal Justice Committee's Action Plan to track progress on priorities in the criminal justice system**

My officers shared with me your letter of 6 March seeking further information from COSLA to feed into your Action Plan.

I am pleased to be able to share with you our response to your request for COSLA's views on the adequacy of Scottish Government's funding to local authorities for the provision of alternatives to custody and diversion from prosecution schemes. You will find this in the Annex to this letter.

I am very grateful for the extension granted by the Committee Clerk to your original deadline for submitting this response.

Best wishes,

**Cllr Maureen Chalmers**  
**COSLA Community Wellbeing Spokesperson**

Appendix

**Introduction**

We would like to thank the Committee for giving COSLA the opportunity to provide views on the adequacy of the 23/24 budget for justice social work (JSW) to effectively deliver alternatives to custody and diversion from prosecution schemes.

This response has been developed in partnership with Social Work Scotland.

JSW works in line with the Scottish Government's National Strategy for Community Justice which aims to optimise the use of diversion and other interventions at the earliest possible opportunity. Supporting the use of robust alternatives to remand and custody through the provision of person-centred, community supervision and targeted interventions is at the heart of delivery. The recently published Community Justice Performance Framework (previously known as Community Justice Outcomes, Performance and Improvement Framework) reflects the outcomes for individuals and communities which JSW strives to achieve, which is challenging within existing budgets.

**Overview of Justice Social Work Funding**

According to the Scottish Government's Resource Spending Review framework (RSR), covering 23-24 to 26-27, we were to expect a flat cash settlement for all parts of the justice system in 23-24. However, the 23-24 Budget shows some increases for key parts of the system, *except for justice social work*. An overview of the key elements of the 23-24 Scottish budget for justice is provided below:

What	22-23 Budget £m	23-24 Budget £m	Change £m
<b>Criminal Justice Social Work</b>	86.5	86.5	No change
<b>Total - Community Justice</b>	48.3	49.6	+ 1.3
<b>Scottish Prison Service</b>	476.4	540.8	+64.4
<b>Scottish Courts and Tribunals Service</b>	134	147.6	+13.6
<b>Scottish Police</b>	1,368.3	1,449.3	+81

The total 23-24 funding for local authorities for JSW in 23-24 sits at £123.6m. See the breakdown of this funding below, including a comparison with 22-23.

The £123.6m includes £15m Recover, Renew, Transform (RRT) funding intended to support pandemic recovery and transformational work. The £15m was first allocated in 2022-23. Scottish Government wrote to local authorities in June 2022 setting out its intention – subject to future draft annual budgets being approved by the Scottish Parliament – for at least this level of funding to remain in place for JSW, comprising the JSW baseline funding of £108m, plus the additional £15m, for the remaining part of the Spending Review Period (2023-24 to 2026-27). However, in 23-24, £1m of the RRT funding is being used to fund the bail incentivisation scheme, which effectively means that the overall JSW funding in 23-24 has seen a small cut of £0.7m compared to 22-23.

Policy focus	2022-23	2023-24	Difference	Purpose
<b>Section 27 Justice Social Work (JSW) funding</b>	<b>£108.3m</b>	<b>£108.3m</b>	<b>No change</b>	This is the main JSW funding distributed through a funding formula. It includes £4m of funding to support Bail Supervision, Structured Deferred Sentences and Diversion from Prosecution. Please note that £86.450m out of the £108m is included in the Local Government settlement, while £21.899m sits outwith the settlement.
<b>Recover, Renew, Transform</b>	<b>£11.8m</b>	<b>£11.8m</b>	<b>No change</b>	To support and bolster recovery efforts following the pandemic and support recovery work. RRT funding is distributed using the justice social work Section 27 funding formula but sits



(RRT) funding					outwith the Local Government settlement.
	RRT funding: to support Bail Services RRT funding to support Bail Services	£3.2m	£2.2m	- £1m	To support bail assessment and supervision services in 23/24.
Bail Incentivisation Scheme	£0.7m* Estimate as this scheme is demand led	£1.00m* Estimate as this scheme is demand led	+ £0.3m	The Bail Incentivisation scheme to support bail supervision was introduced in April 2019 totalling £1.65 million over 3 years. It was due to end in 2021-22, but it was agreed this should continue, to mitigate the impact of the pandemic on services and this was agreed by COSLA Leaders in January 2023. In order to fund the scheme, £1m was used from the £15m RRT funding.	
Structured Deferred Sentences (SDS) Incentivisation Scheme	£0.3m* Estimate as this scheme is demand led	£0.3m* Estimate as this scheme is demand led	No change	The SDS Incentivisation scheme was introduced in April 2021 to support the use of SDS and wider rollout	
<b>Total</b>					
<b>2022-23</b>	<b>2023-24</b>	<b>Difference</b>			
£124.3m	£123.6	- £0.7m			

We note that, as part of the Committee's pre-budget scrutiny work last autumn, SPiCE provided a useful analysis of the potential impact of the RSR on the justice portfolio. According to their research, 'with current inflation levels in excess of 10% projected to continue for a

*period, a flat cash settlement would represent a significant real-terms reduction in spending across the justice sector if the current trend of high inflationary pressure continues into the medium to long term’.*

As such, and as we flagged in our [pre-Budget scrutiny submission to the Committee](#) in October 2022, JSW’s effective flat-cash allocation for 23-24 (in reality a minor £0.7m shortfall) will make it ever more challenging for already stretched local authority JSW teams to meet the Scottish Government’s Vision for Justice and the National Strategy for Community Justice, by widening the existing ‘implementation gap’ between national policies/legislation and local delivery. This includes delivering alternatives to custody and diversion from prosecution schemes. We discuss this in more detail in the section below.

### **Impact of the 23-24 JSW budget allocation on service delivery, including on alternatives to custody provision and diversion from prosecution schemes**

We understand from engagement with JSW managers that JSW teams locally are stretched and facing the consequences of tight budgets that do not meet increasing pressures on service delivery, due primarily to:

**i. Increased demand for Justice Social Work services, including diversion from prosecution**

A look at the latest available figures in the court proceedings shows that JSW interventions are having an impact at a local level, with twenty-three percent (or 9,741) of all convictions in 2020-21 resulting in a main penalty of a community sentence. This is the highest proportion over the past ten years, up from 16% of convictions in 2011-12, and from 22% last year, according to the Scottish Government’s [Criminal proceedings in Scotland: 2020-2021](#) figures.

Nonetheless, we still have a considerable way to go in reducing our prison population, with JSW at the forefront of that work alongside other justice partners. As set out in the Scottish Government’s [Evidence Supplement to the Justice Vision](#):

- the number of people sent to prison by Scottish Courts each year has fallen by over 4,000 - from over 15,000 a year in 2010-11 to 11,000 in 2019-20. This has been substantially driven by a drop in short-term sentences of 12 month or less. This has not, however, resulted in an overall reduction in the prison population. Although far fewer people are sent to prison each year, those who are, on average, receive longer sentences. Prisoners are also spending longer in prison before being released due to the ending of automatic early release and reductions in the use of home detention curfew. At the same time, the number of people in prison for sexual offences has more than doubled in the past decade.
- The prison population has risen from its lowest point at the end of May 2020. Daily population figures for Friday published by the Scottish Prison Service, show that the prison population rose from around 7,500 in April 2018 to around 8,300 in November 2019, but fell sharply in the early days of the lockdown in early 2020. This was due to a drop in the number of sentenced admissions following the Covid-19 outbreak and the early release of prisoners. After a period of stability (around 7,400 from February 2021), the prison population overall has grown slightly to 7,550 at 24th January 2022.

As the Committee will know from its scrutiny of the Bail and Release from Custody Bill, remand remains a critical challenge. The latest [SPS statistics for 2021-22](#), published in November 2022, show that while the overall prison population level remained stable across 2021-22, the average daily remand population increased by around 14% (from 1,634 in 2020-21 to 1,862). This growth has continued to shift the balance between the legal statuses (remand and sentenced) in the prison population. On the average day in 2021-22, around 25% of the prison population were held on remand – the largest proportion on remand on record.

Both COSLA and SWS welcome the Bill's aim to reduce the number of people who are remanded in custody. The Bill in its current form will extend the role of JSW when considering the suitability for bail supervision services and the use of electronic bail. The requirements of the Bill need to be appropriately resourced.

Covid recovery is also at the forefront of JSW service delivery. SCTS published [updated statistics](#) at the end of March 2023, which showed that there has been a 66% reduction in the trials backlog that accrued during the Covid-19 pandemic. Given their initial focus on summary trials, SCTS modelling projects that the summary backlog will be cleared by March 2024, the High Court trial backlog by March 2025 and sheriff solemn by March 2026. As the solemn recovery programme extends, the [anticipated increase in solemn cases](#) will likely place further demands on JSW. This is likely to lead to work with increased numbers of individuals presenting higher levels of risk, amidst significant workforce issues across JSW, including recruitment and retention of staff and staff absences. This was particularly evident, emerging from the pandemic, in the unpaid work service with increased workloads, backlog of hours to address, covid restrictions in place and the need to increase the range and diversity of placements.

Lastly, the recently published ["Joint Review of Diversion from Prosecution"](#) found that there is scope to increase the use of diversion from prosecution further by addressing key attrition points in the diversion process. The report highlights a 12% increase in cases from 2019-20 to 2020-21. The following comment from the report demonstrates why there is a growing demand for the service:

*"Prosecution policy now states that diversion should be considered for all people where there is an identifiable need that has contributed to their offending and which can best be met through diversion. For children under the age of 18 in particular, there is a presumption that an alternative to prosecution will be in the public interest. More broadly, there has been a shift in public policy in recent years, with a greater focus on community justice and early intervention to address the underlying causes of offending"*

The review indicated that community justice partners are reporting a gradual increase in accused persons being considered for diversion in relation to more serious offending, including domestic abuse and sexual crime. It was noted that should referrals in such cases rise, justice social work will require to provide more specialist interventions, often requiring the skills of qualified social workers rather than paraprofessionals. This will also require additional resources. While some felt ready to meet this demand, many frontline justice social work staff raised concerns about their capacity to manage an increase in diversion referrals. They highlighted already stretched resources and limits on staff capacity to meet demand, as well as the need to prioritise the supervision of individuals subject to statutory orders.

ii. **Pay pressures, workforce recruitment and retention issues**

As highlighted in [Social Work Scotland's Setting the Bar](#) report, there are increasing concerns that social work workloads have become unmanageable. The picture that emerges from the 'Setting the Bar' research is serious. It describes an ageing workforce – some 19% are reaching retirement age – and a staff group who are struggling with administrative burdens, fearful of making mistakes, and living with the moral distress of having to work in a way which doesn't align with their professional values. One in 4 social workers graduating doesn't make it to 6 years in the job.

iii. **Increasingly complex needs and offences, such as addictions, mental health issues and domestic abuse**

iv. **New policy areas and legislation**

The Bail and Release from Custody Bill, currently being scrutinised by this Committee, is a case in point. As we highlighted in our response to the Committee's call for views at Stage 1, the Bill's intent for the use of custody for remand to be a last resort for the court is laudable. However, if the Bill is to work as intended, it will lead to additional demands on justice social work, including to prepare increased numbers of pre-trial reports, monitor increased cases of bail and increase participation in pre-release planning within prisons.

v. **Uncertainty and lack of clarity about potential changes in the near future, such as the creation of a National Care Service**

### **Areas for Improvement in JSW Funding Arrangements**

The cumulative impact of the factors set out in the previous section weighs on JSW delivery of alternatives to custody and diversion from prosecution schemes at a local level and means that a close and urgent look at resourcing for the service is required.

While it is recognised that there are other factors which may affect service delivery locally, the availability and certainty of adequate funding over the short and medium term is critical to allow teams to be in the best possible position to deliver and work effectively with partners, including the third sector.

There are a number of areas which we believe Scottish Government should consider, and we stand ready to inform and support this work.

- i. **All JSW funding, including the £15m RRT monies, should be consolidated and baselined in the Local Government Settlement.** Currently, it is only £86.450m that is included in the settlement for JSW. The remaining funding is all outwith the Settlement, which can be seen at p.11 of the 23-24 [Local government finance circular](#). Feedback from LAs on the additional RRT Covid-19 funding has been overwhelmingly positive. As the Scottish Government has confirmed its intention to maintain this level of JSW funding for the remaining part of the Spending Review Period, it would only be sensible for all JSW funding to be consolidated under one heading in the Settlement. We strongly believe that **JSW funding is currently overly complex and fragmented**, as shown in table 2. With separate funding streams come separate spending directions and reporting requirements, which further limit local authorities' ability to deliver and

allocate resources as needed, depending on local demand.

We urgently need a more coherent and less cluttered funding landscape for JSW, and therefore a helpful first step in that direction could be to bring all of the JSW funding together into one funding stream. The ability to use funding flexibly, in a way that is proportional to demand and needs in local communities would be welcome.

- ii. While we very much welcome the additional funding that has come forward as a result of the pandemic, we believe that **there is a need to thoroughly assess the resource requirements of the service to ensure it is properly funded.**

Indeed, [the most recent local authority financial returns \(LFR03\)](#) show that councils have a net revenue expenditure on justice social work services, as shown in the table below.

	<b>2021-22</b>
	<b>£thousands</b>
Gross Expenditure adjusted for LFR Purposes	149,411
Gross Income adjusted for LFR Purposes	-137,828
Net Revenue Expenditure on a funding basis	11,583

This in turn suggests that there is a potential funding pressure within the system and that councils are having to meet an element of the costs of providing JSW services locally. This strengthens the argument for work to be undertaken to assess the cost pressures facing JSW and the extent of the current ‘funding gap’.

Social Work Scotland articulated this issue very clearly in their [Stage 1 Submission on the Bail and Release from Custody Bill](#), stating that:

***“The true cost of delivering the full suite of justice social work services is essentially unknown. Where unit costs are used as part of the current funding formula (50% of which is made up of workloads to determine the allocations to local authorities from the approximate £108m for JSW annually) these are predicated on historical calculations dating from 2016/17 and are calculated by dividing total recorded expenditure on, for example, bail supervision across the 8 now defunct Community Justice Authorities by the volume of those disposals. Because many aspects of JSW that currently have no unit cost; this has led to additional targeted funding to support the development and expansion, for example, of bail-related services and alternatives to remand e.g. electronic monitoring assessments for bail. But this is no substitute for properly costing out what is required to deliver aspects of the Bill and then funding that in its entirety, including the cost of delivering justice social work services more widely – this is what is required if Scottish Government wish to establish consistency of service provision and the associated quality, performance and outcomes.”***

- iii. Lastly, **the core JSW specific grant of £108m has not been updated for inflation for many years.** The spending power of this funding will be significantly affected by inflation, and we believe this is not being recognised in the current allocation. As stated

by Social Work Scotland in their [submission to this Committee's 23-24 pre-budget scrutiny call for views](#):

***“Unfunded high inflation is a problem for services in the current financial year and subsequent years, making it difficult to achieve the key policy objectives outlined in the National Strategy for Community Justice and the Scottish Government’s Vision for Justice in Scotland. It will inevitably affect JSW capacity to deliver services to courts, individuals and their families. JSW services are already struggling to run mainstream, statutory services with a depleted budget”.***

**Scottish Fire and Rescue Service (March 2023)**

Dear Ms Nicoll,

I am writing in response to your request for an update on progress of the Scottish Fire and Rescue Service's (SFRS) activities with regards to firefighters' carrying and administering the naloxone nasal spray, Nyxoid.

I can confirm that approximately 50% of all operational staff (2910), plus 43 Community Safety personnel have voluntarily completed the training ('Overdose Awareness and Training Package'). It is important to emphasise that this is currently a voluntary participation and not a mandatory activity for firefighters therefore specifying the numbers to be trained does not readily equate to participation and/or SFRS capability.

The procurement process is well advanced for the purchase of 'pouches' and associated information literature necessary to facilitate a roll out. This is being financed by the Scottish Government funding (£90k) which was directed in early 2022 and received by SFRS in February 2023. This funding will also be used to explore the potential for short term dedicated Harm Reduction Officers, intended to support the Naloxone rollout and also to ensure that common referral pathways are established and embedded as best practice. Access to supplies of Naloxone is upon request to local Naloxone leads. It was agreed previously between the Scottish Government and Scottish Drugs Forum that an uplift of funding to all fourteen Health Boards in Scotland would facilitate supplies of Naloxone to both SFRS and Police Scotland.

SFRS are now a member of the Scottish Naloxone Network. It is also important to state that the aspiration of the SFRS programme does not include providing 'Take Home Naloxone' rather it is the provision of Naloxone nasal spray kits to be carried by operational personnel for use at an incident.

As you will be aware, from my predecessor DACO Alasdair Perry's last correspondence in August 2022, the SFRS formed a Thematic Working Group that sought to develop a structured approach to the introduction of Naloxone as equipment carried by firefighters to contribute to the broader drug death reduction strategy in Scotland. The progress of the Thematic Working Group was hampered by the threat of industrial action by the Fire Brigades Union (FBU), however following resolution of that situation we are confident that we will be able to forge ahead with further dialogue with colleagues.

Whilst we recognise that there has been limited progress in deploying Naloxone across the SFRS, steps are being taken to ensure a structured delivery plan is in place once broader agreement to deploy is confirmed.

Thank you for your correspondence on this matter and I look forward to further dialogue in due course if required

**Iain Macleod**

**Deputy Assistant Chief Officer, Head of Prevention and Protection  
Scottish Fire and Rescue Service**

**Criminal Justice Voluntary Sector Forum (March 2023)**

*CJVSF Response*

The Criminal Justice Voluntary Sector Forum (CJVSF) thanks the Committee for their questions regarding progress on three priorities in the criminal justice system. We circulated these questions to all CJVSF members and invited their feedback. Below is a summary of the responses received.

*Residential rehabilitation*

The Committee asks whether you or your organisations have any views on the adequacy of funding for the provision of residential rehabilitation services in Scotland.

Third Sector providers play an important role in delivering residential rehabilitation and CJVSF members welcomed the Committee's recommendation in their 2022 report around funding for improving residential rehabilitation service provision.

Along with other service providers, CJVSF members providing residential rehabilitation services have experienced a large increase in operating costs recently, primarily driven by high energy costs and the need to increase staff wages to support staff during the current cost of living crisis. It is important to ensure that any future funding decisions recognise and reflect these increased costs.

Members noted that a person-centred approach to support is needed, with different service models appropriately resourced to ensure the ability to suit different needs and circumstances. In 2020, the Scottish Government's Residential Rehabilitation Working Group undertook a mapping exercise of residential rehabilitation services across the country which identified a wide variation in the range of services, length of programmes, associated costs and funding arrangements across the different facilities. This exercise found that the majority of residential rehab facilities in Scotland are provided by the third sector, with relatively few provided by private or statutory providers. Research undertaken by the Working Group and published in November 2021 found that "ADP and other statutory funding contributes a relatively small proportion of placements.

Providers report that around one in seven placements are ADP funded, with more than twice as many placements self-funded."

In the National Mission on Drug Deaths: Plan 2022-2026, the Scottish Government notes the target it set "to increase the number of statutory funded residential rehab placements by 300% so that by 2026 at least 1,000 people every year would be publicly funded for their placement". As part of this commitment, £100million has been committed over the life of the National Mission (up until 31st March 2026) to expand access to residential rehabilitation. We have not been able to find a full breakdown of this planned investment and, as such, we are unclear how much of this planned investment will be going to frontline services.

To-date, we are aware that the following has been allocated through the Residential Rehabilitation Rapid Capacity Programme funded via the National Mission:



- Phase 1 - £11 million
- Phase 2 - £14 million

In addition, some National Mission funding has been allocated via Corra, which includes funding to some residential rehabilitation services.

We also understand that Public Health Scotland is doing some work to explore how the funding provided to Alcohol and Drug Partnerships (ADPs) through the National Mission has flowed through the system, and the extent to which it has translated in to increased placements and improved access, as well as developing a national commissioning framework. Their Interim Monitoring Report on Statutory Funded Residential Rehabilitation Placements shows that the number of ADPs approving placements into residential rehabilitation has increased in each quarter in 2021/22.

An evaluation of the Prison To Rehabilitation Pathway published in 2022 highlighted challenges around accessing funding to enable individuals to remain in residential rehabilitation beyond 12 weeks. CJVSF members therefore welcome the updating of the Prison to Rehabilitation Protocol this month to enable this period to be extended, as long as the total cost for the treatment programme remains within the maximum funding limit (£20,000 per individual, per placement). They are keen to ensure that, where needed, this is made available in a standardised and universally understood way.

CJVSF members have highlighted that, whilst some additional funding has been made available to support the pathway from prison to residential rehabilitation, there continue to be funding gaps for:

- Services to support people to enter residential rehabilitation directly from the community. Whilst there are pockets of good practice, members noted that there is a lack of systemic investment to ensure sufficient capacity within the system to enable people to be diverted to residential rehabilitation services at an earlier stage.
- Stabilisation and care support at the pre-residential stage: Many residential rehabilitation services require a person to be abstinent from all illicit substances or there is a need to be at a threshold level – sometimes that has to be demonstrated before they are allowed admission. Stopping and detoxing from some substances can present significant risks and some individuals will need support and some time to meet this requirement safely before they can access residential rehabilitation. Investment is therefore also needed at this earlier stage in the system to improve access to residential rehabilitation.
- Post-residential care support aftercare: Whilst the ADP funding covered rehabilitation and aftercare, members noted that they are not seeing this funding reaching local recovery communities, who would be well-placed to support aftercare provision.

Members also expressed concerns that, whilst there has been some investment to develop bed capacity, there continue to be wider systems and process issues that need to be addressed alongside this, to improve how that capacity is accessed and to ensure a whole system approach is taken to tackling these issues. They identified, for example,

a need to invest in workforce development at a local level, to ensure that local partners both in prisons and in the community have a good understanding of the services available, local funding protocols, pathway processes and referral routes and their roles and responsibilities within these. They also highlighted the importance of adopting the framework for holistic whole family approaches and family inclusive practice, and the need for funding to reflect this wider work with families as well.

Members involved in this area of work have indicated they would be happy to speak with the Committee if the Committee would like further information or wishes to further unpick some of the issues raised. The Recovery and Residential Providers Group, convened by SRC, brings together providers to form a community of practice and the Committee may also wish to contact them separately for further information. The group has also produced a brochure with information about the current residential rehabilitation provision across Scotland.

*Vulnerable witnesses*

The Committee asks whether you or your organisations have any views on the effectiveness of the scheme for vulnerable witnesses.

We have received no comments from CJVSF members in relation to this question and suggest that the Committee may wish to consider contacting the Victims' Organisations Collaboration Forum Scotland (VOCFS) to provide evidence on this topic.

*Victim centred approach fund*

The Committee asks whether you or your organisations have any views on the availability of sufficient funding for the victim fund.

We have received no comments from CJVSF members in relation to this question and suggest that the Committee may wish to consider contacting the Victims' Organisations Collaboration Forum Scotland (VOCFS) to provide evidence on this topic.

**Scottish Courts and Tribunals Service (April 2023)**

Dear Convenor

Update on our action plan to track progress on priorities in the criminal justice system  
Thank you for your letter of 6 March 2023 seeking further information in relation to:

- whether the SCTS is meeting its statutory obligations outlined in Section 2 of the Victims and Witnesses (Scotland) Act 2014; and
- to provide details of how the organisation addresses unacceptable behaviour and language and ensure that the workforce is meeting the needs of vulnerable and traumatised people, including 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.

Before I provide information in relation to the above, I feel it may be helpful to set out some background about the organisation and our governance.

*Background – SCTS*

The SCTS was established by section 60(1) of the Judiciary and Courts (Scotland) Act 2008 (the 2008 Act). It is a non-ministerial office, which is part of the Scottish Administration but not part of the Scottish Government. As an independent non-ministerial office the work of the SCTS is led by its Board, which is chaired by the Lord President. The Board has 14 members, a majority of whom are drawn from Scotland's judiciary.

The members of the Board are corporately responsible for the leadership and broad direction of the organisation. They ensure the organisation carries out its functions effectively and efficiently. They also provide oversight and scrutiny on how the organisation is meeting its aims and objectives, agreed between the SCTS and Scottish Ministers, recorded in the SCTS Corporate Plan.

The operation of the Board is detailed in its Standing Orders. These set out the principles of public life that all members must adhere to (code of conduct); a scheme of delegation which clarifies the specific responsibilities of the Board, and the functions delegated to Committees and the Executive.

The staff of the SCTS are Civil Servants, appointed by open competition. As Civil Servants, all staff are bound by the Civil Service Code and its core values: integrity, honesty, objectivity and impartiality.

All staff employed by the SCTS have a duty to the Chief Executive Officer (CEO) and through the CEO to the SCTS Board to support the efficient and effective operation of the courts and tribunals and for the achievement of the SCTS's aims and objectives.

*Purpose of SCTS*

The purpose of SCTS is supporting justice. We fulfil that purpose by providing the people, buildings and services needed to support the judiciary, the courts, devolved tribunals and the Office of the Public Guardian (OPG). Our work focuses on improving access to justice, reducing delay and cost within the justice system, modernising our services in line with reform, and using technology to improve our services for everyone.

To help direct us towards achieving our purpose, we observe three key values: respect, service and excellence. These guide our behaviour, decisions and actions - in pursuit of fulfilling our purpose to the highest standard.

By setting our priorities, underpinned by strong values which we promote in pursuit of our purpose and a fair justice system, we aim to provide the best possible service to those who use our services and interact with us on a daily basis.

The SCTS work in partnership with the Scottish Government and justice partners to realise the Vision for Justice in Scotland, in support of Scotland's National Performance Framework. We support that vision through the delivery of effective courts and tribunals across Scotland and by leading reform that will improve both the efficiency and effectiveness of the system.

Every three years the SCTS must publish a Corporate Plan in line with section 66(1) of the Judiciary and Courts (Scotland) Act 2008. We have just commenced a new Corporate Planning period for 2023-2026 and I have recently submitted our plan to Scottish Ministers seeking approval to the reforms we will seek to introduce over the coming three-year period.

Subject to approval by Scottish Ministers, we anticipate the plan will be published in April 2023. A copy of the plan, once approved, will be laid before the Scottish Parliament. While I am unable to provide a copy of our next Corporate Plan at this time, I can confirm that over the next three years our aim is not only to transform the efficiency and effectiveness of the justice system, but also to improve the service provided to the most vulnerable. This will be backed up by the development of a trauma-informed workforce, able to appropriately respond and support the wide range of people who find themselves involved in the system – often through no fault of their own.

*Partnership Working – Public and Commercial Services Union (PCS)*

The SCTS management and the PCS are committed to conducting their industrial and employee relations business in a spirit of partnership working which all managers and union representatives, at all levels, support and adhere to. We have an agreement in place with the

PCS that covers all staff within the SCTS and matters relating to:

- terms and conditions of SCTS staff;
- working practices;
- health, safety and security;

- staffing levels;
- estates;
- information, negotiation and consultation arrangements; and
- all matters related to the well-being of staff

In 2018 SCTS and PCS signed up to the Fair Work Agreement, building on partnership arrangements and employee relations which were already aligned to the Fair Work principles.

By signing the agreement we declared our joint commitment to provide a supportive and inclusive work environment for everyone.

Turning now to the specific updates you have requested.

### *Review of service standards*

The SCTS continually reviews its Standards of Service for victims and witness to ensure they remain relevant. A copy of the current service standards for 2022-2023 can be located [here](#). As required by Section 3 of the Victims and Witness (Scotland) Act 2014, the SCTS must report annually on how it is performing against the standards set. The SCTS works in collaboration with other justice organisations in the criminal justice system (Police Scotland, Crown Office and Procurator Fiscal Service, Scottish Prison Service and Parole Board for Scotland) who are also responsible for reporting on the service standards. This collaborative working has resulted in the agreement to publish a joint annual report on performance against the standards. A copy of the last annual report, detailing progress made in 2021-2022, can be found [here](#).

Pages 22 through to 37 of that report details how SCTS has performed against the specified standards set. The 2022-2023 annual report is expected to be published in July.

### *Addressing Unacceptable Behaviour*

SCTS is an equal opportunity employer, committed to treating every member of staff with courtesy and consideration. It is the SCTS's responsibility to ensure, as far as reasonably practicable, that all staff have equality of opportunity in their terms and conditions of employment and are able to work in an environment free from any form of harassment, victimisation, discrimination and/or bullying. Unacceptable behaviour can have serious consequences for individuals and for the SCTS.

As outlined above all SCTS Staff are bound by the Civil Service code and we have our own values and behaviours that our staff must adhere to. If the standards we set as an organisation are not met, the SCTS has in place a Dignity at Work policy, agreed with the PCS. All staff and managers are provided training, guidance and support on the responsibilities the policy places on them.

The policy is a mechanism by which staff can ensure that unacceptable behaviour can be challenged and addressed. There is though a number of ways, in addition to training for staff, that we review and take action to address unacceptable behaviour. Those are:

- Annual people survey which looks at attitudes to and experience of working in the SCTS – each year the results are reviewed and specific action plans are developed to address areas of concern. These plans are drawn up in conjunction with the PCS. There are local action groups developed that oversee the implementation of action plans, all aimed at continually improving the operation of the SCTS and the experience for our staff.
- Mandatory annual training on “unconscious bias” – designed to promote and raise staff awareness and their role in promoting equality, diversity and inclusion in the organisation.
- People Committee (sub-committee of the SCTS Board) – Provides advice on the formulation and monitors delivery of the SCTS people strategy (next 5 year plan is in development). Scrutinise proposals, consultations, policies, reports and performance information relevant to SCTS people issues. Ensures alignment of these with other SCTS strategies and priorities – approving remedial action and reporting to the Board where these would have a substantial impact.

#### *Addressing the Needs of Vulnerable and Traumatized People*

There are considerable and multiple ways in which victims and witnesses experience the criminal justice system. Some exacerbate the impact of their prior experiences of trauma, and the negative impact this has on their ability to effectively participate in the process, and to recover.

You'll be aware that in 2015 the SCTS published the Evidence and Procedure Review Report. Informed in part by work undertaken on the Evidence and Procedure Review, the Scottish Government introduced primary legislation in 2019 that creates a legal presumption in favour of the pre-recording of evidence from child witnesses, and adult vulnerable witnesses. The aim being to reduce the risk of re-traumatisation through their participation in the criminal justice process. A legal presumption in favour of pre-recording evidence was brought into effect from January 2020 for child witnesses under the age of 18 in the High Court.

We continue to support justice partners by increasing the range and number of cases in which evidence is pre-recorded. We do this principally by providing, and expanding where possible, the facilities to support a key process by which evidence can be captured early. The SCTS now has in place facilities where evidence can be pre-recorded in Edinburgh, Glasgow and Inverness. Collectively these facilities have the capacity to deliver almost 1,500 hearings a year. A fourth suite is in development in Aberdeen, which, once open, will enable an additional 480 hearings to take place each year.

The recommendations of the recent Lord Justice Clerk's review of the management of sexual offence cases recognised the critical importance of staff across all organisations who work with witnesses consistently having a shared understanding about the impact of trauma, and the additional knowledge and skills appropriate to their role in order to minimise risk of harm and re-traumatisation. Within this context a Trauma Informed

Justice Skills and Knowledge Framework was developed formally approved by the Victims Taskforce in December 2022. In turning the framework into action an SCTS Leaders Programme will be rolled out later this year, equipping our staff to continue providing a high-quality, compassionate service, in a trauma-informed way.

I am acutely aware that the criminal case backlogs that accrued during the early stages of the pandemic have led to delays in cases being heard. This can have a profoundly negative impact on victims, witnesses and of course the accused. As you know, with support from the Scottish Government, we implemented a recovery programme in September 2021. It is our top priority to reduce outstanding criminal case levels. Since the introduction of the recovery programme we have seen a 66% reduction in the number of additional scheduled trials that accrued during the pandemic.

Our current criminal case modelling indicates that summary trials should return to pre-pandemic levels by March 2024. Solemn business is more difficult to predict. The number of indictments is continuing to rise, particularly in relation to sexual offending. These cases can be evidentially complex and take some time to resolve. Detailed modelling predicts that outstanding High Court trials will recover to a new baseline level by March 2025 and sheriff solemn by March 2026.

### *Complaints Processes*

SCTS is committed to providing high-quality services. Where we receive complaints we use information from them to help us to improve our services. Our complaints procedure is detailed on the SCTS website. It provides information about our service standards and what you can expect from us. You can download a PDF copy of the [Complaints Procedure](#) or the [Complaints Procedure Easy Read](#).

While we use information from our complaints process to help us improve, we also have the services we provide reviewed against the Customer Service Excellence (CSE) standards. CSE helps the SCTS provide services that are excellent, equitable and empowering; acting as a practical tool for driving customer-focused changes to improve service delivery.

SCTS successfully achieved Customer Service Excellence (CSE) re-accreditation in 2022. In summarising the assessment of SCTS, the assessors stated “Hardworking and knowledgeable staff are a particular strength of the organisation, demonstrating commitment and genuinely caring attitudes that are greatly appreciated by the many different customer groups and various agencies that have links to the service. There is a strong focus on customer care. The staff have responded admirably to the impact of the Covid pandemic” and that “staff are working hard to address backlogs”.

The CSE assessors also noted that “A significant strength of the service is the unusually strong and in-depth understanding of customers and the groups to which they belong, enabling design and provision of services that meet the needs of the full range of individuals and customer groups”.

Full details of the assessment including the final report can be found [here](#).

## *Recruitment and Resourcing*

SCTS external recruitment practices are bound by the legal requirement of the Constitutional Reform and Governance Act 2010 which specifies that selection for appointment to the Civil Service should be on merit on the basis of fair and open competition. The Civil Service Commission regulate this requirement and have produced Recruitment principles which define the requirement in more detail:

- Merit - means the appointment of the best available person: no one should be appointed to a job unless they are competent to do it and the job must be offered to the person who would do it best.
- Fair – means there is no bias in the assessment of candidates. Selection processes must be objective, impartial and applied consistently.
- Open - means that job opportunities must be advertised publicly and potential candidates given reasonable access to information about the job and its requirements, and about the selection process. For external recruitment the media chosen must promote and support efforts to get the best candidates drawn from a strong and diverse field.

The full recruitment principles can be viewed in detail [here](#).

Specific steps the SCTS take to promote and embed diversity and inclusion in our workforce include:

- Our Life Chances Modern Apprenticeship Scheme is recognised by the Civil Service Commission as one that positively closes the employment gap and contributes to the Civil Service Diversity Strategy.
- We embed Equality and Diversity into our in-house recruitment and selection training for Managers (which cover bias too). We support this training by providing a Webinar that endorses these important areas and brings them to life through the use of examples which are then discussed and explained.
- We work collaboratively with Disability Inclusion Scotland who deliver 'employer ability training' for our managers to help them to be inclusive in their approach to recruitment.
- Disability Inclusion Scotland has supported SCTS with some of the language used in our adverts and job details with a view to removing barriers to applicants.
- We work collaboratively with CEMVO Scotland. They have supported us through participation on some of our recruitment panels.
- We have contributed to Fair Justice System for Scotland workshops by attendance and providing insight into our careers and recruitment processes.
- We use LinkedIn to connect with various groups, including Ethnic groups (e.g. Black Professionals and Scottish BAME Career Progression), in relation to applying for our roles.
- We have provided a suite of interviews with our Strategic Partner for Recruitment and Resourcing via Skills Development Scotland, explaining our recruitment process, the careers we have and hints and tips on how best to apply. These videos are used by careers advisers in Schools and Colleges and also with people looking to get back into the workplace.



- Our use of Social Media is developing helping us reach a wider audience. We have seen an increase in the number of followers on LinkedIn over the last three years (a rise from 1,600 to 8,100).
- We have participated in various online webinars, hosted by universities, as well as attending recruitment days and events organised by other organisations (some of these have led to students asking to attend our courts for a day to support their learning and this is being accommodated by managers in the business).
- Our recruitment processes have been awarded the highest possible rating by the Civil Service Commission in the last 2 years in that they are within the spirit of the Commissions Recruitment Principles (this has resulted in annual audits stepping back to once every 3 years).
- SCTS won the Employers Network for Equality and Inclusion (enei) Silver Award in this year's Talent Inclusion and Diversity Evaluation (TIDE) benchmarking exercise. SCTS was ranked 18th out of the 155 organisations which took part and first out of the 11 National, Regional and Local Government organisations, scoring a rating of 82% across the eight categories measured.

I hope the above provides you with sufficient information to satisfy the Committee of the continued progress the SCTS is making.

Yours sincerely

**Eric McQueen**  
**Chief Executive**