

Roundtable with Justice Partners and MSPs – Note of discussion

Agenda | 1 March | 12.00 – 14.00

1. Welcome and introductions – including background and purpose of the roundtable
2. Public Health context – [REDACTED]
3. Criminal Justice Board paper – short introduction and context setting led by members of Criminal Justice Board
4. Discussion – recover, renew, transform
5. Next steps & close

Attendees

Humza Yousaf, Cabinet Secretary for Justice (*Roundtable Chair*)

[REDACTED], Scottish Legal Aid Board

[REDACTED], Crown Office & Procurator Fiscal Office

[REDACTED], Scottish Courts & Tribunals Service

[REDACTED], Community Justice Scotland

[REDACTED], Police Scotland

[REDACTED], SPS

Alison di Rollo, Solicitor General, Scottish Government

[REDACTED], Faculty of Advocates/ Scottish Criminal Bar Association

[REDACTED], Law Society of Scotland

[REDACTED], Law Society of Scotland

[REDACTED] Society of Solicitor Advocates

[REDACTED] Justice Social Work at Highland Council

[REDACTED], COSLA

[REDACTED], Victim Support Scotland

[REDACTED], Scottish Women's Aid

[REDACTED], Rape Crisis Scotland

[REDACTED], Advisory Group on RRT

MSPs

[REDACTED], [REDACTED] (will join at 13.00)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED], [REDACTED]

1. Welcome and introductions

Mr Yousaf welcomed attendees to the meeting and hoped it would lead to an open and frank discussion on the justice sector.

2. Public health context

██████████ provided an overview of the current public health context, covering details such as the importance of the incidence rate, COVID variants, as well as vaccine efficacy and rollout in Scotland.

Social distancing measures will be kept under continual review, and the decision to relax any restrictions will be entirely driven by data. It is impossible at this time to put an exact timeframe on when things may change, however if incidence of the virus continues to fall then we can look to relax restrictions in a phased, controlled manner. With regards to physical distancing, any reduction from 2m to 1m for example will be done so much later in the year. The planning assumption therefore in the court setting will remain the requirement for 2m distancing.

There have been calls to vaccinate police officers and teachers as priority groups, however this goes against the current clinical advice of using age bands that all 4 nations are following. Vaccinating by age group ensures we can target the largest number of people with the least administrative burden. Age is also the single biggest risk for suffering ill effects from COVID.

There was discussion on health inequalities and the need to take information and vaccine opportunities to hard to reach groups, in order to ensure an inclusive programme of vaccination. There is a willingness to work with 3rd sector organisations to help reach groups of people and to address inequalities of access in the current system.

Discussion around public perceptions and risk highlighted the need to effectively communicate any changes to the court operations to ensure confidence in safety of the environments. Both Victims Support Scotland and Law Society of Scotland would be keen for their members and volunteers to have an opportunity to engage and understand.

Action – Scottish Government to link VSS and Law Society with the communications group of the Vaccine deployment team.

3. Criminal Justice Board paper – short introduction and context setting

Introduction of the paper from the Criminal Justice Board members, set out the strategic approach to recover, modernisation and reform in the justice system. The plan presented in the paper is intended to be flexible, and any plan will need to be in place for a number of years and be able to react to a changing environment.

The scale of the backlog in cases within the justice system was highlighted alongside the progress made to date in getting court business restarted, including a resumption

of high court trials back to pre-covid levels. The focus for the immediate future is how to safely increase the capacity of courts and begin to impact on the backlog of cases.

From a prisons perspective, there is a welcome commitment to think about implications across the system and avoid unintended consequences. Current challenges focus on the unpredictable shifts in the prison population, including 26% of population currently on remand and how this then impacts on staffing, digital needs, social contact and programmes and the prison estate.

Looking to community justice current priorities remain around unpaid work and justice social care needs as business picks up. There is also discussion around what other factors have been contributing to challenges including, access to drug treatments and mental health services during the pandemic and those who spend longer on remand and the additional support needed when back in the community.

4. Discussion – Recover, Renew, Transform

Key points of discussion:

- Expanding evidence by commission sites beyond Atlantic Quay.
- The need for effective communications on the work that has been done as well as the planned transformation work. Public confidence is key for the system to be effective.
- Understanding the impacts of the remote jury centres, composition of juries and justice outcomes since the pandemic.
- A welcome look at transformation across the system for the future, and understandable focus on recovery at present and opportunities to learn from some of the positive innovations to inform future transformation.
- Three key challenges for the system at present – delays to trials and increasing backlogs, an increase in those on remand and associated impacts and a need for good communication for those in the system and to ensure public confidence.
- What thinking has been done around a Plan B? Has there been any consideration of another lockdown and what that would mean, or what the response would be? What are the key 'what ifs' that need to be thought about?
- A multi-year approach needed to consider the significant financial implications – in light of this what radical things could we do if progress isn't made?
- There is an ongoing issue around lack of engagement with victims organisations, often feeling like they are told what has been decided rather than being involved in the decision making process.
- A more concrete plan would be welcome, with clearly defined targets and measures for success for workstreams. Promises of transformation require to be replaced with concrete plans.
- The remote jury centres is a truly innovative solution to the pandemic. Scotland was one of the first countries in the world to take this approach and it has generated international interest. The collaborative approach that was taken to establish remote jury centres should be used as a model for any future transformation work.

- More space needs to be devoted to the individual voices within the system (victims, witnesses and accused), taking account of their experiences and the feedback they can offer. It is particularly important to hear the voice of accused given the impact that virtual proceedings may have on the ability to fully engage.
- Effective monitoring and evaluation of changes is key when we are planning for the future.
- There are a number of enabling projects – DESC, implementing the evidence and procedure review, which will result in further changes and improvement in the system. These should not be lost amongst the wider work to recover and renew the system.
- The paper presented today is only the first stage in proposing an approach, one that will be further refined and developed. It is important that the views of others are captured and the Criminal Justice Board will be seeking these over the coming weeks and months.

5. Next steps and close

Mr Yousaf closed the meeting, highlighting that the sector has made significant progress over the last few months and that today's conversation has raised some important issues that still remain.

In summary, these were highlighted as:

- The need for continued meaningful engagement with others in the system (including Victim Support Organisations), possibly requiring a change in approach and ensuring accused and vulnerable accused voices are sought.
- Taking a radical and bold approach requires further work on defining timescales and associated costs.
- Evaluation – are approaches being taken which meet the expectations of all parties and how can we better use insights for future planning.
- A question over how we move at pace on some of what we are piloting building on the impressive work to date?