

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>			
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	Completed	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	No information from the SPS currently provided	To be decided	
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	No information from the SPS currently provided	To be decided	
COVID Recovery and Prisons - Information from SPS on progress made in resuming in-person visits, including how arrangements may differ from pre-COVID-19	No information from the SPS currently provided	To be decided	

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
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.	No information from the SPS currently provided	To be decided	
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	No information from the SPS currently provided	To be decided	

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 Courts A range of measures to enable the courts to recover from the impact of the pandemic on operations</p>	<p>Yes</p>		<p>The Scottish Government's Vision for Justice refers to the passing of the COVID (Recovery and Reform) Bill, the expansion of remote evidence capability for police and expert witnesses by spring 2022 in the High Court. The Scottish Government's Vision for Justice also refers to SCTS's work on its core digital infrastructure to provide end to end digital solutions for in person, hybrid and virtual criminal, civil and tribunal hearings and FAIs</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		Reference is made to tackling remand through the forthcoming Bail & Release Bill (due May 2022). Details are still to be provided. Additionally, the Government has announced a further £3.2m for bail supervision schemes
Women and children - details from the Cabinet Secretary on how he plans to tackle numbers held and improve the care of these prisoners	Yes		Reference is made to prioritising systemic changes to experiences of women and children in prison and the work of women's Justice Leadership Panel to improve women's rights in the system. Reference also made to new trauma-informed female custody units, rollout of Bairn's Hoose and new Whole System Approach to prevent Youth Offending. The Scottish Government's Vision for Justice also refers to gender specific training for prison staff and the development of a therapeutic service model for women. The Vision also refers to the opening of the Bella Centre in Dundee and the Lillias Centre in Glasgow.

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
Buvidal – provision of a progress note on rolling out the use of Buvidal across the prison estate	No information provided	To be decided	
Photocopying of prisoner mail – introduction of an SSI to change prison rules to help prevent drug smuggling	Yes	Completed	SSI passed by Parliament
Recovery cafes – funding for a café in each institution where appropriate	No information provided	To be decided	
Residential rehabilitation - funding for improved provision	No information provided	To be decided	
Throughcare – reintroduction of the service in the prison estate	Yes, but indicated this an operational matter for SPS.	To be decided	No information from SPS on when this programme will be reinstated
<i>Long-term actions (within this parliamentary session)</i>			
Under 18s – delivery of the manifesto commitment not to hold under 18s in HMP YOI Polmont	Yes		<p>Reference made to inclusion of this provision in forthcoming Children's Care and Justice Bill (no date provided for introduction). The Scottish Government's Vision for Justice also refers to a framework for community alternatives to remand by September 2022. The Vision also refers to a whole system approach being developed for 18-26 year olds from June 2022 onwards.</p> <p>Recent news announcements suggest progress is now being made.</p>

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
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	No information provided	To be decided	This may be contained in the forthcoming Children's Care and Justice Bill but it is not yet clear. No estimated date for the introduction of this Bill.
Tackling drug use in prisons – report from the SPS on its plans and reduction in the statistics for the prevalence in prisons	No information from the SPS currently provided	To be decided	
Remand – reduction in the overall numbers held on remand in prisons	Yes		Remand numbers are not falling. Reference is made to tackling remand through the forthcoming Bail and Release Bill. Details will be needed. 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.
Estate – incorporation of HMPs Greenock and Dumfries in SPS's 5-year investment plans	No	Recommendation not agreed to	
In-cell telephony/technology – further role out of suitable systems across the estate where appropriate	In part		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.

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
Violence and serious organised crime groups – detailed plans to tackle the issue and a reduction in the influence of such groups in prisons achieved	Yes		The Scottish Government's Vision for Justice refers to a revised SOC strategy to be finalised by Spring 2022
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	No information provided	To be decided	

Misuse of drugs and the criminal justice system

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>			
Friday releases - consideration needs to be given to changing legislation governing Friday releases	Yes		To be considered as part of forthcoming Bail and Release Bill (due for introduction in May 2022)
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	Yes		Further information provided but additional information now sought
Joint working – hold a meeting with other committees (e.g. Health and Social Justice) to hear an update from the Chair of the Drugs Deaths Taskforce	Not applicable		Two joint evidence sessions were held in February 2022, with further meetings planned in summer/autumn 2022 and a joint Chamber debate on 31 May 2022.

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
<i>Long-term actions (within this parliamentary session)</i>			
Drugs Taskforce recommendations - faster progress being made on implementing the recommendations of the Taskforce	No information provided except Police Scotland	To be decided	Police Scotland provided information on its independent review of the use of Naloxone. This is now being rolled out further. Police Scotland are piloting a referral service for vulnerable people on drugs. Police Scotland also involved in discussions with West Midlands Police about its diversion programme
OPT and Naloxone - same day access to Opiate Substitution Therapy alongside the provision of Take-Home Naloxone supply	No information provided on OST.	To be decided	The Scottish Government's Vision for Justice does refer to work in both Police Scotland and the SFRS during 2022 to roll out intranasal Naloxone to police officers and in fire appliances
Trauma training - further roll out of trauma-informed training across the criminal justice sector where this has not already been provided	Yes		Reference made to priority that justice services are delivered in person-centred and trauma informed way. Roll out of new workforce framework for this, with draft by April 2022. Police Scotland has also initiated training in this area.

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
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	In part		Forthcoming Bail and Release Bill to cover elements of this (due May 2022). Reference also made to increasing the availability of options to enable diversion. Reference also to substantial expansion in community justice services, with additional £11.8m in 2021-22 increasing to £15m in 2022-23, plus a further £3.2m for bail supervision schemes
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	In part		See above
Pill presses - regulation of pill presses	No information provided	To be decided	
DTTOs - expansion of the use of Drug Treatment and Testing Orders	No information provided	To be decided	
Safe consumption rooms – provision of a detailed case proposing a pilot scheme and a means for evaluation	No information provided	To be decided	

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>Lady Dorrian's report - the recommendations that were aimed at improving procedure, practice and culture should be progressed as a matter of urgency. Some of the areas where we would like to see faster progress include, but are not restricted to, the following:</p> <ul style="list-style-type: none"> • Improved communication with complainers, including the provision of a single trauma-informed source of contact. • The expansion of advocacy support services. • Trauma-informed training implemented for all personnel who deal with traumatised and vulnerable people. • The provision of visual recording of police interviews with complainers in sexual offence cases and used as evidence in court. • The provision of evidence on commission to all complainers of sexual offences. • Ground Rules Hearings (GRHs). • Consideration of the right of complainers to independent legal representation. • Court measures adopted to ensure the comfort and safety of victims and witnesses. • Steps taken to enhance the quality of jury involvement. 	Yes		<p>Reference is made in the Scottish Government's response that it agrees with Lady Dorrian's recommendations and is delivering these via the multi-agency Governance Group (no date for completion of the work). The Scottish Government's Vision for Justice indicates that the timescale for this is 2022, leading to a consultation on the Police Complaints, Investigations and Misconduct Bill in 2022 and a 3rd Thematic progress report in summer 2022. The Scottish Government's Vision for Justice refers to at least 2 facilities (Edinburgh and Aberdeen) being developed for pre-recorded evidence and evidence by commission by 2022-23.</p>

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
	<p>Some information provided on progress to date by the Scottish Government including a reference to the creation of the Governance Group. The Scottish Government's Vision for Justice says that non legislative actions will be taken in 2022 with a consultation on legislative implications launched in Spring 2023. Police Scotland have provided additional information on their activities and progress. Police Scotland also provided additional information on its long term actions for tackling VAWG</p>	To be decided	<p>Police Scotland's response refers to rollout of trauma training; upskilling of 730 SOLO officers; new training for probationary officers; an evaluation of the training; 2 year pilot of Visual Recording of Interviews; development of a VAWG strategy in Police Scotland etc. In terms of longer-term actions, Police Scotland highlighted an update on its Stalking and Harassment Standard Operating Procedure training from the Suzy Lamplugh Trust; update to reporting tools; internal awareness raising programme on stalking.</p>
<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>Via the Governance Group and also the Women's Justice Leadership Panel, which is chaired by Ash Regan. (no date for completion of the work)</p>

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
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.	No information provided	To be decided	
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	No information provided	To be decided	The Scottish Government's Vision for Justice does refer to the exploration of virtual domestic abuse trials in suitable cases
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.	Yes		Consultation closed on 11 March 2022, with an independent analysis and review to be published.

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
<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, but none by COPFS, SCTS, SPS or Parole Board.		Police Scotland's response refers to implementation of a new Stalking and Harassment SOP; training from the Suzy Lamplugh Trust. The Scottish Government's Vision for Justice refers to a review of standards of services for victims and witnesses by October 2022.
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

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
<p>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 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>Yes. Crown Office, Police Scotland and the SPA provided detailed information on this. Lord President/SCTS still to respond</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>			
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 retraumatising victims. This should include updating the registration process.	In part		COPFS 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
VNS - Scottish Prison Service to review how it manages the Victim Notification Scheme	No information provided by SPS	To be decided	
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	Yes		Reference given to a review of VNS (from Spring 2022). Additionally, the Scottish Government's Vision for Justice refers to the ongoing work of the Victims Taskforce and a consultation on a Victims Commissioner in Spring 2022
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	No information provided by SPS	To be decided	To be considered as part of forthcoming Bail and Release Bill (due for introduction in May 2022)

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
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	No information provided by the Parole Board itself	To be decided	The Scottish Government's Vision for Justice refers to the Parole Board continuing its work to enable victims and families to apply to attend relevant parole hearings.
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	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).
Victim centred approach fund - details from the Scottish Government on how this fund is helping the victims of crimes and their families	Yes		Some information provided and reference to further information on funding awards in the coming weeks. The Scottish Government's Vision for Justice refers to funding being allocated for projects in March 2022.

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
<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		Reference made to rollout of the Bairns Hoose model in Scotland as part of the Scottish Government's new action plan. Some reference also made to JIIs. The Scottish Government's Vision for Justice refers to these being in place by 2025.

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 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		
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		

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
Secure care - update from the Scottish Government, COSLA and the secure care providers on changing the funding model	Yes		Reference is made to working with partners to provide future funding arrangements for secure care by 2023 with initial funding arrangements before summer 2022 for financial support for 4 placements.
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		To be part of Bail and Release Bill (due May 2022)
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	No information provided	To be decided	

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
Deaths in custody - formal and detailed response from the Scottish Government to all of the issues/recommendations in the Review report	In part		Scottish Government has provided a short update in its response to the report. Cab Sec has said he accepts all the recommendations in the Independent Review and held a roundtable on 2 February on delivery. He has now appointed Gill Emery to act as an independent chair and will provide an update on progress against all recommendations by Summer 2022. The Scottish Government's Vision for Justice refers to the development of a health and wellbeing strategy including on drugs, alcohol, mental health and deaths in custody
<i>Long-term actions (within this parliamentary session)</i>			
Deaths in custody - creation of an online centralised, transparent system that would allow the public to follow delivery of the recommendations	Unclear		This may be part of the material published by Summer 2022 (see above).
Deaths post-custody – view from the Scottish Government whether it will commission a review of the post-release deaths of those who were previously in custody and, whilst undertaking non-custodial sentences and diversion schemes	No information provided	To be decided	

Key issue	Did the Scottish Government (or others where relevant) agree to the recommendation?	Progress against delivery	Notes and additional information
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	No information provided	To be decided	

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>			
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	In part		Some of this information has been provided in the Scottish Government's response to the report. No firm date for the Bill and more clarity needed on short-term measures that may be taken.
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	No information provided		

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		Recent SSI did introduced increase in fees. Some parties may wish to see more substantive increases.
<i>Long-term actions (within this parliamentary session)</i>			
PDSO – review of the role for the Public Defence Solicitors Office (PDSO), assessment of the effectiveness of it, including asking users, and also to explore what additional roles the PDSO can play	No	Recommendation not agreed to	Scottish Government indicated it was grateful for the role played by PDSO but there was no commitment to a review
Legislation – introduction of a Bill to reform legal aid	Yes		Clarity on date of introduction is needed. Current information refers only to between 2023 and 2026