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Dear Convener

Thank you for inviting me, along with colleagues, to attend the Public Audit Committee on 8 October to discuss Audit Scotland's Criminal courts backlog follow-up report.

The Scottish Government welcomes the Committee's scrutiny and Audit Scotland's report. The justice system has made significant progress in recovering from the impacts of the pandemic, but we recognise that governance, equality considerations and programme oversight must be further strengthened in support of wider justice reform. We have accepted Audit Scotland's recommendations and are working with justice partners to take them forward.

This letter responds to the specific asks raised by the Committee and also provides further clarification on some additional areas that I hope the Committee will find useful.

Digitalisation projects

A.I. Transcription – An initial bid was submitted in 2025-26 to the Scottish Government's Invest to Save initiative to progress a potential justice-wide solution for the adoption of 'Transcription Technology'. However, as it was not possible to develop a credible collaborative proposal within the timeframe outlined, the bid was not progressed and no funding was received. Work is instead progressing through a range of forums, including through the Scottish Government's A.I. Transcription Project Coordination Group. This Group comprises representatives from a range of justice partners and looks to provide a regular forum for partners to discuss and share initiatives and developments in relation to the adoption of A.I. technology for transcription, with a commitment to ensure a strategic approach is adopted where appropriate and feasible.

Justice Digital Front Door (JDFD) – JDFD is a cross-justice digital transformation project led by the Scottish Government. The project supports wider public sector reform objectives by creating a single, secure access point for victims and witnesses whilst also aiming to reduce

demand on front-line services. Developed collaboratively with justice agencies and third sector partners, JDFD is intended to replace fragmented services with a joined-up, user-centred approach that reduces complexity, duplication and avoidable contact, while improving clarity, consistency and accessibility in a trauma-informed way. Phase one work on JDFD (through 2026) focused on establishing the technical and service design foundations and demonstrating feasibility. The initial proof of concept work has now successfully concluded. Work continues between now and March 2027 to take the learning from that forward, including further user research to inform user-centred design and further integration work with justice partners. In parallel, the Outline Business Case for a fully functional JDFD is currently being developed.

SCTS Jury Management Transformation Project – While the Scottish Government provided funding, responsibility for the allocation of resources and operational decisions rests with SCTS as an independent body corporate. The SCTS's published Business Plan for 2026/27 sets out the intention to continue to develop a modern, end-to-end digital jury service, including automated jury portal and support function.

RAID log

The approach explained regarding the RAID log is correct and we are in the process of transitioning from the transformational change programmes to a different approach through a refreshed Justice Delivery Plan. Risks continue to be actively managed through existing governance arrangements while new arrangements are developed.

Escalation processes

The programme management resource issue relating to Transformational Change Programmme (TCP) 3 was escalated, as appropriate, to the TCP 3 SRO. However, competing pressures across the justice system limited the capacity available to address it. Prioritisation was necessary, particularly in responding to immediate prison population pressures, but this reduced the capability available to coordinate the programme. Reflecting on this experience, we recognise the importance of ensuring that cross-system reform is supported by proportionate programme management and delivery capacity.

Details of individual change projects and a timeline for the implementation of the equality impact assessments'

I have accepted Audit Scotland's recommendation in relation to EQIAs. **Annex A** sets out the current position for the remaining active TCP change projects led by the Scottish Government, including the further assessment work that will be undertaken where required.

Sexual offences court

We have provisionally agreed with partners to develop options to work towards launching the Court in March 2028, but we recognise that the timetable will need to be kept under review to reflect the scale and complexity of the operational preparation involved in setting up a specialist court - particularly against the backdrop of a significant increase in the number of sexual offence cases being prosecuted – as well as Budget decisions taken for 2027/28 to support preparations.

Some of the key decisions about how the Court will operate are for the independent judiciary and prosecutors to make. The Scottish Government is currently working with SCTS, COPFS,

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SLAB and Police Scotland on a short-life 'task and finish' group to agree key assumptions for the Court's design and operation, and to test these with victim support organisations and the defence. That group will prepare recommendations for the judge-led implementation group that will bring together partners from across the justice sector and oversee the detailed planning and preparation needed to set up the Court.

Journey time data

During the session it was confirmed that *'the full journey time period for 2025-26 will be published in January 2027'*, we would like to clarify that this is as presently planned and is subject to the timely and accurate extraction, linking and sharing of data, tasks which rests with justice partners.

Reporting

The Criminal Justice Board received regular TCP Performance Reports covering the period from October 2023 through to December 2025 – these included programme level highlight reports. This reporting was to support the Criminal Justice Board in their TCP sponsoring role. The Justice Board received regular reporting on the broader Delivery Plans aims.

The Criminal Justice Board agreed to refreshing the Criminal Justice Programme Board, which led to the initial meeting of the Justice Efficiencies and Effectiveness Collaboration Group.

Three of the five TCP 1 areas of work, report to the Victims Taskforce, one reports to Community Justice Scotland and the other reports into the cross-sectoral Expansion of Pre-Recorded Evidence Implementation Group.

More broadly, the Scottish Government and justice partners are using the findings from Audit Scotland and the Committee's scrutiny to inform the next phase of justice reform. This includes work on developing a Justice Delivery Plan and wider Public Service Reform activity to strengthen delivery, governance and collaboration across the justice system. I hope the clarifications and information provided through this letter respond to the Committee's needs. Thank you again for the opportunity to attend the Public Audit Committee.

Yours sincerely

Neil Rennick
DG Education and Justice

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Annex A

EQIA status on SG led TCP change projects

TCP 1 Person Centred and Trauma Informed

Implementation of the Trauma Informed Justice Knowledge and Skills Framework

- This area of work is supported by Workstream 2 of the Victims Taskforce. The workstream includes representation from victim support organisations and is co-chaired by an expert by lived experience and COPFS. The workstream provides progress reports to the ministerially led Victims Taskforce; membership of which includes a wide range of justice partners and victim support organisations.
- The workstream recently agreed to widen the scope of its Terms of Reference to include reference to trauma-informed practice in the context of Part 2 of the VWJR Act. An EQIA was published for the introduction of the then Bill, including in relation to the provisions in Part 2: Victims, Witnesses, and Justice Reform (Scotland) Bill: equality impact assessment - gov.scot
- We will build on the engagement carried out to date, alongside the EQIA for the VWJR Act, to **finalise a more focussed EQIA by the end of March 2027**.

Improving communications for victims and survivors

- "People at Heart" - a person-centred, trauma-informed approach to communication with victims and witnesses - was developed in conjunction with victim support organisations and people with lived experience and is underpinned by the principles of the Trauma Informed Justice Framework.
- Implementation of the People at Heart is supported by Workstream 3 of the Victims Taskforce. The workstream includes representation from victim support organisations. The workstream provides progress reports to the ministerially led Victims Taskforce; membership of which includes a wide range of justice partners and victim support organisations.
- The workstream has agreed to extend its remit to include the specific communication needs of children and young people. We will work with workstream members to build on existing data and engagement to finalise the EQIA, and CRWIA, to reflect this extension in remit, **by the end of March 2027.**

Expansion in use of Victim Statements

- An EQIA was developed for the Criminal Justice (Scotland) Act 2003 (Supplemental Provisions) (Scotland) Order 2021, which provided Scottish Ministers with the power to pilot different ways in which victim statements could be made. The EQIA identified no significant negative impacts associated with the policy. The Scottish Government concluded that no changes to the policy or associated SSIs was necessary as a result.
- A further EQIA was developed for stage 3 of the Victims, Witnesses, and Justice Reform Bill. The assessment considered the potential impacts of the policy on individuals with protected characteristics and informed work with the member on the development of a proposed expansion. This work has formed the basis for further assessments.
- Through working groups to a) implement the provisions in the VWJR Act and b) appraise options for other improvements to the victim statement scheme, further assessment work is being undertaken to ensure that potential impacts on individuals with protected characteristics, as well as children's rights and wellbeing, are fully considered and reflected in the development and delivery of the policy. This process will include engagement with people with lived experience. **The earlier EQIAs will be updated and a consolidated version published by end of March 2027**.

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Establishing a national model for Restorative Justice services across Scotland

- As provided to Audit Scotland on 14/04/26 there are several EQIAs connected to this work.
- We published an EQIA when the Restorative Justice (Prescribed Persons) (Scotland) Order 2021 was passed by Parliament: The Restorative Justice (Prescribed Persons) (Scotland) Order 2021
- We commissioned Community Justice Scotland and CYCJ to carry out an options appraisal for a delivery model for restorative justice services in Scotland. CJS/CYCJ followed the HM Treasury Green Book guidance when completing the options appraisal. This included having due regard to the Public Sector Equality Duty at the longlist and shortlist stages of the options appraisal process, with equality considerations heavily taken into account at each stage. **A full EQIA will be completed and finalised once a preferred option has been identified, enabling a detailed assessment of impacts and any necessary mitigating actions.**
- We regularly engage with key stakeholders, including those supporting survivors of gender-based violence, through the Restorative Justice Stakeholder Group.
- Community Justice Scotland publish quarterly and annual progress reports in respect of the Restorative Action Plan. For example the 2025-26 Annual Report: https://communityjustice.scot/whats-new/insights/restorative-justice-action-plan-annual-report-2025-26/ An example of a quarterly report: Restorative Justice Action Plan Quarterly Report: 1st January – 31st March 2026 - Community Justice Scotland
- CYCJ also have published a range of materials covering Restorative Justice on their website here: Restorative Justice - Children and Young People's Centre for Justice

Expansion of use of pre recorded evidence.

- As confirmed to Audit Scotland on 14/04/26 the Expansion of use of Pre Recorded Evidence work is connected to the EQIA for the Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill. https://www.gov.scot/publications/vulnerable-witnesses-criminal-evidence-scotland-bill-equality-impact-assessment/ This EQIA is considered fit for purpose in terms of SG led work ongoing at present.
- Expanding the use of pre-recorded evidence is managed by the cross-sectoral Expansion of Pre-Recorded Evidence Implementation Group and supported by the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019: implementation plan - gov.scot The Implementation Group meets regularly and will next meet again on the 9 December 2026.
- This group guides the delivery of existing and long-standing policy towards the greater use of pre-recorded evidence. At present there is no specific SG led work which requires an additional EQIA, but we recognise that specific individual interventions at different stages might well do, and commit to producing EQIAs for any new and relevant SG led work which emerges from the discussions.

TCP 2 Shifting the balance between custody and justice in the community

The projects within TCP 2 contribute directly to the National Strategy for Community Justice. Each project is therefore supported by the overarching EQIA and other impact assessments that underpin the National Strategy. The relevant priority to which each project relates is set out below, for completeness. It is also worth highlighting to the Committee that the review of the National Strategy is currently ongoing, in line with the applicable legislation. While we cannot pre-determine the outcome of the review, which we exepct to conclude by the end of the Calendar year, one of the outcomes available to Ministers will be to revise the National Strategy. As part of any revision we would of course undertake relevant impact assessments.

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Strengthening Alternatives to Remand

- This project advances priority action 3 of the national strategy, “Support the use of robust alternatives to remand by ensuring high quality bail services are consistently available and delivered effectively”.

Strengthening Community Sentences

- This project advances priority action 5 of the national strategy, “Ensure that those given community sentences are supervised and supported appropriately to protect the public, promote desistence from offending and enable rehabilitation by delivering high quality, consistently available, trauma-informed services and programmes”.

Capacity and Resilience of Community Justice Workforce

- This project advances aim 4 of the national strategy, “Strengthen the leadership, engagement, and partnership working of local and national community justice partners”.

TCP 3 Criminal Justice System Efficiency

System Health Check and Reduced Journey Times didn't have EQIAs as the projects were never initiated.

National Victim and Witness Gateway which is now the Justice Digital Front Door, no formal EQIA has yet been completed for the ‘project’ as it is currently at Outline Business Case stage. However, equalities considerations are being incorporated into business case development, user research and service design activity. A formal EQIA will be undertaken at the appropriate stage of ‘programme’ development in line with SG requirements.

Digital Evidence Sharing Capability operational management is led by Police Scotland, the EQIA for which was provided directly by Police Scotland to Audit Scotland through the Audit process. The DESC contract is managed by the Scottish Government and includes equalities considerations which are discussed with the supplier through the quarterly contract management meetings - for example continuous improvement of supplier policy and procedures like Fair Work, along with actioning of Community Benefits clauses such as Worthy Cause. We therefore do not consider that an additional EQIA is needed for this area of work.

The remaining TCP 3 areas of work are led by either SCTS or Police Scotland.

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