



The Scottish Parliament  
Pàrlamaid na h-Alba

**JUSTICE COMMITTEE**

**AGENDA**

**17th Meeting, 2020 (Session 5)**

**Tuesday 18 August 2020**

The Committee will meet at 10.30 am in the Mary Fairfax Somerville Room (CR2).

1. **Decision on taking business in private:** The Committee will decide whether to take item 4 in private.

2. **Update on the impact of Covid-19 on the justice sector and policing:** The Committee will take evidence from—

Eric McQueen, Chief Executive, Scottish Courts and Tribunals Service;

Teresa Medhurst, Interim Chief Executive, Scottish Prison Service;

and then from—

Humza Yousaf, Cabinet Secretary for Justice, Neil Rennick, Director of Justice, and Clare Hicks, Deputy Director, Police Division, Scottish Government.

3. **Work programme:** The Committee will consider its work programme.

4. **Review of evidence:** The Committee will review the evidence taken on Covid-19 at today's meeting.

Stephen Imrie  
Clerk to the Justice Committee  
Room T2.60  
The Scottish Parliament  
Edinburgh  
Tel: 0131 348 5195  
Email: justiceCommittee@parliament.scot

The papers for this meeting are as follows—

**Agenda item 2**

Note by the Clerk

J/S5/20/17/1

PRIVATE PAPER

J/S5/20/17/2 (P)

**Agenda item 3**

Note by the Clerk

J/S5/20/17/3

**Justice Committee**

**17th Meeting, 2019 (Session 5), Tuesday 18 August 2020**

**Update on the impact of COVID-19 on the justice sector and policing**

**Note from the clerk**

**Introduction**

1. Members of the Committee will today question witnesses on the latest situation in relation to the impact of COVID-19 on the criminal and civil justice system and policing. This scrutiny follows on from the Committee's previous sessions which have looked at the impact on several areas, including:
  - The impact on the court system (civil and criminal), including the backlog of cases, previous suspension of jury trials, effect on victims etc;
  - The challenges of policing during the pandemic, including the use of substantial new powers, use of Fixed Penalty Notices, human rights impact etc;
  - The impact in the Scottish Prison Service including effect on staff and prisoners, changes in prison regimes, effect on prison numbers and levels of remand (including also early release measures and parole), effect on family contact programmes etc;
  - Impact on other sectors and organisations involved in the justice sector such as criminal justice social work, prison mentors and rehabilitation services, family mediation and contact centres etc
2. The Committee will question the following witnesses at today's meeting:
  - Teresa Medhurst, Chief Executive, Scottish Prisons Service, and Eric McQueen, Chief Executive, Scottish Courts and Tribunals Servicefollowed by—
  - Humza Yousaf, Cabinet Secretary for Justice, Scottish Government
3. The Committee has previously agreed to continue with scrutiny of the impact of COVID-19 during this pandemic.

**Clerking Team  
August 2020**

**Justice Committee**

**17th Meeting, 2019 (Session 5), Tuesday 18 August 2020**

**Work Programme – Note by the clerk**

**Introduction**

1. On 11 August, members of the Committee held an information business planning day. The Annex to this paper sets out the key decisions made.

**Action/recommendation**

2. Members of the Committee are asked to ratify formally the decisions taken at this informal meeting.

**Clerking Team  
August 2020**

## **ANNEX**

### **Work Programme – General**

Members agreed the following:

- To give priority to legislative scrutiny in the first instance, starting with the Defamation and Malicious Publications (Scotland) Bill with evidence from 25 August. This would be followed by scrutiny of the Hate Crime and Public Order (Scotland) Bill and any bill brought forward by the Scottish Government on domestic abuse protection orders.
- The Committee would also prioritise any bills introduced to deal with the impact of COVID-19 on Scotland's courts.
- To invite Gil Paterson MSP and Claire Baker MSP to give evidence to the Committee on their members bills and to make them aware of the Committee's full work schedule and capacity to do further scrutiny of their Bills.
- To continue to keep the impact of COVID-19 on the justice/policing system under review and under scrutiny. This would be a continuing priority. The Sub-Committee to focus on the policing aspects.
- To also prioritise any Brexit-related scrutiny and also pre-budget scrutiny.
- Certain matters related to policing (e.g. policing during the pandemic, governance/accountability of the SPA, the review by Dame Elish Angiolini into the police complaints system etc.) would be referred in the first instance to the Justice Sub-Committee on Policing to take the lead.
- If time allows, to return to other matters or to carry on scrutiny via correspondence including, for example, the Robertson Review of Scottish legal services.

### **COVID-19 scrutiny**

Members agreed the following:

- To hold a hybrid committee meeting on 18 August with the chief executives of the SPS and SCTS, followed by the Cabinet Secretary for Justice, on COVID-19.
- To give priority in terms of scrutiny at efforts to re-open the courts, including any possible legislation. This would be through the occasional evidence session and correspondence. The Committee will produce a report on this subject in due course. The Committee will also write to Lady Dorrian asking for an update on the work of her working group.

- To write again to Police Scotland/Lord Advocate to ask what types of crime and how many of them are now being prosecuted by Fixed Penalty Notices which would, in non-COVID times, have meant a court appearance.
- Members agreed that this year's budget scrutiny would look at the impact of COVID-19 on expenditure across the main parts of the justice portfolio. Additionally, Members agreed to look in particular at how policies and practices have adapted during the current pandemic (such as a greater use of technology and digital services in our courts and justice system) and whether/how this can continue so as to improve the efficiency of the system. This will include whether a move to more digitalised justice service does not result in the closure of smaller, local courts. It would also include whether the numbers on remand are increasing due to the pandemic and what impact this has.

### **Defamation and Malicious Publications (Scotland) Bill**

Members agreed the following:

- The Committee agreed a number of initial witnesses it wished to hear from. They will be contacted shortly.
- Members agreed that, where possible, to seek to hold some meetings in hybrid form depending on the availability of members and witnesses.
- Members agreed to delegate the details of scheduling the exact timing of witnesses and witness panels to the clerks and Convener during August and September, with a view to finalising a Stage 1 report by 27 October at the latest.

### **Hate Crime and Public Order (Scotland) Bill**

Members agreed the following:

- To issue a news release/public statement on their approach to and timetabling of consideration of this Bill, including the publication of written submissions of evidence.
- That sufficient time needs to be given to scrutinise this Bill. To revisit the current Stage 1 deadline of 8 December 2020 if this proves to be necessary.
- To begin to take oral evidence on this Bill, most probably from late October.
- To seek an interim briefing on the background to this Bill and its contents from SPICe, supplemented by more later briefings. This should include details of the procedure to be followed in considering requests for anonymity.

- To agree to revisit the issue of who will be invited to give oral evidence at a future meeting.

**Any other business**

- Members agreed to write to the Cabinet Secretary on his proposal that the Committee should nominate one of its members to act as a full member of the selection panel for the appointment of a new chair of the Scottish Police Authority