

Criminal Justice Committee

**2nd Meeting, 2022 (Session 6), Wednesday
19 January 2022**

Response from the Scottish Government to the Committee's pre-budget report

Introduction

1. The Committee published its [pre-budget scrutiny report](#) on 22 November 2021. The Scottish Government responded to the findings by letter on 16 December (**see Annex A**).
2. **Members are asked to discuss the response and what further action, if any, they wish to undertake. To aid Members in seeing at a glance the Government's responses to each of the Committee's recommendations, the clerks have provided a table in Annex B.**

**Clerks to the Criminal Justice Committee
January 2022**

Dear Convener

CRIMINAL JUSTICE COMMITTEE - PRE-BUDGET SCRUTINY

Thank you for sending me a copy of the Criminal Justice Committee's report, *Pre-budget scrutiny: priorities in 2022-23 for the Scottish Government's budget in the justice sector*. I am grateful to the Committee for the work it has undertaken, and also to the stakeholders and interested parties who have contributed and informed the Committee's work. I have read your report with interest and have noted the range of recommendations and am pleased to provide this response.

2022-23 Budget

We will invest almost £3.2 billion across the justice system in 2022-23, with a 7% increase in the portfolio resource budget – an additional £188m. This investment will strengthen and reform vital front-line services, provide support for victims and witnesses, and tackle the underlying drivers of offending. I would specifically highlight the following areas of investment:

- £53.2m for a justice recovery fund to continue the work to Recover, Renew and Transform (RRT) the justice system. This will ensure we can maintain enhanced court capacity, continue to address the court backlog, increase investment in community justice services and support the needs of victims.
- As part of the RRT fund, £15m is included to enhance the effectiveness and capacity of community-based interventions, an increase of £3.2m on this year.
- £4m in additional funding through the RRT and Victims and Witnesses budgets to enhance support for victims and witnesses, including to progress measures to improve support for child witnesses and tackle violence against women and girls.
- £40.5m for the Scottish Police Authority (SPA), maintaining our commitment to protect the police resource budget in real terms in each year of this Parliament. This will provide a stable basis for the SPA and Police Scotland to improve service delivery and enhance the safety and security of communities across Scotland.

Development of New Justice Strategy

Your report highlights many of the challenges that the Justice system in Scotland is facing today. Whilst COVID has exacerbated some issues, many of these challenges are long standing and far reaching. As the Committee has noted there are many examples of good practice and innovative working across the system in trying to deal with difficult problems. These are problems which require a joined up approach across the whole Justice sector as well as needing Justice organisations to continue to work effectively with other sectors.

We will be publishing a new Justice Strategy in early 2022. This will build on the achievement of the last two strategies and sets out a long term vision for how we want Justice in Scotland to be. Recognising that we work within an independent but wholly interdependent system, we have been working with a broad range of stakeholders to develop the new strategy. I will welcome being able to come and talk

to the Committee about the strategy, once it is published, and discuss our future ambitions.

Recovery from the Pandemic and Courts

Despite investment in mitigating measures such as enhanced technology and additional capacity, the justice sector has been greatly affected by the pandemic. While some positive recovery is underway, the effects of COVID will remain with us well into 2022-23 and beyond. The Committee rightly highlights the court backlog and the impact of this on victims, witnesses and those accused of crime. The Committee also recognises the innovative working that has been put in place to deal with the additional demands of the pandemic, such as remote jury centres. I agree with the Committee's assertion that future funding for the Justice recovery programme is dependant in part on the extent to which we adopt and retain some of the new ways of working initiated over the last 18 months and, where that has realised efficiencies, how lessons are then adopted elsewhere within the system. That is why it is important to make a clear analysis around what has worked well and why, and what might then feature within the next phase of our RRT programme.

In the absence of any COVID funding from the UK Government we have established a justice recovery fund of £53.2m to be allocated to recovery, renewal and transformation activity across the justice system. This will include funding to maintain enhanced court capacity and remote jury centres, and support to victims of crime. This is in addition to funding being provided for enhanced capacity within the Crown Office to support justice recovery, being provided through the separate Crown Office and Procurator Fiscal Service budget.

The Committee has requested a strategy document setting out how all the main parts of the justice system are working together to deal with the court backlog and the impacts on the other parts of the justice system. As previously outlined, we are currently developing a long term strategy that will incorporate recovery, and a delivery plan, and we will share this with the Committee once that work is completed. Alongside the strategy we will be developing a monitoring framework which will allow us to define and publish how we will measure success. The programme for dealing with the court backlog and the wider recovery across the justice system has been developed and is being monitored through the collaborative cross-Justice work of the Justice Board for Scotland and the Criminal Justice Board for Scotland.

Prisons and Prisons Reform

The committee is right to note a number of challenges for the Scottish Prison Service (SPS) and the wider prison system, including a high and increasingly complex prison population, the impact of COVID on activity and regimes, drugs and organised crime, etc.

The SPS has been working tirelessly since the start of the pandemic to ensure the safety and wellbeing of staff and the prison population. In recognition of these challenges, we have committed an additional £15m to the SPS resource budget, taking it to £370m in 2022-23, as well as a further £2m through the RRT fund. This additional funding will support development of new models of care including in the new female estate, and will cover overall increased running costs. It also includes funding

to assist the SPS in taking forward harm reduction measures following the report of the independent Deaths in Custody Review.

We will also continue to invest in the modernisation of the prison estate, providing £73m in capital funding to SPS to complete the construction of the new female custodial estate, including the new national facility at Cornton Vale and two innovative Community Custody Units in Glasgow and Dundee, as well as progressing the work on the replacements for HMP Inverness and HMP Barlinnie. We are also increasing funding for Prison Visitor Centres from £700k to £800k. Prison Visitor Centres provide vital emotional and practical support to families impacted by a family member's imprisonment. The additional funding will be used to maintain service provision and ensure that families continue to receive support and assistance during this challenging time.

Police Scotland and the Scottish Fire and Rescue Service (SFRS)

The total policing budget will be almost £1.4 billion in 2022-23. The Scottish Police Authority resource budget will increase by 3.4% in 2022-23 - an additional £40.5m. This maintains our commitment to protect the police resource budget in real terms throughout the parliamentary session, and will ensure a sustainable policing budget. This will provide a stable basis for Police Scotland to improve service delivery and enhance the safety and security of communities across Scotland. In addition we will provide a further £6.6 million, to mitigate the ongoing impact of COVID on the policing budget.

We have continued police reform funding for a further year at the same level as in 2021-22. This budget (£29.6m, of which £4.6m is capital budget) supports a range of transformation projects which underpin the delivery of the Joint Policing Strategy, to meet changing demands, and to strengthen the support to communities across Scotland.

We are investing an additional £9.5m to support the modernisation of SFRS so that firefighters can do more, working in partnership with the Scottish Ambulance Service and others, to keep communities safe.

I note the Committee's view that increased capital budgets for both Police Scotland and the SFRS are required for investment across their asset base. While we have maintained the capital budgets of both SPA and SFRS in 2022-23, I would like to assure the Committee that I will continue to make the case for additional capital investment for both services, as I will for all of the justice organisations. However, in terms of capital funding the recent UK Spending Review failed to live up to our ambitious infrastructure plans and this constrains our plans. The Scottish Government is disappointed in the trajectory of Scotland's capital grant allocation which shows no change between 2022-23 and 2023-24 and a reduction between 2023-24 and 2024-25.

In addition to its core capital budget the SFRS has received additional capital funding for specific projects over the last 3 years. This includes £4.35m in 2020-21 to carry out improvement on fire stations, £2.1m in 2021-22 to carry out environmental improvements to its buildings and a grant of £625k from Transport Scotland to invest in electric vehicles and charging infrastructure. The SPA received an additional £10m

capital in 2020-21 to invest in its greening the fleet programme and an additional £4.6m in 2021-22 to invest in a new forensic science facility for post-mortem toxicology.

The police and fire services inherited ageing estates from the legacy services which had suffered from decades of underinvestment. Both services are committed to modernising their estates and are considering a range of options. Police Scotland is taking forward its [Estate Strategy](#) which has a focus on co-location with partner agencies across the public sector. For example, Alloa Police Station recently re-located to Clackmannanshire Council's headquarters. This will enable quicker, more effective partnership working with improved outcomes for individuals and communities, while also reducing the long term costs of maintaining ageing public sector buildings in the area. SFRS is currently sharing its estate with other public sector bodies at 54 sites across Scotland, 9 of these are with Police Scotland and 27 with the Scottish Ambulance Service. Police Scotland, SFRS and the Scottish Ambulance Service participate in a tri-partite Reform Collaboration Group which actively pursues opportunities to further share assets

SFRS actively prioritises its capital spend on elements within its buildings with the highest risk of failure, or which have the highest operational impact from failure, and to address those issues of concern for the health and safety of building users. SFRS is looking at how it can more effectively target its operational resources to areas of greatest risk in communities. This work is at the early stages and any proposed changes would be done through a full engagement and public consultation process with staff, stakeholders and communities.

I note your plans to meet with Police Scotland in the near future to discuss serious and organised crime. They, and SPA, will be able to provide you with the further information which you are seeking on this issue.

Community Justice

I recognise the challenges highlighted within the report in relation to community justice, including around ensuring that relevant services – such as justice social work - have the capacity to absorb any increases in business where these occur, either as a result of court volumes returning to higher levels following the pandemic or wider use of community-based interventions more generally.

In 2021-22, we provided an additional £11.8m to support community justice services to recover from the pandemic and to expand capacity. We are continuing that investment for another year and have increased it by £3.2m to £15m, building capacity and resilience to support a sustainable recovery, including through addressing the backlog in outstanding cases, and to further increase the capacity of community justice services. This will help to prepare for legislative changes that we plan to progress through the introduction to Parliament of a Bail and Release Bill during 2022.

This investment, which is in addition to around £119m of ongoing funding, will contribute to the expansion and transformation of community justice services as part of that recovery work, supporting diversion from prosecution, alternatives to remand, and community sentencing – which is more effective at reducing reoffending and keeping our communities safe. The increase in funding will also support the delivery

of the revised National Community Justice Strategy, which is currently under development and will be launched in 2022.

Looking more widely at the funding of community justice, a Funding Review Group was established in May 2021, the membership of which includes representation from Social Work Scotland, COSLA, Justice Social Work and the third sector. This group is considering how to make best use of available funding to ensure that consistent, high quality community justice services are available across Scotland, with a continued emphasis on encouraging a shift from custody to community interventions where appropriate.

Support for Victims, Fatal Accident Inquiries and Deaths in Custody

We have recognised the potential for increased workload for victim support organisations as a result of the pandemic, as they retain caseloads for longer; respond to significant distress and trauma; and change their operating methods to accommodate public health requirements. That is why we provided additional funding of £5.75m in 2020-21 and £5m this year to frontline support organisations in conjunction with the Equalities portfolio; and have responded within existing budgets to increased pressures faced by support organisations which we fund directly.

Going forward we have now opened the Victim Centred Approach Fund for applications. This Fund takes forward our commitment to a victim centred approach to justice by improving the provision of advice, information and support. The Fund will invest at least £30m over three years from 2022/23 and will provide a streamlined application process for support organisations.

Within the overall Justice portfolio budget we are providing £4m in additional funding to support the victims and witnesses of crime, split between the Victims and Witnesses budget line and the Justice RRT budget. This funding will enable us to enhance our direct support for victims and witnesses. It will also allow us to progress a number of Programme for Government commitments, including measures to improve support for child witnesses and to tackle violence against women and girls. During 2022-23, we will take forward work in considering the recommendations of Lady Dorrian's report on the management of sexual offences cases; and preparatory work for the development of the Barnahaus model for child witnesses of traumatic crimes and for the expansion of the Caledonian programme working with perpetrators of domestic abuse and their victims.

The Victim Surcharge Fund is fully operational at present and has paid out £157,000 to five support organisations. The Fund accumulates over time and re-opened for applications on 7 December. The focus of the Fund is to provide direct, practical help to victims via the support organisations – it therefore covers costs such as emergency household expenses, food bills, installation of alarm systems etc.

With regard to the amount of funding available, when the policy was introduced, it was foreseen that it would take a number of years for the fund to build up. The victim surcharge is applied only to those who have been cautioned for offences after the regulations came into force on 25 November 2019. It will therefore take some time before such cases progress through court and offenders start paying the victim surcharge.

Furthermore, fines are often paid in instalments over time – in earlier years, the funds raised should be expected to be lower before this effect evens out. In addition, the effect of the pandemic has meant a further delay in funds building up, with decreased court capacity meaning court disposals (including fines) were lower in 2020/21 than prior years.

Information on victim surcharge collection is provided in SCTS's quarterly fines reports: <https://www.scotcourts.gov.uk/official-statistics>.

As part of the work of the Victims Taskforce, we continue to support a focus on ensuring the justice system is victim-centred and trauma informed. We recognise the importance of compassionate and empathetic communication and have commissioned a review of communication which is currently underway; and have committed to a review of the Victim Notification Scheme which will commence next year.

As is noted in the Committee's report, the Victims Taskforce has previously discussed the potential role of a Victims Commissioner in Scotland and costs associated with equivalent roles in other jurisdictions were reflected. The relevant papers can be found [online](#). The costs associated with a Victims' Commissioner for Scotland will depend on the definition of the role and the resource required to carry it out. I am happy to update the Committee in due course.

I note the Committee's views in respect of the system of investigation of deaths and fatal accident inquiries. The Scottish Government believes that the current system introduced in 2017 following unanimous approval by Parliament and an extensive review by Lord Cullen represents the right model for the future. Nevertheless, we are not complacent and acknowledge that improvements can be made. In that regard it is worth noting the modernisation project undertaken by the Crown Office and the extra resources deployed for this work through the separate Crown Office and Procurator Fiscal budget. Additionally, we have taken note of the recommendations of the recent deaths in custody report and will be taking this forward over the coming period.

The Legal Aid System

In our Programme for Government we committed to engage with legal professionals and other stakeholders to review the legal aid system, and to introduce a Legal Aid Reform Bill in this Parliament, ensuring that the system is flexible, easy to access and meets the needs of those who use it.

The Scottish Government consulted on legal aid reform in 2019 and has stated its willingness to take forward supported recommendations that will deliver an enhanced system of legal aid across Scotland, and has reiterated its commitment to retaining a demand led Fund to support a wide scope of actions. Particular consideration will be given, during the development of the Bill, to how more targeted and planned interventions can support user need, align with identified government priorities, and assist legal aid in being rightly recognised as an invaluable public service.

There is real value for both users and providers in achieving a user-focused and diverse delivery model; users can access appropriate interventions at the right time, and providers can better target their expertise to those who require it.

Additional funding of £12.5 million in the Legal Aid Fund Budget in 2022-23 will support the commitment to increase all legal aid fees by 5% in 2021 which has been applied across all legal aid fees; and by a further 5% in 2022. This commitment to pay increased fees is of course not a one-off and is an ongoing investment in legal aid, and will continue for as long as workload remains stable.

The fund is a demand-led budget and expenditure is regularly above the budget. Last year was extraordinary in that spend was below budget, and the package of additional funding provided to solicitors reflects that. This year we anticipate a return to a more normal budget position and the budget increase reflects the additional fee uplifts which are a year on year addition to expenditure. The Scottish Government does not accept that it has failed to address the issue of fee levels.

As the Committee has noted the Scottish Government has no control over the terms and conditions agreed between employee and employer within private legal aid firms. Legal aid providers who are not employed through PDSO are not under contract with the Scottish Government. We are actively considering the recent correspondence received that sets out a range of requests for fee increases and will continue to work with the profession on the sustainability of the legal aid system.

Drug Deaths and Tackling Drugs Misuse and the Criminal Justice System

The Scottish Government is absolutely clear on its focus to reduce the tragic number of lives lost to problem drug use. The First Minister and the Minister for Drugs Policy have both spoken on a number of occasions about the work required to address this situation and the additional financial commitment which has been made, £250 million over 5 years, to support our national mission to improve and save lives.

We welcome the valuable work undertaken by the Scottish Drug Deaths Taskforce and the significant number of recommendations made by them to the Scottish Government. These recommendations form a key part of our strategic response to the drug deaths crisis. Significant progress has been made towards implementing these recommendations and we continue to work closely with the Taskforce as they develop further evidence to support action through our national mission.

Funding for the Programme for Government

In relation to the new Bills which the Committee will be scrutinising I can assure you that we shall set out the best estimates of the administrative, compliance and other costs to which the provisions of the Bill would give rise, best estimates of the timescales over which such costs would be expected to arise, and an indication of the margins of uncertainty in such estimates. We will always seek to ensure adequate funding is in place to ensure full implementation.

Resource Spending Review

The Committee will be aware that the Resource Spending Review Framework has been published alongside the 2022-23 Scottish Budget. The Framework opens a national conversation around how we use Scotland's public finances to maximise positive outcomes for our citizens and communities. It sets out the Scottish Government's intentions to deliver multi-year portfolio spending plans which will provide greater certainty to our stakeholders and delivery partners for future years. The multi-year spending plans are intended to be published by the end of May 2022.

Concluding Remarks

I note that the Committee will be publishing a number of reports in the coming weeks. I look forward to receiving copies of these in due course. In the meantime I hope that this response addresses the key issues in your pre-budget scrutiny report.

KEITH BROWN

Comparative table

Key Committee conclusions/recommendations (paragraph number)	Scottish Government's response	Notes
<i>Overall budget situation</i>		
138. In the first instance, we recommend that the Scottish Government considers conducting an assessment of the current budgets and expenditure of the major bodies in the justice sector to look at whether there is scope to use existing expenditure more effectively	No specific response provided for this recommendation	
139. Notwithstanding, if some of the problems we have identified above continue, then the current budget levels will be insufficient and there is therefore a case for an overall increase in the budget for this sector	We will invest almost £3.2 billion across the justice system in 2022-23, with a 7% increase in the portfolio resource budget – an additional £188m	
144. In the first instance, we recommend that the Cabinet Secretary and his main justice partners, provide this Committee with a strategy document setting out how all the main parts of the sector are going to deal with the impact that the necessary efforts at tackling the court backlog are going to have across the sector, e.g. on prison populations. We want to see evidence of long-term planning and joined-up thinking, underpinned by published analysis and modelling of what may happen as we start to address the backlog in the high court, sheriff and JP courts	We are currently developing a long term strategy that will incorporate recovery, and a delivery plan, and we will share this with the Committee once that work is completed. Alongside the strategy we will be developing a monitoring framework which will allow us to define and publish how we will measure success.	

<i>COVID recovery and the court system</i>		
<p>145. We recognise that the injection of funds during the pandemic from both governments was unprecedented and cannot continue indefinitely. Nevertheless, as identified above, a further tranche of finance for COVID recovery funds is likely to be required in 2022-23, particularly to fund recovery and transformation.</p>	<p>In the absence of any COVID funding from the UK Government we have established a justice recovery fund of £53.2m to be allocated to recovery, renewal and transformation activity across the justice system. This will include funding to maintain enhanced court capacity and remote jury centres, and support to victims of crime. This is in addition to funding being provided for enhanced capacity within the Crown Office to support justice recovery, being provided through the separate Crown Office and Procurator Fiscal Service budget.</p>	
<i>Prisons and prison reform</i>		
<p>154. In addition to investment over the longer-term, the Committee believes that there is a case for modest (cost-wise) initiatives that could disproportionately improve the experience of prisoners in the short to medium term. For example, we recommend that there is a short term of injection of funds for recovery cafes in each institution across the SPS estate where these are appropriate. We also need to fund the restart of the throughcare initiative and make sure that the Scottish Prison Service (SPS) has sufficient front-line staff to be able to operate this scheme as many of the relevant officers have had to be redeployed elsewhere. We must build on existing efforts to stop the revolving door in our prisons and look at greater funding for effective alternatives to prison where appropriate.</p>	<p>The SPS has been working tirelessly since the start of the pandemic to ensure the safety and wellbeing of staff and the prison population. In recognition of these challenges, we have committed an additional £15m to the SPS resource budget, taking it to £370m in 2022-23, as well as a further £2m through the RRT fund. This additional funding will support development of new models of care including in the new female estate, and will cover overall increased running costs. It also includes funding to assist the SPS in taking forward harm reduction measures following the report of the independent Deaths in Custody Review</p>	<p>No reference is made to a short-term investment in throughcare or recovery cafes.</p>

<p>156. The Committee is of the view therefore that there is a case for sustained, above inflation injection of funds into the prison budget, allied to a clear, long-term strategy to address these problems</p>	<p>We will also continue to invest in the modernisation of the prison estate, providing £73m in capital funding to SPS to complete the construction of the new female custodial estate, including the new national facility at Cornton Vale and two innovative Community Custody Units in Glasgow and Dundee, as well as progressing the work on the replacements for HMP Inverness and HMP Barlinnie. We are also increasing funding for Prison Visitor Centres from £700k to £800k. Prison Visitor Centres provide vital emotional and practical support to families impacted by a family member's imprisonment. The additional funding will be used to maintain service provision and ensure that families continue to receive support and assistance during this challenging time</p>	
<p>157. The Committee also wants the Scottish Government and the SPS to address its recruitment gap. There are, in our view, far too many senior positions being filled on an interim or acting basis. This can lead to uncertainty. We recommend that any appointment process for these positions are completed as soon as possible</p>	<p>No specific response provided for this recommendation</p>	
<p><i>Police and fire and rescue</i></p>		
<p>162. The Committee believes that further sustained increases in capital budgets for both the police and fire and rescue services are going to be needed (for estate modernisation, digital ICT and the fleets (including the greening of the fleet)). In the meantime, we recommend that the SPA and SFRS should conduct an estate review and look at the options for further savings and co-location opportunities,</p>	<p>The Scottish Police Authority resource budget will increase by 3.4% in 2022-23 - an additional £40.5m. This maintains our commitment to protect the police resource budget in real terms throughout the parliamentary session, and will ensure a sustainable policing budget. This will provide a stable basis for Police Scotland to improve service delivery and enhance the safety and security of communities</p>	<p>No increase in capital budgets for Police Scotland and SFRS in 2022-23 is proposed.</p>

<p>provided that these are suitable and also that this does not simply transfer current budgets into rent payments to a third party with no saving involved.</p>	<p>across Scotland. In addition we will provide a further £6.6 million, to mitigate the ongoing impact of COVID on the policing budget.</p> <p>We have continued police reform funding for a further year at the same level as in 2021-22. This budget (£29.6m, of which £4.6m is capital budget) supports a range of transformation projects which underpin the delivery of the Joint Policing Strategy, to meet changing demands, and to strengthen the support to communities across Scotland.</p> <p>We are investing an additional £9.5m to support the modernisation of SFRS so that firefighters can do more, working in partnership with the Scottish Ambulance Service and others, to keep communities safe</p> <p>I note the Committee's view that increased capital budgets for both Police Scotland and the SFRS are required for investment across their asset base. While we have maintained the capital budgets of both SPA and SFRS in 2022-23, I would like to assure the Committee that I will continue to make the case for additional capital investment for both services, as I will for all of the justice organisations. However, in terms of capital funding the recent UK Spending Review failed to live up to our ambitious infrastructure plans and this constrains our plans. The Scottish Government is disappointed in the trajectory of Scotland's capital grant allocation which shows no</p>	
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	change between 2022-23 and 2023-24 and a reduction between 2023-24 and 2024-25	
<i>Community Justice</i>		
172. Community justice programmes and funding for third sector organisations that provide core services more widely is one area where we would like to see a move to multi-year funding or at least commitments as part of the budget process.	The Committee will be aware that the Resource Spending Review Framework has been published alongside the 2022-23 Scottish Budget. The Framework opens a national conversation around how we use Scotland’s public finances to maximise positive outcomes for our citizens and communities. It sets out the Scottish Government’s intentions to deliver multi-year portfolio spending plans which will provide greater certainty to our stakeholders and delivery partners for future years. The multi-year spending plans are intended to be published by the end of May 2022	
173. Finally, we note that the Scottish Government has also committed to the development of a new National Community Justice Strategy. It will be important that this is adequately funded. It would be helpful to the Committee if the Scottish Government provided an update on the timetable and scope of any new strategy.	... the revised National Community Justice Strategy, which is currently under development and will be launched in 2022.	
<i>Support for victims, fatal accident inquiries and deaths in custody</i>		
176. The Committee supports the concept of a Victim’s Commissioner and will study any proposals in depth in due course. In our view, the post would need adequate funding and any such funding should not be drawn from other service providers. The Committee is aware that the Victims Taskforce is involved in looking at the possibility of having a	As is noted in the Committee’s report, the Victims Taskforce has previously discussed the potential role of a Victims Commissioner in Scotland and costs associated with equivalent roles in other jurisdictions were reflected. The relevant papers can be found online. The costs associated with a Victims’ Commissioner for Scotland will depend on the	

<p>Victims Commissioner. This has included at least some consideration of the potential costs. It would be helpful if the Cabinet Secretary provided an update to the Committee in due course</p>	<p>definition of the role and the resource required to carry it out. I am happy to update the Committee in due course</p>	
<p>177. This Committee also supports a radical overhaul of the Fatal Accident Inquiry (FAI) system and of the reviews for deaths in custody as a matter of priority in this parliamentary session. It is no longer acceptable for the families of those that have died to wait years for resolution. Recent reviews undertaken by academics and some of the families involved provide a blueprint for reform. 106 We believe this must be tackled as a matter of urgency and may require additional resources which may not in itself be sufficient without other changes</p>	<p>I note the Committee’s views in respect of the system of investigation of deaths and fatal accident inquiries. The Scottish Government believes that the current system introduced in 2017 following unanimous approval by Parliament and an extensive review by Lord Cullen represents the right model for the future. Nevertheless, we are not complacent and acknowledge that improvements can be made. In that regard it is worth noting the modernisation project undertaken by the Crown Office and the extra resources deployed for this work through the separate Crown Office and Procurator Fiscal budget. Additionally, we have taken note of the recommendations of the recent deaths in custody report and will be taking this forward over the coming period</p>	
<p><i>Legal aid</i></p>		
<p>180. It is clear to this Committee that there are both immediate and ongoing problems with the legal aid system. The dispute over the arrangements for weekend custody courts during Cop26 and the wider concerns with the system for fees have been made abundantly clear in the evidence we heard. Whilst we are aware that most in the legal profession prefer the current system to the reform proposals, it is our view that the failure to address the problems with fee levels has caused a loss of confidence of many</p>	<p>The Scottish Government does not accept that it has failed to address the issue of fee levels</p>	

<p>182. We are aware that the Scottish Government has intended there to be a periodic review of fee rates as recommended in the Evans Review. However, we do not currently have any agreement on a methodology for achieving that. We therefore recommend that immediate action is taken on fee rates while work is carried out to establish a methodology to take place as soon as possible</p>	<p>No specific response provided for this recommendation</p>	
<p>183. Furthermore, the Committee notes the evidence that there now appears to be a noticeable gap in the pay and conditions of the defence sector compared to lawyers working for the prosecution. We accept that the Scottish Government has no real way of controlling the employment arrangements of defence solicitors (they are not employed by the government). Nevertheless, if fee rates do not allow for acceptable working conditions for defence solicitors then there are going to be implications for equality of arms between defence and prosecution lawyers and therefore in the delivery of justice. The Committee believes this should be resolved with this principle in mind</p>	<p>As the Committee has noted the Scottish Government has no control over the terms and conditions agreed between employee and employer within private legal aid firms. Legal aid providers who are not employed through PDSO are not under contract with the Scottish Government. We are actively considering the recent correspondence received that sets out a range of requests for fee increases and will continue to work with the profession on the sustainability of the legal aid system</p>	
<p>184. There is a role for the Public Defence Solicitors Office (PDSO) and the Committee would like the Scottish Government to assess the effectiveness of it, including asking users, and also to explore what additional roles the PDSO can play</p>	<p>No specific response provided for this recommendation</p>	
<p><i>Drug deaths and tackling drugs misuse and the criminal justice system</i></p>		
<p>187. We welcome the work of the Scottish Drugs Taskforce to date and the recommendations that it has already made, some dating back to April 2020.</p>	<p>We welcome the valuable work undertaken by the Scottish Drug Deaths Taskforce and the significant number of recommendations made by them to the</p>	

<p>We are concerned, however, with the speed of delivery of these and their implementation given the urgency of this crisis</p>	<p>Scottish Government. These recommendations form a key part of our strategic response to the drug deaths crisis. Significant progress has been made towards implementing these recommendations and we continue to work closely with the Taskforce as they develop further evidence to support action through our national mission</p>	
<p>189. ...we believe there should be a injection of relatively modest funds in the short term for recovery clinics in each prison where appropriate, and also for residential rehabilitation and community day centres</p>	<p>No specific response provided for this recommendation</p>	
<p>191. It is not immediate clear from the budget information available to the Committee what sums of money from the Scottish Government is being provided for such schemes given that they straddle the criminal justice sector, the health sector and local government spending. The Committee requests that the Scottish Government provides us with a breakdown of what is currently in place and the levels of funding that being provided across the portfolios</p>	<p>No specific response provided for this recommendation</p>	
<p><i>Programme for Government</i></p>		
<p>192. This Committee wants to see the Scottish Government ensure that adequate funding is in place to fund the main legislative and policy proposals in the Programme for Government. There is a danger that the proposals could fall short or not be fully implemented without the requisite financing</p>	<p>In relation to the new Bills which the Committee will be scrutinising I can assure you that we shall set out the best estimates of the administrative, compliance and other costs to which the provisions of the Bill would give rise, best estimates of the timescales over which such costs would be expected to arise, and an indication of the margins of uncertainty in such estimates. We will always seek to ensure adequate funding is in place to ensure full implementation</p>	

<p>194. We urge the Scottish Government to ensure that it provides clear and detailed Financial Memorandums for each bill, the contents of which having been informed through open and wide consultations with all affected by any particular bill or policy proposal</p>	<p>See above</p>	
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