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Dear Convener

Thank you for the Criminal Justice Committee's report on the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill at Stage 1, published on 11 March. I welcome the Committee's comprehensive and detailed scrutiny of this Bill and its support for the general principles of the Bill. I also extend my thanks to the Delegated Powers and Law Reform and to the Finance and Public Administration Committees for their careful scrutiny and consideration of the Bill at Stage 1.

This dual purpose Bill will not only support the modernisation of the justice sector by making permanent a number of temporary provisions from the Coronavirus (Recovery and Reform) (Scotland) Act 2022 ("the 2022 Act") and by facilitating the better use of digital technology, it will also set a gold standard for Domestic Homicide and Suicide Reviews.

The annex below sets out my response to the Committee's comments and recommendations.

I look forward to continuing constructive work with the Committee and the wider Parliament on the Bill.

Yours sincerely

ANGELA CONSTANCE

Part 1 – Criminal Justice Modernisation
Electronic signing and sending of documents:

Recommendation: *"We ask that the Scottish Government provides further information on what measures are currently in place to allow users of the justice system to access hard copies of documents which would otherwise only be available electronically."*

We welcome the Committee's support for electronic signing and sending of documents and its recognition of the fact that these provisions have contributed to the efficient operation of the justice system. We note that the Committee agrees that if the provisions are not made permanent through the Bill, it would be detrimental to the justice system and represent a backward step.

The Bill permits but does not require the electronic signing and sending of documents. In relation to the electronic sending of documents, there is an important safeguard within the Bill that requires that there must have been an indication from the recipient, whether they be the accused or a witness, that they are willing to receive the document electronically. There are a number of ways a recipient can do this but if the sender does not have the recipient's prior approval, the requirements for electronic sending are not met and the normal rules regarding intimation and service of hard copy documents would apply.

In the majority of cases, the accused will have a solicitor who would both receive and lodge documents on their behalf and it will be a matter for that solicitor as to how they wish to do that. Solicitors are perfectly entitled to withhold permission to receiving documents electronically and as such COPFS and/or the Courts would have to comply with the rules around serving physical documents. Equally, COPFS and the Courts can still accept physical copies of all criminal forms, and the Bill does not change this.

Where an accused is not represented by a solicitor, the safeguard noted above means that COPFS and the Courts would only be able to send documents to the accused electronically if they have previously indicated they are willing to receive documents that way. Otherwise, hard copy documents will require to be sent.

Similarly, in communications with witnesses such as citations to give evidence at trial, the provisions around electronic sending require that the recipient has indicated they are content to receive documents that way. If they have not done so, hard copy documents will be issued.

While these provisions in the Bill allow for certain documents to be signed and lodged electronically, they do not make it a requirement to do so. In fact, in the absence of the recipient's permission to receive documents electronically, the prevailing requirement is to issue hard copy documents.

Virtual attendance at a criminal court:

Recommendation: ***"****The first area we would highlight is about the criteria which should be used by the Lord Justice General in making a determination in favour of virtual attendance in particular categories of case. The Bill does not elaborate on what the criteria should be, beyond that it should not prejudice the fairness of proceedings or be contrary to the interests of justice.*

In our view, the Bill should provide for additional criteria which the Lord Justice General must take into account before making a determination. These should be more directly relevant to the question of whether virtual attendance is appropriate. We recommend that the Scottish Government brings forward amendments at Stage 2 to that effect."

We welcome the Committee's agreement to the broad principle underlying the provisions. Allowing the flexibility for wider use of virtual attendance has proven to make justice processes more accessible and helped to ensure that the justice system's resources are used as efficiently as possible.

The Bill makes clear that the default position is for in-person attendance other than where the only party is a public official.

The Bill mirrors the approach of the temporary measures and retains the Lord Justice General's power to issue determinations to change the default mode of attendance to virtual attendance for certain types of hearings or in certain circumstances.

As the Committee has noted, the Lord Justice General may only make a determination to set virtual attendance as the default mode of attendance where he is satisfied that to do so would not prejudice the fairness of proceedings or otherwise be contrary to the interests of justice. In addition, determinations may not relate to attendance at hearings where evidence is to be given, so the default mode of attendance for witnesses giving evidence at trials will always be in-person.

Since the 2022 Act, the Lord Justice General has exercised this power once in September 2022 and changed the default mode of attendance to virtual attendance for certain types of hearings including:

- preliminary hearings in the High Court and some other procedural hearings;
- some sentencing hearings;
- full committal hearings in the Sheriff courts; and
- bail appeal hearings in the Sheriff Appeal Court.

We consider that the existing criteria the Lord Justice General must apply under the 2022 Act in making any determination (i.e. not prejudicing the fairness of proceedings/otherwise not contrary to the interests of justice) allows a broad consideration of relevant matters and we are not aware of any significant concerns or criticism of the types of hearings included in the 2022 determination.

We note that the Committee would like to see inclusion of further criteria, particularly around ensuring that the decision to make a determination is appropriate. We are of the view that the existing criteria achieves this, as if making a determination was not appropriate then it would fall short of the requirements not to prejudice fairness or otherwise be contrary to the interests of justice; appropriateness is therefore already a matter for the Lord Justice General to consider when making determinations.

While we will consider what we can do to reflect this further on the face of the Bill in advance of Stage 2, it should be noted that the current tests are well understood by the courts. The test of whether something is contrary to "the interests of justice" is used in a wide range of different situations in criminal procedure in Scots law, and features many times in the Criminal Procedure (Scotland) Act 1995.

The requirement about "fairness" is derived from the existing provision that is made about the use of special measures for the taking of evidence from children or other vulnerable witnesses. It draws on, for example, section 271A of the 1995 Act, as inserted by the Vulnerable Witnesses (Scotland) Act 2004, as well as other sections within the 1995 Act.

Recommendation: "*The second area where we consider clearer rules are required is in respect of the types of location from which it is appropriate for virtual attendance can take place.*

We recommend that the Bill is amended to include an additional requirement for the court to issue a direction in relation to the appropriateness of the location from which an individual participates, to address the concerns highlighted in evidence."

In its report, the Committee referred to evidence heard in relation to the security of virtual attendance, particularly for witnesses giving evidence at trial, and recommended that the Bill specify what locations virtual attendance can take place at.

As noted above, the Bill provides that the default mode of attendance for witnesses giving evidence at trials will always be in person. The Bill also provides that on a case by case and person by person basis, the court may make a direction to disapply the requirement for in-person attendance at trial, but only if to do so would not prejudice the fairness of the proceedings or otherwise be contrary to the interests of justice. These provisions have been used in the High Court to allow police and professional witnesses to give evidence remotely.

In making such a direction, the court must give parties the opportunity to make representations. Where it is decided that a person is to attend virtually, the court must issue a direction which sets out how the person is to appear by electronic means before the court.

We therefore consider that the Bill as drafted already adequately allows individual courts to address the issue of location of remote attendance. By providing that this is to be considered on an individual basis, rather than having a prescribed list of suitable locations from which evidence may be given, the Bill allows the court to fully consider the facts and circumstances in each individual case and the individual locations proposed, recognising that there will be a range of suitable locations. Importantly, parties have the opportunity to be heard and may raise objections to the location proposed.

Both SCTS and COPFS provide guidance to witnesses giving evidence remotely which seeks to ensure that the rules of evidence are complied with and that when a witness is giving evidence remotely, they do so untainted by outside influence. This guidance has been made available to the Committee.

It is also worth highlighting that these provisions are separate to those in place to support vulnerable witnesses, many of whom already have the ability to give evidence remotely and have done so for some time through the legislative framework that provides for special measures. Under that framework, vulnerable witnesses may be granted permission to give evidence using a live television link from within or outwith the court building.

Recommendation: *"Our view is that there should be a full and urgent evaluation of the results of the pilots of virtual custody courts which have taken place. This must ensure that measures are put in place to address the concerns which have arisen. In our view, it is essential that all court users must have confidence in the effective operation of court proceedings."*

SCTS has been leading the development of the virtual custody model which became an essential component during the pandemic for the continuity of court business, while keeping people safe. While the process proved to be successful in its application in the vast majority of cases, we recognise the concerns raised by some stakeholders around practical challenges that have arisen during implementation. It is important that any future virtual custody model commands confidence and works for all court users, particularly the accused and those who represent them. This is why the virtual model has been paused to review its sustainability and ensure that a system wide approach can be taken to resolve identified challenges.

A robust evaluation of the pilots is currently underway and we can provide further updates on the progress of this work by the end of 2025.

Digital Productions:

Recommendation: "*First, our view is that there will always be occasions when it is necessary for a physical object to be produced in court. For example, the prosecutor may wish to show the actual weapon used in a crime and feels a digital image would not suffice. The Bill acknowledges this by providing that a physical object can be produced in place of a digital image where a court so decides.*

However, we question whether these safeguards could be stronger. It appears that there is no absolute right for one party in a case to have a physical object produced unless the court decides. Furthermore, the Bill does not elaborate further on the criteria which must be followed by the court when deciding whether to require a physical object to be produced.

At any point, up to and including during a trial, any party, including the judge, who wished to see the physical production should not be prevented by this Bill. We recommend that the Scottish Government strengthens these provisions on the face of the Bill to make it clearer that this would be the case. Furthermore, we recommend that when this provision is brought in, the Scottish Government looks at international experience in relation to the impact of digital productions."

As the Committee heard from justice partners, a large amount of property is seized by the police as potential productions for criminal cases, of which only a small proportion is produced in court. Storage of productions in secure conditions, accounting for them, and transporting them to and from court is resource intensive for Police Scotland, COPFS and SCTS.

The Bill facilitates the use of digital productions in criminal proceedings. However, it would remain the case that it would be for the prosecutor or the defence agent to determine how they will present their own evidence and so the prosecutor or defence agent may decide they need to have the actual physical item in court.

There is an additional safeguard built into the Bill – the court has the power to direct that an image of physical evidence may not be used in place of the physical evidence. In these circumstances, the party relying on that evidence may be required to produce it in court and in such instances, certain items seized will required to be stored even after they have been photographed or video recorded. For example, if the defence wish to have the prosecution's physical evidence lodged in court, then they can ask the court to otherwise direct that the image of the evidence lodged by the prosecution is not accepted.

We note the Committee's recommendation to include further safeguards and clarity on the face of the Bill as to how these provisions should operate. We are working with justice partners to explore if we can attach timescales within which objections against the use of digital productions would need to be raised and what it would mean if no objection was raised within the set timescale. This would provide greater clarity to all parties about access to physical productions and support the development of an appropriate retention policy.

We note the Committee's recommendation that we consider other countries' experience of handling digital productions. As part of the initial phases of the Digital Evidence Sharing Capability (DESC) programme an assessment was carried out as to how digital productions were handled in other jurisdictions including England and Wales and other European countries. This included the assessment of the difference between their practices and those in Scotland. For example, this comparison established that the use of certification was unique to Scotland. The outcome of this evaluation was reflected in the development of DESC and understanding the business change needed for each of the justice organisations.

All countries whose systems were assessed recognised an aspiration to move to fully digital productions but recognised that there would be exceptions to this which could be agreed by the parties involved or written into policies and procedures.

Recommendation:*" We note that Police Scotland publishes a National Guidance on Productions. This is likely to be the appropriate location for an updated retention policy which takes account of these provisions in the Bill. We recommend that the Scottish Government coordinates work on an updated policy for the retention of productions which ensures that physical objects are retained for as long as they may be required in court proceedings."*

We note the Committee's recommendation and agree that it will be important for relevant guidance and policy to be updated as a consequence of the Bill's provisions. Given the operational nature of that guidance and policy, we consider that it would be appropriate for justice partners such as Police Scotland, COPFS and SCTS to lead the work in developing an appropriate retention policy for both physical and digital production. Given the Scottish Government's role in the DESC project board, we will write to partners asking them to lead on this work and provide support, as needed.

Modernisation of the law on copy documents:

Recommendation: *"(W)e request that the Scottish Government addresses the specific point raised by the British Transport Police that they will not be able to take advantage of these provisions due to their lack of access to the Digital Evidence Sharing Capability."*

We have been liaising with the British Transport Police (BTP) and note that they have their own digital evidence management system which is different to DESC. The Bill allows BTP to provide digital productions in accordance with inserted section 279B, whether or not they are able to use DESC to do that, therefore this will have no adverse impact on their current operating procedure. We are working with them and other justice agencies to consider if it would be appropriate to make bespoke provision for them in the Bill and if so, will bring forward amendments at Stage 2.

Fiscal fines:

Recommendation: "*(W)e did hear some concerns about the impact of increased levels of fiscal fines on the ability of certain individuals to pay, with the potential that it could cause them financial difficulties. Furthermore, if non-payment rates increase, more individuals could find themselves in custody. This is something the Scottish Government and the Crown Office will need to monitor.*"

As Committee members know, fiscal fines are a long-standing part of criminal procedure, dating back to the mid-1990s. They can only be used for offences capable of being tried summarily. In cases where they are offered, fiscal fines represent a proportionate response to the offending behaviour. This enables cases to be resolved without the need for court procedure and associated appearances at court, which gives the courts and prosecutors more time to deal with more serious cases. The previous scale and pre-pandemic maximum level of £300 had not been revisited since they were introduced in 2008. According to the GDP deflator measure of inflation, £300 in 2008 would be the equivalent of £428.90 today.

An accused does not have to accept the offer of a fiscal fine and may give notice to that effect. In those circumstances, the prosecutor will decide what further action to take including whether to prosecute the accused in court.

Fines Enforcement Officers have responsibility for enforcing fines and can take a range of actions, further details of which can be found here: Fines Enforcement Officers role and responsibilities | Scottish Courts and Tribunals Service

Since the 2022 Act came into force, the Lord Advocate has routinely provided updates to the Committee which indicates that in the vast majority of cases, fiscal fines are accepted and paid by individuals. We will, of course, continue to monitor how fiscal fines work in practice.

Recommendation: "*We also heard calls for victims to be informed when a fiscal fine is accepted. We accept there may be certain practical difficulties with this proposal, however we believe it is worthy of further consideration in the context of wider reforms relating to how information is provided to victims of crime.*"

We are committed to placing the needs of victims at the heart of the justice system, recognising their individual needs and preferences and ensuring that systems respect those insofar as possible. Equally, however, we recognise that it is not in anyone's interests to introduce disproportionate obligations that cannot be delivered in a trauma informed, meaningful and timely way. As is suggested we will continue to consider this issue in engagement with partners and in the context of wider reforms to victim information and support.

National jurisdiction

Recommendation: *"Our support for this part of the Bill is subject to there being clarity about the point at which national jurisdiction ends. In our view this should be the point at which full committal takes place. This is in the interests of preserving the important principle of local justice, which benefits users of the justice system. We understand that the Scottish Government's policy is that national jurisdiction would end at full committal, but it is not entirely clear to some in the justice sector that the wording of the Bill provides for this."*

As the Committee knows, the purpose of this Bill is to make permanent temporary provision from the 2022 Act that relates to national jurisdiction for first appearances from police custody. Barring extending these powers to Justice of the Peace courts, these provisions remain largely the same as they have been since they were first introduced in the emergency legislation in 2020 and continued by the 2022 Act.

Crucially, it should be noted that the national jurisdiction will never be able to be used for a trial: in a case where an individual pleads not guilty and the case goes to trial, it can apply only for initial appearances from custody and for subsequent procedural hearings

The point at which national jurisdiction will end may be slightly different depending on whether they form part of solemn or summary proceedings.

Solemn proceedings
Solemn proceedings can begin with granting of a petition warrant to arrest and commit the accused or the service of a petition or indictment on the accused. It is rare for solemn cases to go straight to indictment as often not all facts pertaining to the case will have been fully ascertained by the Crown at that point.

Where the accused is appearing from custody for the first time, the national jurisdiction provisions permit their first appearance to be dealt with in any sheriff court, and by a sheriff of any sheriffdom.

The accused's first appearance before a sheriff on petition is known as the "first examination". At the first examination, the prosecutor may move the court to commit the accused either for further examination (CFE) or until liberated in due course of law (which is known as "full committal"). The accused will often make an application for bail. If full committal takes place then (or later), the court's national custody jurisdiction will end, and any subsequent hearings will take place under the normal jurisdictional rules (see inserted section 5B(6)(b)).

When an accused is released on bail after being committed for further examination, full committal will likely not happen (section 23(3) of the Criminal Procedure (Scotland) Act 1995) and therefore will not end the court's national jurisdiction. In such cases, the court's national jurisdiction will extend to the first diet, by which time the indictment will have been served on the accused and they will be asked to plead at that diet. If the accused enters a plea of not guilty which is not accepted by the Crown, the court's national jurisdiction will end (see – National jurisdiction for callings of custody cases in a sheriff court: inserted section 5B(6)(a)). On that basis, there are no circumstances in which a trial can be held under the national custody jurisdiction.

Summary proceedings
In summary proceedings, the accused will be expected to enter a plea at their first appearance from custody (or in a continued hearing of that first appearance). Where the accused pleads not guilty, and the prosecutor does not accept that plea, the court's national jurisdiction will end. Any necessary future procedural hearings and the trial will be conducted in the court that has normal territorial jurisdiction for the case.

We hope this has been useful explanation for the Committee and would note the Bill provides for the above, but we will carefully consider if more can be done to clarify these provisions (either in the Bill or in the Explanatory Notes). 7

Time limits in solemn cases:

Recommendation: *"The Cabinet Secretary has suggested that the current temporary time limits could continue to apply to those cases in the system prior to 1 December 2025. In our view, this would be a pragmatic solution to deal with the current pressures. However, our expectation is that the time limits will return to their pre-pandemic level for any new cases beyond 1 December 2025. This should be provided for in any amendments made to the Bill."*

We welcome the Committee's support for the suggested approach to managing the expiry of the remaining extended time limits under the 2022 Act.

As noted by the Committee, we intend to bring forward savings provision in regulations under section 58(1) of the 2022 Act which will provide that the extended time limits will continue to apply with respect to any case where the accused's first appearance on petition (for the time limit in section 65(1) of the 1995 Act) or full committal (for the time limit in section 65(4)) occurred before the relevant extension provision has expired (i.e. first appearance or full committal up to and including 30 November 2025). The effect of this will be that the extended time limit continues to apply to any case where it was in effect at the point where the 'clock' on the relevant time limit began to run. This approach is in line with the Committee's recommendation and would address concerns that were expressed during the Stage 1 evidence sessions. We will provide further information to the Committee as this work progresses.

Part 2 – Abusive Domestic Behaviour Reviews

Definition

Recommendation: *"We seek reassurances from the Scottish Government that there is nothing in the Bill that will undermine the commonly understood definition of domestic abuse in Scotland."*

We can reassure the committee, that the definition within Part 2 of the Bill does not undermine the definition of domestic abuse within the Domestic Abuse (Scotland) Act 2018 ("the 2018 Act"). Part 2 of the Bill and the 2018 Act have different purposes: the 2018 Act created a criminal offence for domestic abuse, while Part 2 of this Bill focuses on learning from deaths where there has, or appears to have been, domestically abusive behaviour by person A (the 'perpetrator') towards person B (the person who has died).

Whilst the definitions in the 2018 Act and Part 2 of the Bill are broadly similar, the Bill takes a broader position in relation to children to ensure that more deaths are covered by the review model. We know that the impact of domestic abuse or the 'ripple effect', particularly where there is a death, is far reaching. There is valuable learning to be gained in considering the wider impact of incidents of domestically abusive behaviour and as such it is right that the definition reflects a wider set of relationships to ensure the model captures the wider impact. This was a point that stood out strongly through the responses to the consultation and targeted engagement undertaken in 2023 and both myself and Professor John Devaney, University of Edinburgh, outlined to the Committee, that the definition in the Bill reflects this.

We have committed to including other types of deaths within the model, including 'so-called honour killings' which are not captured under the 2018 Act but we recognise that these deaths should be included within the model and that the impact and behaviours of abusive domestic behaviour go further than the 2018 Act definition does.

We will ensure that the distinction between the 2018 Act and the definition in the Bill are clear in the statutory guidance that will support the undertaking of the reviews (and we will highlight this as part of the consultative process as that is developed). We will also reflect on whether any changes to the current definition in the Bill should be made, but would like to note that there is no intention to narrow the review model in order to cover only deaths which could be prosecuted as domestic abuse under the 2018 Act, as doing so would forego the learning of valuable lessons which can be applied to prevent future deaths.

Child and Young Person

Recommendation: "*We recommend that consideration is given to more clear definitions of 'child' and 'young person' in the context of this Bill."*

In order to clarify the distinction of "child" and "young person" the Committee should note that the Bill uses the term "child" only when referring to a "child of" a person, for example, "person A's child", or "a child of person A's partner or ex-partner". This is therefore exclusively about a parent/child relationship and the age of the child is irrelevant. For example, this could apply to an adult child independently just as it could be a 10 year old living at home with a parent or parents or it can also mean someone who has been accepted by another person as their child - e.g. a step child or a foster child (as is set out at section 9(7)(c)). As The Explanatory Notes state at paragraph 106 when discussing what it means to be a "child of" someone, "The nature of the relationship is what matters… the child could be an adult living entirely independently".

Where the Bill refers to a "young person", this means a person who is under 18 years old, or under 26 years old for care-experienced individuals. The term is defined at section 9(7)(d). In some legislation, those falling within this age range might have instead been defined as "children and young people" in recognition of the breadth of the age-range. However, the term "young person" was specifically used within the Bill without mention of children in order to avoid confusion with the parent/child relationship which is relevant elsewhere in the provisions. Although many statutes define "child" to mean an individual under the age of 16 or 18 years old, that approach has not been adopted here and the term "young person" is used to cover the full age range and so will apply, for example, to those who are aged 2 years old as well as to care-experienced individuals who are 25 years old.

The terms are therefore not used interchangeably: "child of" means that there is a parental relationship, while "young person" is used to capture age and is defined to mean from birth until age 18 years old or, for care-experienced individuals, until age 26 years old.

We note the Committee's recommendation and while we think the definitions are clear and have discussed with the Taskforce members, we will add further detail and examples within the explanatory notes for the Act to ensure the distinction is made totally clear.

Joint Reviews

Recommendation: *"We recommend that the Scottish Government provide detail on how joint and multi-agency reviews will work in practice and how it will ensure the reviews do not duplicate existing processes in order to minimise the impact on children and families."*

The review landscape in Scotland in relation to children and young people is particularly complex. There are also known gaps within existing review processes regarding children and young people and instances of domestic abuse. The domestic homicide and suicide review process will address this gap whilst also ensuring a high standard is set in relation to learning reviews.

The findings from the programme of consultation and targeted engagement undertaken in 2023 found that 98 per cent of respondents supported the inclusion of domestic abuse related family homicide (where person A kills person B and a child of person A and/ or B), and 90 per cent of respondents supported the inclusion of children where any child has been killed in a domestic abuse context by person A regardless of whether a parent has also been killed.

In response to the findings, we established a Children and Young People Group under the Taskforce to support the development of how the model will operate in relation to children and young people killed, and children and young people bereaved by domestic homicide or suicide, alongside existing review processes in relation to children and young people.

The Children and Young People Group includes members from across Social Work Scotland, Child Protection Committees Scotland, Care Inspectorate, Police Scotland, COPFS, Scottish Women's Aid, ASSIST, Health Boards, child bereavement support and academia. Collectively the Group has developed a set of principles and practical measures for joint reviews involving children and young people to help mitigate any concerns or risks.

These include that:

- there should be only one review of the death of a child or young person unless multiple reviews are unavoidable;
- the single review should meet the requirements of the child death review process and generate a Core Review Data Set to be provided to the National Hub (Healthcare Improvement Scotland (HIS)/ Care Inspectorate);
- where appropriate, the local Child Protection Committee should be involved in drawing up the terms of reference for the review and nominate a member(s) of the review panel;
- the single review process should allow the Care Inspectorate to fulfil its statutory and non-statutory duties with regard to the death of a child or young person in care.
- the single review process should allow the Care Inspectorate to fulfil its responsibilities with regard to child protection learning reviews;
- where appropriate, the review should also meet the requirements of one or more of a suicide review, a child protection learning review, a Multi Agency Public Protection Arrangements Serious Case Review (MAPPA SCR), a Serious Adverse Event Review (SAER) and the domestic homicide and suicide review process;

- the approach taken in conducting a review should be one of learning and improvement;
- an initial assessment of what is known by the relevant agencies will be necessary to inform decision-making at this stage and to decide whether the criteria for a domestic homicide and suicide review are met but this will not be an initial or additional review but rather an exercise to ensure that the one review has appropriate terms of reference and membership of the Review Panel;
- information will be provided to the Review Panel by all of the relevant agencies;
- the single review will produce a single summary of learning and a single set of recommendations and actions; and
- while membership of the Review Panel will be determined by the Independent Review Chair and the Review Oversight Committee, this membership should include local practitioners.

It is important to note that domestic homicide and suicide reviews are being established to ensure an important gap is addressed. In considering whether a joint review should be undertaken, it will be important to ensure that the domestic abuse lens is central to ensure this is not diluted or lost.

The principles were agreed by the Children and Young People Group, by the Model Development Subgroup which the Group reports into and by the Domestic Homicide and Suicide Review Taskforce at its March meeting. The principles will be included within the statutory guidance that is currently being drafted. A stakeholder event will be held in the Spring where all relevant stakeholders will be invited to feed into the development of the detail of the draft statutory guidance.

We take on board the Committee's point and will update the Committee updated as the finer detail of how the process will operate in relation to joint reviews is developed.

Training

Recommendation: *"We seek reassurances that all panel members, including chairs, will undergo robust and comprehensive training, guided by those with expertise in domestic abuse, before undertaking their roles."*

We can reassure the Committee that robust and comprehensive training will be completed by the Chairs and Panel members. participating in reviews.

Under the auspices of the Domestic Homicide and Suicide Review Taskforce, a Workforce and Training Group was established in 2024. The remit of the Group includes the development of the job descriptions for the various roles under the model and the development and procurement of a training programme which are being guided by those with expertise in domestic abuse.

At present the Group are developing a set of core skills, knowledge and expertise that will be required for all roles under the review mode. Knowledge of domestic abuse and intersectionality (social categories such as race, class and gender and how these interact within connected systems creating structures of power, discrimination or disadvantage) is a core requirement for all roles under the model. The specific skills, knowledge and expertise required for each role is also being identified.

The Group is also developing what will be required in relation to a training programme and will support the procurement process to identify a suitable training provider.

The development of the job roles and training requirements will continue to be shared with relevant stakeholders and those with lived experience as they are developed.

Report Anonymisation

Recommendation: *"We recommend that further details be provided on how reports will be sufficiently anonymised and the level of detail that would be in the public domain following a review."*

The anonymisation of review reports is an aspect of the model where there are a range of views from stakeholders and there will also be a range of views between families and family members. We are very aware that careful consideration needs to be given to the narration of events, the implications of publishing sensitive information and how this information will be considered by bereaved children as they get older. A key question to be asked in the publication of reports is 'what is the purpose of publishing the report?' The answers vary across stakeholders and families, demonstrating that there is not a one size fits all approach in relation to the publication of reports and anonymity.

The views of family members are paramount, but so too is the consideration of living individuals included within the report, and the impact that such a report could have on all parties, now and in the future. This is particularly relevant for those who are young children at the time of the victim's death.

Under the Domestic Homicide and Suicide Review Taskforce, an Information Governance Delivery Group has been established to consider each aspect of the model, including the statutory guidance, from an information governance and data protection perspective. The publication of reports forms part of the Group's remit and, to supplement the work of the Group, it continue to meet and discuss aspects of the model regarding data protection.

A series of options on the approach to the publication of reports, the associated risks and mitigations, have been prepared for consideration by subject-matter experts who are members of the Information Governance Delivery Group. These options will be refined further to help inform what will be the starting position in relation to the publication and anonymisation of review reports, whilst ensuring there is flexibility where a different approach may be requested or required.

Resources

Recommendation: *"The organisations that take part in these reviews must be provided with the necessary resources to enable their effective participation."*

Ensuring sufficient resource is available is a key component to the successful delivery of the proposed domestic homicide and suicide review model. Identifying what those real costs are and ensuring they are met forms part of the consideration of the Domestic Homicide and Suicide Review Taskforce.