



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Criminal Justice Committee

**Wednesday 5 October 2022**

**Session 6**



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**CRIMINAL JUSTICE COMMITTEE**

**25<sup>th</sup> Meeting 2022, Session 6**

**CONVENER**

\*Audrey Nicoll (Aberdeen South and North Kincardine) (SNP)

**DEPUTY CONVENER**

\*Russell Findlay (West Scotland) (Con)

**COMMITTEE MEMBERS**

\*Katy Clark (West Scotland) (Lab)

\*Jamie Greene (West Scotland) (Con)

\*Fulton MacGregor (Coatbridge and Chryston) (SNP)

\*Rona Mackay (Strathkelvin and Bearsden) (SNP)

\*Pauline McNeill (Glasgow) (Lab)

\*Collette Stevenson (East Kilbride) (SNP)

\*attended

**CLERK TO THE COMMITTEE**

Stephen Imrie

**LOCATION**

The David Livingstone Room (CR6)



## Scottish Parliament

### Criminal Justice Committee

Wednesday 5 October 2022

*[The Convener opened the meeting at 10:02]*

### Decision on Taking Business in Private

**The Convener (Audrey Nicoll):** Good morning, and welcome to the 25th meeting in 2022 of the Criminal Justice Committee. There are no apologies.

Our first item of business is a decision on whether to take item 3 in private. Do members agree to take item 3 in private?

**Members** *indicated agreement.*

## Correspondence

10:02

**The Convener:** Our next item of business is consideration of recent correspondence that has been received by the committee. I refer members to paper 1, in which the clerks have suggested ideas on how we might take forward the highlighted issues. However, I am happy for members to raise any points that they wish to make.

I will take each letter in turn, starting with the letter from the Minister for Community Safety on the commencement of various parts of the Fireworks and Pyrotechnic Articles (Scotland) Act 2022, which is on page 3 of paper 1. Do members have any queries or points to raise? If not, are members happy with the suggested follow-up action to note the developments that are outlined in the letter, including the confirmation that certain parts of the act will be implemented before bonfire night this year, and to note the timetables for the other parts of the act?

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** I need a bit of clarification. The Scottish statutory instrument comes into force on 10 October, but I have not seen much publicity about it. I assume that there will be some public awareness raising, but it is quite a tight timescale for that.

**The Convener:** That is a good point. In the letter that we received from the minister, there was reference to information on the offence being included in the Scottish Government's annual fireworks campaign. I do not know what the starting date for that is, but we could perhaps go back to the Government for clarification.

**Rona Mackay:** That would probably be good, although the instrument might have come into force by the time that we get a response. I flagged up the issue because today is 5 October and it comes into force on 10 October.

**The Convener:** It is a good point. The issue of publicity and awareness was raised a number of times at committee, so I am happy for us to take that back to officials, if members are happy with that.

**Jamie Greene (West Scotland) (Con):** I am happy with that.

To follow on from that point, there are different bits of the bill and the implementation will come at different periods. Obviously, there was a rush to get the bill through to deal with the issue of proxy purchase and supply. I am not entirely convinced that people understand what that is or what it means. For example, parents out there might be

thinking about buying fireworks. Does it mean that they cannot use fireworks in their household or if their children are there?

We understand the more obvious problem that existed, and that the bill was trying to address. However, I am concerned that, although the practice becomes illegal in five days' time, there has been no public awareness raising. That is despite calls for that in our report and throughout the process; indeed, amendments were lodged to try to push the Government to do that. I would need to go back and check the *Official Report*, but I think that we were given categorical reassurances, and I am pretty sure that the Minister for Community Safety asked us not to move some of those amendments on the premise that the Government would be robust in its public awareness-raising activities. However, I have not seen or heard anything on television or radio or in ambient media—there has been zero coverage. The worry is that people will carry on doing what they do and find themselves falling foul of the law, having not known that the measure is coming into play.

There are other aspects. The other side of the coin is that people might think that we also banned fireworks, which we did not. There has not been much awareness raising on what we actually passed into law and what is happening this year versus what is happening next year.

I ask the Government to reflect on that. We are going into recess, so we will not be able to look at it until after 10 October. We are also looking at the letter only today, just a few days before the implementation of the SSI, which is not ideal.

**The Convener:** I do not disagree with that point. However, I come back to the letter that the minister sent the committee. One section in it relates to information on the proxy purchase and supply offence

“being included in the Government’s annual fireworks campaigns.”

Further on in the letter, the minister refers to the fact that her officials are

“developing a bespoke programme of communications with partners, in addition to the annual fireworks season campaigns, to support commencement of the proxy purchase and supply offence and emergency workers aggravation and publicise these coming into force.”

Nonetheless, the point that has been raised is fair. As I said, I am happy for us to go back to the minister and her officials to raise the particular issue of timescales, given that we are discussing it on 5 October and the date that has been set out for the new offence coming into force is in five days' time. If members are in agreement with that, we will write back to the minister.

**Members indicated agreement.**

**The Convener:** The second letter is from the Cabinet Secretary for Justice and Veterans and is on charging fees for access to court transcripts. Again, I will open up to members for any comments.

**Russell Findlay (West Scotland) (Con):** The letter is pretty vague and does not really tell us anything. The fourth paragraph states that there is a commitment to “improving victims’ experiences”, but the letter does not address the central point, which is access to court transcriptions.

As the top of the letter points out, there was also quite a delay between our letter and the response. However, I kind of wonder what the point of the response is, as there is so little in it of any substance.

**Jamie Greene:** This is one of the items on our tracking radar of Government actions, and the letter says nothing that we did not already know. The cabinet secretary kicks off his second substantive paragraph with:

“As you will have appreciated from the previous correspondence”.

In other words, we are to expect repetition. He goes on to say:

“the matter is not ... straightforward”.

Well, we know that. We asked what the Government was doing to resolve the not-straightforward issues.

The cabinet secretary then lists a number of barriers to making a scheme happen but does not expand on them. He talks about

“existing contractual arrangements that are in place”.

What are they? He talks about

“the potential funding resource that could be required.”

How much would be required? He says that there is

“a wider question around the existing legislative framework, and the extent to which that might need to be amended.”

Which laws does he mean?

I see no plan for how the Government might deal with those barriers, if they exist. If the Government made a robust case that the barriers are onerous—for example, because the approach would cost £20 million and there is not enough money, or because we are locked into a contractual obligation for five years, which we cannot break—that would be a fair answer and I would hear the cabinet secretary out. However, what he said sounds wishy-washy and is not acceptable, given the scale of the fees that victims of quite horrific sexual offences are asked to pay. The tone of the cabinet secretary’s letter, if not the content, does not suggest to me that the cabinet

secretary will look further into the matter any time soon.

I would like us to follow up the issues that the cabinet secretary raises in his second paragraph and get a bit more of a plan from the Government on how it will navigate its way through them and come back with a solution and timescale.

**Pauline McNeill (Glasgow) (Lab):** The letter contains very little information for us to go on. I take the view that there is a wider issue about access to criminal and civil justice and that people should have affordable access to what happens in their court cases. I do not know what the charge is—I do not know anything about that—but I assume that it is quite expensive, because a scheme would not otherwise be being created. I cannot comment further on that.

For me, there is a wider issue. Constituents have told me that they found it really difficult to get the transcripts of their court cases. There is probably not enough time in this committee's agenda to deal with the wider issue but, if a commitment has been made and the Lord President is commenting on the matter, we probably need to pursue it, to make sure that that element of the system is in place.

**The Convener:** Members have made fair points. As was set out in previous correspondence, what is sought is not straightforward to implement. Bearing in mind the points that members have made, are members content with the suggestion that we note the cabinet secretary's response but say that the matter should remain a priority, particularly in the context of support for victims? The committee has regularly considered that issue, and it is part of our action plan for reform of the justice sector that we review progress before the end of the year.

Are members content with all that?

**Jamie Greene:** I am content with all that, but perhaps we could be more explicit about what we want the Government to say in its response. If not, we might just get another letter that says, "We note your concern; don't worry, we're dealing with it." We could ask straightforward questions about the funding barriers, the legislative framework that might cause problems and the contractual arrangements—within reason, and without delving into commercial sensitivities. I trust that the clerks could come up with reasonable questions to which we could ask the Government to respond, one by one.

**The Convener:** My only point in response to that is to question whether that information is available at this point. We can ask the questions, but I wonder whether, if the information had been available, it would already have been shared with us.

**Jamie Greene:** We asked in June. We are not asking something new.

**The Convener:** Does anyone else want to comment? Jamie, are you saying that you want to go back to the Government to ask about those further points?

**Jamie Greene:** I just think that, if we write in generic terms to say that we are still watching the Government on the issue, we will get a generic response. If we ask specific questions, the Government can choose whether to respond to them, but at least we will be starting to delve into the barriers to progressing the issue.

**Russell Findlay:** I agree with Jamie Greene. I do not have the Lord President's response in front of us, but I think that it gave a much more detailed explanation about why what is asked for is difficult. There are many things that we can reasonably ask on the basis of the cabinet secretary's letter, which really says nothing. We should ask those questions.

10:15

**The Convener:** I will bring in other members on that.

**Collette Stevenson (East Kilbride) (SNP):** Jamie Greene has touched on the cost implications of taking that forward, but the other question is the issue of charges for transcripts. How costly will those be for victims? There is an issue of accessibility because, if they are too expensive, in effect, that is another barrier to justice.

**The Convener:** Yes—thank you. If members are happy to take on board Jamie Greene's points, we can write back to the cabinet secretary. Obviously, we will bear in mind the fact that we would look at that matter anyway, but I am happy for us to take that forward.

The next piece of correspondence, which is, again, from the cabinet secretary, is on the risk assessment review and prison releases. The matter of the level of service and case management inventory—LS/CMI—system was raised in the chamber some time ago, and we have received updates on that previously. Do members have any further comments on that correspondence? Are members happy to note the information provided, as suggested in the paper?

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** I have a comment rather than a question, convener. Criminal justice social work staff carried out a review of nearly 18,000 cases, so it is worth putting on record our thanks to them for doing that. We have heard in various committee evidence sessions about the workloads

of staff in the justice sector, so I imagine that that was quite an undertaking in itself.

**The Convener:** If there are no other comments, are members content to note the content of the letter?

*Members indicated agreement.*

**The Convener:** Our next letter is from the Minister for Drugs Policy on the oversight of the national mission to tackle Scotland's rate of drugs deaths. I can see that there are no comments on the letter. Therefore, are members happy to note the information provided?

*Members indicated agreement.*

**The Convener:** The final letter is from NHS Scotland on the issue of medical prescriptions upon liberation. It is a detailed letter following our correspondence in relation to seeking clarity about the availability of prescriptions on release from custody. Bearing in mind the recommendation that has been made, I open that up for comments.

**Collette Stevenson:** On page 13, there is reference to short-life working group one, which is considering solutions. I am keen to get an update on the completion of that work.

**Jamie Greene:** The letter flags up two issues that we were already acutely aware of, one of which is the disparity of provision across the country. The processes seem to be very different, depending on which national health service board you are in and which prison you are leaving. I understand that that is a by-product of having different NHS boards. Since the responsibility for healthcare has passed from the Scottish Prison Service to NHS boards, it seems that we are left in a mishmash of a situation.

The second issue is much wider and is one that I have been acutely aware of since I came into the Parliament: the lack of digitisation of that type of process. People have a prescription that is generated by a specific pharmacy along with a handwritten letter to their general practitioner—if they have a GP—and some prisons then have to print GP10 forms, which are then signed by somebody, presented to somebody else and then taken to a chemist.

The whole process is quite complex, and given all the money that has been spent on national NHS data systems and content management systems, I cannot understand why the NHS, in conjunction with the SPS, cannot come up with something digital that actually works. That might involve rolling back or blurring the lines of responsibility, but surely they could work together. There are not millions of people in the prison population. I appreciate that it could not be done overnight for the wider population, but surely they

could come up with a digitised solution that works for the prison population.

Those are my only two comments, and the letter lays that case open again. It is something that the committee has been aware of.

**Rona Mackay:** I agree with what has been said, including Collette Stevenson's request for an update on the short-life working group.

I will follow on from what Jamie Greene said. The letter states that

"The Board has been tasked to provide oversight of the development of an outline business case (OBC) to support a set of clinical IT solutions for prisons"

with a view to supporting

"equity of care in prison healthcare settings."

The letter states that the outline business case is expected in autumn 2022,

"after which the Programme will present recommended options for progressing to a full business case."

I would like to know more about that business case. Will it address some of the things that we are talking about, such as digitisation and making the process much clearer? More information on that would be good.

**Collette Stevenson:** Based on the evidence on the challenges that we heard about when we visited Maryhill, it might be worth writing to the Wise Group to seek its views. The letter seems to state that everything is going quite smoothly with regard to release, although there is a comment about Friday releases and how those can be a challenge. It might be good to get a second opinion from the Wise Group on that.

**The Convener:** We have a suggestion that we share the correspondence that we received from NHS Scotland with the Wise Group and others and ask them for any feedback that they wish to provide, bearing in mind that they will have the chance to pick up on the business case and the short-life working group. It would be helpful if they wish to write back to us.

In the meantime, we might want to write back to NHS Scotland on the specific points that members have raised—Jamie Greene's point about digitisation and Collette Stevenson's point about the short-life working group—as well as asking for more information on the business case.

**Pauline McNeill:** Are members satisfied with the response? It took one half-hour meeting with the Wise Group for the matter to be raised with us, and I presume that it was not a one-off issue, or the Wise Group would not have raised it. I find it hard to believe that the issue is not being picked up, because it is quite a problem. The letter tells us that, on a Friday,

“the prison healthcare team would write a prescription for the patient to cover a week or so of opioid substitute treatment until the CAT team can pick the patient up.”

That is so lax.

**The Convener:** I think that that is the point that we are making—that it is appropriate that the response goes back to the Wise Group. It is at the front end and is probably best placed to comment on the content of the correspondence, if you are content with that. That is at the heart of why we are proposing—

**Pauline McNeill:** I am not really content with the response because, to me, it is an admission—I do not need the Wise Group to tell me that. The response suggests that the situation is okay. Other people know more about the issue than me—I am just a layperson reading about it—but, surely, if people are prescribed a week’s worth of treatment until the community addiction team can pick up the patient, there could be a gap. That is an admission, is it not? I am just—

**The Convener:** So—

**Pauline McNeill:** Okay, I will wait to see what the Wise Group says.

**The Convener:** I am asking whether you are content for the committee to send the correspondence to the Wise Group so that it can comment on it. We can pick it up from there.

**Pauline McNeill:** Yes, I am.

**The Convener:** Are members happy with that?

**Members** *indicated agreement.*

**The Convener:** Thank you. That completes our business in public. We now move into private session. Our next meeting will be on Wednesday 26 October, when we will begin to take evidence as part of our pre-budget scrutiny process.

10:26

*Meeting continued in private until 11:33.*



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