

SCOTTISH JUSTICE BULLETIN – DECEMBER EDITION

Purpose

The Scottish Government has prepared this bulletin for leaders and staff in the organisations which contribute to delivering justice in Scotland. It describes current and planned Scottish Government and justice organisation activities which contribute to delivering the justice outcomes set out in the [Strategy for Justice in Scotland](#).

This month's highlights:

- [Parole Change Project - Lanarkshire Breach Pilot](#)
- [Leadership Development](#)
- [European Union Opt-in – Two New Measures](#)
- [Human Trafficking and Exploitation Bill](#)
- [Scottish Fire and Rescue Service's Christmas Safety Campaign](#)
- [Criminal Proceedings in Scotland 2013-14 – Published 16th December](#)
- [Reduction in drink-drive limit](#)

Parole Change Project - Lanarkshire Breach Pilot

Certain offenders released early from their sentence are subject to licence conditions until the end of their sentence and a breach of any of the conditions could result in them being recalled to custody or other sanctions applied.

Our institutions and processes are effective and efficient

Recent work undertaken by Criminal Justice Social Work, Police Scotland, Scottish Government and the Parole Board (PB) identified opportunities for joint working and improvement. From a protection of the public perspective it was agreed, as part of the Parole Change Project, to test whether decisions could be made quicker.

A pilot was launched on 1 October involving our partners in Lanarkshire Criminal Justice Social Work, Q Division of Police Scotland, the Parole Unit and the Parole Board. The pilot will run for 3 months.

A change has been made to the current process so when Police Scotland become aware of further offending for someone on licence they will contact the Criminal Justice Throughcare Team and provide a Police report. Conversely, if the Supervising Officer (SO) becomes aware of a potential breach of licence conditions they will contact Q Division to see if Police Scotland has any recent or on-going concerns. In both scenarios the SO will use the police information to help complete a Throughcare Breach Report (TBR) so that the Parole Board has quick access to the fullest possible information with which to consider whether or not to direct that the offender is returned to custody. The thinking behind this is that SOs would be given more information about offending behaviour so that they can better assess the risk and update risk assessments so that the Parole Board is also better informed.

For the purposes of the pilot a revised TBR has been produced which will also encompass the PBS decision. The PBS will, for the duration of the pilot, trial a different approach to decision making which will facilitate decisions being made outwith the normal case consideration framework. The Parole Unit will provide a valuable coordination role between all partners.

The Breach Pilot is part of the wider Parole Change Project which seeks to transform delivery of Parole in Scotland through a number of work-streams with the aim of developing a service which is faster, efficient, risk based and which the public can have confidence in.

Leadership Development

The development of leadership capability and capacity is a priority across the public sector with great work underway in many organisations. An initiative which is taking place under the auspices of the Justice Board is building on those foundations to develop leadership through collaboration across the sector. The first part of a joint Police Scotland and Scottish Prison Service (SPS) programme aimed at middle management has been delivered and will act as a stepping stone for wider activity. Representatives from the police and SPS were joined by external partner agencies and other consultants.

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The aims of the event were to:

- Develop a culture of collaborative learning to maximise individual potential and performance, leading to increased organisational effectiveness;
- Build organisational capability and capacity; and
- Contribute to improved efficiency of training provision across the Justice Sector.

The initial feedback has been extremely positive. Participants reported that the week-long event provided an excellent opportunity to share information with their peers and that all the aims of the course were achieved.

Lynne Pritchard from the Safer Communities Directorate in the Scottish Government observed the event, commenting, “This was an excellent thought-provoking course, brought alive through anecdotes and deep understanding of the practicalities facing leaders in the public sector. The method of delivery was well-paced and motivational while also challenging us, as individual leaders with our own set of values, to start making that required change in leadership style from transactional to transformational.”

“The nature of the content, and the questions posed, are relevant to leaders across the entire public sector; the key question being whether all levels of leadership genuinely understand, believe in and role-model a shift in mindset and leadership approach. The assessment criteria and design require the groups to work closely, building stronger cross-partner relationships.”

The second phase of the programme is scheduled to take place in February at the Scottish Prison Service College in Polmont. The aim is then to roll the programme out to the wider Justice Sector, with the Scottish Fire and Rescue Service interested in participating.

Representatives from Police Scotland and SPS started work on the programme in March, which led to the development of a programme design specification and assessment strategy. The programme will subsequently be credit rated by the Scottish Police College, recognising academic achievement.

This is the first of a number of initiatives designed to enhance cross-sector leadership and workforce development. If you have any ideas about other opportunities [Lynne Pritchard](#) would be delighted to hear from you (0131 244 4586).

European Union Opt-in – Two New Measures

Scotland benefits in a number of ways from co-operation between our police and justice agencies and their counterparts in other European Union (EU) countries.

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Following the UK opt-in to thirty five Justice and Home Affairs measures on 1 December, the Scottish Government has implemented two new EU Framework Decisions.

The first new Regulations transpose the [Trials in Absentia Framework Decision](#) by amending the rules for mutual recognition of financial penalties.

The [new provisions](#) safeguard an accused’s rights, ensuring that the correct procedures have been followed in a trial in his or her absence before a request to process a financial penalty (for example for a road traffic offence) from another Member State can be accepted. They will also help ensure criminals are not able to evade justice by arguing that it was unfair to impose a fine in their absence.

The second of these measures transposes the [Mutual Recognition of Supervision Measures Framework Decision](#) by establishing a system for mutual recognition of bail across the EU. Colloquially known as the European Supervision Order (or ESO for short), the [Scottish provisions](#) will help ensure that a decision on bail taken by a judicial authority in one member State can be recognised and enforced in another.

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The aim is to allow an accused person to return home to be supervised there until their trial takes place in the EU Member State where the offence took place. It will also allow persons awaiting trial in their home country to move to another EU country while on bail, for example, if that is where they are employed.

[Fair Trials International](#) uses the case of UK national Andrew Symeou to highlight the problem and the solution agreed by Member States. In Greece, Mr Symeou was first held in prison, then not allowed to leave the country, on charges which were eventually dropped.

The proposals for implementing the ESO in Scotland have been developed by a policy, legal and operational working group comprising Scottish Court Service, Crown Office and Procurator Fiscal Service, Police Scotland and the Scottish Government.

Their implementation supports the [Justice Strategy Vision](#), according to which individual and collective rights are supported and disputes are resolved fairly and swiftly.

Human Trafficking and Exploitation Bill

The [Human Trafficking and Exploitation Bill](#) was published on 12 December 2014. It will clarify and strengthen criminal law by introducing a new single human trafficking offence and increasing the maximum penalty for offenders to life imprisonment. The proposals are designed to give Scotland's law enforcement agencies greater tools in their armoury to bring those responsible for human trafficking and exploitation to justice as well as guaranteeing victims support. It will mean that, for the very first time, there will be legislation in Scotland focusing specifically on human trafficking and exploitation through slavery, servitude and forced or compulsory labour.

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When passed, the Bill will also:

- give adult victims of trafficking equivalent rights to access immediate support and assistance as child victims already have;
- ensure guidance for prosecutors in dealing with the victims of trafficking and exploitation who are forced to commit crime as a direct result of their victim status; and
- require Scottish Ministers to work with other bodies to publish and keep under review a Scottish Anti-Trafficking and Exploitation Strategy.

Collaborative engagement is ongoing with stakeholders to ensure that the Human Trafficking and exploitation Bill and Human Trafficking and exploitation Strategy ensure that Human Trafficking is tackled robustly and victims receive the necessary support.

The lead for the Human Trafficking and Exploitation Bill is [Ann Oxley](#) and the lead for the Human Trafficking and Exploitation Strategy is [Brian Craven](#).

Scottish Fire and Rescue Service's Christmas Safety Campaign

Mr Wheelhouse undertook his first official visit to the Scottish Fire and Rescue Service (SFRS) training facility at Clydesmill, Cambuslang on 11 December, where he launched the Scottish Fire and Rescue Service's Christmas Safety Campaign. The **"This winter, give fire the cold shoulder"** campaign focuses on providing safety advice on potential fire hazards that can be encountered over the festive period.

We experience low levels of fear alarm and distress

The Minister is keen to promote the SFRS's Christmas safety campaign message, and urged people not to put themselves and their families at risk and to ensure that they have working smoke alarms in place and they know what to do should a fire break out.

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As part of this campaign the SFRS are running a series of radio, television and newspaper adverts. In addition, the Service are running the '12 days of Christmas' campaign on Facebook and Twitter which offers 12 key tips about what the public can do to prevent a fire in their home.

The main messages of the campaign are:

- Check your smoke and heat alarms are working. Replace the batteries now if necessary.
- If you have an open fire make sure your chimney is swept. Always use a fireguard, secured in position, to protect against flying sparks from hot embers.
- Never place Christmas cards or decorations around the mantelpiece.
- Check your Christmas light plugs are fitted with the correct fuse, don't overload extension leads and ensure all electrical devices are Intertek BEAB approved.
- Decorations can burn easily – don't place them near lights or heaters.
- Never leave cooking unattended, especially when using hot oil. For an early warning of fire, consider fitting a heat alarm in your kitchen.
- If you've been drinking alcohol, avoid cooking.
- Smoking is the main cause of death from fire in the home. Avoid a smoking related fire by making sure cigarettes are put out properly. Never smoke in bed. Don't smoke in your chair if you've been drinking or you're feeling tired. If you do feel tired, smoke outside or stand up and smoke at a window or outside door.
- Take time to check on elderly relatives and neighbours this Christmas, as they are at greater risk from fire, particularly if they suffer from ill health or a disability.

Links to the "12 days of Christmas" Campaign can be found at:

<https://www.facebook.com/ScottishFireAndRescueService>

<http://www.firescotland.gov.uk/our-twitter-accounts.aspx>

Criminal Proceedings in Scotland 2013-14 – Published 16th December

[Criminal Proceedings in Scotland 2013-14](#) forms part of the Scottish Government series of statistical bulletins on the criminal justice system. The bulletin covers criminal proceedings concluded in Scottish courts and on a range of non-court disposals issued by the police and by the Crown Office and Procurator Fiscal Service during the financial year 2013-14.

We have high levels of confidence in justice institutions and

The report can be found on the Scottish Government website.

Key headlines show that:

The total number of people convicted in Scottish courts increased by four per cent to 105,549 in the year to 2013-14. This is the first increase in convictions in seven years and has been primarily driven by rises in convictions for motor vehicle offences (up 14 per cent from 35,453 in 2012-13 to 40,258 in 2013-14). This tallies with an increase in the number of financial penalties imposed on those convicted in the year to 2013-14 (up 8 per cent to 57,812).

Convictions for non-sexual crimes of violence saw falls and, in particular, convictions for homicide and "attempted murder & serious assault" both declined by 20 per cent in the year to 2013-14 (down to 90 and 1,029 people respectively). By contrast number of people convicted for sexual crimes continued to rise with a 22 per cent increase overall (from 864 in 2012-13 to 1,053 in 2013-14). This follows similar trends to those seen in police recorded crime.

Reduction in drink-drive limit

On Friday 5 December, a reduced drink-drive limit of 50mg alcohol /100ml of blood with equivalent changes to the limits for alcohol in breath and urine came into effect across Scotland. This follows the transfer of the power to set the level of the drink drive limit from Westminster to the Scottish Parliament in the

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Scotland Act 2012. A publicity campaign to make drivers aware of the new limit was launched on 17 November, and the annual Festive anti-drink driving campaign began on 5 December, to coincide with the introduction of the lower limit.

We believe that the lower drink-drive limit will make Scotland's roads safer and will save lives. Evidence shows that drivers are six times more likely to die in a road traffic accident with a blood alcohol concentration between 50mg and 80mg (the previous limit) per 100ml of blood than with zero blood alcohol. Evidence submitted in 2010 by the British Medical Association to the House of Commons Transport Committee's inquiry into drink and drug driving law indicated that the relative risk of being involved in a road traffic crash for drivers with a reading of 80mg alcohol per 100ml blood was 10 times higher than for drivers with a zero blood alcohol reading.

Changes to the Scottish Justice Bulletin

This will be the last Scottish Justice bulletin in this format. From January 2015 you will be able to keep informed of the current and planned Scottish Government and justice organisation activities which contribute to the delivery of the justice outcomes in our new blog format. More details to follow.

Contact

The Justice Bulletin is also available on the [Scottish Government website](#). If you have any questions about any of the issues raised in this Bulletin, please contact:

Justice Outcomes Unit
Justice Directorate, Scottish Government
Telephone: 0131 244 5059
Email: justicechange@scotland.gsi.gov.uk