



# Making Justice Work for Everyone



**MR KEITH BROWN MSP**  
Cabinet Secretary for  
Justice and Veterans

Apex Scotland  
Annual Lecture

Edinburgh City Chambers  
6 September 2022



## Previous Apex Scotland Annual Lectures have been delivered by:

7 September 2021

**Sir Harry Burns**

Professor of Global Public Health,  
Strathclyde University

1 September 2020

**Dr Hannah Graham**

Senior Lecturer in Criminology in the Scottish  
Centre for Crime and Justice Research at  
the University of Stirling

3 September 2019

**The Rt Hon Lady Dorrian**

Lord Justice Clerk

4 September 2018

**John Swinney MSP**

Deputy First Minister and Cabinet Secretary  
for Education and Skills

5 September 2017

**The Rt. Hon. James Wolffe QC**

Lord Advocate

6 September 2016

**Fraser Kelly**

Chief Executive, Social Enterprise Scotland

1 September 2015

**Michael Matheson MSP**

Cabinet Secretary for Justice

2 September 2014

**Professor Lesley McAra**

Co-Director, Edinburgh Study of Youth  
Transitions and Crime, University of Edinburgh

3 September 2013

**Sir Stephen House**

Chief Constable of Police Scotland

4 September 2012

**Jeane Freeman OBE**

6 September 2011

**Tam Baillie**

Scotland's Commissioner for Children and  
Young People

7 September 2010

**Baroness Vivien Stern CBE**

Senior Research Fellow at the International  
Centre for Prison Studies King's College London

8 September 2009

**Professor Fergus McNeill**

Professor of Criminology and Social Work,  
University of Glasgow

9 September 2008

**Kenny MacAskill**

Cabinet Secretary for Justice and  
**Richard Jeffrey**, The Prisons Commission

11 September 2007

**Professor Wesley Skogan**

Institute for Policy Research (IPR),  
Northwestern University, Illinois

12 September 2006

**The Rt. Hon. Lord Cullen of Whitekirk**

13 September 2005

**Cathy Jamieson MSP**

Justice Minister

15 September 2004

**Duncan I Murray WS**

President of the Law Society of Scotland

16 September 2003

**The Rt. Hon. Jack McConnell MSP**

First Minister

18 May 1998

**Henry McLeish MP**

Minister for Home Affairs and Devolution,  
Scottish Office

## Foreword

This year's Apex Scotland Annual Lecture, opened by our Chair Ann Landels, was delivered by Keith Brown MSP, Cabinet Secretary for Justice and Veterans on the theme "Making Justice Work for Everyone". It was great to get back to an in person event at the City Chambers in Edinburgh and the event was well attended, despite adverse weather conditions.

Mr Brown outlined the considerable scope of the justice agenda in Scotland, with particular reference to work around Covid recovery, ensuring victims are supported, reducing the prison population and establishing a person-centred, trauma informed approach to both criminal and community justice. In the course of this lecture, he offered some personal perspectives based on his own life experiences and reinforced his own and the Scottish Government's commitment to the huge progressive vision which is designed to create a fairer and more effective justice environment. He also referred to the challenges of media, political and populist opinion, and the need to make the argument for more enlightened criminal justice approaches together with

implementing policy. There is no doubt that the range of legislative and policy changes currently going through Parliament constitutes one of the most root and branch modernisations of justice we have seen, and delivering on it all would be a significant challenge for all. Nevertheless, his commitment to the audience was that he would be working for a justice system which people could trust and be proud of.

The principles of the Scottish Government's Vision for Justice in Scotland expressed by Mr Brown are those long held by many across our sector. He also said that in times of crisis such as we are going through, it is vital that our systems are resilient, but that insecurity was the enemy of resilience. The third sector lives constantly in an insecure funding and planning environment and, if it is to contribute to the challenging vision and fulfil the absolutely critical role that Mr Brown believes we have, this systemic problem needs addressing as a priority.

**Alan Staff**  
Chief Executive  
Apex Scotland



## Introduction

Thank you very much for the introduction and the invitation to come along tonight.

I would like to congratulate Apex Scotland for bringing us all together tonight. For many of us this will be the first time that we've had the chance to meet face to face, and to see the range of people from across the justice sector and beyond. For me, having got this job last year and having had so few opportunities to meet people across the sector, it's a real pleasure to be here tonight. Thank you, too, to Apex for your continued work in reducing reoffending, helping to highlight and respond to the issues that bring people into contact with our justice system. These are themes I will cover in our discussion tonight and I am sure we will get into during the Q&A.

Indeed, in addressing the subject of today's lecture – Making Justice Work For Everyone – one thing is certain, we will need to continue these conversations and to work together just as we have in responding to the extraordinary impact of the Covid-19 pandemic on our justice system.

The Covid-19 pandemic has had a profound impact on all aspects of the justice system – the effect on the court system was huge and the response was fantastic; the innovation and adaptability of the justice system (and public services in general) has been remarkable. What we did in the Scottish Government was to respond with significant investment towards dealing with the pandemic, but also dealing with recovery, renewal and transformation – including an additional £50m in the current and previous financial years to increase capacity across the justice system to help enable the criminal courts to address inevitable backlogs that built up during the pandemic.

Justice agencies that I have spoken to are clear that the recovery programme will take

several years to address the backlog. That's no less true of the court system as well, but they are committed to working in partnership with the Scottish Government to help address these challenges head on and progress is being made.

I would like to take this opportunity to thank all the justice agencies represented here tonight for the assistance that you've given in keeping things moving. I think there were a number of obvious heroes during the pandemic – we all clapped for carers and the NHS – but it can also be said of many of our colleagues in local government (my bins were collected every single week as they normally are), many services continued to run with a fraction of the staff that they could normally call upon, and that is no less true of the justice sector. I know there were exceptional challenges, as any public facing service would have, and that was responded to with a great sense of duty and collaboration.

Alongside significant funding as a Government, we have also supported recovery throughout the pandemic through legislation. In June, the Scottish Parliament passed the Coronavirus (Recovery and Reform) Act. That Act continues the extension of a range of temporary justice measures that were introduced during the pandemic and that remain critical to help mitigate the impact of the backlog and ensure cases can progress. That is an easy thing to say. We had very substantial political opposition to the continuation of some of those measures but we listened to the justice agencies which were telling us that these had to continue if there was to be progress against the backlog.

One of the things that happened was a more digitalised justice sector, and I think that's one of the things we've done which could lead to potentially longer term improvements within the system. The system we are trying to move towards is a transformed system which is person-centred and trauma informed. I have

said a number of times now that “trauma informed” is something people talk about all the time in all sorts of sectors but we are looking to be a trauma responsive justice system. We had a meeting of the Victim’s Task Force and we agreed at that point that, right across the ‘system’, all agencies, including Ministers, had to have trauma informed training. We all should be ready to respond. So many people who have come in contact with the justice system have suffered trauma in the past or recently. It is this kind of reform and a focus on efficient and effective public services that I am keen to see continue. I look forward to considering how we might embed some of those measures permanently where we can make a case for that. One, for example, would be on the release of prisoners. Why should that not be in the Statute Book in Scotland so that we can respond in future to an emergency; why is it not acceptable to do it in Scotland when it is in the Statute Book in London? It’s just a common sense thing: if you have to, for public health or other reasons, have a release of prisoners, you should have the ability to do it without having to go through all sorts of other processes which you might not have the time to do in the case of an emergency. So there are a number of things which we can embed in the system which we have innovated to achieve over the course of the last couple of years and technology is a big part of that, although we always have to do that making sure that we safeguard the key principles of our justice system.

We have the chance tonight to discuss Making Justice Work For Everyone, exploring where we can make changes and also celebrate the successes, something we are not great at in Scotland, across our justice sector. This is very much the spirit on which the Scottish Government’s Vision for Justice in Scotland seeks to be built upon.

But before we delve into the ambitions, I want to recognise that the discussions that we have

tonight, and some of the discussions which you will have had as part of the organisation you represent with the Government and others, are taking place against a really challenging backdrop.

Earlier today the Government announced our Programme for Government against a backdrop of economic upheaval. The First Minister referred today to last year’s budget settlement; what we receive from Westminster represents around a 2% cut when you strip out the Covid consequential. At that time inflation was at 2%. In February this year it was 6%. It’s now about 10%. Some economic commentators say it will be 22%. So if you have a budget which is down at the start and then you subsequently have to find wage increases of 5% or 10% then there is real pressure on the budget. The simple fact will be that some of the things we wanted to do we now cannot do. Unless of course there is an element to what is announced at Westminster which recognises our public authorities as well as individuals, domestic energy users and businesses; public authorities have to be supported as well. It’s true for our prisons, police stations, all sorts of offices and facilities that we have, they are also having to pay more in terms of their energy costs. The Government, on our part, we have to support third sector and other organisations who are also struggling with this, so I would hope that will be recognised, but it is a very challenging backdrop.

And of course the economic upheaval that we have seen through Covid and now through this energy crisis is not something I think we’ve seen for a generation. I remember the economic upheaval of 1970s and 80s and what happened then, but this seems to be something quite different. In my view, I think the UK is going through a multi-generational slide in living standards. I think that is happening now and is continuing. The feature of the 70s and 80s was major constraints on public expenditure and that is also a challenge we have. So we

do have challenges, and that is true for all of us here, for individuals, businesses and public services.

As a responsible Government, we are determined to act to mitigate the impact of the crisis, where we can, to protect livelihoods and lives in Scotland in the coming winter; and to do as much as we can, as we weather the coming storm, to work for and secure a better, sustainable future for people and their families through this difficult period and in years to come. If you look at some of these pay deals that have been struck we have been, wherever we have been able to get that agreement, biased towards the lowest paid, which is as it should be. If you think back to 2009 when we had the big financial crash, what the Scottish Government did was to have a deal, or social contract if you like, which said we will have a policy of no compulsory redundancies and the reason for that was twofold. One, to give people security, but secondly, the nature of that crisis was different, but it was a financial one. People would simply have stopped spending if their jobs were in jeopardy. But if people know their job is secure they are more likely to spend and help the economy come through that process. This is a different crisis. Today some of the things we have announced are guaranteeing people will not lose their house - in banning evictions, for example, and also a rent freeze if people are renting their houses. So we will do what we can try to protect individuals.

The Programme for Government announced today takes account of ways we can mitigate the crisis, but we don't have control over the big energy levers, some scandalous ways in which the energy market has been mismanaged in this country; people producing energy through renewables or nuclear who have had no increase to their costs but have had a four fold increase in their profits. So whether it is the energy levers of power or whether it's the major huge expenditure which

has been talked about, it will have to be the Westminster Government that deals with that, I just hope that public services are not forgotten in all of that.

It is really important, given that context, for me as Cabinet Secretary for Justice and Veterans to be clear on the priorities and the actions which I have and which I intend that we should work on together across the Justice sector, and the Government is committed to making Scotland a fair and resilient place by the actions that we take.

The past two years have shown just how resilient and how innovative we can be in the ways we try to strengthen and modernise our justice system. Over the coming year we will progress major reforms in the justice system through consultation on Baroness Helena Kennedy's recommendations for offences related to misogynistic conduct which, if not world-leading, will certainly be well ahead of any jurisdiction in the UK and, I think, large chunks of Europe.

We will also continue the reform of bail and remand and introduce a Criminal Justice Reform Bill that will propose the end of the 'not proven' verdict in Scots Law – no small thing, it has been there for centuries. Why have we got a verdict which those that come into contact with it, whether it's victims or others, don't understand? More than that, they're not allowed to have the difference between 'not proven' and 'not guilty' explained to them by the courts. If there is something that cannot be explained to people then there has to be a big question mark on it, so we are now committed to the abolition of the 'not proven' verdict. Many of you here will immediately realise that brings into consideration other consequential potential changes to the system, given that those who were keenest to retain it felt it to be a safeguard, and they are looking to have other safeguards which might be incorporated, so we'll say more about that in due course.

We will also take forward reforms through legislation on Police Complaints and Misconduct Handling and Legal Services Regulation. Our Children's Care and Justice Bill will improve the experience for children who have to engage with the justice and care systems; and we will consult on legislative provisions to modernise justice processes including, as I've mentioned, greater use of digital processes.

I am keen hear your reflections and the debate that we have as we process these reforms and I hope that we can come away from at least tonight's session with a renewed impetus to continue to make a real difference to the delivery of justice and, indeed, to the lives of people across the country.

### **Vision for Justice in Scotland**

I've mentioned already the Vision for Justice in Scotland which was published in February this year and sets out what I think is a transformative vision of the future justice system for Scotland - spanning the full journey of criminal, civil and administrative justice which are represented here this evening.

What is the bottom line? We are striving for a Scotland where we are all able to exercise our human and civic rights – where we all have fair access to justice – and where our laws and processes of justice meet our needs and provide us with a sense of security which is central to our everyday lives. A Scotland where we tackle deep rooted societal issues and where, in turn, that will lead to further reductions in crime and unintentional harm in our communities. And also a Scotland where individuals will be treated as a person first and foremost – where people affected by crime are heard and fully supported – and where people who commit offences are appropriately sentenced and supported in their rehabilitation by the most effective means possible.

I am surprised why those sentences are still so contentious in the Scottish Parliament, the coverage it gets in the newspapers. You would think this is obvious, that this is smart justice. There just seems to be that divide where we continually are badgered to put more and more people into prison regardless of the effect on them, regardless of the consequences for recidivism, rather than trying to get people through and to change as part of that process - the process of rehabilitation.

One of the heartening things I found taking on the job last year was the feedback from prison officers who, because there had been a number of prisoners released, and because of the slower pace (admittedly through almost forced isolation of some prisoners because of the Covid situation) felt it was the rewarding job they joined up for. They were spending more time with individual prisoners and, they felt, making a real difference because of that space. Whereas, if you have a prison population up of upwards of 8,000 people, the time is not there to do that. I am sure that that vision of Scotland's justice system is one that we can all subscribe to.

### **Delivering the Vision – Priorities**

We have to, of course, at the root of that work on the causes of offending and reoffending, support individuals and transform the experience of Scotland's justice system. One of the examples I have is of a man who I've been talking with whose son was murdered. He went to court and ended up sitting right next to the person who was accused of murdering his son. So even for the people who come into the justice system tangentially in that way, I think we have to think about how everybody experiences the justice system. We can do that best by ensuring that our justice services, third sector partners and legal profession are also person-centred and trauma informed. We are also working to shift the balance between the use of custody and justice in the community,



following the evidence on what reduces reoffending and supports people in securing better outcomes.

### **Person-Centred, Trauma Informed Justice Services**

Our services, including those delivered by our third sector partners, should also be person-centred and trauma informed. That is not a criticism, many of them will be, but I think that's the aim we have to have. This means that all justice services must ensure that a person's individual needs and values are respected – and that everyone is treated with empathy and kindness and provided with the support they need. This means that if you are in prison you should be getting the same standards of healthcare as anybody else in society. This priority recognises that many of the issues that bring people into contact with the justice system in themselves are traumatic instances. On top of that, being imprisoned, or having a parent in prison, is an adverse or traumatic experience in its own right. In my view, I am resolute that the justice system should be a healing system and not one that re-traumatises anyone.

People must also trust and understand justice outcomes. When we recently held a public consultation on the 'not proven' verdict many respondents made clear that they do not have trust in a verdict that cannot be adequately explained to them and is understood differently by different jurors. I have also met personally with survivors and families who have told me of the additional trauma this verdict can cause. And for the individuals accused, it is also potentially the case that someone found 'not proven' finds that extremely unsatisfactory for their own reasons. So today we have said that we will bring forward legislation within this parliamentary year, to abolish the 'not proven' verdict while taking forward any accompanying reforms.

The Criminal Justice Bill will also bring forward legislative reforms that build on the recommendations of Lady Dorrian's Review on Improving the Management of Sexual Offence Cases, including the creation of a statutory right to anonymity for complainers in sexual offence cases. We will also look to develop as part of that Bill a package of reforms that will bring meaningful and lasting improvements to the way in which sexual offence cases are managed; we have, and continue to, engage extensively with justice partners and the public.

Through both the Improving Victims' Experience of the Justice System consultation and our Lady Dorrian Review Governance Group we have sought views on the range of proposals set out in the Review including the creation of a specialist sexual offences court – there are arguments on both sides which I'm more than happy to listen to – and the introduction of independent legal representation for complainers. I welcome the contributions of all those who have responded to the consultation and Governance Group, including third sector organisations such as Rape Crisis Scotland and Victim Support Scotland amongst others who have made a significant contribution to the discussion on these proposals. Transforming how justice delivers for women and children in our society is fundamental to making justice work for everyone.

Each action the Scottish Government takes comes with the recognition of the fundamental importance of hearing the voices of people affected by crime across the justice system. This is vital and – alongside the Lord Advocate – I lead a Victims Taskforce, working with partners to ensure that policy and practice is fully informed by the voices of victims and witnesses.

To make sure that happens, at one meeting that's all the Lord Advocate and I will do, we will listen to the voices of victims, sometimes not even mediated by the organisations which represent their interests but directly from the



victims themselves. That commitment includes investment of £48 million over the next three years in our Victim-Centred Approach Fund. We are supporting 23 third sector victim support organisations through the Fund, enabling them to provide practical and emotional support to people affected by crime across Scotland. I have seen first-hand the incredible work that these organisations do to provide vital support to victims and survivors in times of great vulnerability.

As a Government there is more we can do to support victims and we will take forward the outcomes of our consultation on the introduction of a Victims Commissioner for Scotland. This would ensure that victims have an independent figurehead to represent their views and champion their causes and that policy and practice, whether in Government or other areas, is considered and monitored from a victim's perspective. Alongside other actions, we want to commission an independent review of the Victim Notification Scheme, demonstrating our commitment to improving the experiences of victims and witnesses in the justice system.

We are building on work already underway in these areas, but it should be more than iterative change. We should be looking, where we need to, to make a step change to truly consider the individuals at the heart of our justice services. You, and the workforces you represent, are crucial in this. We in the Government have a responsibility to provide you with the support and opportunities to deliver services in a different, more person-centred way. Hugely relevant to this work is the current considerations of our Women in Justice Leadership Panel, chaired by the Community Safety Minister. The Panel is actively looking at how we address gender inequality and improve women's experiences within the justice system.

Equally important is the voice of lived experience and the fact that it should be a

fundamental aspect of our Vision and it should also help inform decisions that can have an impact on people's lives, so trying to make justice work for everyone. And, as I've come to realise in recent months, justice is much more than a verdict or court process. Justice has a much broader meaning for many people and whether they feel at the end of it, whichever way they've come into contact, that they've got faith in it and are not traumatised by it.

### **Prevention and Early Intervention of Crime and Harm – Reducing Reoffending**

We must also strive to work across our public services to improve outcomes for individuals with a clear focus on prevention and early intervention of crime and harm. The big example of that is the Violence Reduction Unit and the work that it has done by taking a public health approach, now copied by authorities in London and elsewhere, it made a huge impact. It is worth also saying that we have had the crime figures out recently and they show that crime is at a lower level than at any time since records began in 1974. They show that we have more police officers per capita than the rest of the UK. A constable starts on around £5,000 more a year here in Scotland. The chances of you suffering a crime in 2007 was one in five, it is now one in eight, although you would not believe that we live in a relatively safe society if you looked at the pages of some of our newspapers. So although I'm talking about the innovations and improvements that we have to make, I'm not at all blind to the virtues of the system and the work that is done within the system, and the work that has been done to get crime down to the level that it is currently at. But of course there is always more to do.

As a Government we have tried to demonstrate our commitment to holistic approaches to prevention through implementing The Promise for example, and most recently in considering the recommendations of the Drugs Deaths

Taskforce Report. This work is not easy and will require a concerted effort on all our parts. But it affects us all and it is ultimately only by addressing the causes of crime that we will make lasting change. Prevention requires, in my view, a two-pronged approach via primary prevention and secondary means. In other words, supporting people to avoid offending behaviours in the first instance and also supporting those who have offended to break the cycle of high-risk behaviours.

For both ambitions we must follow the evidence on what works to reduce crime and harm. We have a higher prison population than virtually anywhere, certainly in Europe. I looked last year when I got this job at places like Texas and the bicameral state legislature which is totally dominated, not just by Republicans but by some substantially right-wing Republicans. They had a vote to slash their prison population, many of whom were there for drug related offences. California did the same. Georgia did the same, because it is not sustainable, it does not work. There are people in prison who should not be in prison. They are not going to change; their behaviour is not going to be changed by the environment that prison provides for them, unless you do additional things. So to me this seems to be, if not axiomatic, it is certainly obvious that you are going to have to do these kinds of things if you want to change people's behaviour. It seems to me that there is a huge body of consensus generally, possibly in this room, behind that idea of making prison a more limited experience across society and making it more productive. And yet the debate is never a balanced one, it is always one-sided: put them in jail, lock them up for longer, longer sentences, specific sentences for this and that. Together, along with my Cabinet colleagues, we are committed to making not only justice, but all public services, work for everyone.

How we treat people who come into contact with the criminal justice system says a lot about who we are as a society. I forget who it was

that said "You can judge a society by the state of their prisons and the way their prisoners are treated." but it's a very true point. I often hear the idea that there are no votes in prisons, well actually there is these days but that's not the point, the point is what it says about you as a society. I remember having discussions when I was younger with my family arguing against capital punishment. I said, to some extent, it's not about the person that's being punished, it's more about what it says about your society if that society takes someone's life, and I think the same is true about prisons. The way you treat someone in prison is what it says about you as a society.

Prison is always going to be necessary for those who pose a risk of serious harm. We also know that imprisonment damages the connections that prevent people from offending or reoffending, such as family relationships, employment and access to housing. And that is no less true for those on remand than for those who have been sentenced. Remand can be so disruptive to people's lives and the Howard League is challenging the Government today and others on that point. That is one reason why we are taking forward the Bail and Release from Custody (Scotland) Bill. And we know that short-term imprisonment in particular is not effective in addressing the underlying causes of offending.

We also know that many people who are in contact with the justice system have usually already experienced severe and multiple disadvantages including homelessness, substance misuse and domestic violence or abuse. I have had a lot of proposals put to me about ways that we can improve the experience of women in custody, all of which I have supported. For each one I have asked "What is it about this that we shouldn't do for the 96% of the population in prison who are men?" because they seem to me to be sensible things to do. One thing was pointed out to me: between 70-90% of women in prison have

had head injuries previously. People who have ended up in the justice system usually have had traumatic experiences themselves. Individuals from the 10% most deprived areas are over-represented in prison arrivals by a factor of three. Care experienced people are also disproportionately represented within the prison population – with around a quarter of the prison population reporting being in care as a child.

Imprisonment also has a wider impact than just on the individual of course. There are an estimated 27,000 children who are affected by parental imprisonment each year in Scotland. I listened to a really good Radio 4 discussion with a woman who had been a barrister in London about the experience of children whose parents had been imprisoned. In Scotland, a child in that circumstance will be guaranteed a house and they'll be guaranteed a place in a school; down south you are not guaranteed those things, which just exacerbates that stigma. There are some things we are getting right in relation to that.

Parental imprisonment is recognised as an Adverse Childhood Experience and known to significantly impact long-term health and wellbeing and negatively affect both attainment in school and later life experiences. These are people who are completely innocent of causing any offence. As I've already said, imprisonment has a clear role in protecting the public but it shouldn't be the answer to addressing wider societal harms. We can collectively do better and we need to ask ourselves hard questions about the role of custody now and in the future in a modern, progressive Scotland.

If we want to see reductions in reoffending and victimisation along with associated reductions in damage to people and communities, there needs to be a more decisive shift away from the use of custody, including for remand, and towards community-based interventions which, in any event, have a lower rates of

recidivism. That is smart, compassionate justice that emphasises the need to protect victims, ensure public safety and give those who have offended the support they need to make different choices so they can make a positive contribution to our communities.

In a previous Education administrative role, I wanted to do a study at the time on the prison population and the numbers within that who had learning difficulties, such as undiagnosed dyslexia. I had the view, although not with any particular insight on my part, that if you are at school and you lag behind your studies because you have an undiagnosed condition which, let's face it, in the 70s, 80s and 90s was quite prevalent, then that could lead on to other behaviours which could help explain to you, in part at least, why you are in prison. It would seem to me to be a smart and compassionate justice system which would look to try to understand that.

We have recently published a revised National Strategy for Community Justice. The Strategy sets out the national direction for community justice by building on progress to date and emphasising our longstanding aims to encourage a person-centred, trauma informed and rehabilitative approach. It recognises that while public protection is paramount, that is entirely consistent with widening the use of community-based interventions and sentences, which can be more effective in reducing reoffending and assisting with rehabilitation. I got a chance to see one example during the pandemic of people working in a community garden rather than being in prison. One man was still going back long after he had served all his hours because he got affirmation and a status from that which he felt he hadn't had in his life before. That would not have happened, I would say, if he'd been in custody. We have to recognise that public protection is paramount but rehabilitation is absolutely essential.

Underneath the high level ambitions we have, the Strategy for Community Justice has a sharp focus on identifying specific areas for improvement. I think people here would concede that, at best, it is uneven across the country, such that sheriffs are often reluctant to have a community justice disposal because they don't have the required confidence in that, so I think there's more work we have to do.

The Strategy also sets out a number of national aims and priority actions for the Scottish Government and community justice partners to take forward. These focus on diversion and early intervention; the provision of robust and high quality interventions; responsive services which meet the needs of individuals; and strong leadership and partnership working. It requires also, I think, political leadership. If someone has committed an offence there can be a response which is "why are you spending money doing this"? Leaving aside the individual the money is being spent on, it is for society's benefit; it is for everybody's benefit. If someone is rehabilitated it stops more crime, it stops more victims. You would think that would be an obvious merit of trying to do that.

In order to drive implementation at both a national and local level – we've committed to working with our partners to develop and publish a detailed delivery plan. This will contain more tangible, time-limited actions, detailing how various parts of the Strategy will be progressed. To further support a shift from custody to community interventions, we have also recently introduced legislation which seeks to refocus how imprisonment is used. The Bail and Release from Custody Bill proposes reforms to bail law so people are only remanded in custody if they pose a risk of serious harm to other people or, in certain cases, to the delivery of justice. The Bill also proposes changes to certain prison release mechanisms with an emphasis on providing more opportunities for reintegration and support for those released from custody. Both the Strategy and the Bill

recognise that the justice system alone cannot achieve the improvements we are all seeking.

The message we've received again and again is that individuals in contact with the criminal justice system are often also receiving support from mental health services, addiction services, housing and other supportive agencies, and work to ensure joined up consistent provision of those different services is critical, and that it is sustained, or perhaps comes in earlier, prior to release, and continues for longer afterwards. I think we are all aware of individuals who have come out of prison who are genuinely committed to getting over their addiction, not reoffending....but then a few bad things happen, something falls through – a house, a partnership – which leads to ending up in the pub on a Friday evening and (for one particular person) that's where it all started again. We also have to educate the public as to why we are spending money on these services; it is for society's benefit.

I recognise that all of this work to encourage a shift towards greater use of community-based interventions requires resources. And that's why we have continued to increase investment in community justice over recent years, including targeted funding to support the development of services such as bail supervision and structured deferred sentences, and to aid recovery from the Covid pandemic. However, there are, as I started off by saying, undoubtedly very challenging times ahead. Going back to 1988 when I first started here, at that time we were saying how difficult the budget was, and we have been saying it ever since. I've never known this kind of experience.

### **Role of the Third Sector**

Ensuring positive outcomes for people and our communities requires a collaborative approach and a continued effort to reach across organisational boundaries. As I have already highlighted, the third sector plays an absolutely



critical role in this and often have particular skills in helping the people they work with navigate through statutory services. I have seen first-hand the difference third sector services make to the lives of the people they work with, whether that is supporting people on a community order so that they can successfully complete it, mentoring someone following their release from prison – walking beside them as they rebuild their lives and make positive connections in their communities; or providing emotional and practical support to victims and survivors of crime.

For those of you involved directly in providing these services, on behalf of the Government I want to say thank you for what you do – you are demonstrating often the life-changing impact that person-centred, trauma-informed support can have and they are essential to the delivery of our justice vision.

## **Conclusion**

I am certain that the actions we will take together – amongst the many others that the wider Scottish Government and partners will take – we can make a significant difference towards strengthening and modernising our justice system. If we think back to people like Niven Rennie and the people that started off the Violence Reduction Unit saying “We’re not approaching this from a justice or policing point of view, we’re doing it from a public health point of view.” How scary that would have been but how right they were to have done it that way. I think we are at a similar point here with the changes we want to make with the justice system.

I know that this isn’t straightforward, I’m not trying to pretend that it is. There are many challenges, the budget is just one of those, and I don’t doubt that many of you at today’s event will be facing these on a daily basis.

And this is what I’d like to reinforce in closing: our commitment to listening to what you have to say, our commitment to action – I’ve mentioned the things that we are doing in the Programme for Government – and our commitment to working collaboratively as we strive to transform our justice system to meet the needs of people in today’s society in Scotland.

Thank you.



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