

SAFE

THE STRATEGY FOR JUSTICE IN SCOTLAND



safer
scotland
SCOTTISH GOVERNMENT

PURPOSE

To focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.

VISION

Our vision is of a justice system that contributes positively to a flourishing Scotland, helping to create an inclusive and respectful society in which all people and communities live in safety and security, individual and collective rights are supported and disputes are resolved fairly and swiftly

NATIONAL OUTCOMES

We live our lives safe from crime, disorder and danger

We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others

Our public services are high quality, continually improving, efficient and responsive to local people's needs

JUSTICE OUTCOMES

We experience low levels of crime

We experience low levels of fear, alarm and distress

We are at a low risk of unintentional harm

Our people and communities support and respect each other, exercising both their rights and responsibilities

We have high levels of confidence in justice institutions and processes

Our public services are fair and accessible

Our institutions and processes are effective and efficient

Our public services respect the rights and voices of users

PRIORITIES

Reducing crime, particularly violent and serious organised crime

Reducing reoffending

Tackling hate crime and sectarianism

Enhancing efficiency

Supporting victims and witnesses

Widening access to justice and advancing law reform

Reduce the damaging impacts of drug and alcohol problems

Preventing offending by young people

Reducing the harm from fires and other emergencies

Increasing public confidence and reducing fear of crime

Strengthening community engagement and resilience

Transforming civil and administrative justice

APPROACH

Building safer communities

Getting it right for every child

Whole system approach

Making justice work

Victims and witnesses legislation

Reducing reoffending II

Road to recovery

Equally well

Early years framework

Achieving our potential

Reassuring the public

Police and fire reform

SAFE

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Executive Summary

Our vision is of a justice system that contributes positively to a flourishing Scotland, helping to create an inclusive and respectful society, in which all people and communities live in safety and security, individual and collective rights are supported, and disputes are resolved fairly and swiftly.

Keeping people safe, ensuring they can exercise their individual and collective rights, and helping to resolve disputes fairly and swiftly are primary duties of government. And they are essential to achieving the Scottish Government's Purpose:

to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.

An effective justice system is the fundamental underpinning of a flourishing economy. It provides a vital public service for which powers are already largely devolved to the Scottish Parliament. We define the justice system broadly – encompassing criminal, civil and administrative justice, as well as the many people and organisations that contribute towards making our communities safer. This document articulates the collective vision for the Scottish justice system, and presents our coherent programme of activity designed to achieve this vision.

In recent years, the Scottish Government, working with its partners, has demonstrated how much can be achieved when decisions about Scotland are taken within Scotland by people working to deliver the best outcomes for Scotland. Using the full powers made available to us, we have implemented a distinctive and

highly effective approach, characterised by the following principles:

- **outcome-focused:** we are focused on the single Purpose and National Outcomes to make a tangible difference to the lives of the people of Scotland. Our outcomes-based approach is set out clearly in **Figure 1** (inside front cover). For example, we are investing both in early years programmes to reduce the factors that can lead to future offending and in diversionary activities for young people at high risk of offending; and we have given our police service a new statutory purpose to work in partnership with others to increase the wellbeing of communities.
- **evidence-based:** we have looked harder and more systematically at the evidence than ever before and have done what the evidence tells us is most effective, even when that has not been the easiest thing to do. For example, we have acted to reduce the number of short prison sentences because the evidence tells us tough community sentences work better to reduce reoffending and therefore make our communities safer.
- **clear priorities:** we have used the evidence and our focus on outcomes to identify clear priorities to guide our collective effort. These priorities include reducing crime and supporting victims; addressing the underlying causes of crime, such as alcohol and drug misuse; and preventing offending in young people. They include reducing harm from fires and other emergencies and tackling social issues such as hate crime and sectarianism. And they focus on transforming civil and administrative justice and reforming the law itself.

- **innovative:** we have developed new, internationally recognised approaches. For example we have developed a multi-agency approach to map and tackle serious organised crime; we are tackling violent crime through a new assets-based approach; our *No Knives, Better Lives* initiative has contributed to widespread reductions in knife crime; and our recovery-focused drugs strategy has dramatically increased access to treatment and support.
- **ambitious:** we have done the difficult things necessary to deliver the right outcomes. For example we are implementing radical reform of the police and fire and rescue services to protect frontline capability from financial cuts; we are undertaking the most radical transformation of the courts and tribunals system in at least a century; and we are taking determined measures to eradicate the scourge of sectarianism from our society.

This approach has worked. Crime is at a 37-year low. Re-offending rates are at their lowest in a decade. Police clear-up rates are at historic highs. Overall drug use has fallen significantly. Our courts are running more efficiently. Dwelling fires are at their lowest since devolution. And people tell us that they feel safer in their communities.

Despite this track-record of progress, we are not complacent. We recognise that there is still much work to be done to improve justice outcomes, particularly in those communities most blighted by crime. The challenging fiscal outlook makes positive change imperative.

In response to these challenges, the Scottish Government is working with its partners to transform how the justice system operates.

Following a set of guiding principles that are consistent with the recommendations of the Christie Commission on improving public services, this strategy sets out an ambitious agenda of programme-based interventions and activities to deliver the strategic priorities and transform the justice system.

To achieve this transformation will require a collaborative approach across the public sector, one that respects the independence of judicial and prosecutorial decision-making but that fosters greater information-sharing and partnership working wherever appropriate. This will require leadership throughout justice organisations and effective workforce development to ensure that people have the skills and information to fulfil their roles.

The strategy concludes by setting out a performance framework to track progress towards our shared outcomes. This will be monitored by the Justice Board, to ensure that progress is sustained.

This strategy does not seek to prescribe specific actions but rather describes an over-arching and consistent framework to which all who work for justice and community safety can align their efforts. It sets out a clear line of sight from our programmes and activities to the overall vision and outcomes. This offers the prospect that the whole of our collective efforts can exceed the sum of its many parts. The potential reward is progress in solving hitherto intractable problems and the realisation of our vision of a safe and fair Scotland.

We hope that you will support us in our collective endeavour.

1. Introduction



Kenny MacAskill

I care deeply about Scotland. It is a successful country where, for the most part, people lead good lives in safe and secure communities. We are a country with a long tradition of respect for the rule of law. We are a fair and just country. We show compassion for others and uphold the values of social justice. We welcome people who choose to make their lives here.

However, we know that some of our communities and individuals face deep and entrenched problems. Tackling these problems is not easy but we have no choice if we want to fulfil our vision for justice in Scotland. We know what is right and fair. We need to be brave in

doing what we know works and keep doing it. Justice is about supporting the rule of law and maintaining the framework of a fair society.

Justice in Scotland has maintained its distinctive identity over the centuries. This has enabled us to tailor our justice system to meet our particular needs. It has given rise to internationally esteemed approaches and institutions, such as our Children's Hearing System. But it must also modernise and keep pace with today's society and a modern framework of human rights.

There remain significant challenges to realising our vision for Scotland, particularly in those communities most affected by crime. I firmly believe that securing additional powers for the Scottish Parliament through Independence would allow Scotland to reach its true potential, and would give us a range of additional policies and tools to tackle the underlying causes of crime, which continues to blight some of our most vulnerable families and communities.

The Scottish Government, working with our partners, has shown what can be achieved when devolved powers are focused unequivocally on securing the best outcomes for Scotland through an ambitious and innovative reform agenda. Sometimes doing the right thing is hard but we need to be firm in our determination and to remain focused on doing what the evidence tells us works best. Already we are seeing results: crime is currently at a 37-year low, police clear-up rates are at historic highs and people tell us they feel safer in their communities.

Crime is at a 37-year low. Overall recorded crime has fallen by 25% since 2006/07.

I believe that a just society is inseparable from a society with opportunities for all to flourish. At a community level I want to ensure that our young people have opportunities to use their time positively. That is why we have focused on investing cash seized from criminals back into our communities to support opportunities for youngsters.

Flourishing communities are those in which everyone feels safe and able to participate to the full. That is why we are committed to rooting out hate crime, including the scourge of sectarianism, from our communities. And it is why we have delivered our commitment to put the reassuring presence of one thousand extra police officers on our streets.

I believe in a justice system that provides proportionate punishment for those who offend; that keeps serious and dangerous criminals in custody; that provides appropriate support for those seeking to end their offending; and that strengthens society rather than storing up problems for the future.

Where people abuse the rights and freedoms of our country, we must act decisively. Where people commit crime and bring fear and chaos to their communities, we must show grit and determination in relentlessly pursuing them.

Those who choose to make a career out of crime, particularly through organised crime, must understand that we will use all the tools at our disposal to prevent them profiting from the misery of others. They will be caught and prosecuted; their assets will be seized.

We need to ensure that society is protected from those who pose a serious risk. Prison sentences punish serious offenders appropriately. They protect our communities from the harm that such people can cause and offer the opportunity for rehabilitation. We need a modern prison estate, with no more prisoners than it was designed to accommodate, to ensure this happens. When people are released from prison, we must put appropriate measures in place to ensure that they are no longer a risk to society. In particular, risk-based, multi-agency monitoring of sex offenders is essential.

Under this government, offensive weapon possession has fallen by 44% while sentence lengths for knife crime have increased by 79%.

We need to ensure that prison is targeted at serious offenders. As a nation, we can ill afford to imprison ever greater numbers of our people

– particularly if they don't need to be there. In Scotland we now imprison four times as many people as we did early in the last century, and the numbers are still rising. Prison is, and will remain, the right place for serious, high-risk offenders but we do not want to turn foolish youngsters into hardened criminals by jailing them unnecessarily.

For those offenders who pose less risk, society will be better served if we impose more appropriate punishments. In particular, we need to focus our efforts on people who repeatedly commit less serious crimes, often at significant economic and social cost. These offenders need to learn to contribute positively to society again. Community Payback Orders make these people do hard and useful work which benefits the communities they have harmed; they also involve support for rehabilitation. For many people who offend, this is a better option than prison, where we need to reduce the expensive and counter-productive levels of overcrowding.

While all crime should be duly punished, I believe that people can turn their lives around. But to do that they often need help and opportunities, support and compassion. Our justice system must therefore enable rehabilitation as well as punishment. This is why we have invested in getting people with drug problems into recovery; and why we are helping former prisoners to get back into work and to contribute to society once they have served their time.

Much of the work of the justice system is about responding when things go wrong. I believe that prevention is better than cure. We know that

there are underlying causes of crime that can be tackled to reduce and prevent offending, often by providing effective support at critical stages in people's lives. That is why we have taken preventative approaches to drink, drugs and deprivation. It is why this strategy recognises the critical importance of the early years in people's lives for ensuring a just and safe society in the future. It is why we are educating our young people about their life choices and the dangers of gangs, booze and blades. It is why we are rolling out a new whole system approach to youth justice that focuses on activities that prevent offending. All these interventions require a holistic, joined-up approach that reaches out from justice into areas such as health, housing and education.

The number of children referred to the Children's Reporter on offence grounds was down 31% in 2011/12.

Our approach is already delivering results: drug use in the general population has fallen significantly since we took office; knife crime is also down significantly and our courts deal with cases more quickly and efficiently.

Illegal drug use in the general adult population has declined by more than a fifth since 2006.

Upholding the rule of law is more than an abstract ideal. It is fundamental to a decent society, which protects all its citizens. If our economy and people are to flourish, everyone's rights must be protected. The justice system is therefore a vital public service, and must continue to represent all of those qualities that are so fundamental to a free, progressive and democratic society in the 21st century: it must be fair, it must be independent, and it must be accessible. However, the world is changing quickly, and significant financial challenges lie ahead. In response to those challenges and to meet our ambition we have embarked on a systematic process to transform public-service delivery in the justice system, with radical change programmes under way in policing, fire and rescue services, courts and tribunals alongside reform of the law itself.

Creating single police and fire services for Scotland will be the most significant change in those services in a generation. In the face of swingeing cuts imposed by the UK Government, police and fire reform will enable us to protect and improve local services by stopping duplication of support services eight times over. The new single services will help improve outcomes by creating more equal access to specialist support and national capacity. And they will strengthen the connection between

services and communities by creating a new formal relationship with every local authority, creating the opportunity to involve many more local councillors and better integrating police and fire services with community planning partnerships.

I know from the years I spent working as a lawyer in Scotland the vital work done in our courts and tribunals. We have already acted to improve the organisation of courts and tribunals and to guarantee judicial independence. We now need to build on this to ensure that the system becomes more cost-effective, accessible and responsive to the needs of users, improving both the swiftness and the quality of justice.

For criminal cases, there are now many ways of punishing offenders without going to court. For those cases which do come to court, we need to speed up delivery of justice, ensuring that processes are streamlined and well designed. And we must greatly improve how victims and witnesses experience the justice system.

Moreover, I am determined that Scotland should be a leader in upholding human rights obligations, including the rights of suspects and accused persons. Lord Carloway has proposed a series of reforms that will put Scotland at the forefront of human rights practice within criminal justice, while at the same time removing outdated rules on sufficiency of evidence that see cases dropped in Scotland that would be pursued in most other developed countries.

In the civil courts, Lord Gill, now Scotland's Lord President, has marked out a bold agenda for reform – designed to ensure cases are managed effectively and are dealt with at the right level. We will take that agenda forward, working closely with the independent Courts Service, and guided by the principles set out by Lord Gill – that the system should be fair in its procedures, be apt to secure justice, be accessible, encourage early resolution and use resources wisely.

Those principles will also inform our reform of Scotland's tribunals, which seeks to bring their judiciary under the single leadership of the Lord President and enable administrative integration. This should secure improved efficiency, more effective judicial deployment, enhanced independence and greater consistency of practice.

Justice also depends on a strong, independent legal profession. We have worked with the profession to take forward reforms to regulation and business structures, and we will continue to do all we can to help the legal profession to thrive, and play its part in delivering justice. The financial climate means that we must reform legal aid to focus it on those who need it most. But we reject the notion that access to justice is a luxury which can be discarded in difficult times. We are determined to maintain, as far as we can, the general scope of civil and criminal legal aid, although we know this will involve some difficult choices.

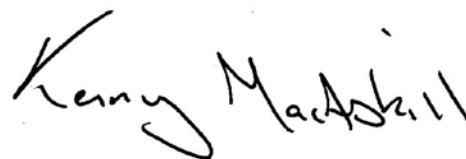
We also know that reform must go beyond courts and tribunals. People need to be aware of their rights and how to defend them. That means improving the advice and information available to Scotland's citizens, ensuring that

advice services and the public funds which support them are streamlined and better co-ordinated, and helping alternatives to court, such as mediation and arbitration, achieve their full potential.

Finally, we need to reform our laws to make sure that they are up to date and reflect the needs of our society – for individuals, for families, for communities and for businesses.

This work is not easy or straightforward, but it must be done if the people of Scotland are to have the justice system they deserve. I hope that you will support our shared endeavour towards our common Purpose.

Since ancient times, justice has been depicted as a female figure with three symbols: a sword standing for the courts' authority; scales weighing competing claims; and a blindfold indicating impartiality. These three attributes of justice remain as valid in Scotland today as ever before. I believe that this strategy will uphold and strengthen these ideals, supporting a safer and stronger society for the future.



Kenny MacAskill MSP

Cabinet Secretary for Justice

2. Outcomes

2.1 Aim of the Justice Strategy

Keeping people safe, ensuring that they can exercise their individual and collective rights and helping to resolve disputes fairly and swiftly are primary duties of government.

The Scottish Government and the institutions and agencies that are involved in delivering criminal, civil and administrative justice (the 'justice system') are committed to helping local communities to flourish so that they are safer and more reassuring places to live, offering improved opportunities and quality of life. This is a worthwhile goal in itself but has the added benefit that it will increase the attractiveness of Scotland as a place to live, work and invest.

We believe that positive reform and the implementation of best practice within the justice system, in tandem with other public policies which tackle deep-rooted social issues, will lead to a safer and fairer society. The financial pressures now confronting us make such reform and the implementation of best practice imperative.

We define the justice system broadly to encompass all of the many people and organisations in the public, third and private sectors that work and interact to keep communities safe and to deliver justice in its various forms – civil, criminal and administrative. This strategy is as much about community safety as it is about justice but we use the term 'justice' as a shorthand for the two related concepts.

This strategy document is primarily for the people and organisations that collectively make up the justice system. It respects the proper separation of powers: the independence of the

judiciary and the prosecuting authorities is a cornerstone of democracy and fundamental in protecting rights and freedoms. The strategy nevertheless recognises the need for greater coherence and common purpose. Consequently, it sets out both an overarching vision for a safe and just Scotland, and the outcomes that we are collectively working to achieve. It explains why and how we are transforming services, in line with the recommendations of the Christie Commission into improving public services (June 2011).

The document lays out the context for the justice system and, in so doing, underlines the importance of factors outwith the system for the achievement of justice outcomes. In particular it recognises the ramifications of significant inequalities in our society and the need to tackle them directly, especially through work with young children and their families and in areas of multiple deprivation, in order to deliver a safer and more just society. This makes this strategy both relevant to, and dependent upon, the range of people and organisations beyond the justice system that contribute to our shared outcomes, particularly through activities that prevent crime and social harm.

The strategy places justice in Scotland today within its international and historical context, helping us to understand both where we stand and how we arrived here. Taken together with a clear vision of the future and a set of guiding outcomes, this strategic analysis provides the foundations for our future policy direction and identifies a clear set of shared priorities.

The strategy concludes by setting out a framework to help gauge progress towards our

shared outcomes. It does not seek to prescribe specific future actions but rather sets the overarching framework to which all contributors to justice and community safety can align their efforts. While respecting institutional autonomy and the proper separation of powers, this offers the prospect that the whole of our collective endeavour can exceed the sum of its many parts. The potential reward is progress in solving hitherto intractable problems and the realisation of our vision for a safe, fair and stronger Scotland.

2.2 The Scottish Government's Purpose and National Outcomes

The updated *Government Economic Strategy* (September 2011) reconfirms the Scottish Government's overarching Purpose:

to focus the Government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.

An effective justice system, founded on the principles of equity before the law and protection of rights, is the fundamental underpinning of a successful economy and flourishing society. It is essential for making Scotland an attractive place to do business through maintaining a competitive business environment and safeguarding economic activity, but it also protects everyone from the richest to the poorest and most vulnerable.

Delivery of the Purpose is underpinned by the National Performance Framework – see Figure 2 – which sets out a clear set of five Strategic Objectives and 16 National Outcomes

for the public sector in Scotland. The justice system contributes directly and in partnership with other portfolios to the delivery of the Strategic Objective to make the country 'Safer and Stronger'. This will be delivered through the achievement of the National Outcomes, of which three have been identified as particularly relevant:

- (i) we live our lives safe from crime, disorder and danger;
- (ii) we deliver strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others; and
- (iii) our public services are high quality, continually improving, efficient and responsive to local people's needs.

In addition to the major contributions that we make to these three specific National Outcomes, the work of the justice portfolio supports the delivery of other National Outcomes:

- We make Scotland a good place to do business through low crime, appropriate levels of regulation, protection of property and confidence that rights can be enforced.
- We provide better life chances for offenders (including potential offenders) and their families through diversion, rehabilitation, and through innovative approaches to youth justice and female offenders with children.
- We contribute to healthier and happier lives by reducing the harm caused by drugs, alcohol and violence through legislation, enforcement and rehabilitation.

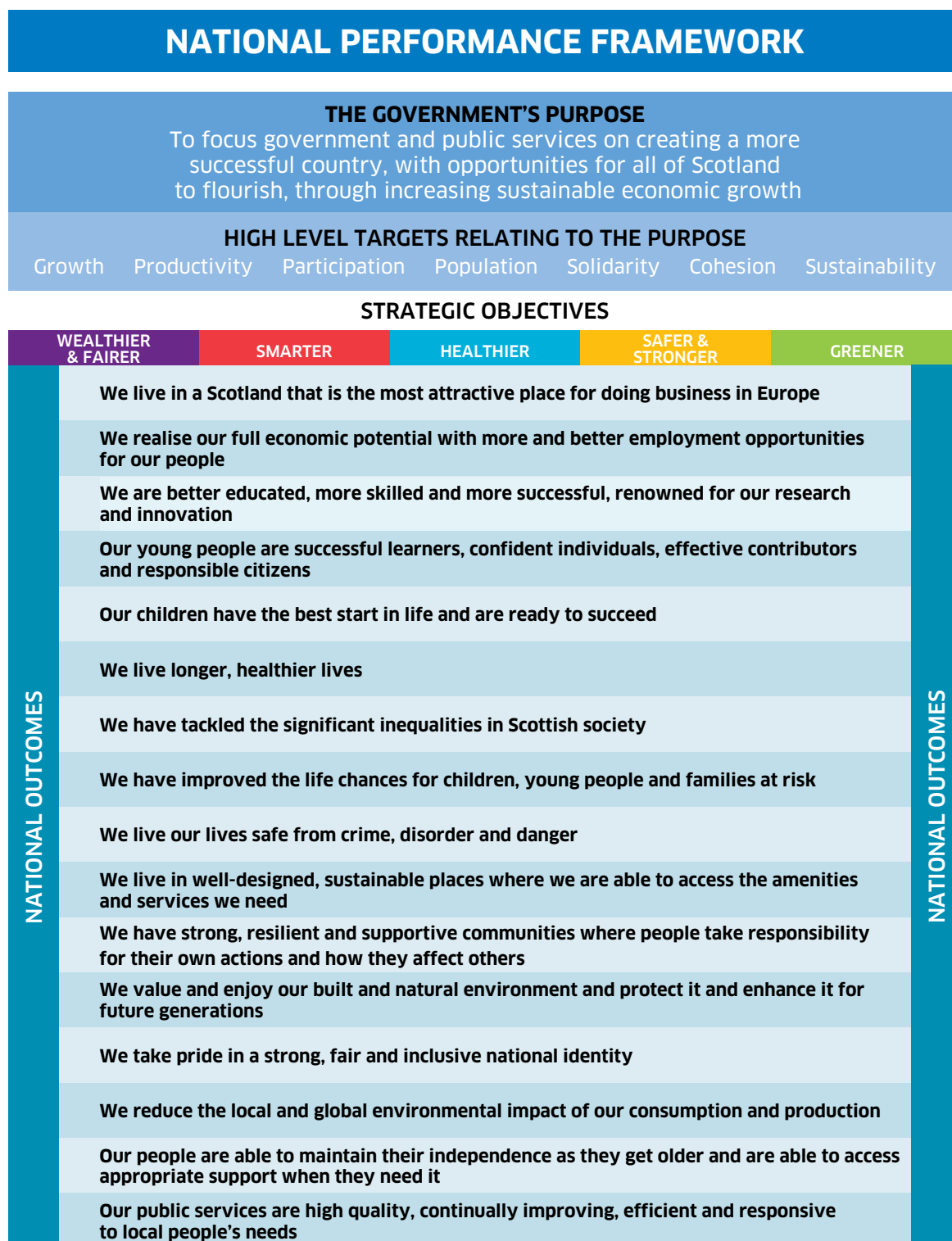
- The justice system promotes equality, and a fair and inclusive Scotland, through its inherent impartiality and through specific legislation to tackle inequalities.
- We support the development and protection of a sustainable built and natural environment through regulation, enforcement and by providing access to environmental justice for individuals and communities.

This clear focus on a single Purpose and a set of National Outcomes, coupled with the inherent advantages of relatively small, well-networked justice organisations, provides a unique opportunity to deliver purposeful and transformational change that will benefit Scotland as a whole.

This strategy does not exist in isolation. The overarching Government Economic Strategy sets out the primary goals of the Scottish Government. Building a more dynamic and faster-growing economy will increase prosperity, make us better placed to tackle Scotland's health inequality and other social challenges, and establish a fairer and more equal society. Focusing on prevention means that work with children, young people and parents is crucial. Ensuring that this justice strategy both complements and is complemented by other policies such as the Early Years Framework, Curriculum for Excellence and the Youth Justice Strategy is therefore essential.

Considering both the recommendations of the Christie Commission and the evidence about what works, this strategy identifies the essential building blocks that need to be put in place to deliver our justice outcomes. Within the National Performance Framework, these building blocks are termed 'contributory outcomes'. The following section sets out these eight contributory outcomes for justice.

FIGURE 2



2.3 Vision and principles

Having set out the overall objectives of the Scottish Government, we now turn to the specific aims of the justice system.

Scotland is becoming safer and more secure. Crime is reducing, people are feeling safer and are safer, and the system itself is operating more efficiently. Within this broadly positive story, there are individuals and places in Scotland that continue to suffer from weaker justice outcomes. There are also parts of the justice system that could be improved. Current models of service delivery are not financially sustainable in the long term. We can and must do better.

Our ambition for a world-class justice system will make a real difference to the whole of Scottish society and to our economy, thereby helping to deliver the Scottish Government's Purpose. Our vision is of:

a justice system that contributes positively to a flourishing Scotland, helping to create an inclusive and respectful society, in which all people and communities live in safety and security, individual and collective rights are supported, and disputes are resolved fairly and swiftly.

This vision of the future will be delivered through the three key National Outcomes identified in the previous section. These can be broken down into a set of eight contributory justice outcomes. These have been developed through logic modelling and in consultation with stakeholders. They encapsulate what we are trying to achieve through this strategy.

We experience low levels of crime

We experience low levels of fear, alarm and distress

We are at a low risk of unintentional harm

Our people and communities support and respect each other, exercising both their rights and responsibilities

We have high levels of public confidence in justice institutions and processes

Our public services are fair and accessible

Our institutions and processes are effective and efficient

Our public services respect the rights and voice of users

In order to deliver our vision and national outcomes, all of these justice outcomes must be achieved. This strategy sets out our approach to achieving them. The justice system will have to change. Consistent with the Scottish Government's response to the Christie Commission, this change will require:

- a decisive shift towards prevention;
- greater integration of public services at a local level driven by better partnership, collaboration and effective local delivery;

- greater investment in the people who deliver services through enhanced workforce development and effective leadership; and
- a sharp focus on improving performance, through greater transparency, innovation and use of digital technology.

Delivering all this will be very challenging but we believe it is achievable. Significant progress has been made. The challenging financial constraints are balanced by a desire from within the justice system itself to improve, providing an imperative and a motivation for change. The key to success will be focused and sustained collaborative effort, and we start in the next section by applying evidence to help to identify the priorities for our collective endeavours.

3. Evidence

Justice in Scotland: context, trends and evidence on what works

This section begins with an examination of the major external factors that shape the justice system. It draws on the evidence gathered in support of this strategy, published in the accompanying evidence paper. It considers how justice trends are evolving over time, so that we can better understand where we are, how we have reached our current position and what we need to do going forwards. It looks at comparative international experience to help us to understand Scotland's relative position – where our justice system and outcomes are faring well and less well. It draws on accumulated evidence about what works to deliver our outcomes. It considers the evidence about equalities. And it concludes with consideration of the geography of justice in Scotland.

This evidence is part of a much broader evidence base developed by the Scottish Government and its partners and by academia including the Scottish Centre for Crime and Justice Research and the Scottish Institute for Policing Research.

The following analysis helps us to identify the priorities for the justice strategy that are developed in the next section of the document, underpinned by evidence on which activities work most effectively to deliver our outcomes.

3.1 The wider context

The justice system exists within a broader context of demographic, social, economic and technological factors. Understanding these contextual factors is important for understanding the way that the justice system needs to develop

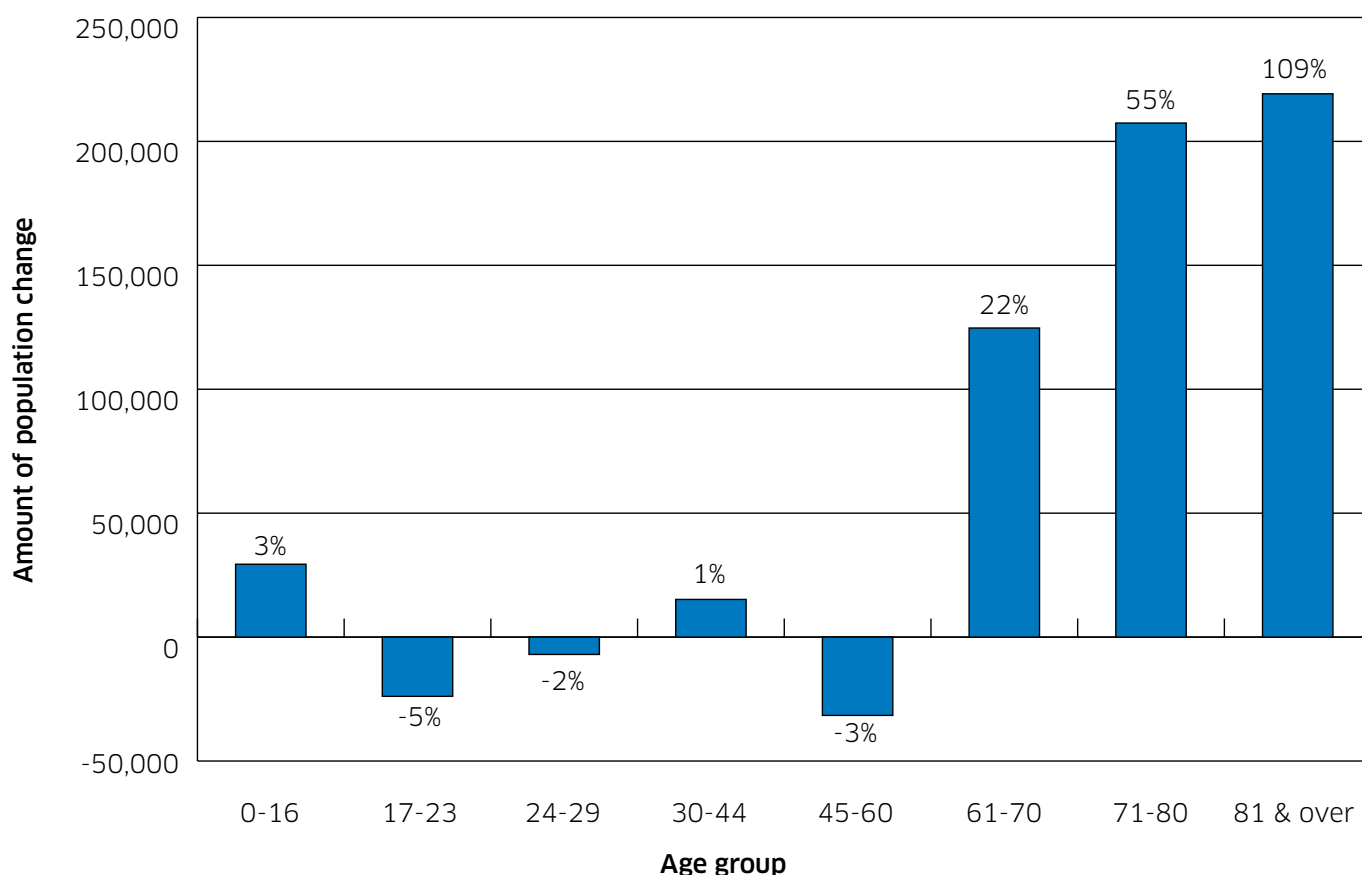
and adapt in order to achieve our desired outcomes, as set out in this strategy. This section necessarily provides only an overview of the context. It does not generally seek to explain causality but instead recognises that factors interact in complex ways. Chapter 1 of the supporting evidence paper provides more detailed analysis and relevant references.

3.1.1 Demographic factors

The profile of Scotland's population is changing. Life expectancy on average, has improved greatly over the last three decades: from 69 years for men born around 1981 to 76 years for men born around 2010; and from 75 years to 81 years for women over the same period. In addition, both fertility rates and net migration have reversed their long-term negative trends in recent years and are now contributing to an expanding population. As a result, Scotland's population is both growing and ageing:

- The number of people aged 65 and over is projected to increase by over 60% between 2010 and 2035, compared to almost no change in the number of people under 65.
- Scotland's population increased to its highest ever level in 2011 and is predicted to rise from 5.22 million in 2010 to 5.76 million in 2035. Population growth will not be experienced evenly across Scotland, with some areas experiencing much larger increases, some much smaller increases, and some even experiencing reductions.

FIGURE 3: PROJECTED POPULATION CHANGE IN SCOTLAND BY AGE GROUP, 2010-2035



Another significant and linked development, is the increase in single-person households. The number of such households increased from around 400,000 in 1981 to over 850,000 in 2010. They are projected to increase by half again to almost 1.3 million in 2035, contributing to an increase in the overall number of Scottish households from 2.4 million in 2010 to 2.9 million in 2035.

These demographic changes have impacts on Scotland's justice system in many different ways. For example, an expanding population that is ageing and increasingly living alone poses

challenges to public services that are resource constrained. Services must adapt in order to continue to deliver effectively and efficiently. Moreover, an ageing population is likely to lead to a reallocation of public resources towards public services that meet the needs of the older population, leaving a smaller share of resources for other public services that are less targeted on the elderly, including justice.

3.1.2 Social factors

The justice system adapts over time to reflect shifting social norms and changes in the pattern and fabric of society. Social attitudes and

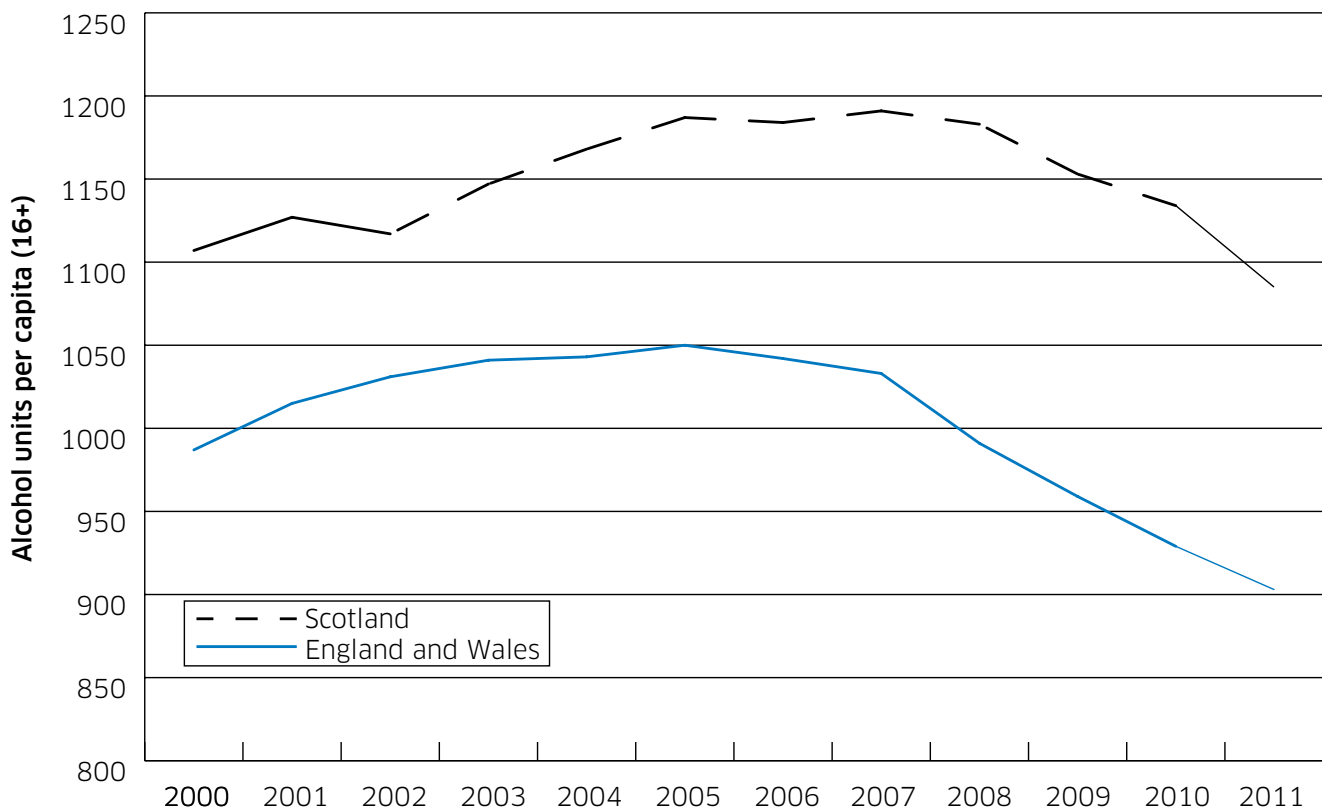
opinions about justice also change over time – for example in relation to what constitutes appropriate punishment in criminal justice and in the propensity to go to court in civil justice or to appeal to a tribunal.

Persistent inequalities in society also have a crucial bearing on the justice system. Over the period 1994/95 to 2010/11, the share of income received by the bottom 30% of people in Scotland has remained at between 13% and 14%. The share of income received by the top 30% increased from 51% in 1994/95 to 54% in 2009/10 before falling to 51% in 2010/11.

Inequality leads to a number of negative social outcomes. Evidence has shown that economic inequality is a key driver of crime. Indicators of socio-economic deprivation at the individual level have been found to predict offending, and particularly youth offending. In the 5% most deprived areas of Scotland nearly one in a hundred adults is in prison at any one time. This is around five times higher than in the rest of Scotland. While it is not the case that poverty leads directly to crime, poverty is associated with factors such as family stress and poor parenting that are predictors of offending. In addition, evidence suggests that people who are less well off are more likely to suffer disproportionately from civil justice problems such as disputes with neighbours or problems with debt.

The behaviours and attitudes adopted by society at large or by sections of society have an important bearing on justice outcomes. For example, alcohol misuse has been an escalating problem in Scotland for decades. Alcohol consumption in the UK has doubled since the 1950s. Alcohol sales are now 20% higher *per capita* in Scotland than in England and Wales. Alcohol misuse is closely linked to criminal activity, low-level disorder and neighbourhood dissatisfaction. Alcohol is cited directly as a factor in 63% of violent crimes – and this is thought likely to be an underestimate.

FIGURE 4: ALCOHOL SALES: SCOTLAND VS ENGLAND & WALES



Another critical social issue for justice outcomes is problem drug use. While self-reported drug use amongst the overall population is on a positive, downward trend, the number of people with problem drug use (aged 15-64) in Scotland remains stubbornly high: estimated at 59,600 in 2009/10 – around twice the prevalence rate of England and Wales. Though it is not the case that every person with problem drug use offends, the evidence shows that people with drug-use problems account for a highly disproportionate amount of crime: 44% of respondents to the Scottish Prison Service's Prisoner Survey

in 2011 reported that they were under the influence of drugs at the time of their offence. Reoffending is also an important issue in this context. For those receiving Drug Treatment and Testing Orders, the one-year reconviction rate stands at 64%: the highest rate amongst the different types of court disposals. Problem drug use, as with irresponsible drinking, is a complex, social problem requiring complex and holistic responses.

The final social factor highlighted in this section is the media, broadly defined here to encompass printed and broadcast media, and

also films, computer games and the internet. The media collectively is relevant to justice outcomes because of its influence on behaviours, perceptions and attitudes, although it is important to remember that what the media portrays does not necessarily reflect the views of the general public.

The evidence indicates that people's perceptions of the justice system are most strongly influenced by personal experiences of their local area and of contact with people working in the justice system. Broadcast and print media also play a role in informing perceptions of justice, particularly where people do not have personal experience to draw on, such as in relation to the risk of crime at the national level. However, the impact of the media on people's attitudes depends on which media sources they use, and the degree to which information from the media aligns with their existing attitudes and experiences.

While the media is of course free to present issues it considers of public interest, the tendency to highlight instances of rare but serious crime and to afford little profile to positive developments may have contributed to people generally overestimating the likelihood of crime. For example, the perceived risk of having a motor vehicle stolen in any given year is, on average, around 20 times higher than the actual risk.

The media is also important in defining identity and may help to define and inform perceptions about cultural and social issues, such as sectarianism.

3.1.3 Economic factors

As set out in the refreshed *Government Economic Strategy*, an effective justice system provides the underpinning for a successful economy. Economic factors, in turn, have a significant bearing on the development of the justice system.

Globalisation, defined as the increased flow of people, goods, services, finance and information across borders, has had and will continue to have an important bearing on the justice system and outcomes both through specific justice-related phenomena such as drugs and people trafficking and through its general socio-economic impacts. While there are many positive aspects of globalisation, it is closely linked to the restructuring of economic activity that has left areas of multiple deprivation in its wake and increased inequality generally.

The need for public-sector reform, including in the police service, fire service and the broader justice system, is driven by three key factors. Firstly, the financial crisis and subsequent recession have led to a sharp rise in UK public sector borrowing. The scale of the deterioration in the UK public finances will take years to repair with the level of resources devoted to public spending not expected to return to pre-recession levels until well into the next decade. Secondly, long-term demographic pressures will increase the demand for a broad range of public services and reduce the future growth in tax receipts. Thirdly, underlying cost pressures will increase the cost of delivery. In particular, labour costs, which account for the majority of public expenditure in Scotland, have been on a long-term upward trend over the past 20 years.

Together these pressures will tend to reduce the resources available for public services, whilst simultaneously increasing the cost to deliver them. There is therefore a need to continue delivering productivity enhancements and efficiency savings to ensure that existing services can be maintained and built upon. In the case of police and fire reform, this will enable frontline services to be maintained and specialist services to be enhanced by ensuring equality of access to specialist capability across Scotland.

As with the public sector in the UK, over the last couple of decades, the private sector has become increasingly indebted and may come under increasing financial pressure. Debt problems feature significantly in both criminal and civil justice. In the UK, 48% of prisoners had a history of debt problems before entering custody, compared with a national average of 10% of households. The most frequent type of civil justice court case relates to debt problems.

Another legacy of the international financial crisis and the associated economic downturn is higher unemployment, particularly youth unemployment. The overall unemployment rate in Scotland has increased from around 5% in the first half of 2007, at the start of the international financial crisis, to a rate of 7.9% in April-June 2012, having improved in recent months. Labour market data for April-June 2012 showed that 91,000 young Scots are out of work; this equates to an unemployment rate of 21.1%. Unemployment, particularly youth unemployment, can have long-term effects as people disengage from economic activity and fail to re-engage, even when the economy recovers. This helps to explain why the Scottish Government is so determined to reduce it.

From a justice perspective, the evidence shows an association, between unemployment and offending. For example, only 31% of young people in Polmont Young Offenders Institute in 2011 were in training, education or employment before entering custody.

3.1.4 Political and legislative factors

Constitutional change is already under way in relation to justice with, for example, provisions in the Scotland Act 2012 to devolve control of air weapons to Scotland. The Scottish Government is firmly committed to a referendum on an independent Scotland before the end of 2014.

While the Scottish justice system is already largely devolved, it is affected by the decisions of certain UK-level institutions. Independence would give Scotland more opportunities to make different decisions and to implement policies designed for its own needs.

Independence or further devolution of powers would be unlikely to alter the Scottish Government's Purpose, but they would provide a greater range of options and potential approaches for delivering it. For example, greater control over the tax and welfare system could help to reduce poverty and inequality. New powers to control and influence the supply and misuse of alcohol and drugs could affect other deep-rooted causes of crime.

3.1.5 Technological factors

The final range of factors considered in this section concerns technology. Technological advances have had many different impacts on the justice system. New technologies have created new opportunities for crime and have required the justice system to adapt in response – in terms of legislation, law enforcement, detection and deterrence. Since the evolution of technology affects the economy and broader society, so the nature of crime evolves to reflect new technologies. The benefits of technological progress have been felt within the justice system too, ranging from advances in forensic science to the use of text messaging to remind witnesses of upcoming court appearances.

Technological developments have also influenced opportunities both to commit crime and to deter and prevent crime. Often these technologies are implemented by private households and businesses. Examples of deterrent technologies include CCTV, burglar alarms, car alarms and immobilisers.

3.2 Scottish justice in perspective

This section sets out some key trends in justice outcomes and compares Scotland's current performance both to international peers and to our own historical performance. It summarises the analysis set out in detail with supporting references in Chapter 2 of the accompanying Evidence Paper. This analysis helps to identify priority areas for intervention, as set out in later sections of this strategy document. This section is divided into three parts: criminal justice; civil and administrative justice; and community safety.

3.2.1 Criminal justice

Crimes and offences

Crime takes many forms and different types of crime increase and decrease in importance reflecting factors such as shifting social norms and technological change, with associated changes in the characteristics and needs of victims.

Crime trends do not follow smooth trajectories: even crimes on a clear upward or downward long-term trend are likely to experience potentially significant short-term variations around that trend. Judgements need to be formed about whether changes in those trends represent one-off fluctuations or significant turning points.

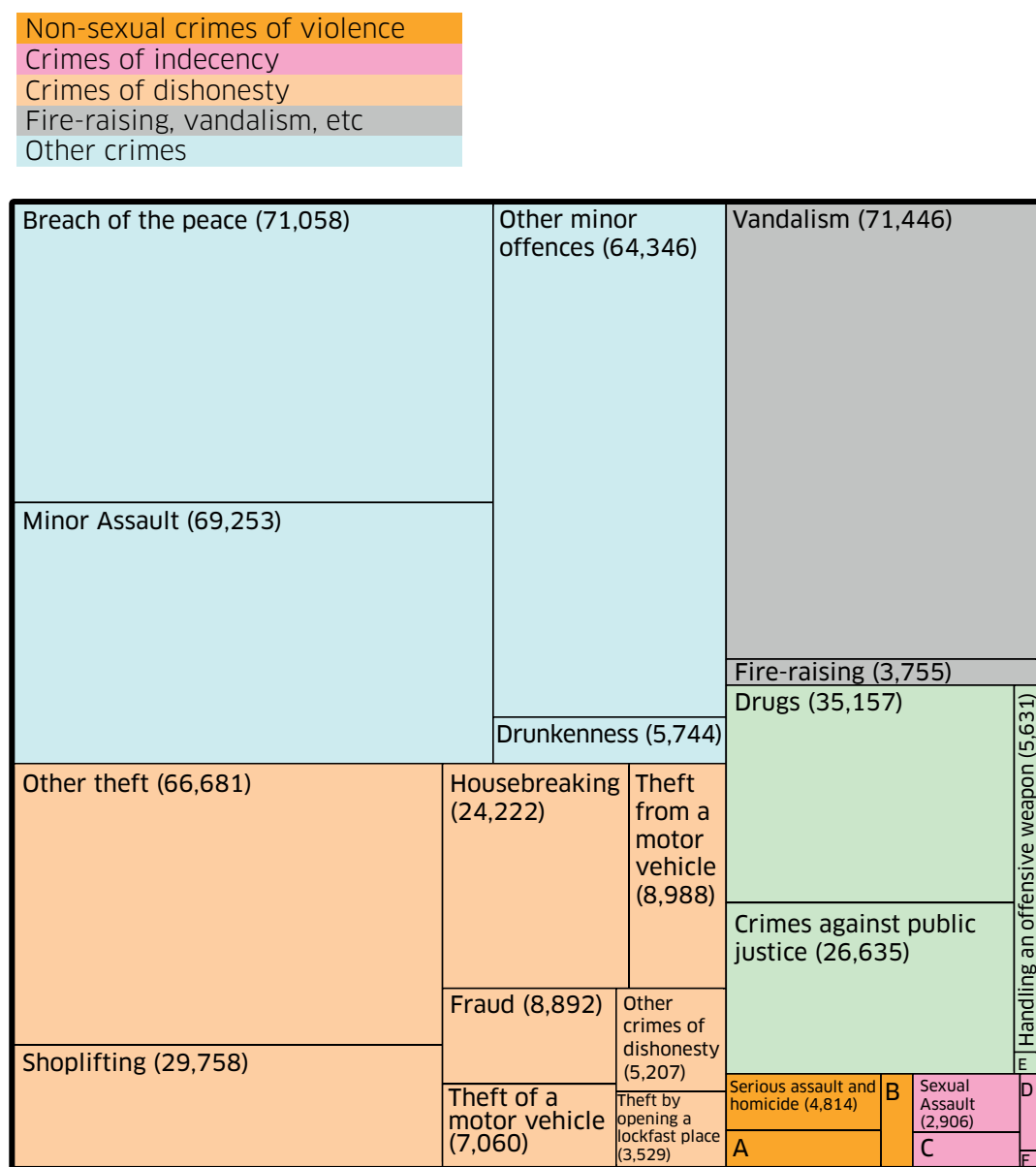
Data over the last half a century show overall crime in Scotland was on a rising long-term trend, which seems to have reached a peak in recent years and is now in decline. Overall recorded crimes and offences rose from 431,000 in 1970 to a peak of 1,076,700 in 2004/05 and have since fallen to 858,200 in 2011/12. The number of more serious crimes (rather than less serious offences) peaked at 592,800 in 1991, since when it has been on a pronounced downward trend, standing at 314,200 in 2011/12.

**Recorded violent crime
fell by 17% in 2011-12,
to a 30 year low.**

Figure 5 shows the incidence of these different types of crime in Scotland. The area of each of the boxes in the diagram is scaled to reflect

the relative frequency of that type of crime occurring. The different colours indicate different groups of offence types.

FIGURE 5: RECORDED CRIME IN 2011-12



A - Other non-sexual crimes of violence (2,475)
B - Robbery (2,244)
C - Other crimes of indecency (2,612)

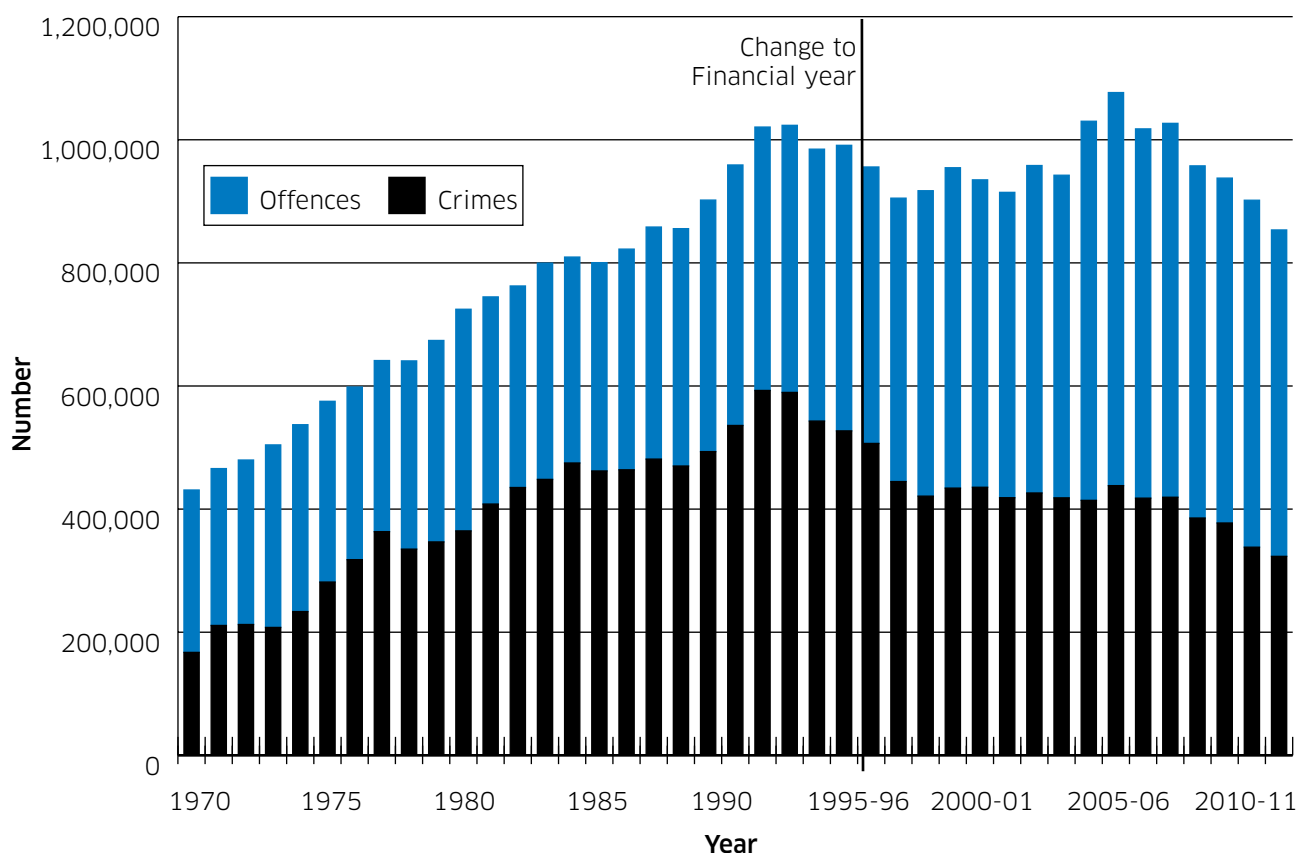
D - Rape and attempted rape (1,274)
E - Other crimes (333)
F - Prostitution (567)

Scotland's experience in overall crime is comparable to that in other advanced economies which also saw significant increases in overall recorded crime levels since 1970, with levels generally peaking during the 1990s and then falling in more recent years. Across most advanced economies crime levels today remain significantly higher than in 1970.

characterised, particularly over the last decade, by falling crimes of dishonesty, especially of housebreaking and other forms of theft. The percentage of Scottish Crime and Justice Survey respondents reporting they were a victim of crime has fallen from 27% in 1992 to 18% in 2010/11, although the decline in the estimated overall volume of crimes is less pronounced.

The downward trend in recorded crime in Scotland over the past two decades is supported by evidence from public surveys and is

FIGURE 6: CRIMES AND OFFENCES RECORDED BY THE POLICE, 1970 TO 2011-12



Violent crime has followed a broadly similar trend. Non-sexual crimes of violence more than tripled from 5,500 in 1971 to a peak of 16,800 in 1992. Since then the number of such crimes has fallen and stands at 9,500 in 2011/12. Looking specifically at homicide, the average annual rate in Scotland increased from 6.2 per million population over the period 1946/50 to a peak (excluding the Lockerbie disaster) of 24.3 per million between 1992/93 and 1996/97, before falling back to 19.8 per million over the period 2006/07 to 2010/11. Scotland's homicide rate has been consistently above that for England and Wales since the late 1950s. In addition, knife crime, though falling, remains a particular problem in Scotland. Recorded crimes of handling an offensive weapon fell from 10,100 in 2006/07 to 5,600 in 2011/12.

The factors associated with violent crime are many and complex. There is firm evidence that alcohol misuse is strongly associated with violent crime and that alcohol misuse has escalated in recent decades. This evidence underlines the need both to focus on violent crime reduction and to tackle its root causes, including through reducing problem alcohol and drug use, particularly through prevention and early intervention with young people.

Serious organised crime is a multi-billion pound enterprise encompassing crimes such as drugs and human trafficking and fraud. The social and economic costs of drugs misuse alone were estimated to be around £3.5 billion in 2006 and analysis suggests that the cost of fraud could run into billions of pounds each year. The high cost to our society and economy of crimes associated with serious organised crime underlines the need to continue to tackle it as a priority.

Clear-up rates for crime in Scotland are at historic highs and compare favourably to those in England and Wales. The clear-up rate for all recorded crimes in 2011/12 in Scotland remained at 49% – a record high. The clear-up rate for violent crime rose to 75% – a 36-year high.

The clear-up rate for all recorded crime of 49% remains at a record high. For violent crime, the clear-up rate is 75%, a 36-year high.

Sentencing and offender management

An important dimension of criminal justice is the processing of those accused of crimes and offences and the sentencing and management of convicted offenders.

The number of people convicted in Scottish courts has fallen over the last 20 years. Numbers fell from around 175,000 in 1990/91 to a low of 110,000 in 2000/01. Numbers then increased before falling back again to 115,000 in 2010/11. This latest reduction in numbers coincides with recent falls in levels of recorded crime and is also in line with recent reforms to the summary justice system designed to ensure that fewer cases go to court needlessly and more are dealt with by non-court actions (such as Anti-Social Behaviour Fixed Penalty Notices and Fiscal Fines) where it is appropriate to do so.

Sentencing trends have also changed over the last 20 years. The use of monetary penalties

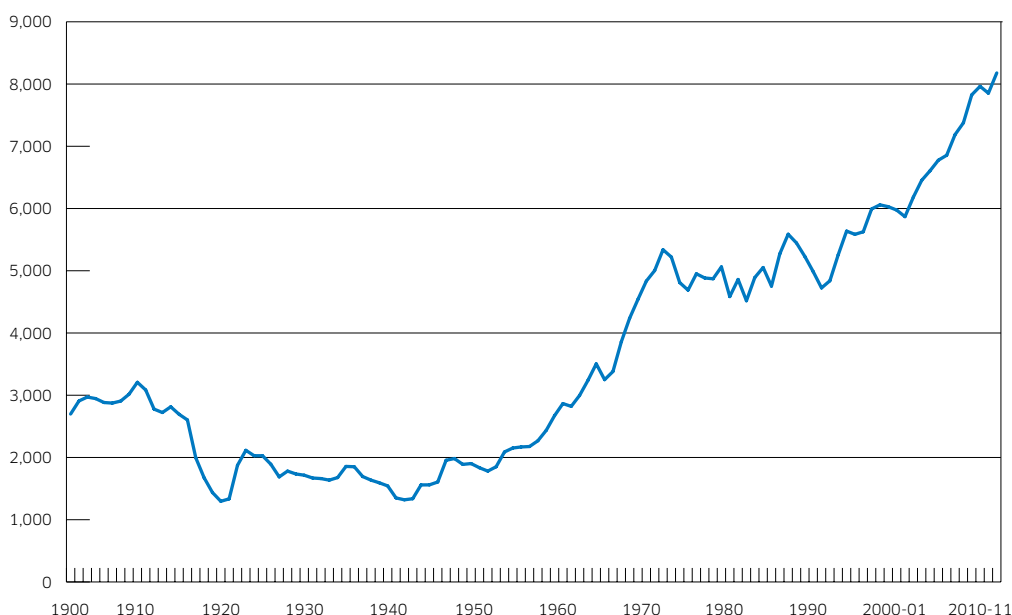
(fines and compensation orders) has fallen consistently as a proportion of all people convicted, from 78% of all main disposals in 1990/91 to 59% in 2010/11. Conversely, the proportion of both community and custodial sentences increased gradually over the period, during which a range of new community sentences was introduced, some with the explicit aim of dealing with the underlying causes of offending and others to ensure more proportionate sanctions for non-compliance.

In addition to custodial sentences accounting for an increased share of all sentences imposed, the average length of custodial sentences has increased over time. In 1990/91 the average length was around 6 months; by 2010/11 this had risen to around 9 months. This overall shift in sentencing patterns can be attributed to a large extent to changes in the type of crimes committed and prosecuted in court, as well as to policy changes. These changes are complex

and inter-related, but one of the more notable examples is the increase in average custodial sentence lengths for handling an offensive weapon, which increased from around 120 days in the early 2000s to 288 days in 2010/11.

Changes in both the pattern of offending and the approach to sentencing have resulted in a significant increase in the prison population over time, from around 2,000 in the first half of the last century to over 8,000 today. The patterns of change have not been the same for all segments of the prison population. The increase in the long-term population sentenced to four years or more has been gradual. In contrast, one of the main drivers of the increase in the prison population is the increase in the average sentence length for those given custodial sentences of under 4 years, for crimes and offences such as handling offensive weapons, drugs-related crimes and breaches of bail or other court orders.

FIGURE 7: SCOTLAND'S PRISON POPULATION



Compared to other countries Scotland imprisons a relatively high proportion of its population, well above the rate in most other Western European countries, and about double the rate of the Nordic countries. In 2010, the imprisonment rate in England and Wales (153 per 100,000) was very similar to that in Scotland (152 per 100,000) but that figure conceals a markedly different underlying pattern. A much higher proportion of offenders are sent to prison in Scotland (13%) than in England and Wales (7%). However, the average custodial sentence length is shorter in Scotland (9 months) vs. (14 months). So Scotland imprisons more people than England and Wales, but they are sentenced on average for a shorter period.

The number of females receiving a custodial sentence has increased dramatically over the last decade – between 1999 and 2010, the average daily female prison population increased by 102% compared to 31% for men. However, women's share in the overall prison population is still small (5%), and similar to many other European countries.

3.2.2 Civil and administrative justice

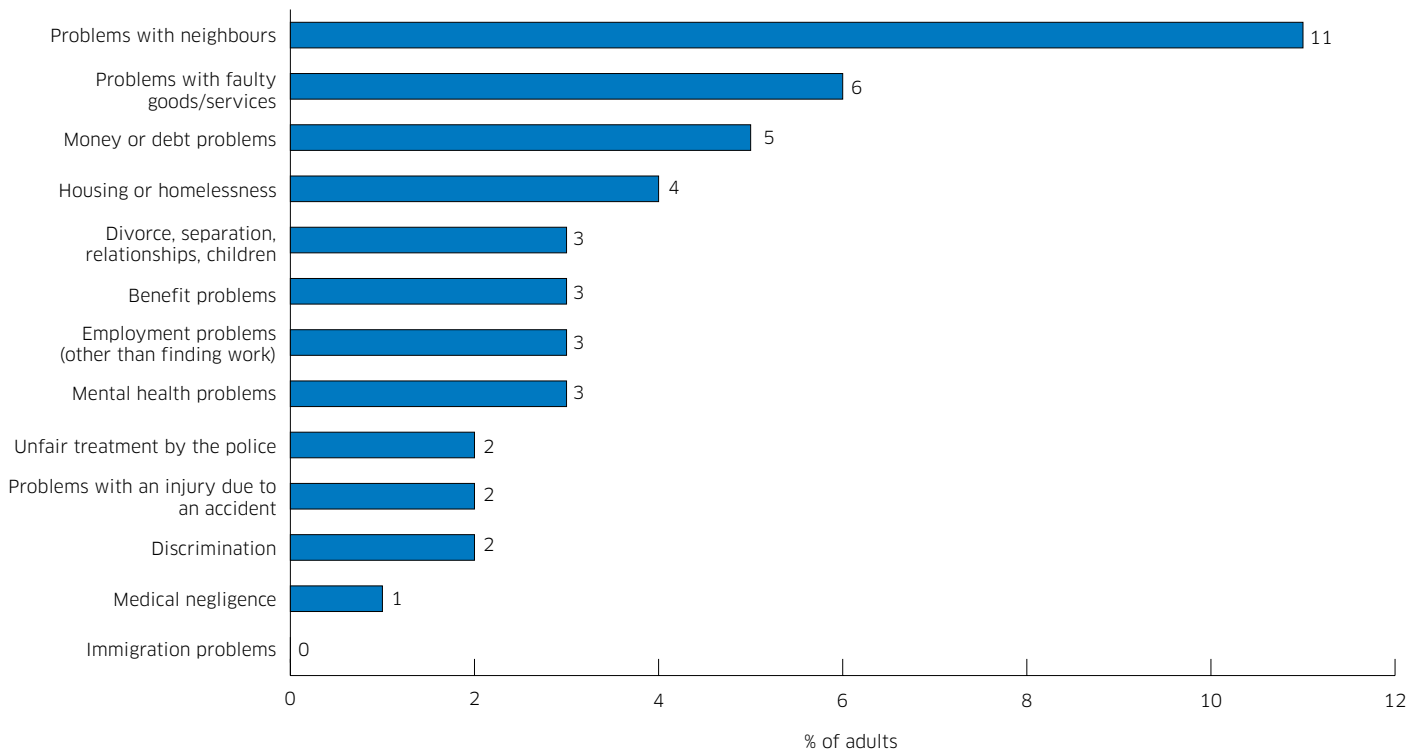
As with criminal justice, developments in civil and administrative justice outcomes are affected by broad socio-economic factors. For example, changes in social norms affect the requirement for civil justice in relation to divorce and child contact; economic factors have an impact on levels of debt and repossession. Legislative changes, particularly in relation to entitlements and equalities – themselves reflecting wider social norms – have a bearing on the number of civil and administrative justice cases.

Historical data on civil and administrative justice are limited. Survey evidence shows that there has been a slight decrease in the proportion of adults experiencing civil justice problems (measured over a 3-year period) from 30% in 2008/09 to 27% in 2010/11. Nevertheless, such problems remain widespread – affecting around 590,000 people. In comparison, more people in England and Wales tend to report civil justice problems: in 2007 this figure was 36%.

We define a civil justice problem as a non-trivial problem or event for which a civil legal remedy is available, whether or not that remedy is used. Key types of problem – see Figure 8 – include disputes with neighbours, faulty goods, family breakdown, housing, debt, welfare benefits and mental health problems. Problems with neighbours over for example noise, refuse or high hedges, are consistently the most prevalent problem type, affecting around 11% of the total adult population. Other key problems include 5% of adults experiencing non-trivial problems with money and debt and 3% of adults experiencing problems with divorce, separation, relationships or children.

Civil justice problems tend to cluster, both around particular individuals and in particular geographies. The less well off people are, the more likely they are to suffer from civil justice problems. Various other groups of people – the disabled, single parents, victims of crime and offenders – are also significantly more likely to suffer such problems than the national average. The higher prevalence for victims of crime and offenders illustrates that civil and criminal justice problems will often affect the same groups of people. Therefore, taking a holistic

FIGURE 8: INCIDENCE OF CIVIL JUSTICE PROBLEMS



approach, addressing civil justice problems is likely to contribute positively to both civil and criminal justice outcomes.

Resolution of civil justice problems varies both among problem types and among those experiencing them. Of those problems reported in the 2010/11 survey, only 53% were considered resolved. Most civil justice problems are resolved informally – only a fraction of civil justice problems end up in the courts. Court data from Sheriff Courts and the Court of Session show that the number of cases peaked in the early 1990s, at almost 200,000 p.a., and then followed a downward trend to below 100,000 p.a. in 2010/11. This downward trend is dominated by the fall in the number of small

claims cases in the Sheriff Courts (89,000 p.a. down to 35,000 p.a.) and could reflect several factors: one could be falling overall incidence of minor financial (<£3,000) civil justice problems; another could be fewer people seeking to settle these types of cases in the Sheriff Courts.

Almost all of those civil cases that do result in court action (95%) are heard in Sheriff Courts. Focusing on Sheriff Court data, debt is the most common type of case (45,371 in 2010/11 – 49% of cases initiated) followed by repossessions (19,384 – 21%), divorce or dissolution of a civil partnership (10,893 – 12%) and personal injury (6,194 – 7%). In contrast, almost four out of five cases initiated in the Court of Session were for personal injury: 2,940 in 2010/11.

Many civil justice problems that require adjudication cannot be resolved by court action and are instead dealt with through the tribunal system rather than the courts. This process is often included in the wider definition of 'administrative justice'.

A number of tribunals sit in Scotland – some devolved, others reserved to Westminster – covering a wide range of matters including employment, education, mental health, social security and tax. At a UK level, tribunals received around 830,000 cases and disposed of around 715,000 cases in 2010/11, and the number of cases being processed has been increasing over the last few years, mainly due to the increase in cases going through the Social Security and Child Support Tribunal. Although full Scotland level data is incomplete, it is known that there were around 53,000 cases received and 46,000 disposed of by the Social Security and Child Support Tribunal relating to Scotland in 2010/11. The Mental Health Tribunal for Scotland received 3,700 cases and disposed of 3,600.

As suggested above, the decline in court business in recent years may be for a variety of reasons. This might include better use of alternative dispute resolution (ADR) techniques whereby disputes can be resolved without recourse to the courts. ADR includes adjudication, conciliation, arbitration, mediation, and the use of ombudsmen – in Scotland the most commonly used are mediation and arbitration, with adjudication often used by the construction industry.

For problems that people had attempted to resolve, almost two-thirds of people used help

or advice to resolve them, of which almost 70% came from formal sources and the remainder from friends and family. Advice can be provided by a wide range of advice providers in the public, private and voluntary sectors. These services can be provided by solicitors, advocates, local authority welfare rights teams and specialist or generalist advisers in voluntary organisations and might be free at the point of delivery, state-subsidised or paid for privately.

3.2.3 Legal Aid

A significant factor in providing access to assistance provided by solicitors and advocates is the provision of Legal Aid. In 2010/11 the Legal Aid budget (for both criminal and civil cases) was £161 million, an increase of £11 million (7%) on the previous year. This was partly due to an increase of almost £5 million in the total net cost of civil legal assistance to £52.1 million, continuing a trend that has been evident for a number of years. Even so, the cost per person of civil legal aid in Scotland (£10) in 2010/11 was just over half of the cost per person in England and Wales (£18), whereas the cost of criminal legal aid was around £20 per person both north and south of the border. An estimated three-quarters of Scots were eligible for civil legal aid in 2009, compared to 29% for England and Wales in 2007.

3.2.4 Community safety

The concept of community safety is broad, encompassing many dimensions. In general, the safety of our communities depends on the environment – natural, built and social – in which we live our lives and also on the actions and behaviours of both ourselves and others. Key factors include physical infrastructure,

alcohol and smoking habits, technology (such as smoke alarms), legislation (e.g. on seatbelts, public smoking ban) and the degree of mutual support and respect within communities. A distinction may also be drawn between how safe we actually are and how safe we feel.

The evidence shows that in many respects Scotland is becoming a safer place to live. This evidence spans the various dimensions of community safety.

Overall, as has been shown above, the risk of crime is falling. Survey evidence has found that the average risk of being a victim of a crime in Scotland fell from 27% in 1992 to 18% in 2010/11. Survey evidence also shows that people on average are feeling safer from crime. In 2010/11, 74% of adults perceived the crime rate in their local area to have stayed the same or reduced recently, compared to 65% in 2006.

Perceptions of the risk of crime, while falling, often remain significantly overestimated. For example, on average adults are 25 times more likely to think that they are likely to be mugged or robbed in the street than they actually are. This underlines the need for sustained efforts not only to continue to reduce the underlying risk of crime but also to bring perceptions of these risks more into line with underlying risk.

People's perceptions about the quality of their neighbourhoods are a proxy for how safe they consider their communities. Overall ratings of neighbourhoods have been consistently high over the past 10 years, with over nine in 10 survey respondents saying their neighbourhood is a fairly or very good place to live. In 2011, over half (55.9%) of all adults chose the

highest rating – 'very good' – the best outcome since this survey data began in 1999. Just under 6% rated their neighbourhood as being fairly or very poor, the best results recorded. Unsurprisingly, perceptions of neighbourhood quality deteriorate with deprivation: in the 10% most deprived areas, only 25% rate their neighbourhood as a very good place to live.

Tensions among different groups within communities, particularly when they are manifest as hate crimes, undermine community safety. Scotland has a particular issue with a subset of hate crime and discrimination concerning sectarianism. Sectarianism as an issue is most evident in the west of Scotland. Evidence shows that while sectarian attitudes are declining, particularly among younger generations, recorded sectarian violence (as captured by religiously aggravated crimes – a partial measure) appears to have increased slightly or to have been better recorded over the past five years. The perpetrators are typically young men. There were 693 charges with a religious aggravation reported to the Crown Office and Procurator Fiscal Service (COPFS) in 2010/11, 9.7% more than in 2009/10.

Recorded sectarian crime is much lower than racially aggravated crime. In total 4,165 charges of race crime were reported to COPFS in 2010/11. Meanwhile, there were 9.3 racist incidents per 10,000 population in Scotland in 2010/11. For the past four years, the rate of racist incidents in *per capita* terms recorded by the police in Scotland has been comparable to that in England and Wales, and about twice that in Northern Ireland. However, the ethnic composition of the population is far from uniform across the different UK nations.

According to the 2001 Census, 90.9% of the population of England and Wales was white, while this figure was 98.0% for Scotland, and 99.2% for Northern Ireland. This puts the incidence of race crime in Scotland in sharper relief.

Turning to other equalities groups, in the first full year of implementation of new legislation in 2010/11, which allows for charges to be defined as aggravated by prejudice, 448 charges were reported with an aggravation of sexual orientation, 50 with an aggravation of disability, and 14 with an aggravation of transgender identity.

Other dimensions of community safety relate to the risks of death or harm from a variety of causes. A number of these are highlighted below, but it is recognised that there are wider risks to community safety (such as those related to tobacco use) that are being addressed in other parts of the public sector.

Illicit drug use is a major social problem in Scotland and problem users pose considerable risk and burdens to themselves, to their families and neighbours, and to potential victims of drugs-related crimes. Survey evidence indicates that self-reported drug use affects a minority of the population and has become less common amongst the general population. The number of adults in Scotland (aged 16 to 59) who reported taking drugs in the last year fell from 12.6% in 2006 to 9.8% in 2009/10. Amongst school pupils, aged 13 and 15, there has been a significant drop in reported drug use since 1998. However, the estimated number of people with problem drug use in Scotland remains high. In 2009/10, there were an estimated 59,600 individuals, aged 15-64, who were using opiates (including illicit and prescribed methadone)

and/or benzodiazepines (illicitly) in Scotland. This compares to 55,300 individuals in 2006. This suggests that, even as overall drug use is declining, there is an ageing cohort of people with drug problems. Over the past decade, there has been an upward trend in the number of drugs-related deaths, which stood at 584 in 2011. Males accounted for 73% of these deaths.

The [Road to Recovery](#) estimates that 40,000-60,000 children may be affected by the problem drug use of their parents in Scotland. This evidence underlines the need for a continued focus on tackling drug use in Scotland, both to improve community safety and to cut crime.

Accidents both on the roads and in the home pose a risk to personal safety. This risk is on a declining trend, particularly in relation to road traffic accidents. The number of road traffic accidents has almost halved from an average of 21,770 per year in the period 1971/75 to 11,924 per year in the period 2006/10. Fatalities have fallen even more dramatically, from an average of 834 per year in 1971/75 to 258 per year in 2006/10. The 208 fatalities recorded in 2010 were the lowest number since records began; the number of accidents recorded in 2010 (10,293) is around half of the number recorded in 1989.

Progress has been more modest in tackling deaths from accidents at home. Fatalities fell from over 1,600 in 1991 per year to between 1,250 and 1,350 per year from 2005 onwards. Falls are the cause of around half of accidental deaths, and affect mostly those aged 75 and over.

Fire casualties in Scotland have been decreasing over the last 10 years. Provisional figures for 2010/11 showed 47 deaths and 1,294 injuries. There were 9.0 fatal casualties per million population and 247.8 non-fatal casualties per million population. The fire death rate is the lowest for Scotland in 10 years. However, comparative rates for England and Wales in 2010/11 are lower at 6.1 and 6.7 fatal casualties per million population respectively, and this has been the case for much of the last decade. So even though accidental dwelling fires have been reducing, Scotland still has significant scope to improve on this outcome.

The overall number of fires in Scotland has fallen by 20% since 2006/07, and accidental dwelling fires are at their lowest level since devolution.

3.3 Evidence on what works

Our understanding of the context for justice and how it is changing is firmly based in evidence. Likewise, our understanding of 'what works' to deliver our justice outcomes must also be rooted in the best available evidence. As part of our outcomes-focused approach, the existing evidence base has been assessed to inform policy development and operational delivery and to measure progress against our outcomes.

For those areas where evidence was identified as lacking or incomplete, for example on prevention and deterrence of crime, analytical

work has been undertaken to fill gaps and improve the robustness of the information available. This enhanced evidence base on 'what works' has been captured in a series of 'evidence accounts' relating to each justice outcome. These accounts summarise baseline evidence on what we do and do not know and provide insights into 'what works' i.e. which interventions are effective in delivering each outcome. Summarised versions of these evidence accounts are available in the accompanying evidence paper.

This evidence on what works has been used to inform the specific interventions and activities that have been developed as part of our strategic approach, set out in Section 4 below.

3.4 Equalities

Equality is a central theme in our vision for justice in Scotland – with its focus on creating an inclusive and respectful society in which all people and communities live in safety and have the opportunity to lead fulfilled lives.

In Scotland, we have a strong legislative framework that promotes and protects equality and provides the legal means for people to challenge discrimination and uphold their legal rights. Scottish justice is based on the fundamental principle of equality before the law. Ensuring that the justice system continues to uphold the principle of equality is a key rationale for advancing law reform to keep pace with the shifting socio-economic context described above.

Numerous equalities issues relate specifically to the justice system and justice outcomes. The development of this strategy has been supported

by an equalities assessment (Chapter 5 of the supporting evidence paper). This presents an overview of equalities evidence relating to justice, including aspects such as which groups in society are disproportionately likely to be victims of crime or to experience civil justice problems.

The evidence presented is not comprehensive. Data limitations constrain understanding of the experience of justice in Scotland among particular groups in society, including some of those with protected characteristics such as disability, gender reassignment, race, religion and belief; and sexual orientation. Evidence is richer for larger protected characteristics such as age and gender.

The specific public sector equality duties which came into force in May 2012 oblige public bodies to set and monitor equalities outcomes. To assist in that, justice equalities data have been marshalled on the Scottish Government's new equalities [evidence webpages](#).

Despite the data limitations, the existing evidence provides telling insights – some well known, others less so – into justice in Scotland and points towards a number of priorities for this strategy. For example:

- Young men are much more likely to be victims of crime: in 2010/11, males aged 16-24 had a 26% victimisation rate compared with 18% for Scotland as a whole. Young men are also more likely to commit crime. The peak rates of convictions for males in 2010/11 were in the age range 18-20, at approximately 110 per 1,000 population. This compared to a rate of 47 per 1,000 population for all males. This

highlights the need for interventions targeted at young people, and high-risk males in particular, such as the whole system approach (see below) and *No Knives, Better Lives* campaign.

- Over the past decade, the rate of female imprisonment has risen much faster (by 70%) than the male rate (25% increase). For women, the peak ages for convictions in 2010/11 were between 26 and 30, at approximately 19 per 1,000 population, around double the average for all females.
- People aged 60 and above are much less likely to be the victims of violent crime. Their victimisation rate is approximately 1% p.a. – around four times lower than the rate for those under 60. Nevertheless, older people's fear of violent crime is comparable to that for the population as a whole, suggesting that there is scope for public reassurance activity to reduce fear of crime in this age group.
- Men are more likely than females to be injured or die in a fire. Provisional fire casualty statistics in 2010/11 show that the rate of non-fatal casualties per million population was 281.4 for males and 205.4 for females, while 33 males died in fires compared to 14 females.
- Turning to hate crime, Scotland has a relatively high incidence of racist incidents given its ethnic mix. In terms of victimisation more generally, survey respondents who declared themselves as gay or lesbian were more likely to have been victims of crime (29%) compared with the average for Scotland as a whole (18%). Scotland also has a particular problem concerning

sectarianism. A survey in 2011 found that 91% of people agree that stronger action needs to be taken to tackle sectarianism and offensive behaviour associated with football in Scotland. This underlines the need to tackle hate crime generally and sectarianism in particular.

- People with a disability are more likely to experience civil legal problems than those without a disability (31% compared to 26% in 2010/11). In addition those with a disability tend to suffer from more problems; an average of 2.14 problems compared to 1.54 for those without a disability.

Survey evidence also demonstrates that there is a link between living in a deprived area and weaker justice outcomes. For example, 21% of people living in the 15% most deprived communities in Scotland were a victim of crime in the 2010/11 survey year, compared with 17% of those living in the rest of Scotland. There was also a stark difference in the feeling of safety while walking alone at night, depending on the level of deprivation of the area. 35% of those living in the most deprived areas felt unsafe walking alone at night, compared to 18% in the rest of Scotland. Such evidence underlines the need for concerted efforts reaching far beyond the justice system to reduce inequality, particularly in deprived areas, in order to enhance justice and wider outcomes.

3.5 The geography of justice in Scotland

Geography is of considerable importance to justice in Scotland. It matters both for the administration of justice and for the delivery of justice outcomes. Chapter 4 in the supporting evidence paper details some of the key geographical aspects of justice in Scotland.

The various institutions of the justice system map on to Scotland's geography in a variety of ways. Different institutions work to different area boundaries such as sheriffdoms, police force areas, fire and rescue service areas, community justice authority areas, local authority areas and community planning partnership areas. This complex geography of overlapping boundaries reflects the historical evolution of different aspects of the justice system. The locations of key justice institutions – be they prisons, courts, police or fire service headquarters, or council headquarters – are similarly distributed around the country in a manner that reflects their historical evolution rather than an optimal geographical alignment.

This geographical complexity is likely to introduce inefficiency into the system when seen as a whole. It underlines the need for reforms to better align and in some cases to rationalise justice services, although it is recognised that access to justice involves a physical as well as a financial dimension, and so public confidence and user experience as well as cost must be taken into account in considering optimal geographic alignment.

The creation of single police and fire and rescue services for Scotland will enable equitable provision of specialist capacity where and when it is needed. The reforms will strengthen the connection between the single services and communities by creating a Local Commander (for police) and Local Senior Officer (for fire and rescue) for each of the 32 local authority areas, providing opportunities for more local councillors to be engaged in overseeing their local services, and improving engagement with community planning partnerships.

Justice outcomes are uneven across Scotland. This is clearly illustrated in the map in Figure 9, which highlights the distribution of different crime rates across local areas in Scotland. There is a clear link between poor justice outcomes in particular areas and weak performance against other socio-economic outcomes.

Justice problems tend to coalesce around particular individuals and households, and those individuals and households tend to be concentrated in particular localities. Often the people experiencing the poorest justice and community safety outcomes will themselves be multiply deprived and will live in communities experiencing multiple deprivation.

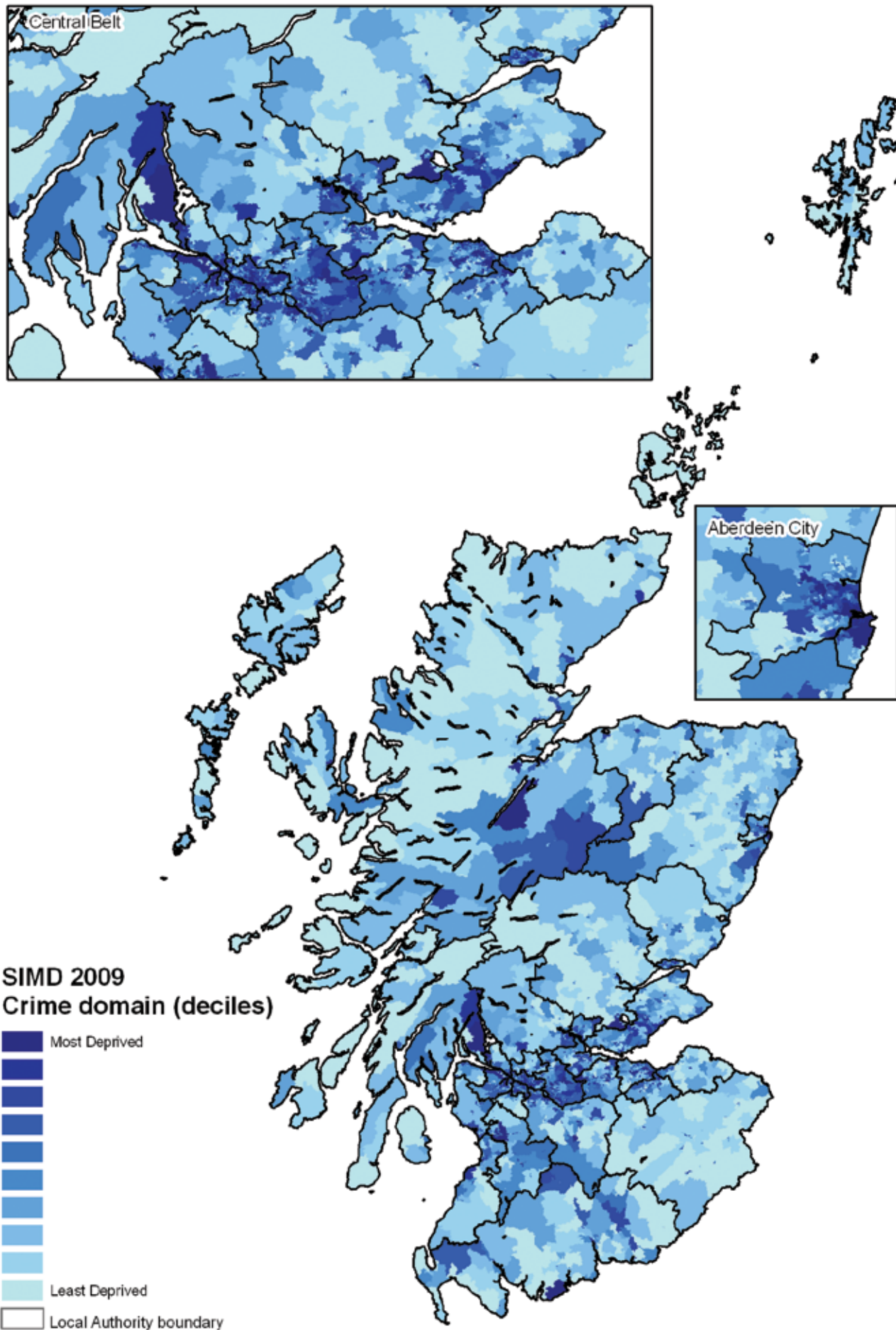
The 15% most deprived local areas (datazones) in Scotland suffer from crime rates that are more than twice as high as the national average. 61% of prisoners in Scotland have their previous

residence in just 15% of datazones. This reflects such areas' poor performance on the underlying factors associated with crime. For example, school exclusion rates are twice the national average; the number of young people not in employment, education or training is around twice the national average as is the overall unemployment rate; and alcohol misuse is more than double the national average. And in terms of community safety, children from the most deprived communities are twice as likely to die from unintentional injury as those from the least deprived.

Tackling spatial inequality is therefore essential to improving justice outcomes, both for the most affected communities themselves and for the nation as a whole. This evidence supports the key recommendations of the Christie Commission report, which argues for focusing public investment and activity on prevention, in particular on holistic interventions in areas of multiple deprivation, in order to enhance outcomes and reduce inequalities.

In a justice context this preventative approach includes tackling the root causes of crime and civil justice issues in particular through interventions with young people and their families. It also involves holistic approaches to address key factors associated with poor community outcomes, such as high incidence of drug and alcohol problems.

FIGURE 9: CRIME “DEPRIVATION” BY DATAZONE



4. Priorities

4.1 What are the priorities?

This section combines the outcomes set out in Section 2 with the evidence in Section 3, and draws out the key priorities for action. Priorities are highlighted in **bold font** and represent the areas that will have an important impact on delivering our justice outcomes. (Each of the justice outcomes is colour coded, consistent with the strategic diagram at Figure 1 on the inside front cover.)

We experience low levels of crime

Although crime and victimisation in Scotland is falling, it is still too high, and levels of violent crime are higher than elsewhere in the UK and Europe. There also remains an unacceptable number of young people engaged in anti-social behaviour. **Reducing crime, particularly violent and serious organised crime**, through a combination of tackling the underlying causes, better prevention and improved deterrence, will be key to making Scotland safer.

In particular, we must **tackle the damaging impact of alcohol and drug problems** on individuals, families and communities. Alcohol remains a significant factor in nearly all forms of violent crime in Scotland, and the wider impacts of problem alcohol use are also very large. Illegal drug use is linked to both acquisitive crime and organised criminal gangs. By focusing both on tough enforcement (including the disruption of organised crime) and person-centred, person-led recovery services, this kind of self-destructive and criminal behaviour can be addressed and, through building assets, outcomes can be improved for individuals, families and communities.

A high proportion of crimes are committed by those with prior convictions, and so **reducing reoffending** is critical. Each time someone is convicted and sentenced presents an opportunity to work with them to help them rehabilitate themselves and move to a path of recovery from a range of possible problems, including drug or alcohol use, mental health problems or violent behaviour. Evidence of what works points us towards a focus on targeted and specific interventions based upon a person-centred approach plus rigorous and consistent risk assessment. Services for offenders must be joined-up and focused on the reasons underlying the offending behaviour of individuals.

We experience low levels of fear, alarm and distress

Perceptions and fears about safety have an impact both on our society as whole and on the justice system itself. A perceived lack of local safety and security can inhibit community engagement, and lead certain groups to be socially excluded and less able to lead fulfilled lives. An important element of the achievement of the justice vision will be to **reduce fear of crime and increase public confidence** in the justice system itself, by focusing on public reassurance. This is about more than just good information and communication. It is about the way justice is done and is seen to be done. We must take action to ensure that more **victims and witnesses** have positive experiences of the justice system. There is evidence that improved confidence in the justice system can both increase participation (people are more likely to report crimes, be witnesses) and foster

a collective belief in the rule of law, enhancing compliance and reducing crime further.

Finally, we must help people resolve problems earlier, minimising the distress caused by issues such as debt, family disputes or housing problems, and reducing the risk of other associated problems arising.

We are at a low risk of unintentional harm

The evidence has shown that – as in any society – people in Scotland face various types of risk of unintentional harm. Most of these risks are on positive, downward trends. However, certain areas require continued focus. For example, Scotland has a higher rate of fire deaths than other parts of the UK. Therefore promoting risk awareness and **fire safety** is essential to improving this outcome. A decisive shift towards prevention, collaborating with other public services to identify the individuals and areas most at risk, improving local scrutiny and engagement and **improving emergency response** will all be necessary. In addition, measures to improve personal safety in the home, on the roads and in our communities are also required.

Our people and communities support and respect each other, exercising both their rights and responsibilities

The justice system provides a formal mechanism through which society sets out the boundaries of acceptable behaviour and the substantive rights that we can rely on.

It can therefore be harnessed to promote and support a culture of personal and collective responsibility. This means enabling people

to take an active role in ensuring that their communities are safe and resilient. It also means empowering people and communities to ensure that their rights – to fair treatment, to equality, and to proper support – are respected. When people understand their rights and responsibilities, when they know how to exercise them and when they appreciate when and where to seek professional advice and support, disputes and disagreements can often be avoided or, as a last resort, resolved fairly and quickly.

We know that **young people** who enter the justice system are more likely to place a burden on the system in later life. Therefore it is essential to examine how we are supporting Scotland's young people. Taking a whole-system approach in the early years helps build resilience and supports young people to reach their full potential (and thus will help divert people from crime). Schools also play a critical role in nurturing responsible citizens, both through universal interventions and by working specifically with those most at risk. These approaches are not easy and rely on high quality resources. We know, however, that they work, are cost-effective and can have a positive, long-term impact on criminal justice outcomes.

There are certain communities in Scotland who do not perceive themselves to be well-served by local justice agencies. Communities that feel involved in decisions that affect them, and that feel they have a role to play in solving their local problems, will be safer and more resilient. For reducing crime and disorder, strengthening **community engagement** through police and fire reform, the Community Empowerment Bill and other initiatives that reinvigorate civic Scotland will be essential.

Unfortunately, destructive social attitudes persist in some parts of Scotland, fostering a culture where some forms of damaging behaviour are tolerated. Social attitudes towards irresponsible drinking, towards violence and knife-carrying, and towards those perceived to be different need to improve. These attitudes harm ourselves, our communities and our international image. Tackling alcohol misuse and violence have been highlighted already; rooting out **sectarianism** and **hate crime** more generally similarly requires long-term effort. Although enforcement and punishment are needed to tackle the abusive and criminal manifestations of intolerance and prejudice, we cannot rely solely on legislative solutions to such societal problems. We need to look beyond the police and courts to deliver real and lasting change. We must invest in a community-led approach, promoting and sustaining communities that embrace diversity, respect the rights of others and support a culture of dignity and respect.

That investment should also build legal capability – equipping people and communities with the knowledge and resources to identify, prevent and resolve issues affecting their rights and responsibilities at the earliest opportunity and at the most appropriate level.

We have high levels of public confidence in justice institutions and processes

Confidence in the criminal justice system is improving gradually, but there are still a significant number of people who have doubts about its fairness, accessibility and the treatment of victims, witnesses and other participants. Improving people's experience and knowledge of the investigation, prosecution and sentencing decisions that are made is key to improving

confidence, and will require collective and sustained effort. One area in which we are determined to deliver progress is to address unconditional automatic early release.

Too many people find the civil justice system intimidating and inaccessible, contributing to the significant numbers of unresolved problems which can persist for years. This is why we are committed to **transforming the civil justice system**, understood in its widest sense to include courts, tribunals and administrative justice, simplifying procedures, improving services to users, and creating a coherent, fair and efficient system that makes the prevention or early resolution of disputes a primary goal. We are also committed to maintaining public confidence in the legal profession by supporting proper regulation as new business structures emerge.

Confidence in the justice system and in government and the economy more generally also requires an ongoing process of **law reform**, to ensure that we have a body of civil and criminal law that upholds human rights, is transparent, as simple as possible and that continues to reflect the needs of our society.

Our public services are fair and accessible

Every person and family in Scotland has a right to be treated fairly, with equal life chances and access to services. Reducing the inequalities in the justice system and in wider Scottish society will improve safety and security for everyone. Compliance with the provisions of the European Human Rights Convention is the minimum requirement, but we need to go further, and ensure that the principles of fair and respectful treatment are embedded across all justice agencies and processes. The Making Justice

Work programme has ‘a fair and equitable justice system’ as one of the eight core benefits it is tasked to deliver, making it a benchmark against which we evaluate reforms to courts, tribunals and the wider system.

Individual and collective rights are only worthwhile when they can be exercised. Supporting these rights and ensuring that everyone has the opportunity to exercise them is therefore an important role of the state. A focus on **widening access to justice** is key. This involves enhancing public legal capability, improving information and advice services, giving people greater options to engage with alternative dispute resolution and, where necessary, providing legal aid to take forward court proceedings.

Our institutions and processes are effective and efficient

The Christie Commission made it clear that there is a pressing need for reform of public service delivery. This is about more than simply cutting costs – it is about making the justice system fit for the 21st century. Reform of the police and the fire and rescue services is central to public sector reform in Scotland and is designed to deliver recurring **efficiency savings** and to enhance effectiveness while maintaining frontline services and strengthening local accountability. Another key area of reform within the justice system is within the court system, where good progress has been made in recent years including significant structural and procedural changes to the High Court and summary justice.

There are significant opportunities to make further efficiencies in the criminal justice system. Audit Scotland recently estimated that inefficient and outmoded systems are wasting up to £55 million every year. We need to ensure that all justice organisations are operating efficiently, and that the working relationships and interactions between these bodies are strong and well organised. For example, there remains a challenge to ensure that cases are dealt with at an appropriate level in the court system, and that performance data and IT systems are coherent, consistent and compatible across the justice system.

Improving public knowledge and understanding of civil law is crucial to support prevention in areas as diverse as family law, consumer protection and employment rights, as well as more informal and early dispute resolution through the use of mediation, tribunals or other alternatives. Court proceedings are expensive, time-consuming and can be a demanding experience for participants. It is therefore crucial that formal procedures are used only where they are appropriate and proportionate.

Our public services respect the rights and voice of users

Although securing efficiency savings is essential in the current financial climate, we must ensure that, in the drive towards greater efficiency, the concepts of fair treatment, respect and inclusivity are not lost. Services must be focused around the needs of system users, of whom **victims** are of paramount importance.

Victim services need to improve, particularly in the area of information provision. More broadly, 'improved user experience' is one of the eight core benefits to be delivered by the Making Justice Work programme.

Based on the supporting evidence, this section has identified 12 key priorities for the justice system:

1. Reducing crime, particularly violent and serious organised crime
2. Reducing the harmful impacts of alcohol and drugs
3. Preventing criminal behaviour by young people
4. Reducing reoffending
5. Increasing public confidence and reducing fear of crime
6. Reducing the harm from fires and other emergencies
7. Tackling hate crime including sectarianism
8. Strengthening community engagement and resilience
9. Transforming civil and administrative justice
10. Widening access to justice and advancing law reform
11. Enhancing efficiency
12. Supporting victims and witnesses

Addressing these priorities is the basis for our strategic approach as set out in the following section.

4.2 Strategic approach

This section sets out the key areas of activity and improvement that comprise our strategic approach. It begins by describing the guiding principles that will need to be applied across all services contributing to our vision and outcomes. These are consistent with the approach set out in the Scottish Government's response to the Christie Commission on the future delivery of public services. It then outlines our programmes and activities in relation to each of the 12 strategic priorities.

Guiding principles

Our approach, as a government, is based on four pillars which closely reflect the key themes and aims of the Christie Commission report:

i. greater integration of public services at a local level driven by better partnership, collaboration and effective local delivery

Successful delivery of our outcomes will depend on partnership working across the range of justice and community safety organisations spanning criminal and civil justice, and beyond, for example with partners in education, health and housing. Such partnership and collaboration must encompass public, private and third sector interests. A whole system approach, where justice bodies and other partners take collective responsibility and work collaboratively to deliver justice priorities and outcomes, will support the effective operation of the justice system and achievement of shared outcomes.

Effective collaboration and whole system approaches can already be found in many contexts and geographies. An increasing level of joined-up policy and practice can also be identified at the national level. However, some work is still delivered on a silo basis. The Justice Board – which consists of Scottish Government directors, non-executive directors and heads of organisation from public-sector justice organisations – and the broader Justice Leaders Network are encouraging and supporting moves towards a more holistic approach. Ongoing dialogue by all partners and across all relevant sectors will ensure that we maximise opportunities to collectively deliver our shared outcomes.

Our outcomes-driven approach will support a shift in culture to one where there is a focus on the **person**, whether they are in the role of citizen, accused, offender, victim or witness. This change needs to be reflected within all of our behaviour and requires a sustained focus on the delivery of outcomes above the delivery of narrower institutional interests.

This shift requires that we take a proactive approach towards outcome-focused performance management. It means more comprehensive and consistent engagement with our colleagues across team, organisational and sectoral boundaries. Such an approach is exemplified by *Getting it Right for Every Child* (GIRFEC), by *The Road to Recovery*, by *Changing Scotland's Relationship with Alcohol*, and by the whole system approach to youth justice. We need to ensure that we learn from the experiences of other sectors and apply this learning to engender both creativity and innovation in the provision of tailored solutions that truly meet the needs of the individual.

Our partnership approach also relies on promoting and supporting a culture of personal responsibility and of civic society taking an active role in ensuring safe and resilient communities.

Importantly, partnership and collaboration across the justice system do not conflict with the need to maintain the independence of prosecutorial and judicial decision-making, which provide key safeguards within the system.

ii. a decisive shift towards prevention

A partnership approach is particularly relevant in relation to shifting our focus towards prevention. This means taking a holistic approach towards the needs of individuals; focusing on early years and vulnerable groups.

Our ability to deliver justice outcomes in this way will rely on successes 'upstream' of the justice system, through our concerted efforts to tackle the deep-seated social issues within our society such as problem drug and alcohol use, or other types of complex needs. These issues can be better tackled through more effective cross-agency working to identify, address and prevent these problems. This includes effective sentencing, treatment and management of offenders and work to discourage offending. This type of partnership approach can be supported by taking a more collaborative approach towards planning and resource allocation, as well as changes in the way we communicate, share information, and develop and engage our workforce. The joint Scottish Government and CoSLA [Alcohol and Drug Workforce Statement](#) provides a good example of such an approach.

For civil and administrative justice a 'whole system' approach to resolving disputes promptly and proportionately very much depends on close working with public and private bodies to improve their decision-making processes in the first place. The intention here is that more disputes should be resolved without recourse to the courts and tribunals as long as the processes employed are fair, transparent and timely. Sharing best practice should be promoted as an integral part of any joined-up approach to improving the administrative justice system.

iii. greater investment in the people who deliver services through enhanced workforce development and effective leadership

Leadership

Leadership plays a central role in delivering our justice vision and outcomes. It is essential for improving performance, redesigning services and ensuring that we are able to meet the needs of the people of Scotland. Leadership at all levels and in all parts of the public sector can make or break the delivery of our ambition for justice outcomes. Strong leadership and a high level of resilience is required to ensure there is a balance between business as usual (which in itself is continually changing) and making the significant reforms required to deliver our outcomes.

Collective leadership across the system is stronger than ever before. At a strategic level, the Justice Board works to ensure the effective operation of the justice system. The group is collectively responsible for delivering improvement in outcomes and services, both through change programmes and ongoing core business. Leaders across the wider justice

community are engaged with this programme of reform and change through the Justice Leaders Network, with a range of communication mechanisms, such as Justice Change News, to keep colleagues informed of developments.

Workforce development

Colleagues across the justice system and beyond are crucial to the successful delivery of the wide-ranging programme of reform and change set out in this strategy. Front-line operational and delivery staff are being asked to work in new and different ways; to work in partnership across teams, organisations and sectors; to engage with system users and give increased consideration to the user perspective when developing and delivering services; and to ensure there is flexibility in working practices to deliver quality products and services.

There is a need for collective endeavour – all staff have a responsibility to play their part in delivering a justice system fit for the needs of 21st-century Scotland. To ensure staff are able to play this role, we must make sure that:

- staff are engaged and morale is high. This is increasingly important within the context of a challenging financial environment and pressures on workforce numbers. On a practical front, this includes building resilience in individuals, effective management and management of change, and ensuring staff are involved in decisions that affect them;
- staff have the capacity, capabilities and resources required to deliver agreed objectives relating to business as usual as well as change and reform. This includes the

skills, knowledge and information required to deliver effectively within a changing environment.

It is also important that in justice, as elsewhere, the types of people who make up the workforce more closely reflect the people they serve. This means doing better on gender balance – especially in senior positions – and more representation from other groups, including people from black and minority ethnic communities.

iv. a sharp focus on improving performance, through greater transparency, innovation and use of digital technology

The Scottish Government is committed to embedding an open and rigorous performance culture within Scotland's public services, ensuring greater clarity around the objectives of public organisations, and establishing clearer lines of accountability that help to bolster standards of service and improve outcomes.

The approach set out in this strategy is consistent with these commitments. It clearly articulates a shared vision and outcomes for organisations in the justice system. And, as the final section of this document will set out, our strategic approach is supported by a range of indicators – consistent with the National Performance Framework – which will track performance against our outcomes and will strengthen accountability.

As the specific programmes of activity set out below will demonstrate, we are pressing forward with an ambitious and innovative reform agenda – including radical reform of police and fire and rescue services and the most radical transformation of the courts and tribunal system for at least a century, often harnessing technological innovations and efficiency-saving measures to deliver higher quality public services more cost-effectively.

The following sections set out specific programmes and initiatives designed to deliver our over-arching vision and outcomes. This is not intended to be a comprehensive catalogue of activity but rather to highlight certain major interventions that exemplify our approach. Areas of activity are organised by respective justice outcomes.

We experience low levels of crime

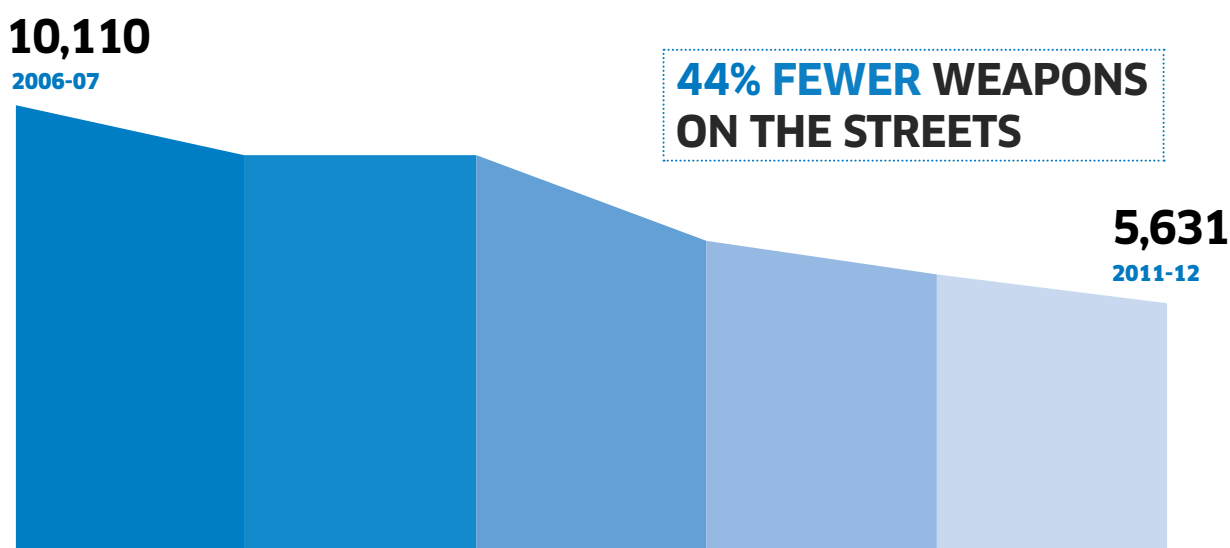
Priority 1: Reducing crime, particularly violent and serious organised crime

To create a safer Scotland where fewer people commit, experience or witness crime requires the root causes of offending to be addressed, effective deterrents to be employed, and a reduction in opportunities to offend. This can only be achieved through a collective approach across sectoral boundaries, given that the root causes of crime lie beyond the justice system. By working with our partners we can create innovative ways to both deter and reduce the opportunities to commit crime at each stage of the justice system. A priority is to work with families and children at the earliest stage in their lives to divert the vulnerable and those at high risk of offending away from crime. This is a core principle of the Building Safer Communities programme.

Tackling violent crime must also be a priority, with knife crime a particular focus. In addition to the positive impact of record investment in the police service and having 1,000 extra police officers in our communities, we will pursue a 'public health' approach to tackling violence, focusing on prevention and early intervention. This emphasises the need for prevention and intervention efforts before the first indications of violence, and ensures that those already involved in violence are dealt with appropriately and given the help they need to desist.

Key to this is the commitment to support the national Violence Reduction Unit in developing innovative practice. Another example is the development of the *No Knives, Better Lives* youth engagement programme, which is being delivered in 10 areas across Scotland, providing education and support to young people to prevent and deter knife carrying and use. This preventative approach is balanced by tough

FIGURE 10: NUMBER OF RECORDED CRIMES OF POSSESSION OF AN OFFENSIVE WEAPON



Sentence lengths for knife crime have increased by 79% since 06/07; offensive weapon possession has fallen by 44%

measures for those who commit knife crime. We are similarly working with the new powers in the Scotland Act 2012 to introduce licensing of air weapons in order to reduce gun crime and increase public safety.

Where violent crimes occur, they are increasingly being punished with longer prison sentences. For those convicted of knife crime, custodial sentence lengths have increased by 79% under the Scottish Government.

We are committed to supporting measures to protect the public from those who pose specific risks and, therefore, provide national guidance and support for the Multi-Agency Public Protection Arrangements which are in place to manage the risks posed by registered sex offenders. As part of this commitment, we have introduced the Keeping Children Safe Sex Offender Disclosure Scheme which allows parents and guardians to apply for information about an individual who has access to a child, if they are concerned that the individual poses a risk to the child's safety and wellbeing.

A tough approach is similarly being taken on partner abuse, encouraging prevention and desistance to drive down the incidence of abuse, through interventions such as the ground-breaking Caledonian System, but at the same time being rigorous in our prosecution and punishment of those who offend. More generally, we will continue to take strong action to tackle

all forms of violence against women, and will continue to support the work of the Zero Tolerance Trust and White Ribbon Scotland. In particular we are applying a range of measures to support women who are the victim of rape and to secure higher conviction rates for rape.

We are also taking measures to crack down on serious organised crime. Serious organised crime groups are fluid and dynamic organisations operating across local, national and international boundaries. To address this problem, we have strengthened our partnerships with stakeholders by taking a multi-agency approach to tackle the harm caused to communities by organised crime. This process is led by the Serious Organised Crime Taskforce. This brings together both law and non-law enforcement bodies. These are delivering concerted action not only to arrest and convict organised criminals, but to take innovative approaches to disrupt the activities of serious organised crime groups – including maximising the opportunities to track down and recover the profits of criminals through the Proceeds of Crime Act – to make it harder for such groups to operate and at the same time to divert young people away from organised crime.

The Scottish Crime Campus at Gartcosh – which is currently being constructed – will bring together a number of law enforcement agencies responsible for fighting organised crime in Scotland. This will provide a purpose-built national facility to enable collaborative working, will allow for the best use of assets and further boost Scotland's capacity to tackle serious organised crime.

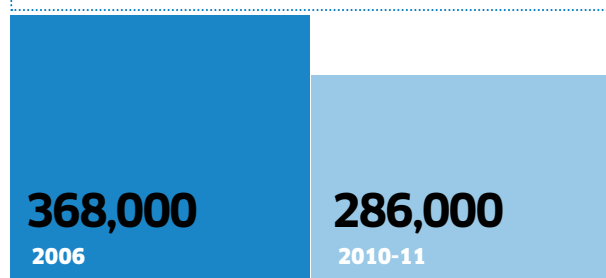
Priority 2: Reducing the harmful impact of drug and alcohol use

Problem drug use continues to affect lives and communities across Scotland and we have shown our determination to tackle this issue with a fresh approach focused on recovery. The *Road to Recovery* is the national drugs strategy that makes it clear that recovery is the aim of all drug treatment and rehabilitation services, and that this requires both a significant change in the way that services are planned, commissioned and delivered, and a wider cultural change to challenge stigmatising behaviours.

The strategy also sets out a broad approach to preventing drug use in the future: action to better protect and support children affected by parental drug and alcohol problems; action to disrupt the supply of drugs in our communities; and the provision of opportunities at all stages of the criminal justice system, including prisons, for people to access treatment and support without delay to promote recovery from drug use.

FIGURE 11

SELF-REPORTED DRUG USE DOWN BY OVER A FIFTH



Individuals in the general adult population taking any drugs in the last year have declined by more than a fifth since 2006.

Source: Scottish Crime and Justice Survey

Success is dependent upon effective integration and leadership across a wide range of sectors including justice, health and social services. This is being led locally by Alcohol and Drug Partnerships uniting these interests to deliver local outcomes informed by assessment of local need. This work is accountable through Community Planning mechanisms supported by a shared framework of outcomes and indicators.

Working jointly with health colleagues, we are investing in prevention, treatment and support services for people with drug and alcohol problems, significantly re-designing and improving services to those in need to focus on person-centred approaches and recovery. Already access to services is faster with 88% of people accessing specialist service within 3 weeks – by March 2013 we expect this figure to be 90% in line with the national HEAT target. Some 40,000 people in Scotland entered treatment for their drug problem between April 2007 and March 2011.

Scotland's national alcohol framework, *Changing Scotland's Relationship with Alcohol*, outlines a range of measures to tackle problem alcohol use. Through the alcohol brief interventions (ABI) programme, NHS Boards have delivered over 272,000 interventions to help people to reduce their risk of developing alcohol problems and requiring more intensive support in the future.

Addressing price is an important element in any long-term strategy to tackle problem alcohol use given the link between consumption and harm, and the evidence that affordability is one of the drivers of increased consumption. The introduction of a minimum price of alcohol is one of the most effective ways of reducing problem alcohol use and related harm. In recognition of this, the Alcohol (Minimum Pricing) (Scotland) Act 2012 will pave the way for the introduction of a preferred minimum price of 50p per unit. This landmark policy is a significant step forward in the Scottish Government's efforts to tackle Scotland's unhealthy relationship with alcohol. We also recognise that the alcohol licensing regime has an important role to play in delivering the changes that we want to see in curbing alcohol misuse.

The Scottish Government published its Alcohol and Offenders Guidance Statement in April 2012 which is intended to provide guidance and support for those who have a responsibility in developing strategic responses to alcohol problems amongst offenders. Key amongst those are Alcohol and Drug Partnerships (ADPs) which are required to develop and implement local strategies for the provision of effective alcohol and drug services to meet the needs of their population, including offenders.

New national care standards will further embed recovery principles and ensure a range of appropriate and effective services are available to meet the needs of individuals.

Priority 3: Preventing offending by young people

The Scottish Government's framework for tackling inequality is set out in the three social policy frameworks: [Equally Well](#), [Achieving Our Potential](#) and the [Early Years Framework](#). More recently, the [Child Poverty Strategy for Scotland](#) set out how the Scottish Government and its partners are focusing on maximising families' resources, improving child wellbeing and reducing the impact of poverty on children – all of which will increase the likelihood of delivering the justice outcomes.

Getting it Right for Every Child (GIRFEC) provides the delivery framework for all services and agencies working with children and families. The framework covers key actions being undertaken by the Scottish Government and its partners to tackle the social and behavioural problems experienced by some children and communities in Scotland. Improving the early years experience in Scotland is a key part of addressing some of our most entrenched problems in terms of poverty, poor health and poor attainment. The evidence shows clearly that multiple deprivation is associated with poor criminal and civil justice outcomes.

Key to improving early years experience is transformational change at local level, moving from crisis management to prevention and early intervention and a joined-up approach to tackling multi-faceted issues in a way that meets the needs of the individual. We are making a decisive shift to preventative spending, by creating an Early Years Change Fund of over £270 million. The national parenting strategy

will encourage agencies to work together to support parents and help them to develop their parenting skills.

We need to do more to ensure that, when parents and children need support, services are delivered in an integrated way by a well trained and well supported workforce. This will be further supported under the Building Safer Communities programme which emphasises the importance of early intervention and family support in improving outcomes for our young people and communities; this includes helping to reduce crime. This programme will link with the work of the Early Years Change Fund and the national parenting strategy to support the development of innovative partnership approaches to ensure our children and young people have the best start in life.

The Scottish Government is also extending and enhancing its innovative *CashBack for Communities* policy to use money confiscated through the Proceeds of Crime Act to support young people and communities. This has already seen £47 million invested, benefiting over 600,000 young people in sporting, cultural and community projects throughout Scotland.

Alongside key partners, the Scottish Government has published its Framework for Youth Justice *Preventing Offending by Young People*. The Framework outlines a shared ambition of what we want to do to as national and local agencies to prevent, divert, manage and change offending behaviour by children and young people – and how we want to do it. The over-arching shared commitment is to work together as national and local partners to deliver real improvements on

the ground. The framework promotes a child-centred approach – in line with the principles of [*Getting it right for every child*](#) – with reference to the family and the wider community.

We know that it is only a minority of young people who get involved in offending, and an even smaller minority of them who cause the most serious problems. The *whole system approach* provides a more robust and efficient mechanism for delivering the early intervention and support necessary for young people who offend, integrated with the approaches necessary to deal with the minority of young people who continue to commit the most serious offences. It removes unnecessary bureaucracy from the system, allows for more timely responses and interventions for young people and has produced better outcomes for young people, victims and communities.

The ethos of this approach suggests that many young people could and should be diverted from statutory measures, prosecution and custody through early intervention and robust community alternatives. The whole system approach works across all systems and agencies, bringing together the Scottish Government's key policy frameworks into one holistic approach for young people who offend. It highlights the importance of supporting children and young people on a multi-agency, multi-discipline basis, something that becomes a higher priority in the current financial uncertainty. We need to continue to learn from this approach and to apply good practice across the early years, for example through utilising this approach with other age groups, to continue to build resilience and support young people to reach their full potential.

Priority 4: Reducing reoffending

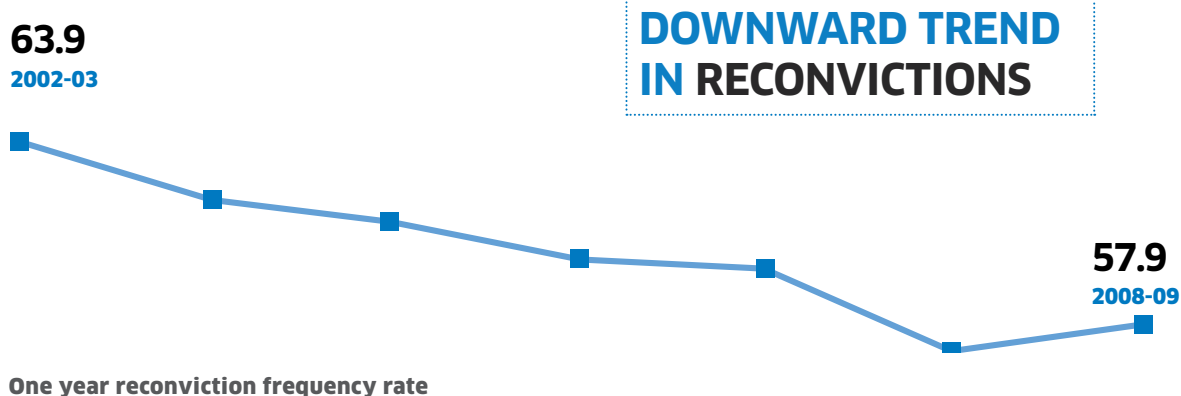
The Reducing Reoffending Programme (RRP) put in place, from 2008 to 2011, the foundations for a credible system of community justice, including the Community Payback Order, the whole system approach for young people who offend, and the development of a more consistent approach to risk assessment across the sector. The second phase of the programme (RRP II) will build on this, and look specifically to ensure that services are available across Scotland that work to reduce reoffending. As a justice community, we will look to understand what the obstacles are to this happening, and work through programme structures to remove these obstacles and improve the commissioning and performance of rehabilitation services. This will involve, among other things, a fundamental review of funding for community justice, moves to implement a new performance management framework and a formal review of Voluntary Throughcare. We

are also investing in our prison estate, to ensure that it is fit for the 21st century, and equipped both to detain inmates securely and to support their rehabilitation.

We understand that closer integration of services to rehabilitate offenders is essential to address the root causes of offending, and ensure a long-term solution for future generations. Much better links must be developed with employment, housing, education and health services, helping offenders to access the services they need to desist from crime.

Closer integration of services will also help ensure that the most vulnerable people in our communities are diverted from crime and shown different options in life. Targeting specific segments of the population, such as female offenders, is in line with what the evidence tells us about how to divert people from crime.

FIGURE 12: REDUCED REOFFENDING



There are also opportunities to ensure better cross-system working by helping prisoners to access health, housing and support into employment when they leave custody. The new Reducing Reoffending Change Fund is a clear signal of the shift towards prevention and early intervention, and more innovative work with people on release from prison, such as the Routes Out of Prison project.

In terms of sentencing and alternatives to custody, the new Community Payback Order (CPO), introduced in 2011, is working. CPOs have been issued in every part of Scotland, and in significant numbers. The tough and effective community sentencing provided by CPOs is crucial for making realistic alternatives to custody available and for supporting rehabilitation. It is also a means of delivering a more constructive form of justice where, through unpaid work, offenders can pay back their debt to society by improving the communities that they have harmed.

The Scottish Government established the Commission on Women Offenders, which reported in April 2012. This set out 37 recommendations which address a broad range of criminal justice activity including: service redesign, alternatives to prosecution, alternatives to remand, sentencing, prison, community reintegration, leadership, structures and delivery. The Cabinet Secretary for Justice welcomed the Commission's report, accepting 33 of the 37 recommendations and undertaking to consider the remaining four in more detail.

Taken together, these measures will contribute towards an effective and credible community justice system in which the public and sentencers can have confidence. By developing these alternatives to prison, we can see more people serve their sentences in the community, ease prison overcrowding, and work towards a modern prison estate that only holds those offenders that need to be there for public safety.

We experience low levels of fear, alarm and distress

Priority 5: Increasing public confidence and reducing fear of crime

Crime in Scotland is at a 37-year low yet there is a persistent gap between people's fear of crime and the actual risk of crime. We want to ensure that the people of Scotland feel safer at home and in their communities and have confidence in, and experience, a justice system that treats people fairly and with respect.

The Reassuring the Public programme will consist of projects and initiatives focusing on the factors that impact on fear and confidence such as:

- perceptions of personal risk and vulnerability
- personal experience of crime and contact with justice agencies
- disorderly surroundings such as litter, abandoned buildings/cars and graffiti

- disruptive behaviour such as drunken behaviour and inconsiderate neighbours
- knowledge of the justice system and local trends and events
- visible and accessible policing

The public need to know that those who are responsible for crime will be dealt with appropriately. This requires consistency of sentencing, clear demonstrations of the reality of robust community sentencing and reassurance that the most serious criminals will be imprisoned.

Reducing fear of crime and improving confidence in the justice system is likely to lead to better compliance and co-operation with the law and improved crime reporting and engagement with justice authorities. This approach will support community engagement and cohesion leading to people feeling safer in their homes and communities.

FIGURE 13: NUMBER OF POLICE OFFICERS IN SCOTLAND



We are at a low risk of unintentional harm

Priority 6: Reducing the harm from fires and other emergencies

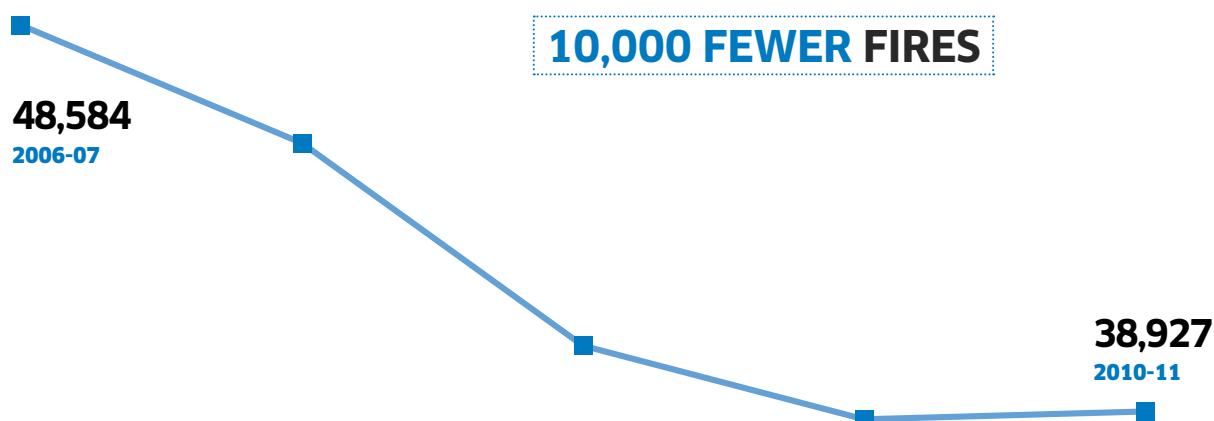
Reform of the fire and rescue service, to create a single service for Scotland, is focused on protecting front-line services and enhancing effectiveness in the face of fiscal constraints.

Working in partnership with the Fire and Rescue Service and other key partners we will engage with communities and businesses to ensure they are equipped to prevent fires happening, protect themselves from risk of fire and minimise injury and damage should fire occur. This includes work to reduce the economic loss of fire including that through deliberate fires. Our work will be informed by evidence and assessment of risk, and evaluation of publicity and other initiatives aimed at preventing fires. We will also work with partners to ensure regulation is applied consistently, fairly and proportionately.

Although much has already been achieved to reduce harm from fire, we will strive for continuous improvement to drive down fire deaths, injuries and damage through partnership, engagement and innovation, and by addressing root causes such as excessive alcohol consumption.

We will continue to invest in national and local multi-agency shared services initiatives designed to ensure that Scotland is resilient: as prepared as possible to deal with the consequences of any emergency. A major priority will also be to enhance community resilience, helping communities and individuals harness resources and expertise to help themselves prepare for, respond to and recover from emergencies, in a way that complements the work of the emergency responders. We will do this by working with the voluntary sector directly and by supporting the outreach work of local and regional statutory responders.

FIGURE 14: NUMBER OF FIRES IN SCOTLAND



The overall number of fires in Scotland has fallen by 20% since 2006/7, and accidental dwelling fires are at their lowest level since devolution

Our people and communities support and respect each other, exercising both their rights and responsibilities

Priority 7: Tackling hate crime and sectarianism

Hate crime against anyone in society is deplorable and has no place in modern Scotland – we support all efforts to stamp it out. We value Scotland's diverse communities and the important role they play in supporting and establishing Scotland's identity. We promote and support the development of inter faith and race relations and see dialogue as a vital way to lower barriers, eliminate fear and distrust and increase understanding and mutual respect – thus helping create the One Scotland of many cultures to which we all aspire.

We have helped strengthen legislation to better equip prosecutors and courts by supporting the Offences (Aggravation by Prejudice) (Scotland) Act 2009. This will ensure that when such crimes do happen, victims have the confidence to report it, knowing that they will receive a good level of service from the police and other justice agencies.

We fund the Scottish Inter Faith Council which works across Scotland to develop and support inter faith relations and help faith communities to engage with civic Scotland and have a voice. We created the Scottish Working Group on Religion and Belief Relations, and funded the creation and production of 'Belief in Dialogue' by that group – a good practice guide to developing religion and belief relations. We are also providing nearly £9 million in funding

during 2012/15 to organisations aimed at tackling racist attitudes and improving the lives of minority ethnic communities in Scotland, including refugees, asylum seekers, migrant workers and Gypsies/Travellers.

Sectarianism remains a significant problem in Scotland. It impacts directly on the lives of many people and the image of Scotland around the world. While the visible manifestations of sectarianism tend to be seen most prominently around football and marches, it would be wrong to suggest that sectarianism is only about these issues or confined to a single area in Scotland. There are no quick fixes or short-term solutions which will allow us to tackle the underlying causes of sectarian behaviour. That is why we are developing a broad programme of activity to tackle this insidious problem. This will tailor solutions to meet the specific needs of individual communities, giving rise to the prospect of positive and lasting change. We have already brought in new legislation to tackle football-related disorder and prejudice and are working with football clubs and authorities on a range of further measures.

We will invest £9 million over 3 years in tackling sectarianism in Scotland and in building the inclusive and respectful Scotland we want to be. Through this work we will help to heal the divides that have allowed fear, mistrust and suspicion of those we perceive to be different to fester within our communities. In its place we seek to build safer and stronger communities free from fear, intimidation and violence, where diversity flourishes, cultures co-exist peacefully and our many and varied communities can be proud of their rich identities.

Priority 8: Strengthening community engagement and resilience

Reform of the police and fire and rescue services is essential to keep our communities safe and secure. As well as protecting and improving local services, single services will strengthen the connection between services and communities by creating a new, formal relationship with all local authorities. This will create opportunities for more locally elected members to be involved and for better integration with community planning partnerships. As part of these reforms, a local commander for police will be identified and a local senior officer for fire, who will produce local plans for their services to be consulted on with local partners and approved by the local authority. This will strengthen local scrutiny, enabling communities to be more involved in decisions that affect them and more engaged in finding solutions to local issues.

A strong and resilient community is one that is confident, secure and welcoming. It is a place where people are actively engaged in shaping decisions that influence them; enabling services to be responsive to the needs of citizens; and making their lives and their communities better places to live. The *CashBack for Communities* funded project 'Link Up' aims to look at how strengthening social networks and facilitating opportunities for people to help each other builds trust and increases the confidence and capacity of individuals to seek solutions to their own problems instead of outsourcing their needs to external organisations like the police, social work and health service. This is consistent with an assets-based approach to working with communities. Improving community engagement will also help to tackle the under-reporting of

crime against minority communities, helping us to understand and tackle hate crime more effectively.

Our work on community resilience and the [ReadyScotland](#) website builds on similar themes of empowerment and preparedness to ensure that the people of Scotland are able to cope both with potential disasters such as fire, flood or climate change, and with the everyday challenges and risks faced by families in need.

If we want to empower communities in terms of their rights and responsibilities we need to build legal capability – so that they can better identify, prevent and resolve issues affecting them at the earliest opportunity and at the most appropriate level. The Access to Justice project within the Making Justice Work programme therefore contains a workstream on building legal capability. The initial phase of this work involves Consumer Focus Scotland undertaking qualitative research into consumers' behaviour when confronted with legal issues. This will be supplemented with research into models of building capability in other disciplines, such as financial capability. Following this work, we will identify practical measures which can be taken to improve legal capability. These are likely to include greater provision of online information and advice, as part of the Scottish Government's Digital Public Services strategy.

We have high levels of public confidence in justice institutions and processes

Priority 9: Transforming civil and administrative justice

The Making Justice Work programme aims to create a justice system that is fair and accessible, cost-effective and efficient. Radical reform of our courts and tribunals will include giving people a greater range of options to resolve their disputes and ensuring cases are dealt with at an appropriate level in the system. Consistent with the recommendations of the Gill Review, civil cases will be more effectively managed, with an appropriate degree of judicial specialism, and a new judicial tier which will operate in an accessible and user-friendly way. Better aligning our courts to the population, their needs and their location will give the public confidence that the court system will treat them fairly, quickly and with respect.

We intend to introduce further reforms to Scottish tribunals by bringing separate tribunals into a unified structure under single leadership through a programme combining legislative and administrative measures. An integrated Scottish tribunals system will support a clearer, simpler and more efficient way of working, provide better use of public money, enable more effective judicial deployment, and ensure a proper balance between quality and cost considerations.

Our public services are fair and accessible

Priority 10: Widening access to justice and advancing law reform

Despite the challenging financial environment, we are committed to maintaining and, where possible, improving access to justice through a series of legal aid reforms as set out in *A Sustainable Future for Legal Aid* (October 2011). The ambition is to maintain a fair, high quality and equitable legal aid system which maintains public confidence at an affordable and sustainable level of expenditure.

The Making Justice Work programme has identified that improving the efficiency of our justice institutions is not enough to deliver our aspirations for access to justice. Most cases never reach a court, and many people give up on their problems – either because they are not aware that they have a potential legal solution, or because they do not know how to achieve that solution.

Justice must be for everyone, or else it is not justice. Lord Gill's review of Scotland's civil courts emphasised the need to raise people's awareness and understanding of alternatives to court and the potential, through the use of technology, to expand access to justice, for example through telephone and on-line resolution services.

We are therefore taking forward a wide range of reforms to improve access to justice including: improving the co-ordination and quality assurance of advice, information and representation services; promoting alternative dispute resolution; and identifying how we can strengthen the capacity of people to resolve or prevent disputes by building legal capability (as already described in terms of strengthening community resilience under Priority 10 above). For example a £7 million grant funding programme, with funding support from Money Advice Scotland, will be operated through the Scottish Legal Aid Board over the next three years to provide targeted help to people with problems associated with the recession. We have also asked James Taylor, the former Sheriff Principal of Glasgow and Strathkelvin, to review the cost and funding of litigation. Our reform of the tribunal system, outlined above, should further support access to justice.

Taken together, these initiatives will ensure that people will have access to appropriate and proportionate information, support and advice, and will be better equipped to tackle issues effectively and at an early stage.

Reform of criminal procedure and the law itself will play an important part in making the legal process fairer and more accessible. We need law that is simple, transparent and consistent with the structure and values of 21st-century Scotland, and that is compatible with the European Convention on Human Rights and our other international commitments.

Lord Carloway has recommended wide-ranging and fundamental changes to criminal procedure that will transform the way that police deal with suspects and how accused persons are brought before the courts. This will put Scotland at the forefront of human rights practice in these areas. He has also recommended removing the requirement for corroboration in criminal trials, something that has been part of Scots legal tradition for hundreds of years. We will work to put these important reforms into practice following a process of consultation and engagement.

Our work on improving and reforming criminal procedure will also encompass Sheriff Principal Bowen's review of sheriff and jury procedures and a range of items arising out of the Making Justice Work programme.

More widely, we will continue to work with the Scottish Law Commission to keep our body of law in step with modern society and international legal standards. For example, we have already enacted legislation on 'double jeopardy' to enable justice to be served and will shortly consult on proposals to reform the law of damages. And in relation to the various licensing regimes run by local authorities, we will ensure that the underlying legislation reflects changing circumstances. For example, we are reviewing the existing systems for taxis and scrap dealers in response to concerns from local authorities, trade and police and will update them where appropriate.

Our institutions and processes are effective and efficient

Priority 11: Enhancing efficiency

Focusing on prevention and the underlying causes of crime and civil justice problems will reduce demand for justice services over the longer term. But in the short to medium term there is a pressing need to deliver sustainable cost savings across the whole system.

Police and fire reform will ensure that the police and fire and rescue services are in the best shape to meet the demands of the 21st century and the expectations of communities. The Police and Fire Reform (Scotland) Act provides the legislative foundation for the creation of a Police

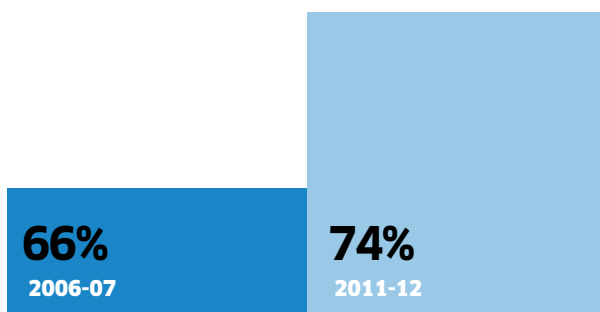
Service of Scotland and Scottish Fire and Rescue Service. The new single services offer the scope for improved outcomes for communities through maintaining frontline services, improving access to specialist services and strengthening local engagement. In the police service, enhanced national delivery will be supported by the delivery of the Scottish Crime Campus at Gartcosh.

Police and fire reform will protect and improve front-line services despite financial challenges by reducing duplication eight times over. Single services will provide more equitable access across Scotland to specialist support, expertise and national capacity where and when it is needed. The reforms will provide a solid foundation for delivering the justice outcomes.

In the courts system, Making Justice Work is a collaboration between the Scottish Government, Scottish Court Service, the Crown Office, Scottish Legal Aid Board, police and other justice organisations with the purpose of improving efficiency across the system. This programme will reduce waste, improve public confidence and user experience, save a projected £14 million in 2012/13, and more in future years.

FIGURE 15: SUMMARY COURT CASES COMPLETED WITHIN 6 MONTHS

**NEARLY THREE-QUARTERS
OF CASES COMPLETED
WITHIN 6 MONTHS**



Two projects within the programme are specifically tackling churn in the justice system – work led by the Crown Office on the Summary Justice System Model which seeks to ensure that cases settle at the earliest point possible in the system, and work led by ACPOS on *Getting People to Court*, which introduces measures that improve the likelihood of cases being able to proceed.

As well as delivering efficiencies for the system, these projects will ensure a more person-centred approach through improving the experience of victims and witnesses by making it more likely that cases will go ahead as planned and by ensuring that they are not called to give evidence if not needed. Work to better co-ordinate IT and management information will also help to tackle churn by ensuring that the right people have access to the right information at the right time.

The Making Justice Work programme will also generate efficiencies through driving forward the reform of courts and tribunals, and ensuring low value and straightforward cases are dealt with at an appropriate level in the court system. A multi-agency project to develop and implement cross-system video conferencing will also seek to

improve efficiencies in key areas of the system including prisons, police stations and courts, and provide a platform for modernisation and innovation in the future.

In the long term, progress towards the vision of a justice system that supports a flourishing Scotland should reduce demand for direct justice services. Lower levels of crime and disorder should mean fewer people entering the justice system, fewer court cases and less demand for offender management services. Increased public understanding and a greater willingness to resolve civil and administrative disputes informally or outside court should reduce demand for civil court proceedings. A general principle of proportionality will ensure that expensive resources, such as court time, are used efficiently. So even at a time of budgetary pressure, opportunities exist to create a virtuous circle of savings. This will require a high degree of collaboration, as a whole-system approach implies that investment by one agency may result in reduced demand and savings for another.

Our public services respect the rights and voice of users

Priority 12: Supporting victims and witnesses

Our efforts to reduce crime should continue to reduce the number of victims. In addition, we are determined to improve support for those who fall victim to crime.

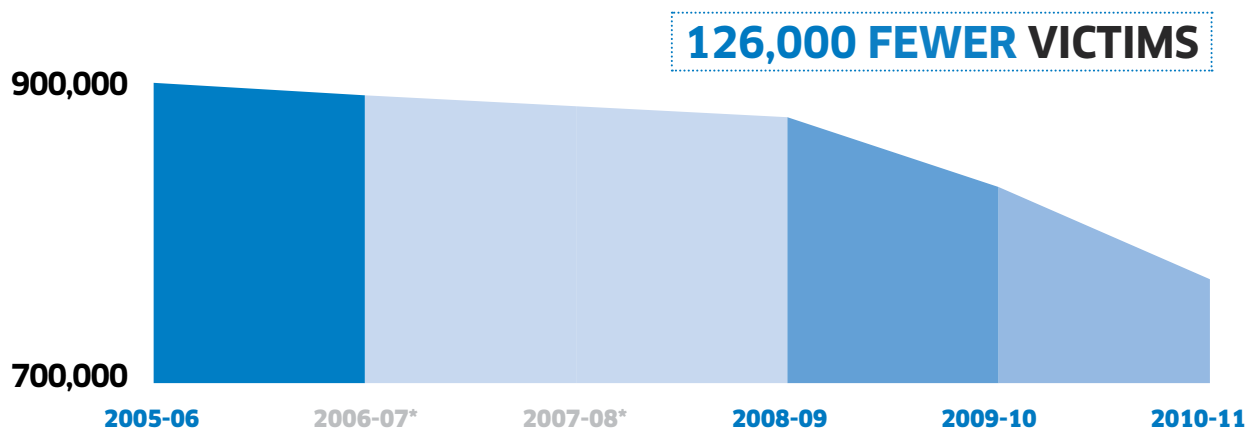
Victims should not be seen as passive spectators of proceedings or merely as recipients of services but people who have legitimate interests and needs. They need to feel supported, safe, informed and involved.

Similarly, being a witness is an important civic duty and one which should be recognised and treated as such by both the public and those

within the justice system. If witnesses are to come forward and report what they saw or heard, they must feel confident that their contribution will be worthwhile, valued and supported.

The Scottish Government is committed to bringing forward a Victims and Witnesses Bill during this Parliament. The objectives of the Bill include improving information and support, and that victims and witnesses should know what to expect if their case reaches court. We want to make sure victims and witnesses feel confident in coming forward and for them to be able to contribute effectively to cases which affect them. We also think it is important that offenders pay for the injury, loss or distress they have caused.

FIGURE 16: ESTIMATED NUMBER OF VICTIMS IN SCOTLAND



Falling crime means that 126,000 fewer people in Scotland were the victim of crime in 2010-11 than in 2006 *Figures not estimated

The key proposals that we are making to move forward against these objectives include creating an automatic right to special measures for victims in cases involving sexual offences and domestic abuse. We will introduce a victim surcharge so that offenders pay towards the cost of supporting victims and will require courts to consider compensation in every case where a victim has suffered injury, loss or distress.

The Bill will place a duty on relevant public agencies to set clear standards of service for victims and witnesses and improve the way cases are managed so that victims and witnesses can have far greater confidence that, where they are required to give evidence, the case will go ahead on the day as planned. Victims will be able to make oral representations to a member of the Parole Board so that they can contribute effectively to decisions about parole for criminals subject to life sentences.

We will also commission a feasibility study into how we can provide much better information for victims and the public about specific cases.

5. Innovation

Innovation is central to our approach. To tackle some of Scotland's most enduring and complex problems, we know that business as usual is not enough. We must continually look for ways to do things better and more cost-effectively, informed by the evidence of what works. That means harnessing new technologies and embracing new ways of working.

Working with our partners, we have demonstrated a track record of innovation. We have commissioned leading experts such as Lord Carloway, Lord Gill, Dame Elish Angiolini and the late Campbell Christie to cast a critical eye over problem areas and key services and to recommend innovative solutions. These reviews have helped to shape the future agenda for criminal and civil justice in Scotland and how we organise our public services and focus our resources.

Several examples illustrate our innovative approach. The significant recent reductions in violent crime have been supported by a 'public health' approach to tackling violence, focusing on prevention and early intervention. Key to this is the commitment to support the national Violence Reduction Unit in developing innovative practice. Another example is the development of the *No Knives, Better Lives* youth engagement programme, which is being delivered in 10 areas across Scotland, providing education and support to young people to prevent and deter knife carrying and use. This preventative approach is balanced by tough measures for those who commit knife crime.

In tackling problem drug use, our Road to Recovery strategy makes it clear that recovery is the aim of all drug treatment and rehabilitation

services, and that this requires both a significant change in the way that services are planned, commissioned and delivered, and wider cultural change to challenge stigmatising behaviours.

Elsewhere, we have made inroads in tackling serious organised crime, by developing an intelligence analysis method which, for the first time, is able to measure the number, nature and geographic distribution of organised criminals and groups in Scotland. This has enabled a more informed and tailored response to tackling organised crime which involves: diverting people away from organised crime and its markets; disrupting organised criminal activities; protecting communities, businesses and the public sector; and improving the arrangements for co-ordination among partner agencies.

In the court system, the Making Justice Work programme is transforming efficiency through new measures, including the use of video conferencing and a text messaging scheme to remind witnesses to attend court. In addition, we have worked with partners to improve efficiency through an award-winning IT project: the Cross Agency Information Sharing Hub. This 'data hub' establishes whether people due to appear in court are already in prison, enabling the accused to be brought from prison for the hearing and eliminating a common reason for delay. This innovation, alongside wider measures to improve the attendance of witnesses, has the potential to generate significant efficiency savings.

These innovative solutions, and many others, have helped to deliver the progress recorded in recent years and will continue to support our ambitious agenda into the future.

6. Ambition

Our vision and outcomes articulate our ambition for justice in 21st-century Scotland. Through our priorities, we have made clear our intent to tackle some of Scotland's most entrenched problems including violence, problem drug use and sectarianism.

Already, we have set ourselves challenging targets and have delivered against them. We have accelerated court processes – meeting and surpassing our target to increase the percentage of criminal cases in summary courts completed within 26 weeks. We have succeeded in reducing the rate of reoffending. And we are on course to meet our national 'HEAT' target that, by March 2013, 90% of people will wait no longer than 3 weeks from referral to appropriate drug or alcohol treatment that supports their recovery.

Despite the clear progress to date, we know both that we can never be complacent and that we have more work to do. The evidence shows us that there are areas in which outcomes are currently weaker in Scotland than in our peers, and areas where there are better ways of addressing issues. Working with our partners, we are taking tangible steps to deliver on our ambitious agenda, harnessing all the powers available to us to act in the best interest of Scotland.

In the police and fire and rescue services, for example, we are implementing the most significant reform in over a generation. This reform will enable us to protect and improve local services by stopping duplication of support services. It will improve outcomes by creating more equal access to specialist support and national capacity. And it will strengthen local accountability by establishing a new formal

relationship with every local authority, creating the opportunity to involve many more local councillors and better integrating police and fire services with community planning partnerships.

In parallel, we are also undertaking the most radical transformation of our court and tribunal system in at least a century. In terms of criminal justice, for example, Lord Carloway has proposed a series of reforms that will put Scotland at the forefront of human rights practice. In civil justice, Lord Gill has drawn up a bold reform agenda designed to ensure that cases are managed effectively and are dealt with at the right level. And our ambition for the tribunal system is to deliver an integrated tribunals service, by bringing separate tribunals into a unified structure under single leadership. This aims to deliver improved efficiency, more effective judicial deployment, enhanced independence and greater consistency of practice.

These reforms demonstrate that we are ambitious for Scotland. As the next section will show, we have put the framework in place to deliver on that ambition.

7. Taking the strategy forward

This document has described the line of sight from our activities, projects and programmes to the overall vision and outcomes for the justice system, setting out how we are contributing to the National Outcomes and the Government's Purpose of building a more successful Scotland through sustainable economic growth. This section describes how we are managing and monitoring progress towards these goals.

Work is already underway across the justice system and beyond to address our priorities. Each area has its own governance and reporting structures. Overall, progress towards the outcomes is overseen by the Justice Board, which includes Scottish Government Directors and heads of partner organisations in the justice system. While respecting the proper separation of powers among justice organisations, this group is working together to ensure the effective operation of the justice system as a whole, and the achievement of the priorities and outcomes set out in this strategy.

The Justice Board aligns business planning, co-ordinates management of risks and monitors the delivery of both the change programmes and ongoing core business. They also act as the Portfolio Board for the portfolio of justice change programmes, and ensure that any conflicts between the change portfolio and ongoing core business are addressed effectively. Finally, they proactively support communication and improved partnership working at all levels across justice organisations.

The use of formal portfolio, programme and project management in the delivery of the work is critical to the success of this strategy. It

makes delivery more structured and predictable, minimises duplication of effort across the many strands and embeds definable and specific business benefits within all partner organisations. This focus on benefits, which is inherent in structured programme and portfolio management, helps to monitor and demonstrate progress. The National Performance Framework contains high-level indicators of Scotland's performance including for the justice system. Below this level, there is a need to develop a new set of coherent indicators based around the justice outcomes, as well as the measurable benefits and outputs of the change programmes.

Work is already under way to develop overall and localised delivery indicators within each programme and its constituent projects. Supplemented by health monitoring of the Justice Change Programmes, and some indicators of the organisational capacity for change and improvement, this work can be harnessed to create a consistent, evidence-based suite of justice indicators that will serve the dual purpose of monitoring portfolio delivery and demonstrating progress towards the overall vision. These indicators will be incorporated into a Justice Portfolio Dashboard, which will be updated and used to monitor progress.

Figure 17 shows a prototype for such a dashboard. At the top of the dashboard are the indicators which most closely track progress at the level of National Outcomes. These are the National Indicators from the National Performance Framework that are of most relevance to the justice portfolio. Such indicators, by their nature, are often survey based and measured relatively infrequently

(often once every two years). While this time-frame is reasonable in terms of tracking progress against high-level outcomes, which are unlikely to change significantly within year, it is less useful for gaining a grip on short to medium-term developments.

At the centre of the dashboard are the “contributory outcomes indicators” that track progress against the eight justice outcomes at the heart of this strategy. For each outcome, a range of potential indicators exists – some using currently available data; others that are feasible but not currently or routinely collected. When this dashboard is fully developed, it will contain the indicators that give the best summary impression of performance against respective outcomes. Logic modelling and evidence on the various factors contributing to each outcome will help to identify the most appropriate indicators. The selection of indicators should also reflect the priorities of the strategy, themselves identified from the evidence of what needs to be done to deliver the justice outcomes. Such indicators will need to be available annually or more frequently to enable effective monitoring by the Justice Board.

By way of example, the first justice outcome “we experience low levels of crime”, might best be encapsulated by the overall level of recorded crime and by important components of that data series, such as an indicator of violent crime. This would reflect one of the underlying strategic priorities: “reducing crime, particularly violent and serious organised crime”. The Justice Board might also be keen to look beneath the surface

at indicators tracking the drivers of crime. Thus another indicator for this outcome might concern alcohol or drug misuse, again reflecting a strategic priority.

At the foot of the dashboard is the summary ‘health-check’ of the justice change programmes. The programmes themselves have their own detailed performance management and monitoring arrangements that are overseen by respective programme boards. Individual programme monitoring will encompass a range of indicators – on inputs, outputs, outcomes and programme benefits – with varying frequencies ranging from very short-term (e.g. daily administrative data) to long-term variables (e.g. crime and justice survey data). Given this scrutiny by the programme boards, at the justice portfolio level the prototype dashboard captures only the overall ‘health’ status of each programme on a Red/Amber/Green basis, distilled from the individual programme monitoring.


Taken as a whole, the dashboard will provide both a stock-take of progress against the outcomes that really matter and a summary of progress in the programmes of interventions that marshal our collective efforts to improve those outcomes.

FIGURE 17: PROTOTYPE OF JUSTICE PORTFOLIO DASHBOARD

National Indicators (measuring progress against the National Outcomes)

NATIONAL OUTCOMES		
We live our lives safe from crime, disorder and danger	We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others	Our public services are high quality, continually improving, efficient and responsive to local people's needs

Key:  Performance Improving  Performance Maintaining  Performance Worsening

Indicator	Value	Trend	Next update
Reduce crime victimisation rates	17.8%		Nov 2013
Reduce reconviction rates	57.9		Sep 2012
Improve people's perceptions about the local crime rate	74%		Nov 2013
Improve people's perceptions of their neighbourhood	55.9%		Aug 2013
Improve the responsiveness of public services	21.3%		Aug 2013
Reduce the number of individuals with problem drug use	59,600		End of 2014

Note: other indicators might include road deaths and alcohol-related hospital admissions

Contributory Outcome Indicators (measuring progress against the Justice Outcomes)

JUSTICE OUTCOMES			
We experience low levels of crimes	We experience low levels of fear, alarm and distress	We are at a low risk of unintentional harm	Our people and communities support and respect each other, exercising both their rights and responsibilities

Progress Indicator(s)	Progress Indicator(s)	Progress Indicator(s)	Progress Indicator(s)
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We have high levels of confidence in justice institutions and processes	Our public services are fair and accessible	Our institutions and processes are effective and efficient	Our public services respect the rights and voices of users
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Progress Indicator(s)	Progress Indicator(s)	Progress Indicator(s)	Progress Indicator(s)
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Note: Each justice outcome would have at least one contributory indicator to monitor progress. These would likely be available more frequently than the national indicators, and use measures derived from administrative data as proxies for outcomes. E.g. recorded crime data, SCRA offence referrals, and violent crime data could support the first outcome, "We experience low levels of crime".

Justice Change Programme Indicators (measuring progress in the programmes)

Police and Fire Reform	Reducing Reoffending II	Making Justice Work	Building Safer Communities	Reassuring the Public
Green	Green	Green	Green	Green

Note: Each change programme board monitors an array of indicators to ensure progress. The table above provides a summary snapshot of overall programme health using the Red/Amber/Green approach.

7.1 Embedding the strategy

Having set out the overall strategy, including the key high-level priorities and delivery mechanisms, the next step is to ensure that there is a corresponding alignment of corporate planning across the justice system. A holistic and joined-up approach will only be realised if all those with a part to play are clear about the collective objectives. Tailored communication of this strategy to specific audiences will therefore be crucial.

Justice Board Endorsement

The delivery of justice and community safety outcomes in Scotland is undertaken by a large number of separate and independent agencies. This independence is inherent within the system, ensuring fairness and transparency. But independence does not prevent co-operation and collaboration in appropriate areas. Despite the progress that is so clearly being made on many fronts towards our justice outcomes, there remain complex and deep-rooted challenges that can only be addressed through sustained, common endeavour across many different organisations and people.

We, the Justice Board, have come together to promote and manage this co-operation and collaboration. Our goal is to ensure the effective operation of the justice system as a whole and achievement of the strategic priorities and shared outcomes both through change programmes and ongoing core business.

We fully endorse this strategy, which sets out the rationale and approach for delivering our shared outcomes. While respecting the proper separation of powers across the justice system, we take personal responsibility for reflecting this overall strategic approach in our respective corporate plans, and we are jointly accountable for monitoring delivery.

We recognise that we are by no means the only organisations working towards improved justice outcomes in Scotland. We will continue to work with our colleagues and partners across the justice system and beyond to deliver our shared goals for a safer and fairer Scotland.

Director of Justice, Scottish Government	Bridget Campbell
Director of Safer Communities, Scottish Government	Kenneth Hogg
Chief Executive, Scottish Court Service	Eleanor Emberson
Chief Executive, Scottish Legal Aid Board	Lindsay Montgomery
Chief Executive & Crown Agent, Crown Office & Procurator Fiscal Service	Catherine Dyer
Chief Executive, Scottish Prison Service	Colin McConnell
Chief Executive, Scottish Tribunals Service	Norman Egan
Additional Signatories (Scottish Government):	
Director General of Learning and Justice	Leslie Evans
Director of Children and Families	Mike Foulis

“Our vision is of a justice system that contributes positively to a flourishing Scotland, helping to create an inclusive and respectful society, in which all people and communities live in safety and security, individual and collective rights are supported, and disputes are resolved fairly and swiftly.”



For more information or to comment on *The Strategy for Justice in Scotland* please contact justicechange@scotland.gov.uk or visit the website at www.scotland.gov.uk/justicestrategy

A summary version of the strategy and the supporting evidence paper are available on-line.



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