



The Scottish Parliament
Pàrlamaid na h-Alba

Public Audit Committee

1st Report, 2012 (Session 4)

An overview of Scotland's criminal justice system

Published by the Scottish Parliament on 8 February 2012

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.scottish.parliament.uk or by contacting Public Information on 0131 348 5000.



The Scottish Parliament
Pàrlamaid na h-Alba

Public Audit Committee

1st Report, 2012 (Session 4)

CONTENTS

Remit and membership

Executive Summary	1
Main report	2
Background	2
Committee consideration	2
Efficient management of cases through the courts	3
Reducing reoffending	6
National performance indicator	6
Performance management	7
Annexe A: Extract from the minutes	13
Annexe B: Oral evidence and associated written evidence	15



The Scottish Parliament
Pàrlamaid na h-Alba

Public Audit Committee

Remit and membership

Remit:

The remit of the Public Audit Committee is to consider and report on—

- (a) any accounts laid before the Parliament;
- (b) any report laid before or made to the Parliament by the Auditor General for Scotland; and
- (c) any other document laid before the Parliament, or referred to it by the Parliamentary Bureau or by the Auditor General for Scotland, concerning financial control, accounting and auditing in relation to public expenditure.

(Standing Orders of the Scottish Parliament, Rule 6.7)

Membership:

George Adam
Colin Beattie
Willie Coffey
Iain Gray (Convener)
Mark Griffin
Colin Keir
Mary Scanlon (Deputy Convener)
Tavish Scott
Humza Yousaf

Committee Clerking Team:

Senior Assistant Clerk

Jane Williams

Assistant Clerk

Jason Nairn



The Scottish Parliament
Pàrlamaid na h-Alba

Public Audit Committee

1st Report, 2012 (Session 4)

An overview of Scotland's criminal justice system

EXECUTIVE SUMMARY

1. This report sets out the key recommendations of the Public Audit Committee in relation to the efficiency, economy and effectiveness of two aspects of Scotland's criminal justice system, namely the efficient management of cases through summary courts and reducing reoffending.
2. The Committee welcomes the progress made by the Crown Office and Procurator Fiscal Service (COPFS) to improve the efficient management of cases, particularly through information technology development. However the Committee has sought further information from COPFS on its monitoring of the impact of recent staff reductions on summary case quality and efficiency. The Committee has also sought an update from the Scottish Government on its Making Justice Work programme.
3. The Committee also makes a number of recommendations regarding the Scottish Government's progress towards reducing reoffending and welcomes the reduction in reoffending rate to 42.4 percent. The Committee believes that there is scope for further improvement, building on the progress already made.
4. The Committee is concerned regarding the lack of information on the range, capacity and effectiveness of those offender services aimed at reducing reoffending which are provided in prison and in the community. This is in addition to its concerns about the poor performance monitoring of Criminal Justice Authorities (CJAs) undertaken at a national level in relation to the outcomes CJAs should deliver for the public funding they receive. The Committee has requested information from the Scottish Government on its plans to address these concerns.
5. The Committee has also suggested a number of areas for Audit Scotland to consider including in its future performance audit report on reducing reoffending including the effectiveness of short term prison sentences in reducing reoffending compared with community justice programmes.

MAIN REPORT

The Committee reports to the Parliament as follows—

6. This report sets out the Committee's findings in relation to the report, *An overview of Scotland's criminal justice system*¹, which was published by the Auditor General for Scotland (AGS) and the Accounts Commission in September 2011.

BACKGROUND

7. Scotland's criminal justice system consists of a complex set of processes and many different bodies are involved. Many different outcomes and interventions are possible at each stage of the system depending upon the actions or decisions of the bodies or individuals concerned. In 2009/10, an estimated £857 million was spent supporting Scotland's criminal justice system although this figure only includes an estimated proportion of police expenditure directly related to criminal justice activities. The revenue budget for the six main criminal justice bodies (excluding police) reduced by seven percent in real terms in 2011/12 and the capital budget by 64 percent.²

8. In 2007, the Scottish Government introduced a shared national performance indicator to improve, by three percent, the number of summary cases being processed through the courts in less than 26 weeks, as part of its National Performance Framework. Whilst this target has been exceeded³, the Audit Scotland report indicates that repeating stages at court (called 'churn') cost the criminal justice system around £10 million in 2009/10. Late decisions not to proceed are also estimated to have cost an additional £30 million in 2009/10.

9. Audit Scotland estimated that in 2009/10, around £81 million was spent by the main criminal justice bodies (excluding police) directly on services to reduce reoffending although this is likely to be an underestimate. In 2007 the Scottish Government set a target of reducing the overall two year reconviction rate by two percent by 2011. The most recent Statistical Bulletin on reconviction rates in Scotland confirms that the two year reconviction rate for the 2007/08 cohort of offenders was 42.4 percent (down from 44.1 percent in the 2006/07 cohort) although the AGS indicated that since the 1990s this rate has hovered around or gone slightly above 42 percent.⁴

Committee consideration

10. At its meeting on 21 September, the Committee received a briefing from the AGS on the joint AGS and Accounts Committee report entitled *An overview of*

¹ Audit Scotland (2011) *An overview of Scotland's criminal justice system*. Available at: http://www.audit-scotland.gov.uk/docs/central/2011/nr_110906_justice_overview_bw.pdf [Accessed 7 December 2011].

² *An overview of Scotland's criminal justice system*, Key messages.

³ In 2010/11, 74 percent of cases were dealt with within the six-month target, an eight percent increase since 2006/07. *An overview of Scotland's criminal justice system*, paragraph 77.

⁴ Scottish Parliament Public Audit Committee. *Official Report, 21 September 2011*, Col 117.

Scotland's criminal justice system. The Committee agreed its approach to oral evidence taking at its meeting on 5 October and then at its meeting on 23 November took evidence from:

Catherine Dyer, Crown Agent and Chief Executive, Crown Office and Procurator Fiscal Service;

Eleanor Emberson, Chief Executive, Scottish Court Service;

John Ewing, Chief Executive, and Eric Murch, Director of Partnerships and Commissioning, Scottish Prison Service;

Bailie Helen Wright, Chair, Community Justice Authority Conveners Group; Jim Hunter, Chief Officer, North Strathclyde Community Justice Authority; Anne Pinkman, Chief Officer, Fife and Forth Valley Community Justice Authority;

Leslie Evans, Director General Learning and Justice, Donald McGillivray, Deputy Director for Criminal Justice and Parole, and Joe Griffin, Deputy Director for Community Justice, Scottish Government.

11. This report does not comment on every issue raised by the joint AGS and Accounts Commission report or in oral evidence, but rather identifies those key issues on which the Committee wished to make specific recommendations or remarks. To that end the Committee focussed its oral evidence on the issues of the efficient management of cases through the courts and on reducing reoffending.

12. Audit Scotland subsequently confirmed that it will be undertaking a more detailed performance audit report on reducing reoffending in 2012 (hereafter referred to as the "performance audit report"). The Committee has therefore taken the opportunity in this report to identify areas which it would wish Audit Scotland to consider including in this future performance audit report.

EFFICIENT MANAGEMENT OF CASES THROUGH THE COURTS

13. Churn, late decisions not to proceed and late acceptance of guilty pleas cost the summary court system £87 million⁵ in 2009/10. Of this, £10 million arose from churn usually because the accused or witness did not turn up, the procurator fiscal or defence agent were not fully prepared or because evidence had not been shared.⁶

14. The Audit Scotland report highlighted the work of the Justice Outcomes Group, which is a national group overseeing four multi-agency programmes designed to improve the justice system and co-ordinate reforms of the system. One of the four programmes is Making Justice Work which is designed to build on previous reforms to address the problem of inefficiencies in the criminal justice system. It contains a number of strands of work including:

⁵ This £87 million is broken down into £10 million for churn, £30 million for late decisions not to proceed and £47 million for late acceptance of guilty pleas. *An overview of Scotland's criminal justice system*, paragraph 81.

⁶ *An overview of Scotland's criminal justice system*, paragraph 81.

- improving Information Technology (IT) systems;
- improving witness attendance at court; and
- encouraging early resolution of cases.

15. The Crown Office and Procurator Fiscal Service (COPFS) confirmed that in relation to churn and late pleas it had a number of IT developments either implemented or about to be rolled out which would assist in tackling inefficiencies. These included:

- the implementation of a secure disclosure website which provides an audit trail of what information has been provided to the defence agent;
- the plan to rollout a secure email system to enable COPFS to contact defence agents from different companies and organisations regarding cases (improving the opportunity for advance discussion of cases);
- the electronic rollout of a process to provide a link between COPFS and the Scottish Prison Service to improve the attendance of defendants and witnesses in court cases.

16. The Committee also heard that the Scottish Government was producing a five year IT strategy, due to be published in 2012. This strategy would identify ways in which IT systems can exchange information and whether hub or system connections can improve the efficiency with which information is transferred through the system.⁷

17. COPFS explained that the comments in the Audit Scotland report that ‘the procurator fiscal or defence agent were not fully prepared’ could relate to the various inputs to the case including forensic reports or witness statements. All of these require to be available for a case to proceed. In relation to those aspects of the system that COPFS could control, it had its own audit of the case preparation system which enabled the courts to be provided with information on how COPFS had performed.

18. COPFS explained that it tracks witnesses, victims and accused persons through its case management system. A similar system exists for the Scottish Courts Service which also tracks cases. In that regard COPFS did not agree with Audit Scotland’s statement that “there was no mechanism to track people through the system” explaining that at the individual case level it is possible for COPFS to say—

“That accused has been reported to us here; these witnesses are here; this victim is here,” and to say what stage a case is at or what its outcome was.”

19. COPFS was also not sure what Audit Scotland meant by “there are limited assessments of quality or cost” given the role of the independent Inspectorate of Prosecution in Scotland which examines COPFS performance by office or by

⁷ Scottish Parliament Public Audit Committee. *Official Report, 23 November 2011*, Col 274.

theme. In addition, the COPFS self-assessment regime is open to the Inspectorate, to demonstrate how it assesses the quality of decision making and how cases are prepared for courts.⁸

20. In oral evidence COPFS identified the issue of witnesses who have been cited but do not then turn up at court as the cause of the majority of cases where a delay arises. In that regard it was sometimes the case that “if certain defence agents think that a witness is in the habit of not turning up, their advice to their client seems to be that they should not commit to a position until they know whether the witness has turned up”. This then impacts on churn. COPFS explained that local courts are taking a variety of actions to try and combat the issue of witnesses not attending.⁹

21. The Committee also heard that changes to the criminal legal aid fund payment rates for an early guilty plea and sentence discounts of up to a third for an early guilty plea had incentivised the legal profession to resolve cases as early as possible. The Scottish Government noted that the early availability of evidence was another factor influencing defence agent behaviour.¹⁰

22. The Committee recognises that the court system is complex with up to 111 agencies feeding information and reports to COPFS and the closer working relationships between agencies which have developed. The Committee however also recognises that there is further progress to be made, for example, in agreeing evidence between the prosecution and defence agents before going to trial. The Committee also acknowledges that the court system must be fair and that it is an accused person’s right to plead guilty or not guilty and to change their plea at any time. In that regard the human element of the system is beyond the control of the state.

23. The Committee welcomes the steps taken by COPFS to tackle those inefficiencies within its control and budget although it is concerned that budget constraints have prevented the rollout of the Phoenix caseload management IT system (albeit the rollout of the virtual desktop integration system will continue).¹¹

24. The Committee notes the reduction in permanent staffing levels at COPFS (of approximately 33 procurators fiscal).¹² The Committee acknowledges that the reduction in staffing levels arose through planned reorganisation and welcomes the forward planning undertaken by COPFS to anticipate any demands arising from recommendations of the Carloway Review report.

25. The Committee requests further information from COPFS on how it proposes to monitor the impact of the new staffing arrangements on the quality and costs of managing case work especially in light of any changes arising from the Carloway Review.

⁸ Scottish Parliament Public Audit Committee. *Official Report, 23 November 2011*, Cols 252-253.

⁹ Scottish Parliament Public Audit Committee. *Official Report, 23 November 2011*, Col 245.

¹⁰ Scottish Parliament Public Audit Committee. *Official Report, 23 November 2011*, Col 275.

¹¹ Scottish Parliament Public Audit Committee. *Official Report, 23 November 2011*, Col 234-36.

¹² The Lord Carloway Review was established in November 2010 to review criminal procedure and evidence in Scots Law and reported in November 2011.

26. **The Committee also requests further information from COPFS on how it tracks offenders, victims and witnesses through the summary court system.**

27. **The Committee also seeks an update from the Scottish Government on its Making Justice Work programme including the key achievements to date, the financial and resource savings anticipated from the delivery of the programme and key deadlines for implementation.**

REDUCING REOFFENDING

National performance indicator

28. The Committee heard that the Scottish Government target of reducing the two year reconviction rate by two percent by 2011 had been achieved. The Scottish Government's Statistical Bulletin acknowledges that the two year reconviction target means there is a delay in getting results reported and in that regard the Government's August 2011 Statistical Bulletin focuses on one year reconviction rates which it explains are more timely.¹³

29. In relation to future reducing reoffending national targets, the Scottish Government explained that it was considering what the target might be¹⁴ and that it would be consulting on a draft outcome framework in March 2012. This framework would provide intermediate outcomes which reflect and measure the impact of those factors that influence reoffending, rather than relying on reconviction rate alone as a measure of performance.¹⁵

30. The Committee welcomes the reduction in reoffending rate to 42.4 percent although, as Audit Scotland commented, this rate has fluctuated between 42 and 45 percent over the past decade.¹⁶ The Committee notes the move towards monitoring the one year reconviction rate which should provide an earlier indication of whether the reduction in reoffending is being sustained. **However in order to ensure that the reconviction rates can continue to be compared in future years, the Committee requests confirmation from the Scottish Government that, in addition to monitoring one year reconviction rates, it will continue to publish data on two year reconviction rates.**

31. **The Committee would also wish Audit Scotland to include an analysis of changes in one year and two year reconviction rates for the past decade together with analysis of the scale and nature of reoffending in Scotland in its performance audit report.**

32. The Committee comments on the consequences of using the two percent reduction target as the sole measure of the effectiveness of reducing reoffending later in this section (entitled *The effectiveness of services*).

¹³ Scottish Government Statistical Bulletin: Reconviction Rates in Scotland: 2007-08 and 2008-09 Offender Cohorts (published August 2011), paragraph 3.1.

¹⁴ Scottish Parliament Public Audit Committee. *Official Report*, 23 November 2011, Col 281.

¹⁵ Scottish Government, Supplementary written evidence.

¹⁶ Scottish Parliament Public Audit Committee. *Official Report*, 21 September 2011, Col 117.

33. The Committee notes the provision of a draft outcome framework which should provide a more sophisticated measure of the reduction in reoffending in future years. **The Committee seeks confirmation from the Scottish Government of when it anticipates that this outcome framework will be implemented. The Committee also invites Audit Scotland to comment upon the appropriateness of the different outcomes measures identified in the framework for assessing reoffending rates.**

Performance management

Community Justice Authorities

34. The Committee heard from witnesses how reducing reoffending is a partnership operation with a number of different organisations. Community Justice Authorities (CJAs) were tasked with contributing to progress towards meeting the Government's target on reducing reoffending, ensuring that money available to reduce reoffending is properly targeted at offenders who present the highest risk of reoffending and is spent on programmes that have a proven success rate in reducing reoffending. Each of the eight CJAs in Scotland has a duty to work with other local offender services to produce a three year plan to tackle reoffending.¹⁷

35. Each plan is then scrutinised by an independent panel which reports to the Minister on whether the plan is fit for purpose. Each plan is then translated into an annual action plan, with tasks allocated to the CJA and its partners. Each CJA board and the Scottish Government justice division then monitors progress against the plan.¹⁸

36. The Committee heard that CJAs main target to achieve is contributing towards the national performance indicator of reducing reoffending by 2 percent. In addition, how CJA funding is managed and spent and how those outcomes are managed is not the subject of a co-ordinated performance process. Witnesses confirmed that each CJA develops its own local performance framework although CJAs have jointly developed, with the prison service and the local authorities, four national strategic aims which are about improving information sharing, joint resourcing and community integration.¹⁹

37. CJAs had worked with the Scottish Government to develop a national performance framework, the central pillar of which was an assessment tool called level of service case management inventory (LSCMI). This would have enabled the collection of a range of offender outcome indicators and for CJAs to be able to demonstrate the impact that their work was having on reducing reoffending. The Committee heard that this tool has yet to be rolled out to CJAs.²⁰

38. The Scottish Government explained that CJAs contributed towards other national indicators and were accountable at a regional and local level. It was however also acknowledged that the Scottish Government was considering a change in the way that it monitors and supports CJAs and was also looking towards achieving a more consistent national picture of what works. "We are also

¹⁷ Scottish Parliament Public Audit Committee. *Official Report*, 23 November 2011, Col 262.

¹⁸ Scottish Parliament Public Audit Committee. *Official Report*, 23 November 2011, Col 263.

¹⁹ Scottish Parliament Public Audit Committee. *Official Report*, 23 November 2011, Col 264.

²⁰ Scottish Parliament Public Audit Committee. *Official Report*, 23 November 2011, Col 261.

looking at having intermediate outcomes for specific interventions” such as tackling drug or alcohol problems which CJAs “would be party to and would respond to”. The Scottish Government is also discussing with CJAs whether they should take a more incentive based and outcome based approach to the formula for funding CJAs.²¹

39. The Committee recognises that each CJA is an autonomous organisation, made up of local authority elected members working in partnership with other public bodies who agree the targets and policies for that CJA. In addition, CJAs do not deliver offender services themselves but rather provide funding to agreed projects, social work departments and other programmes delivered by a range of public bodies, organisations and voluntary groups. The Committee also acknowledges that a portion of CJA funding is directed to implementing community sentencing ordered by the courts and this portion therefore represents spending over which CJAs and the Scottish Government have little discretion.

40. That said, the Committee noted that Scottish Government scrutiny of CJA performance was focussed on considering their three year and annual action plans. Given the current financial climate and the significant amounts of funding CJAs receive (£100 million a year) the Committee is unclear why there are no specific expectations or outcomes required of CJAs in relation to that portion of their funding directed at reducing reoffending.

41. The Committee questions how any value for money assessment can be made of CJAs if they are not expected to deliver any specific measurable outcomes from the funding they receive.

42. The Committee notes that the Scottish Government is considering moving towards an outcome based approach to funding CJAs. **The Committee requests further information from the Scottish Government on these deliberations including when they will be completed. The Committee also requests an update on whether and if so, when, the LSCMI system will be rolled out to every CJA.**

43. **The Committee seeks further information from the Scottish Government on how the public sector partners in each CJA are individually held accountable by the Scottish Government for their contribution towards delivering services and achieving the targets agreed by the relevant CJA.**

The effectiveness of services

44. In its report Audit Scotland observes that the information gathered in relation to the two percent reduction in reoffending cannot be used to determine the impact of local projects or interventions. In addition, information on the full range of services to offenders, either locally or nationally is limited.²²

45. The Scottish Government stated that reliance on the reconviction rate as the sole indicator of success has prohibited it from setting more challenging outcomes

²¹ Scottish Parliament Public Audit Committee. *Official Report*, 23 November 2011, Cols 278 and 280.

²² *An overview of Scotland's criminal justice system*, paragraph 116 and 120.

and incentives. It was explained that the new performance framework that will be published for consultation in March 2012 will set out a range of other things that services are able to measure in real time such as the progress made by a person, either male or female, in recovering from a drug problem or getting stable accommodation.²³

46. The Committee heard that much of the performance data CJAs collect from partners is qualitative rather than quantitative although some programmes delivered by local authorities have an integral performance framework.²⁴

47. In terms of overall service provision, the Scottish Prison Service (SPS) has recently completed an exercise to map the interventions that are offered by the Prison Service. The SPS is also currently agreeing a series of service level agreements detailing the criminal justice social work services that Councils will be expected to provide, as a minimum, in prisons. The SPS indicated that at present the level of social work support in prison was adequate but that there was always a demand for additional services.

48. Witnesses also confirmed that the Scottish Government is looking at how to disseminate the best practice of CJAs including allowing people to self declare best practice and then using Scottish Government websites to disseminate it around the country. The Scottish Government is also setting up a national directory of commissioned services that operate in prison and the community, which can also be interrogated to identify best practice.²⁵

49. The Committee notes that the data gathered by the Scottish Government does not enable it or CJAs to assess the value for money or success of the services aimed at reducing reoffending. As a result the cost effectiveness of different projects cannot be compared.

50. The Committee was surprised to hear that it is only recently that any national mapping of the services provided by the SPS or commissioned by CJAs has been undertaken. Without such basic information the Committee is not convinced that services can be effectively targeted or that unmet needs or gaps in provision can be identified and addressed.

51. The Committee therefore requests that the Scottish Government takes action to ensure that, at a national level, the type and capacity of each service provided in Scottish prisons and communities to reduce reoffending is identified.

52. The Committee would also welcome information on how the Scottish Government intends to improve the quality of data collected on the effectiveness of different offender services and programmes aimed at reducing reoffending, and in turn make this information available to CJAs and the SPS.

²³ Scottish Parliament Public Audit Committee. *Official Report*, 23 November 2011, Cols 287-288.

²⁴ Scottish Parliament Public Audit Committee. *Official Report*, 23 November 2011, Col 259.

²⁵ Scottish Parliament Public Audit Committee. *Official Report*, 23 November 2011, Col 285.

53. The Committee would welcome an update from Audit Scotland in its performance audit report on the progress made by the Scottish Government in improving data collection; and the performance information and management process.

Female offenders

54. The Committee was particularly interested in what action was being taken to address female reoffending. The Committee heard that the number of women receiving custodial sentences is increasing (from 200 in 1998 to more than 500 in 2011)²⁶ with Audit Scotland's report noting that 47 percent of women returned to prison within two years of being released.²⁷ However the two year reconviction rate for women has reduced from 37 percent in 2006-07 to 35.2 percent in 2007-08.

55. Whilst CJAs had access to information on gender reconviction rates by CJA area, they did not have any specific target for reducing reoffending amongst women. More recently the Scottish Government had provided each CJA with £100,000 (in 2010/11)²⁸ to specifically invest in reducing women reoffending.

56. This funding was provided again in 2011/2012 however as the Committee heard, funding for only one year at a time was not ideal as it does not provide sufficient time to plan services for women even in the short term.²⁹ In written evidence CJAs highlighted the number and range of activities supported by this £100,000 such as mentoring support services and helping with the transition from prison to the community.

57. The Scottish Government explained that the £100,000 provided to each CJA was not provided with strict criteria and it was for each CJA to decide how to use the money. The Scottish Government confirmed that in terms of accountability for the money it would look at each CJA annual plan to see where the money was spent. The Scottish Government also commented that during the period of the spending review a Reducing Reoffending Fund of £7.5 million had been established, which is based on performance management information and intermediate outcomes.³⁰

58. The Committee would reiterate its concern regarding funding being provided by the Scottish Government without any clear expectation as to what local outcomes that money should deliver. Whilst the Committee acknowledges the number and range of activities supported by the additional £100,000 to each CJA, it remains unclear as to what material impact this funding and any subsequent activity has had on reducing reoffending amongst women.

59. The Committee notes the written evidence from the Scottish Government that the draft outcome framework will assist in addressing this issue. The Committee

²⁶ Scottish Parliament Public Audit Committee. *Official Report, 23 November 2011*, Col 269.

²⁷ *An overview of Scotland's criminal justice system*, case study 5.

²⁸ In supplementary written evidence, CJAs provided this figure as a correction to the £200,000 figure they quoted in oral evidence at the Public Audit Committee meeting on 23 November 2011.

²⁹ Scottish Parliament Public Audit Committee. *Official Report, 23 November 2011*, Col 272.

³⁰ Scottish Parliament Public Audit Committee. *Official Report, 23 November 2011*, Col 288.

recognises that the Commission on improving the outcomes for female offenders (due to report in early 2012) will contribute to better understanding in this area.

60. The Committee would welcome further information from the Scottish Government on how:

- **the draft outcome framework will specifically improve data collection on the causes of women's offending;**
- **it proposes to monitor the effectiveness of services targeted to reduce reoffending by women offenders;**
- **it will ensure that best practice amongst CJAs is shared and used to reduce reoffending.**

61. The Committee would seek an update from Audit Scotland, in its performance audit report, on the value for money of the £100,000 provided in 2010/11 and 2011/2012 to each CJA and on the distribution of the Reducing Reoffending Fund of £7.5 million.

Short sentences

62. In oral evidence to the Committee, the SPS highlighted the difficulties of addressing reoffending behaviour in those serving short sentences (of six months or less). SPS explained that "at times there is little more that we can do than stabilise their alcohol or drug problem."³¹

63. This has been identified as a gap in the interventions that the Prison Service offers offenders. At present interventions can be started in prison but success is then dependent upon people following it up later. One of the Prison Service's priorities over the next three to four years is to identify whether there are any meaningful interventions that can start off in prison which can be picked up and continued by colleagues in the wider community. In that regard the work undertaken by the Prison Service to identify the social work services provided in all prisons had provided a starting point for discussion with community service providers.³²

64. The Scottish Government explained that statutory throughcare (from prison to community) was currently targeted at those serving four years or more but this was to be reviewed by the Minister as four years may be too high a threshold.

65. The Committee recognises that sentencing is a matter for the courts and will be dependent upon many factors. **However it would welcome further information from the Scottish Government on how it will support the SPS to better target reoffender services at those serving short sentences.**

66. The Committee agrees that in order for such services to most effectively address reoffending, offenders serving short sentences must be able to easily move from services provided in prison to those provided in the community, once they are released. **The Committee would welcome further clarification from**

³¹ Scottish Parliament Public Audit Committee. *Official Report, 23 November 2011*, Col 257.

³² Scottish Parliament Public Audit Committee. *Official Report, 23 November 2011*, Col 258.

the Scottish Government of how it proposes to support the better integration of prison and community based offender services and how it proposes to monitor the effectiveness of such services as the offender moves from prison to the community.

67. The Committee would also welcome further information from Audit Scotland, in its performance audit report, on:

- the effectiveness of short term prison sentences in reducing reoffending compared with community justice programmes, and**
- the ease or otherwise of offenders moving from offender services within the Prison Service to those in the community, upon release.**

ANNEXE A: EXTRACT FROM THE MINUTES OF THE PUBLIC AUDIT COMMITTEE

4th Meeting, 2011 (Session 4), Wednesday 21 September 2011

Section 23 report - Overview of Scotland's criminal justice system: The Committee took evidence on the joint Auditor General for Scotland and Accounts Commission report entitled "Overview of Scotland's criminal justice system" from—
Mr Robert Black, Auditor General for Scotland;
Angela Cullen, Assistant Director, Miranda Alcock, Portfolio Manager, and Sally Thompson, Project Manager, Performance Audit Group, Audit Scotland.

Consideration of approach - Overview of Scotland's criminal justice system (in private): The Committee considered its approach to the joint Auditor General for Scotland and Accounts Commission report entitled "Overview of Scotland's criminal justice system". The Committee agreed to consider an approach paper at a future meeting.

8th Meeting, 2011 (Session 4), Wednesday 23 November 2011

Section 23 report - An overview of Scotland's criminal justice system: The Committee took evidence on the joint Auditor General for Scotland and Accounts Commission report entitled "An overview of Scotland's criminal justice system" from—

Catherine Dyer, Crown Agent and Chief Executive, Crown Office and Procurator Fiscal Service;
Eleanor Emberson, Chief Executive, Scottish Court Service;
John Ewing, Chief Executive, and Eric Murch, Director of Partnerships and Commissioning, Scottish Prison Service;
Bailie Helen Wright, Chair, Community Justice Authority Conveners Group;
Jim Hunter, Chief Officer, North Strathclyde Community Justice Authority;
Anne Pinkman, Chief Officer, Fife and Forth Valley Community Justice Authority;
Leslie Evans, Director General Learning and Justice, Donald McGillivray, Deputy Director for Criminal Justice and Parole, and Joe Griffin, Deputy Director for Community Justice, Scottish Government.

Consideration of evidence - An overview of Scotland's criminal justice system (in private): The Committee considered the evidence received and agreed to consider a draft report at a future meeting.

1st Meeting, 2012 (Session 4), Wednesday 18 January 2012

Section 23 report - An overview of Scotland's criminal justice system (in private): The Committee deferred consideration of a draft report on the joint Auditor General for Scotland and Accounts Commission report entitled "An overview of Scotland's criminal justice system" to a future meeting.

2nd Meeting, 2012 (Session 4), Wednesday 1 February 2012

Section 23 report - An overview of Scotland's criminal justice system (in private): The Committee considered and agreed a draft report on the joint Auditor General for Scotland and Accounts Commission report entitled "An overview of Scotland's criminal justice system", subject to changes to be agreed by correspondence, and agreed arrangements for its publication.

ANNEXE B - ORAL EVIDENCE AND ASSOCIATED WRITTEN EVIDENCE

Please note that all oral evidence and associated written evidence is published electronically only, and can be accessed via the Public Audit Committee's webpages, at:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/29860.aspx>

4th Meeting, 2011 (Session 4), Wednesday 21 September 2011

ORAL EVIDENCE

Robert Black, Auditor General for Scotland.
Angela Cullen, Assistant Director,
Miranda Alcock, Portfolio Manager, and
Sally Thompson, Project Manager, Performance Audit Group, Audit Scotland

8th Meeting, 2011 (Session 4), Wednesday 23 November 2011

ORAL EVIDENCE

Catherine Dyer, Crown Agent and Chief Executive, Crown Office and Procurator Fiscal Service;
Eleanor Emberson, Chief Executive, Scottish Court Service;
John Ewing, Chief Executive, Scottish Prison Service
Eric Murch, Director of Partnerships and Commissioning, Scottish Prison Service;
Bailie Helen Wright, Chair, Community Justice Authority Conveners Group;
Jim Hunter, Chief Officer, North Strathclyde Community Justice Authority;
Anne Pinkman, Chief Officer, Fife and Forth Valley Community Justice Authority;
Leslie Evans, Director General Learning and Justice,
Donald McGillivray, Deputy Director for Criminal Justice and Parole:
Joe Griffin, Deputy Director for Community Justice, Scottish Government.

WRITTEN EVIDENCE

[The Law Society of Scotland \(249KB pdf\)](#)
[Scottish Court Service \(152KB pdf\)](#)
[Community Justice Authority Conveners Group \(42.6KB pdf\)](#)
[Community Justice Authority Conveners Group 2 \(65KB pdf\)](#)
[Crown Office and Procurator Fiscal Service \(140KB pdf\)](#)
[Scottish Prison Service \(153KB pdf\)](#)
[Scottish Government 1 \(13.0KB pdf\)](#)
[Scottish Government 2 \(5.98KB pdf\)](#)

Members who would like a printed copy of this *Numbered Report* to be forwarded to them should give notice at the Document Supply Centre.

Published in Edinburgh by APS Group Scotland

All documents are available on
the Scottish Parliament website at:

www.scottish.parliament.uk

For details of documents available to
order in hard copy format, please contact:
APS Scottish Parliament Publications on 0131 629 9941.

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@scottish.parliament.uk

Printed in Scotland by APS Group Scotland

ISBN 978-1-4061-8319-1
