



# SCRA Consultation Response FULL VERSION 2021

## COVID RECOVERY CONSULTATION

The Scottish Children's Reporter Administration (SCRA) welcomes the opportunity to respond to this consultation.

The Children's Hearing is Scotland's distinct statutory approach, in which concerns about a child's circumstances (whether about the care or treatment of the child by adults or the behaviour of the child) are considered by Children's Reporters and then by panel members in a Children's Hearing, who make a decision about whether there needs to be compulsory professional involvement with the child and family.

### In the Children's Hearings System:

- the needs of children or young people are addressed through one holistic and integrated approach which considers all the circumstances of the child and the child's welfare
- the welfare of the child remains at the centre of all decision making and the child's best interests are paramount throughout
- the child's engagement and participation is crucial to good decision making
- the rights of children and families are respected

### The role and purpose of SCRA is:

1. Receiving referrals for children/young people who may be at risk.
2. Ensuring that other public agencies carry out enquiries and assessments into children/ young people's circumstances so we can make informed decisions about children/young people referred to us.
3. Making decisions on whether to refer a child/young person to a Children's Hearing if they need compulsory measures of supervision.
4. Drafting the grounds for the Hearing.
5. Arranging for Children's Hearings to take place when we decide that compulsory measures of supervision are warranted and where there is sufficient evidence to prove the grounds.
6. Ensuring fair process takes place within the Hearing, including the rights of those in attendance being met.
7. Having a key role in establishing grounds of referral in court, where these are contested, and in defending decisions of Children's Hearings which are subject to appeal.

**Our Vision:** Children and young people will be listened to, protected and supported to realise a positive future where they are safe, valued and respected.

**Our Mission:** We protect and support Scotland's children and young people, by making high quality decisions, upholding their rights and working collaboratively as compassionate, inclusive corporate parents to enable the most positive and personalised experience of the Children's Hearing.

**Our Values:** Our values are the shared motivations, beliefs and behaviours that underpin all that we do.

### Supportive

We work with kindness to support children, young people and families, our Partners and each other.

### Child Centred

Children and young people are at the heart of everything we do.

### Respectful

Everyone is respected and treated fairly, inclusively and lawfully.

### Accountable

We are responsible for our decisions, our ethics and our learning.



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Question 1: It is proposed that the provisions for Topic H1 (Education: powers to make directions to close educational establishments, and to ensure continuity of education) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic H1 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic H1 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic H1 should be extended or made permanent
- Unsure**
- I have no view

If you have any comments on either the provisions for Topic H1, or the proposal for permanence, please write them below.

We are not sure the full range of provisions are required on a permanent basis and the requirement to close educational establishments has a massive impact, particularly on children who rely on the safety and consistency of school during the day. We do think that a provision in relation to a duty to provide continuing education is different to the closure of educational establishments and should maybe be considered separately.

Question 2: It is proposed that the provisions for Topic H2 (Power to make public health protection regulations) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic H2 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic H2 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic H2 should be extended or made permanent
- Unsure**
- I have no view

If you have any comments on either the provisions for Topic H2, or the proposal for permanence, please write them below.

Covid powers for Government have been extensive and have affected the daily lives of every person in Scotland. We are not convinced that regulations which can have this impact are required or proportionate. However, we recognise the transformational change that was required across the public sector in order to continue to provide support and protection and we could be persuaded that regulation would allow a firm and definite future plan to be developed, in the event of any further public health situation which poses harm to human life.

Regulations would allow the public sector to recognise what will happen and to develop business continuity approaches in the light of this knowledge.

Question 3: It is proposed that the provisions for Topic H3 (Vaccinations and immunisations) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic H3 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic H3 should be extended beyond March 2022, but not made permanent



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I do not think the provisions for Topic H3 should be extended or made permanent

**Unsure**

I have no view

If you have any comments on either the provisions for Topic H3, or the proposal for permanence, please write them below.

We have no expertise in this area and do not have a fixed view, other than to question the need to make change now if there is a vaccination transformation programme already underway. Perhaps this should be allowed to follow its course and relevant legislation made as a result of that, if required?

Question 4: It is proposed that new permanent legislative provisions for Topic H4 (Virtual public meetings under the Schools (Consultation) (Scotland) Act 2010) as described will be developed. Which of the following best describes what you think about this?

**I think the proposed provisions for Topic H4 should be developed**

I do not think the proposed provisions for Topic H4 should be developed

**Unsure**

I have no view

If you have any comments on the proposed provisions for Topic H4 please write them below.

We agree that it is in the interest of educational establishments and communities for there to be a mechanism for change or plans to be discussed if there are restrictions in place on other areas of life. We are not clear whether this proposal relates to all public meetings or to specific meetings and we would like to see the detail for this. However, in principal we think this change is sound.

Question 5: It is proposed that the provisions for Topic P1 (Alcohol licensing remote hearings) as described will be made permanent. Which of the following best describes what you think about this?

**I think the provisions for Topic P1 should be extended beyond March 2022 and made permanent**

I think the provisions for Topic P1 should be extended beyond March 2022, but not made permanent

I do not think the provisions for Topic P1 should be extended or made permanent

**Unsure**

If you have any comments on either the provisions for Topic P1, or the proposal for permanence, please write them below.

The explanation of the reasons for this change and the ways in which the change will be facilitated in order to ensure full engagement from all parties is clear.



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Question 6: It is proposed that the provisions for Topic P2 (Bankruptcy: debt level that enables creditors to pursue the bankruptcy of a debtor through the courts) as described will be made permanent. Which of the following best describes what you think about this?

I think the provisions for Topic P2 should be extended beyond March 2022 and made permanent (i.e. with a creditor petition debt level of £10,000 as per the current provisions)  
I think the provisions for Topic P2 should be extended beyond March 2022 and made permanent with an amended creditor petition debt level of £5,000  
I think the provisions for Topic P2 should be extended beyond March 2022 (i.e. with a creditor petition debt level of £10,000 as per the current provisions), but not made permanent  
I think the provisions for Topic P2 should be extended beyond March 2022 with an amended creditor petition debt level of £5,000, but not made permanent  
I do not think the provisions for Topic P2 should be extended or made permanent  
Unsure  
**I have no view**

If you have any comments on either the provisions for Topic P2, or the proposal for permanence, please write them below.

We have no expertise in this area.

Question 7: It is proposed that the provisions for Topic P3 (Bankruptcy: electronic service of documents) as described will be made permanent. Which of the following best describes what you think about this?  
I think the provisions for Topic P3 should be extended beyond March 2022 and made permanent  
I think the provisions for Topic P3 should be extended beyond March 2022, but not made permanent  
I do not think the provisions for Topic P3 should be extended or made permanent  
Unsure  
**I have no view**

If you have any comments on either the provisions for Topic P3, or the proposal for permanence, please write them below.

We have no expertise in this area.

Question 8: It is proposed that the provisions for Topic P4 (Bankruptcy: moratoriums on diligence) as described will be made permanent. Which of the following best describes what you think about this?

I think the provisions for Topic P4 should be extended beyond March 2022 and made permanent (i.e. with a moratorium period of 6 months as per the current provisions)  
I think the provisions for Topic P4 should be extended beyond March 2022 and made permanent with an amended moratorium period of 12 weeks  
I think the provisions for Topic P4 should be extended beyond March 2022 (i.e. with a moratorium period of 6 months as per the current provisions), but not made permanent  
I think the provisions for Topic P4 should be extended beyond March 2022 with an amended moratorium period of 12 weeks, but not made permanent  
I do not think the provisions for Topic P4 should be extended or made permanent  
Unsure  
**I have no view**



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If you have any comments on either the provisions for Topic P4, or the proposal for permanence, please write them below.

We have no expertise in this area.

Question 9: It is proposed that the provisions for Topic P5 (Bankruptcy: virtual meetings of creditors) as described will be made permanent. Which of the following best describes what you think about this?

**I think the provisions for Topic P5 should be extended beyond March 2022 and made permanent**

I think the provisions for Topic P5 should be extended beyond March 2022, but not made permanent

I do not think the provisions for Topic P5 should be extended or made permanent Unsure

I have no view

If you have any comments on either the provisions for Topic P5, or the proposal for permanence, please write them below

Whilst we have no experience in these specific proceedings we do have experience of the benefits and pitfalls of using virtual technology and are very aware of the need to be able to use virtual meetings when they are required. If, as explained, this shift to virtual meetings provides a more efficient and potentially speedier resolution then we support it. From an inclusion and diversity perspective and in consideration of the Fairer Scotland Duty which takes account of digital poverty and digital exclusion virtual meetings can improve access for our island and remote communities to the extent currently allowed by the available infrastructure.

Question 10: It is proposed that the provisions for Topic P6 (Care services: giving of notices by the Care Inspectorate) as described will be made permanent. Which of the following best describes what you think about this?

**I think the provisions for Topic P6 should be extended beyond March 2022 and made permanent**

I think the provisions for Topic P6 should be extended beyond March 2022, but not made permanent

I do not think the provisions for Topic P6 should be extended or made permanent Unsure

I have no view 32

If you have any comments on either the provisions for Topic P6, or the proposal for permanence, please write them below.

Whilst we have no experience in these specific proceedings we do have experience of the benefits and pitfalls of using virtual technology and are very aware of the need to be able to use virtual correspondence when required. If, as explained, this shift to virtual correspondence provides a more efficient approach then we support it. Service provision across public services is still very much in recovery from the effects of the



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pandemic – and this won't just end when the pandemic is declared to be over. The impacts of the pandemic will be with us for some years and therefore extending this provision will be beneficial to all involved.

Question 11: It is proposed that the provisions for Topic P7 (Civic government licensing remote hearings) as described will be made permanent. Which of the following best describes what you think about this?

**I think the provisions for Topic P7 should be extended beyond March 2022 and made permanent**

I think the provisions for Topic P7 should be extended beyond March 2022, but not made permanent

I do not think the provisions for Topic P7 should be extended or made permanent Unsure

I have no view

If you have any comments on either the provisions for Topic P7, or the proposal for permanence, please write them below.

Whilst we have no experience in these specific proceedings we do have experience of the benefits and pitfalls of using virtual technology and are very aware of the need to be able to use virtual meetings when they are required. If, as explained, this shift to virtual meetings provides a welcomed flexibility then we support it.

Question 12: It is proposed that the provisions for Topic P8 (Courts: intimation, etc. of documents) as described will be made permanent. Which of the following best describes what you think about this?

**I think the provisions for Topic P8 should be extended beyond March 2022 and made permanent**

I think the provisions for Topic P8 should be extended beyond March 2022, but not made permanent

I do not think the provisions for Topic P8 should be extended or made permanent Unsure

I have no view

If you have any comments on either the provisions for Topic P8, or the proposal for permanence, please write them below.

Given the caveats in paragraph 91 in relation to access to justice, privacy and equity we think this approach can be justified.

Question 13: It is proposed that the provisions for Topic P9 (Criminal justice: arrangements for the custody of persons detained at police stations) as described will be made permanent. Which of the following best describes what you think about this?

I think the provisions for Topic P9 should be extended beyond March 2022 and made permanent

I think the provisions for Topic P9 should be extended beyond March 2022, but not made permanent

I do not think the provisions for Topic P9 should be extended or made permanent

**Unsure**





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I have no view

If you have any comments on either the provisions for Topic P9, or the proposal for permanence, please write them below.

We can understand how this can be a more efficient way of managing a difficult process. What we can't see from the consultation is anything to suggest how this change might affect those in custody – or what the views of those who have experienced this approach as a result of Covid19 are in relation to it.

Question 14: It is proposed that the provisions for Topic P10 (Freedom of Information: giving notice electronically) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic P10 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic P10 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic P10 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic P10, or the proposal for permanence, please write them below.

Question 15: It is proposed that the provisions for Topic P11 (Legal aid) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic P11 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic P11 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic P11 should be extended or made permanent
- Unsure
- I have no view**

If you have any comments on either the provisions for Topic P11, or the proposal for permanence, please write them below.

We have no expertise in this area. If feedback from those affected by this Covid change is positive then it should continue.

Question 16: It is proposed that the provisions for Topic P12 (Legal writings etc.) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic P12 should be extended beyond March 2022 and made permanent**
- I think the provisions for Topic P12 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic P12 should be extended or made permanent
- Unsure



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I have no view

If you have any comments on either the provisions for Topic P12, or the proposal for permanence, please write them below.

We agree this approach subject to appropriate checks and balances.

Question 17: It is proposed that the provisions for Topic P13 (Mental health: named person nomination) as described will be made permanent. Which of the following best describes what you think about this?

I think the provisions for Topic P13 should be extended beyond March 2022 and made permanent

I think the provisions for Topic P13 should be extended beyond March 2022, but not made permanent

I do not think the provisions for Topic P13 should be extended or made permanent Unsure

**I have no view**

If you have any comments on either the provisions for Topic P13, or the proposal for permanence, please write them below.

We have no expertise in this area – the mental health tribunal and those involved are best placed to provide a response.

Question 18: It is proposed that the provisions for Topic P14 (Parole Board: delegation) as described will be made permanent. Which of the following best describes what you think about this?

I think the provisions for Topic P14 should be extended beyond March 2022 and made permanent

I think the provisions for Topic P14 should be extended beyond March 2022, but not made permanent

I do not think the provisions for Topic P14 should be extended or made permanent Unsure

**I have no view**

If you have any comments on either the provisions for Topic P14, or the proposal for permanence, please write them below.

We have no expertise in this area – the parole board and those involved are best placed to provide a response.

Question 19: It is proposed that the provisions for Topic P15 (Parole Board: live link) as described will be made permanent. Which of the following best describes what you think about this?

**I think the provisions for Topic P15 should be extended beyond March 2022 and made permanent**

I think the provisions for Topic P15 should be extended beyond March 2022, but not made permanent

I do not think the provisions for Topic P15 should be extended or made permanent Unsure





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I have no view

If you have any comments on either the provisions for Topic P15, or the proposal for permanence, please write them below.

Whilst we have no expertise in the parole board we are clear from our experience in the children's hearing that the option of a virtual children's hearing is something we wish to improve and maintain going forward. It is in this context we agree that a virtual option for the parole board is sensible – although we would probably want to see some criteria applied to the decision making about how a parole board hearing should occur – and if someone wanted to attend their parole board in person then that would be accommodated.

In our experience the virtual children's hearing is not a solution for everyone. We are now using the virtual children's hearing as a welcome addition choice which can be used, where appropriate, but which is not an automatic decision for any child and family. If there are reasons a child and family do not want to have a virtual children's hearing or if the circumstances mean that participation and engagement will be better facilitated by a children's hearing in a physical space then this would be arranged. Likewise, if a child and family have a strong preference for a virtual children's hearing and there is not a risk associated with this then we would support the preference.

All public services need to give due consideration to the Fairer Scotland Duty and should have a further eye to the ways in which digital equity and exclusion impacts on participation and engagement; we don't know enough about the capacity of children and families coming to a children's hearing to engage effectively with the hearing using technology. This has never been a focus for professional assessment and in the future issues like Wi-Fi / data access; technical 'kit'; digital literacy; digital supports and the importance of privacy for all those attending the hearing using technology may need to feature in assessments.

We are in the process of finalising some research which indicates that satisfaction with virtual children's hearings is associated with technical issues like connectivity, so it would seem important that any virtual meeting option going forward is designed to minimise the difficulties which have occurred as and when technology has been used as a matter of exigency and not first choice since March 2020.

Question 20: It is proposed that the provisions for Topic P16 (Remote registration of deaths and still-births) as described will be made permanent. Which of the following best describes what you think about this?

**I think the provisions for Topic P16 should be extended beyond March 2022 and made permanent**

I think the provisions for Topic P16 should be extended beyond 46 March 2022, but not made permanent

I do not think the provisions for Topic P16 should be extended or made permanent Unsure

I have no view

If you have any comments on either the provisions for Topic P16, or the proposal for permanence, please write them below.



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These provisions provide a simple, more flexible and perhaps a kinder way of registering something that is very traumatic. If Scotland truly wants to work in a trauma informed way then these provisions should remain. We support them.

Question 21: It is proposed that new permanent legislative provisions for Topic P17 (Remote registration of live births) as described will be developed. Which of the following best describes what you think about this?

**I think the proposed provisions for Topic P17 should be developed**

I do not think the proposed provisions for Topic P17 should be developed

Unsure

I have no view

If you have any comments on the proposed provisions for Topic P17 please write them below.

We think these provisions as outlined make sense and offer a more flexible, modern approach to people. We support them.

Question 22: It is proposed that the provisions for Topic P18 (Tenancies: protection against eviction (discretionary grounds of eviction); and pre-action requirements for eviction proceedings on ground of rent arrears) as described will be made permanent. Which of the following best describes what you think about this?

I think the provisions for Topic P18 should be extended beyond March 2022 and made permanent

I think the provisions for Topic P18 should be extended beyond March 2022 and made permanent, but only to the extent that rent arrears should continue to be a discretionary eviction ground – with all other eviction grounds returning to their pre-pandemic status

I think the provisions for Topic P18 should be extended beyond March 2022, but not made permanent

I think the provisions for Topic P18 should be extended beyond March 2022, but not made permanent, but only to the extent that rent arrears should continue to be a discretionary eviction ground – with all other eviction grounds returning to their pre-pandemic status

I do not think the provisions for Topic P18 should be extended or made permanent Unsure

**I have no view**

If you have any comments on either the provisions for Topic P18, or the proposal for permanence, please write them below.

We have no expertise in this area, the proper response for this should come from the private rental sector and from those living in the sector.



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Question 23: It is proposed that the provisions for Topic J1 (Courts and tribunals: conduct of business by electronic means) as described will be extended beyond March 2022. Which of the following best describes what you think about this?

**I think the provisions for Topic J1 should be extended beyond March 2022 and made permanent**

I think the provisions for Topic J1 should be extended beyond March 2022, but not made permanent

I do not think the provisions for Topic J1 should be extended or made permanent Unsure

I have no view

If you have any comments on either the provisions for Topic J1, or the proposal for extension beyond March 2022, please write them below.

In the children's hearing the ability to use an electronic signature meant that children's hearings could continue to make decisions to provide protection to Scotland's vulnerable children throughout the pandemic. We will continue to hold virtual children's hearings going forward. We strongly feel this should be made permanent.

Question 24: It is proposed that the provisions for Topic J2 (Courts and tribunals: virtual attendance) as described will be extended beyond March 2022. Which of the following best describes what you think about this?

**I think the provisions for Topic J2 should be extended beyond March 2022 and made permanent**

I think the provisions for Topic J2 should be extended beyond March 2022, but not made permanent

I do not think the provisions for Topic J2 should be extended or made permanent Unsure

I have no view

If you have any comments on either the provisions for Topic J2, or the proposal for extension beyond March 2022, please write them below.

Virtual court has enabled children's hearing Court work to continue throughout the pandemic – both matters of proof in relation to the grounds for referral to the children's hearing and in relation to appeals. Some cases still require to be heard in a physical court and that discretion should be available.

Question 25: It is proposed that the provisions for Topic J3 (Criminal justice: early release of prisoners) as described will be extended beyond March 2022. Which of the following best describes what you think about this?

**I think the provisions for Topic J3 should be extended beyond March 2022 and made permanent**

I think the provisions for Topic J3 should be extended beyond March 2022, but not made permanent

I do not think the provisions for Topic J3 should be extended or made permanent

**Unsure**

I have no view

If you have any comments on either the provisions for Topic J3, or the proposal for extension beyond March 2022, please write them below.



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We have no expertise in this area. The Prison Service, HMIPS and victims groups should provide evidence in relation to the impact of the exigency Covid legislation, whether it should continue and in what form.

Question 26: It is proposed that the provisions for Topic J4 (Criminal justice: expiry of undertaking) as described will be extended beyond March 2022. Which of the following best describes what you think about this?

I think the provisions for Topic J4 should be extended beyond March 2022 and made permanent  
I think the provisions for Topic J4 should be extended beyond March 2022, but not made permanent  
I do not think the provisions for Topic J4 should be extended or made permanent **Unsure**  
I have no view

If you have any comments on either the provisions for Topic J4, or the proposal for extension beyond March 2022, please write them below.

We have no expertise in this area but we do work with children and families who are affected by domestic abuse and other offences. We think that victims groups and defence solicitors are best placed to comment on whether these provisions, which may have an impact on the rights of someone accused of a criminal offence, are continued.

Question 27: It is proposed that the provisions for Topic J5 (Criminal justice: fiscal fines) as described will be extended beyond March 2022. Which of the following best describes what you think about this?

I think the provisions for Topic J5 should be extended beyond March 2022 and made permanent  
I think the provisions for Topic J5 should be extended beyond March 2022, but not made permanent  
I do not think the provisions for Topic J5 should be extended or made permanent **Unsure**  
I have no view

If you have any comments on either the provisions for Topic J5, or the proposal for extension beyond March 2022, please write them below.

We have no expertise in this area. We understand the rationale behind this proposal. We would ask that the ability to pay of those in receipt of a Fiscal Fine is taken into consideration. In addition, perhaps some numbers on how successful this approach is could provide evidence for the ongoing use of it to be supported.

Question 28: It is proposed that the provisions for Topic J6 (Criminal justice: national court for cases beginning with an appearance from custody) as described will be extended beyond March 2022. Which of the following best describes what you think about this?

I think the provisions for Topic J6 should be extended beyond March 2022 and made permanent



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I think the provisions for Topic J6 should be extended beyond March 2022, but not made permanent

I do not think the provisions for Topic J6 should be extended or made permanent **Unsure**

**I have no view**

If you have any comments on either the provisions for Topic J6, or the proposal for extension beyond March 2022, please write them below.

We have no expertise in this area. We would ask that the views of those working in the National Custody Court as well as those who have appeared in the Court (Solicitors, Procurator Fiscals, accused) are considered.

Question 29: It is proposed that the provisions for Topic J7(i) (relating to the time limit on summary-only cases at section 136 of the 1995 Act (Criminal justice: time limits)) as described will be extended beyond March 2022. Which of the following best describes what you think about this?

I think the provisions for Topic J7(i) should be extended beyond March 2022 and made permanent

I think the provisions for Topic J7(i) should be extended beyond March 2022, but not made permanent

I do not think the provisions for Topic J7(i) should be extended or made permanent **Unsure**

**I have no view**

If you have any comments on either the provisions for Topic J7(i), or the proposal for extension beyond March 2022, please write them below.

SCRA is a non departmental public body that puts rights at the forefront of the work we do. We recognise that there will be concerns about an approach which impacts the rights of those involved in the system – although, of course, we accept that this has to be balanced against the impact on victims' rights. We think this question should only be answered by those directly impacted by the proposal, and people working within the Scottish Courts and Tribunal Service.

Question 30: It is proposed that the provisions for Topic J7(ii) (remand time limits at section 65(4) and section 147(1) (Criminal justice: time limits)) as described will be extended beyond March 2022. Which of the following best describes what you think about this?

I think the provisions for Topic J7(ii) should be extended beyond March 2022 and made permanent

I think the provisions for Topic J7(ii) should be extended beyond March 2022, but not made permanent

I do not think the provisions for Topic J7(ii) should be extended or made permanent **Unsure**

**I have no view**

If you have any comments on either the provisions for Topic J7(ii), or the proposal for extension beyond March 2022, please write them below.



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SCRA is a non departmental public body that puts rights at the forefront of the work we do. We recognise that there will be concerns about an approach which impacts the rights of those involved in the system – although, of course, we accept that this has to be balanced against the impact on victims' rights. We think this question should only be answered by those directly impacted by the proposal, and people working within the Scottish Courts and Tribunal Service.

Question 31: It is proposed that the provisions for Topic J7(iii) (extending time limits relating to the maximum time between first appearance on petition and the first diet/preliminary hearing and commencement of the trial at section 65(1) (Criminal justice: time limits)) as described will be extended beyond March 2022. Which of the following best describes what you think about this?

I think the provisions for Topic J7(iii) should be extended beyond March 2022 and made permanent  
 I think the provisions for Topic J7(iii) should be extended beyond March 2022, but not made permanent  
 I do not think the provisions for Topic J7(iii) should be extended or made permanent **Unsure**  
 I have no view

If you have any comments on either the provisions for Topic J7(iii), or the proposal for extension beyond March 2022, please write them below.

SCRA is a non departmental public body that puts rights at the forefront of the work we do. We recognise that there will be concerns about an approach which impacts the rights of those involved in the system – although, of course, we accept that this has to be balanced against the impact on victims' rights. We think this question should only be answered by those directly impacted by the proposal, and people working within the Scottish Courts and Tribunal Service.

Question 32: It is proposed that the provisions for Topic J7(iv) (removing time limits on the length of individual adjournments for inquiries (Criminal justice: time limits)) as described will be extended beyond March 2022. Which of the following best describes what you think about this?

I think the provisions for Topic J7(iv) should be extended beyond March 2022 and made permanent  
 I think the provisions for Topic J7(iv) should be extended beyond March 2022, but not made permanent  
 I do not think the provisions for Topic J7(iv) should be extended or made permanent **Unsure**  
 I have no view

If you have any comments on either the provisions for Topic J7(iv), or the proposal for extension beyond March 2022, please write them below.

SCRA is a non departmental public body that puts rights at the forefront of the work we do. As a result it is difficult for us to justify an approach which seems to be based on system capacity rather than the rights of those involved in the system – although, of course, we accept that system capacity can have a direct impact





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on victims' rights. We think this question should only be answered by those directly impacted by the proposal, and people working within the Scottish Courts and Tribunal Service.

Question 33: It is proposed that the provisions for Topic J8 (Proceeds of crime) as described will be extended beyond March 2022. Which of the following best describes what you think about this?

I think the provisions for Topic J8 should be extended beyond March 2022 and made permanent

I think the provisions for Topic J8 should be extended beyond March 2022, but not made permanent

I do not think the provisions for Topic J8 should be extended or made permanent **Unsure**

I have no view

If you have any comments on either the provisions for Topic J8, or the proposal for extension beyond March 2022, please write them below.

We have no expertise in this area. We would ask that evidence is taken from the impact of this provision to date and from the people who will be impacted by it going forward.

Question 34: To support the key three themes for Covid recovery as described, do you have any proposals for legislation which goes beyond or is different to the consultation proposals in Chapters 2 to 4?

**Yes**

No

Unsure

I have no view

If you have selected "Yes" please write your comments below. It would be helpful if you could refer to which of the three themes are of particular interest to you.

For SCRA all three of the themes are of interest.

(iii) supporting children's wellbeing and mental health is crucial to our work and the children's hearing exists to ensure that appropriate and timely support is put in place when children's wellbeing needs are not being met. Covid has meant we have had to rethink how we do this work – which has had an impact on children and families. Covid has also had an impact on the staff and volunteers who work across the children's hearing system and on the key partner agencies for the children's hearing. We have been aware of this impact since March 2020 but we are only now considering the longer term potential impacts of Covid's legacy but also of the ways in which we had to reform the way we worked in order to continue to provide Scotland's children with protections through the children's hearing. SCRA's research team are currently involved in research looking in detail at the impact of Covid in the children's hearing and we will use this research and other evidence to help us develop our approaches going forward.



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(i) sustainable, good and green jobs; for SCRA staff the way we work since March 2020 has altered and the type of work we expect from people is different. We are also much more aware of sustainability and of the importance of local community – particularly in the national roles we have across the organisation. Technology has been of massive assistance – but there is a need to focus on our technical infrastructure (and perhaps the technical infrastructure across public services) so that we can continue to reduce our carbon footprint by not having to routinely travel to meetings. We are beginning to see how we can do things 'greener'; how we can support all our staff to work in a more agile way and we are also recognising how important this is. We hope not to lose this impetus throughout the rest of the Covid decade.

(ii) financial security for low income households; this is absolutely crucial – both for members of our staff on the lowest income bands and for the children and families who come to children's hearings. Basic financial security is one of the fundamental pillars of human need and reduces the pressure and stress of financial insecurity – not knowing where the next meal is coming from, whether you have enough money to pre pay the electricity or buy the data you need for a virtual meeting. A national infrastructure investment in affordable Wi-Fi and the investment in available technology for all children who need it to access education would be a positive start to making Scotland's low income households more secure. For this consultation a real recognition of the financial (and mental health) impact of lengthy criminal justice proceedings on an accused and their family as well as the financial impacts on victims of crime should also be considered in the context of the proposed changes to legislation.