

**PLEASE NOTE TIME OF MEETING**

Ref: LC

Date: 21 October 2021

**A special meeting of the Inverclyde Council will be held on Thursday 28 October at 2pm.**

**Members may attend the meeting in person or via remote online access. Webex joining details have been sent to Members and Officers. Members are requested to notify Committee Services by 12 noon on Wednesday 27 October 2021 how they intend to access the meeting.**

**In the event of connectivity issues, Members are asked to use the *join by phone* number in the Webex invitation and as noted above.**

**Information relating to the recording of meetings can be found at the end of this notice.**

ANNE SINCLAIR  
Interim Head of Legal Services

**BUSINESS**

**\*\*Copy to follow**

1. <b>Apologies and Declarations of Interest</b>	<b>Page</b>
<b>NEW BUSINESS</b>	
2. <b>Covid Recovery – Public Services &amp; Justice System Reform Consultation</b> Report by Interim Head of Service Public Protection & Covid Recovery	
3. <b>National Care Service Scotland Consultation – Inverclyde Council Response</b> ** Report by Corporate Director Education, Communities & Organisational Development	
<b>The documentation relative to the following item has been treated as exempt information in terms of the Local Government (Scotland) Act 1973 as amended, the nature of the exempt information being that set out in the relevant paragraph 1 of Part 1 of Schedule 7(A) of the Act.</b>	
4. <b>Report by Chief Executive regarding the proposed Management Structure</b>	

The reports are available publicly on the Council's website and the minute of the meeting will be submitted to the next standing meeting of the Inverclyde Council. The agenda for the meeting of the Inverclyde Council will be available publicly on the Council's website.

Please note that the meeting will be recorded for publishing on the Council's website. The Council is a Data Controller under UK GDPR and the Data Protection Act 2018 and data collected during any recording will be retained in accordance with the Council's Data Protection Policy, including, but not limited to, for the purpose of keeping historical records and making those records available.

By entering the online recording or attending the Chambers in person, please acknowledge that you may be filmed and that any information pertaining to you contained in the video and oral recording of the meeting will be used for the purpose of making the recording available to the public.

Enquiries to – **Lindsay Carrick** – Tel 01475 712114

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<b>Report To:</b>	<b>Inverclyde Council</b>	<b>Date:</b>	<b>28 Oct 2021</b>
<b>Report By:</b>	<b>Interim Service Director Environment and Economic Recovery</b>	<b>Report No:</b>	<b>IC/13/21/MM</b>
<b>Contact Officer:</b>	<b>Martin McNab</b>	<b>Contact No:</b>	<b>01475 714246</b>
<b>Subject:</b>	<b>Covid Recovery – Public Services &amp; Justice System Reform Consultation</b>		

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## 1.0 PURPOSE

- 1.1 To consult members on the Council's response to the above consultation prior to submission.

## 2.0 SUMMARY

- 2.1 The attached consultation response at Appendix 1 is the Council's overall response to a consultation on a wide range of reforms. The consultation document has previously been circulated to all members but is also available at [Covid recovery: public health, services and justice system reforms - Scottish Government - Citizen Space \(consult.gov.scot\)](https://consult.gov.scot/covid-recovery-public-health-services-and-justice-system-reforms-scottish-government-citizen-space).
- 2.2 A number are of direct relevance to the Council and the operation of both the democratic process and individual services or are of strategic importance. Equally some of the reforms proposed are highly technical and have limited impact on the Council or its delivery of services.
- 2.3 A workshop was held for all members on the 19<sup>th</sup> October to canvass members' views and these have been reflected in the final submission.

## 3.0 RECOMMENDATIONS

- 3.1 That members approve the consultation response.

## 4.0 IMPLICATIONS

### 4.1 Finance

There are no financial implications arising from this report.

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments

Annually Recurring Costs/(savings)

Cost Centre	Budget Heading	With effect from	Annual net impact £000	Virement From	Other Comments
N/A					

### Legal

4.2 The Head of Legal Services has been consulted on this report.

### Human Resources

4.3 None

### 4.4 Equalities

(a) Has an Equality Impact Assessment been carried out?

	YES (see attached appendix)
X	NO - This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required.

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO

(c) Data Protection

Has a Data Protection Impact Assessment been carried out?

X

YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.

NO

### **Repopulation**

4.5 There are no impacts on repopulation arising from this report.

### **5.0 CONSULTATIONS**

5.1 The Corporate Management Team has been consulted on this report and approves the consultation response.

### **6.0 BACKGROUND PAPERS**

6.1 None

## Covid recovery: a consultation on public health, services, and justice system reforms



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

### RESPONDENT INFORMATION FORM

**Please Note** this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual  
 Organisation

Full name or organisation's name

Inverclyde Council

Phone number

01475 717171

Municipal Buildings, Clyde Square, Greenock

Address

PA15 1LY

Postcode

Email Address

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name  
 Publish response only (without name)  
 Do not publish response

#### Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes  
 No

## Questionnaire

### Chapter 2: Public health resilience

#### Question 1: Education: powers to make directions to close educational establishments, and to ensure continuity of education

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.

The decision to close schools (outwith a pandemic) lies with an education authority. The education continuity announcements worked well and gave no dubiety about where the responsibility lay. The broad nature of the powers is not helpful in this case. If there were to be any move to make the powers permanent the safeguard measures must be specific about the circumstances in which they might be used and the consultation required beforehand.

#### Question 2: Power to make public health protection regulations

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.

This seems to be a sensible move as it brings the provision in Scotland in line with the situation pertaining in the rest of the UK. The ability to make regulations should help speed the response when public health emergencies occur.

### **Question 3: Vaccinations and immunisations**

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
- 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.

This provision has clearly been invaluable in facilitating mass vaccination and should be retained with appropriate safeguards around training requirements for vaccinators.

### **Question 4: Virtual public meetings under the Schools (Consultation) (Scotland) Act 2010**

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.

This is a pragmatic approach which gives flexibility to local authorities who are undergoing statutory consultation. Care would be required to ensure that no groups were digitally excluded when the provisions were used.

## Chapter 3: Public services & justice system

### Question 5: Alcohol licensing remote hearings

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
- I have no view

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

Remote hearings have been invaluable in relation to ensuring the expeditious progress of applications before the Licensing Board. They have generally worked well with applicants and representatives able to participate fully in these quasi-judicial hearings. The flexibility around remote hearings has enabled special meetings of the Licensing Board to be arranged with relative ease due to reduced or no travel time for members of the board to convene and has made participation more convenient for applicants/ representatives/ objectors.

It is positive that the proposals afford Licensing Boards the discretion to decide as to whether it would be appropriate for a hearing to be held remotely or “in person”.

Our hesitation in making these proposals permanent beyond March 2022 centres on issues around how best to facilitate public access to remote meetings and further guidance from the SG would be helpful before any move to permanence.

### Question 6: Bankruptcy: debt level that enables creditors to pursue the bankruptcy of a debtor through the courts

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.

**Question 7: Bankruptcy: electronic service of documents**

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.

**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

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

**Question 9: Bankruptcy: virtual meetings of creditors**

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.

### **Question 10: Care services: giving of notices by the Care Inspectorate**

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

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

This seems to be a common sense proposal.

### **Question 11: Civic government licensing remote hearings**

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.

Our comments on this would mirror those for question 5 on Licensing Boards. The same issue around how best to facilitate public access requires to be resolved before the change is made permanent.

### **Question 12: Courts: intimation, etc. of documents**

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.

The Scottish Courts and Tribunal Service is moving towards a more digitised system generally and measures such as these have ensured the continuation of court business. Displaying documents in this manner leads to improved access to information rather than the previous system whereby certain documents were displayed on the walls of court and hence unlikely to be seen by the relevant party. There are clear advantages for the court user who can easily search on line to ascertain if any notices have been posted.

### **Question 13: Criminal justice: arrangements for the custody of persons detained at police stations**

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
- 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.

Before consideration it given to permanency it would be helpful to have evidence about the impact of this change for those individuals going through the system and on information sharing between agencies. The presence of social work in Court helps with prompt access to support services (particularly where there is a vulnerability) and sharing of information with services already supporting the individual and/or where action is required to mitigate risk (either to individual themselves or others). Are we confident this can be replicated within virtual environment?

#### **Question 14: Freedom of Information: giving notice electronically**

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.

This is a minor technical change and allowing formal notices to be served electronically would be beneficial.

#### **Question 15: Legal aid**

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.

The provisions appear to have introduced a flexible and accessible scheme of interim payments to support cash flow which will no doubt have been crucial for Legal aid practitioners, and on the basis that access to justice for all is important for any society the provisions should be extended.

### **Question 16: Legal writings etc.**

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
- 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.

The ability to execute documents and to administer oaths by alternative means such as video connection has been invaluable throughout the pandemic and has been a very positive development. This has been more convenient for both solicitors/notaries and those swearing an oath or affirmation and it would be prudent to retain permanently.

### **Question 17: Mental health: named person nomination**

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.

Similar to the witnessing of patient's signatures, the witnessing of a Named Persons signature allows for the prescribed person to ensure that they understand the effect of their nomination and direct them to where they can locate further information. It also allows for the prescribed person to immediately identify if there are any concerns in relation to them being a Named Person i.e. lack of capacity.

### **Question 18: Parole Board: delegation**

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.

The role of the Parole Board has in recent years been subject to greater public scrutiny, particularly around prisoner release. With this in mind it would seem prudent to consider/gather evidence around the impact of this change before making it permanent. In this regard it would be helpful to look at both performance (e.g. delays minimised) and robustness of decision making.

### **Question 19: Parole Board: live link**

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
- 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.

The ability to hold whole or part of a hearing by live link has helped with staff resourcing by cutting down on travel time not to mention staff safety in terms of COVID transmission. Within Local Authority Criminal Justice Social Work Services (both community and prison) there has been sharp rise in demand for staff to contribute to such hearings and a live link option would go some way to facilitate this. However before this is made permanent, it would be helpful to have evidence on the impact of live link hearings on all participants in the process. Moreover, further clarity on the term 'interests of justice' would be helpful too. In addition, the National Strategy for Community Justice is currently under review and it may be prudent to wait for this to be published (next Spring) before any steps are taken to make this permanent.

#### **Question 20: Remote registration of deaths and still-births**

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 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.

The process is now more streamlined. It reduces footfall in the office and it offers more comfort and convenience for the family as they can be more relaxed at home during a difficult time. The families of the deceased, the staff and the funeral directors are delighted with the service. We agree with the benefits of the proposal the Scottish Government have already considered.



### Question 21: Remote registration of live births

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.

In addition to the benefits already considered by the Scottish Government this may help to reduce cancellation of appointments or no-shows; this can be an unnecessary drain on resources. Issues around how best to facilitate this for unmarried couples and how to ensure that remote registration does not provide an opportunity for criminality will obviously need to be addressed as part of the process.

### Question 22: Tenancies: protection against eviction (discretionary grounds of eviction); and pre-action requirements for eviction proceedings on ground of rent arrears

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.

This would still enable grounds for eviction on matters such as anti-social behaviour, drug dealing etc, but would enable prevention work to support people in maintaining tenancies.

## **Chapter 4: Responding to the impact of COVID-19 in the justice system**

### **Question 23: Courts and tribunals: conduct of business by electronic means**

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.

There have been huge advantages to court users in this new system. In the past court documents required to be posted to court which often resulted in delays or uncertainty regarding whether or not important documents had arrived safely. Often solicitors opted to make arrangements for court documents to be hand delivered which was time consuming and impacted upon resources.

Delays and uncertainty are now avoided altogether by the electronic submission of documents. This is a significant improvement and should be retained.

Furthermore, the provisions which provide for documents which would normally have to be intimated to a party to instead be sent to the person's solicitor avoids unnecessary delays in the process.

### **Question 24: Courts and tribunals: virtual attendance**

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.

Remote attendance at hearings is a positive development which has provided greater flexibility and convenience to people who require to participate in such hearings.

Procedural hearings have been conducted by telephone or video link in Sheriff Courts and Tribunals leading to greater efficiency. Procedural hearings in Commercial cases have been conducted virtually for a number of years and it is appropriate that this is extended to other types of proceedings.

However before this is made permanent, it would be helpful to have evidence on the impact of live link hearings on all participants in the process.

#### **Question 25: Criminal justice: early release of prisoners**

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.

The merits of extending these powers whilst COVID remains a threat seems prudent. Whilst it is accepted that such powers were previously exercised in a controlled manner involving consultation with victim groups etc. there is a public perception issue here in terms of the sentencing process being undermined. Thus, there is a credible risk that despite any safeguards put in place if this was made permanent confidence in the Justice System could be irreparably damaged. Separately, we would want to advocate for a greater role for Local Authorities

(particularly Criminal Justice Social Work) in identifying suitable prisoners particularly with regard to potential risk to communities/individuals which is not always evident from the index offence/behaviour in custody. Finally, ensuring adequate supports are in place for those whose release has been brought forward does place a strain on community resources and this needs to be considered when planning to exercise such powers in the future.

Any decision to extend the early release provisions should also be subject to a review of the successes and failures of early release over the course of the pandemic.

### **Question 26: Criminal justice: expiry of undertaking**

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.

The case for permanency would require consideration to be given to expanding the criteria for using such powers. The protection this measure currently provides for public and victims suggests there would be merit in looking at other circumstances in which this could be applied.

### **Question 27: Criminal justice: fiscal fines**

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.

The concern around making this increase permanent centres on poverty and whether or not the individual has children as they would ultimately be impacted by such an increase. Thus clarity is needed on what regard is given to an individual's financial circumstances when such penalties are imposed and to what extent non-payment compounds the individual's involvement in the Criminal Justice System both in terms of duration and tariff.

**Question 28: Criminal justice: national court for cases beginning with an appearance from custody**

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
- 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.

**Question 29: Criminal justice: time limits - relating to the time limit on summary-only cases at section 136 of the Criminal Procedure (Scotland) Act 1995 (1995 Act)**

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.

We would fully support the extension proposed at Q29, but not on permanent basis, given cases could be lost if there were no provision to extend.

**Question 30: Criminal justice: time limits - remand time limits at section 65(4) and section 147(1) of the 1995 Act**

It is proposed that the provisions for Topic J7(ii) (remand time limits at section 65(4) and section 147(1) 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(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.

Any proposal to extend the limit on the length of time an accused can be held on remand prior to conviction without judicial oversight would be problematic even on a temporary basis. Remand disconnects individuals from their communities (in terms of housing, employment, family and other personal relationships). Many individuals remanded do not go on to receive a custodial sentence. Inverclyde itself has a particularly high remand population and thus the issue has resonance for us and our community. In addition, addressing the remand population is likely to feature in the current review of the National Strategy for Community Justice. Thus it may be prudent to wait for this to be published (next Spring) before any steps are taken to such extensions permanent.

**Question 31: Criminal justice: time limits - 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) of the 1995 Act**

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) 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(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.

**Question 32: Criminal justice: time limits - removing time limits on the length of individual adjournments for inquiries**

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.

**Question 33: Proceeds of crime**

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.

**Chapter 5: Final questions**

**Question 34: Covid recovery**

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.

**Questions 35 to 39: Do you have any comments on potential impacts of the proposals in Chapters 2 to 4 of this paper, not sufficiently covered by the previous impact assessments, on:**

**Question 35: Business and regulatory impact assessment**

- Yes I have comments on potential impacts
- 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 topics of particular interest to you with their topic codes.

**Question 36: Child rights and wellbeing impact assessment**

- Yes I have comments on potential impacts
- 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 topics of particular interest to you with their topic codes.

**Question 37: Equality impact assessment**

- Yes I have comments on potential impacts
- 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 topics of particular interest to you with their topic codes.

**Question 38: Socio-economic equality impact assessment (the Fairer Scotland Duty)**

- Yes I have comments on potential impacts
- 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 topics of particular interest to you with their topic codes.

**Question 39: Human rights**

- Yes I have comments on potential impacts
- 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 topics of particular interest to you with their topic codes.

**Question 40: Data protection impact assessment**

Do you have any comments on potential impacts of the proposals in Chapters 2 to 4 of this paper on data protection and privacy (the handling of personal data)?

- Yes I have comments on potential impacts
- 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 topics of particular interest to you with their topic codes.

**Question 41: Island communities impact assessment**

Do you have any comments on potential impacts of the proposals in Chapters 2 to 4 of this paper on people in rural or island communities?

- Yes I have comments on potential impacts
- 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 topics of particular interest to you with their topic codes.

**Question 42: Strategic environmental assessment**

Do you have any comments on potential impacts of the proposals in Chapters 2 to 4 of this paper on the environment?

- Yes I have comments on potential impacts
- 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 topics of particular interest to you with their topic codes.

**Question 43: Financial Memorandum**

Do you have any comments on the financial implications of the proposals in Chapters 2 to 4 of this consultation paper for public bodies, individuals and businesses, having regard to the Financial Memorandum for the Extension and Expiry Bill?

- Yes I have comments on potential impacts
- 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 topics of particular interest to you with their topic codes.