

ANNEX A.3

No	TYPE OF DOCUMENT	DATE	ERDM LINK OR ATTACHMENT
1.	Letter from the Cabinet Secretary to John Wilkes in response to EHRC final report into the participation of disabled people in the criminal justice system	29 June 2020	 See below FOI - EHRC - Letter dated 29.0...
2.	Email re; Remote Court/Tribunal Hearings	15 July 2020	 See below FOI - EHRC - Email dated 15.0...
3.	Email re; Meeting confirmation with the Cabinet Secretary on inquiry findings	31 July 2020	 See below FOI - EHRC - Email chain date...
4.	Email re; Meeting with the SG and the EHRC	18 August 2020	 See below FOI - EHRC - Email chain date...
5.	Email re; Meeting request with EHRC on Inquiry Findings	19 August 2020	 See below FOI - EHRC - Email dated 19.0...

F/T: [REDACTED]
E: scottish.ministers@gov.scot

John Wilkes
Equality and Human Rights Commission
[REDACTED]

Ar faidhle/Our ref: 202000045791
29 June 2020

Dear John

Thank you for writing to me, the Minister for Older People and Equalities and my officials to share the Commission's final report into the participation of disabled people in the criminal justice system.

The Scottish Government welcomes the report and acknowledges the barriers to effective participation that disabled people may face when they come into contact with the justice system. This is something which we are working to address in a collaborative way, both across government and with our partners and stakeholders.

The Fairer Scotland for Disabled People Action Plan includes the ambition to ensure that Scotland's justice system is equipped to meet the needs of disabled people in a fair and inclusive way, while our Scottish Strategy for Autism 2018-21 committed to working with the SOLD Network to improve autism awareness across the criminal justice system.

We are also taking forward work in relation to mental health and the justice system: through our Mental Health Strategy we committed to reviewing existing mental health legislation to determine if new measures are necessary to fulfil the distinct needs of people with learning disabilities or autism; while an independent review into how forensic mental health services are being delivered across Scotland was announced by the Minister for Mental Health last year.

We have introduced legislation and provided funding to create statutory Appropriate Adult provision in Scotland. Part of this work involves improving training in relation to this type of support – both for practitioners and other relevant parties, such as the police and third sector organisations.

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

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The work also involves introducing greater oversight of Appropriate Adult provision, including a quality assessment function which is being developed by the Care Inspectorate and also through an oversight group, which will be chaired by the Mental Welfare Commission.

These are all important steps but I recognise that more needs to be done to ensure fair and equal access to justice for disabled people during criminal proceedings. One possible measure we are exploring is the introduction of an intermediary scheme, as recommended in the report. We have looked into how intermediaries operate in other jurisdictions and are keen to understand further what the system could look like in Scotland in order to determine what the most appropriate communication support will be, who should facilitate it and when it should be provided.

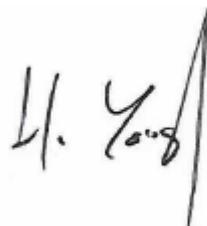
I also recognise the importance of considering the impact on disabled people as reforms are introduced. As you have highlighted, this is of particular significance during the current period where technology is being used to a greater extent to ensure that the justice system continues to operate while public health restrictions are in place.

We will continue to work with partners and stakeholders to build on the work which is already being carried out. While some of the recommendations in the report relate to more practical and operational matters for partners and the legal profession, the Scottish Government is happy to work with them to help ensure that adjustments are made and support put in place as appropriate.

My officials would be happy to meet with you to discuss the findings and recommendations and provide you with further detail about the work I have outlined.

If you would like to meet, then please contact [\[REDACTED\]](#).

Should you wish to discuss with me further please contact my diary secretary at [\[REDACTED\]](#) who will arrange a call.



HUMZA YOUSAF

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

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From: [REDACTED]
Sent: 15 July 2020 10:05
To: [REDACTED]
Subject: Remote court/tribunal hearings

Hi [REDACTED]

I have a feeling we've met before but I can't remember exactly, maybe you used to be an analyst or I've worked with you on something or you just have a similar name to others I've worked with? Anyhow I've just (re-)joined JAS, working with [REDACTED] and [REDACTED].

I'm doing a series of papers on the evidence surrounding remote hearings. Evidence is coming in thick and fast and I want to try to get it to the most useful stuff out to the right people as they are making decisions, possibly under the 'renew' agenda?

Your name was given to me as someone who might either be interested or would know who would be interested, please can you let me know if this is the case.

I have one paper ready with evidence from Australia and New Zealand and the next one will draw out some key findings set out in an EHRC event last week. Then I will tackle the enormous amount of stuff coming out in England.

Thanks and best wishes
[REDACTED]

[REDACTED]
Social Researcher
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: 31 July 2020 10:18
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Reply from the Cabinet Secretary for Justice - 202000045791

Hi [REDACTED]

I know that a meeting has now been arranged with the Cabinet Secretary for Justice in October, but we're happy to have a meeting at official level before then to discuss intermediaries (and any other aspects of the report you'd like to cover).

Apologies for the delay in getting back to you – it's been a bit of a difficult time to check availability due to leave combined with urgent Covid-19 related work.

However, it's my unit that leads on the work on intermediaries and both the Unit Head, [REDACTED], and I are available on the following dates in August:

- 11th– before 2pm
- 13th – before 11am
- 14th – all day
- 17th & 18th – before 3pm
- 19th & 20th – after 1pm
- 21st – all day

Please let me know if any of these dates are suitable and, again, let me know if there is anything wider than intermediaries you would like to discuss and I'll contact the relevant policy leads to see if they can attend.

Thanks
[REDACTED]

From: [REDACTED]
Sent: 14 July 2020 13:49
To: [REDACTED]
Cc: Cabinet Secretary for Justice [REDACTED]
Subject: RE: Reply from the Cabinet Secretary for Justice - 202000045791

Hi [REDACTED]

I hope you're well. I'm picking this up after a couple of week's leave, so apologies for the delay in getting back to you. Copying in [REDACTED] who contacted me separately regarding discussing the report at some point after the 20th when [REDACTED] is back from leave.

I'll make enquiries this week with regards to availability at our end, but can you let me know if there's anything else in addition to intermediaries that you would like to discuss so that I can get officials from all of the relevant policy areas involved.

Thanks
[REDACTED]

From: [REDACTED]
Sent: 09 July 2020 22:10
To: Cabinet Secretary for Justice [REDACTED]
Subject: RE: Reply from the Cabinet Secretary for Justice - 202000045791

Good afternoon Cabinet Secretary, and [REDACTED]

Thank you for this thorough and considered response to our inquiry findings. In your letter you had offered a meeting with your officials and EHRC Scotland colleagues would welcome this. [REDACTED] could I ask that you give me some available slots over the coming few weeks and I will begin to match diaries to progress this? Colleagues are particularly interested in your consideration around intermediaries and would like to know more about your thinking at present.

Cabinet Secretary, you invited EHRC to arrange a phone call should we wish to further discuss these matters. Colleagues have suggested that this would be helpful but is not urgent and in fact a call slightly later in the year would provide an opportunity to update you on progress made on our recommendations. If your diary secretary could provide some availability this would be most appreciated.

With best regards,

[REDACTED]

[REDACTED]
Communications and Public Affairs Manager
Equality and Human Rights Commission

T: [REDACTED]
M: [REDACTED]

151 West George Street,
Glasgow G2 2JJ

equalityhumanrights.com

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Due to the COVID-19 outbreak I am working compressed hours from home. My usual working pattern is below. I may be sending emails at a time convenient for me but please note I do not expect you to respond outside of your working hours or at the weekend.

Mon: 9-11.30am

Tues-Thurs: 9am – 5pm

Fri: off

From: casehandling.service@gov.scot <casehandling.service@gov.scot>

Sent: 29 June 2020 11:04

To: [REDACTED]

Subject: Reply from the Cabinet Secretary for Justice - 202000045791

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From: [REDACTED]
Sent: 18 August 2020 13:30
To: [REDACTED]John Wilkes [REDACTED]
Cc: [REDACTED]
Subject: RE: Meeting between SG and EHRC on Friday

[REDACTED] / John

Apologies for the last minute cancellation of the meeting on Friday. Not sure if the technical issues we were having were because of the weather or because of background work our IT people were doing (which is, ironically, intended to make the network better for video conferencing!) or a combination of both.

Hopefully you'll be available to reschedule. I'm on leave next week, but our availability after that is as follows:

- Monday 31 Aug – am
- Thursday 3 Sep – all day
- Friday 4 Sep – all day
- Monday 7 Sep – pm
- Tue 8 Sep – all day

Grateful if you could confirm if any of the above are suitable for you.

[REDACTED] – re the contact for the work you're doing on the use of sexual history and bad character evidence in trials, I'd suggest contacting the Violence Against Women and Girls Unit at [REDACTED]

Thanks
[REDACTED]

From: [REDACTED]
Sent: 12 August 2020 16:42
To: [REDACTED]
Subject: RE: Meeting between SG and EHRC on Friday

Hi [REDACTED],
That sound fine in terms of going through the main findings/recommendations. Speak to you on Friday.

[REDACTED]

From: [REDACTED]
Sent: 12 August 2020 16:24
To: [REDACTED]
Cc: [REDACTED]
Subject: Meeting between SG and EHRC on Friday

Hi [REDACTED]

We've potentially got officials from a range of policy areas - including Criminal Justice Reform, Autism and Learning Disabilities, Access to Justice and Equalities – joining the call which means that as well as speaking about intermediaries we can have a more informed chat about any other parts of the Inquiry that you'd like to cover.

I wasn't sure if you had an agenda or particular structure in mind for the meeting, but I thought it may be useful for you to perhaps go through the main findings / recommendations and we can take it from there? If you'd prefer a more structured approach, just let me know.

Thanks
[REDACTED]

[REDACTED]

Senior Policy Officer | Scottish Government | Criminal Justice Division | Tel: [REDACTED]

From: [REDACTED]
Sent: 19 August 2020 12:50
To: [REDACTED]
Subject: EHRC meeting

[REDACTED]

As discussed, can you set up a teleconference meeting with the EHRC to discuss the findings of its inquiry into support for disabled people in the criminal justice system, which we had to cancel last Friday.

The new date and time is Friday 4 September at 10am for 1 hour.

The invitees are:

EHRC

John Wilkes [REDACTED]
[REDACTED]

SG
[REDACTED]

If you could say when you send the email out that we've decided to use a teleconference to try and avoid issues like before, but if anyone would prefer to give Webex another go we can change the format. If the teleconference facility is booked, no worries, just do the invite using Webex.

Any problems, let me know!

Thanks
[REDACTED]

[REDACTED]

Senior Policy Officer | Scottish Government | Criminal Justice Division | Tel: [REDACTED]