The Committee will meet at 3.30pm in Committee Room 2.

1. **Vulnerable Witnesses (Scotland) Bill:** The Committee will consider its approach to the Bill.

2. **Budget process 2004/5:** The Committee will consider its approach to the budget process 2004-05.

3. **Work programme:** The committee will consider its work programme.

Gillian Baxendale / Lynn Tullis
Clerks to the Committee, Tel 85054
The following papers are enclosed for this meeting:

**Item 1 – Vulnerable Witnesses (Scotland) Bill**

- Note by the Clerks J2/S2/03/2/1
- Vital Voices – Helping Vulnerable Witnesses Give Evidence, A Report on the Analysis of Responses to the Consultation
- MEMBERS ONLY
- Vital Voices – Helping Vulnerable Witnesses Give Evidence, Policy Statement
- MEMBERS ONLY

**Items 2 – Budget**

- Note by the Clerks J2/S2/03/2/2
- SPICe Briefing, 22 April 2002, Guide to the Scottish Budget, Subject Profile
- MEMBERS ONLY
JUSTICE 2 COMMITTEE

2nd Meeting 2003 (Session 2)

Tuesday 24 June 2003

Stage 1 of Vulnerable Witnesses (Scotland) Bill - Note by the Clerk

Background
1. The Vulnerable Witnesses (Scotland) Bill is due to be introduced in the Parliament on 23 June and will be published on the morning of 24 June. Subject to the agreement of the Parliamentary Bureau, it is likely that the Justice 2 Committee will be designated lead committee. This note sets out proposals for the Committee's scrutiny of the Bill at Stage 1.

2. Under standing orders it is for the lead Committee at Stage 1 to consider the general principles, that is the principal purposes of the Bill, and report its findings to the Parliament. The Parliament will then debate the general principles of the Bill in light of the Committee's report and decide by motion to agree or disagree to them.

3. In drawing its conclusions the Committee is required to take into account the views of any secondary committees. In this case it is likely that the Bill will be referred to the Finance Committee which will consider and report on the Financial Memorandum which accompanies the Bill. The Subordinate Legislation Committee will also consider and report on the provisions conferring powers to make subordinate legislation within the Bill. The Equal Opportunities Committee may also report on the Bill.

4. As part of its scrutiny of the Bill the Committee is also required to examine the policy memorandum which accompanies the Bill and to consider whether the Executive has consulted adequately on its proposals.

Summary of Key Points
5. The purpose of the Bill is to improve the way in which all witnesses are treated by the justice system. It proposes to introduce a number of changes to existing procedures and practices to enable better assistance and protection to be given to vulnerable witnesses, especially children. Its aims include—

- early identification of vulnerable witnesses;
- training for police officers and other conducting investigation interviews to ensure greater use can be made of recordings of vulnerable witnesses’ statements in court;
- consistency in the way that special measures are used;
- more extensive use of existing special measures, for example evidence on commission;
- increase in resources to meet the greater demand for special measures;
- greater awareness on the part of judges, lawyers and other officials about the appropriate treatment of vulnerable witnesses.
Suggested Approach

6. The Committee is invited to agree to issue a general call for written evidence over the summer recess and also to write to key organisations inviting their views. A list of suggested organisations to approach is at Annex A.

7. The Committee can then decide what oral evidence to take on the basis of written evidence received. A summary of evidence and suggested witnesses could be available at the first meeting after the summer recess. Given the level of Executive consultation which has already taken place, and to avoid a rerun of this, we might encourage evidence to focus on areas where respondents feel the Executive has not addressed their concerns adequately or on possible additions to the measures already in the Bill.

8. The Committee may also wish to consider how to seek views from witnesses of the type who might be expected to benefit from the measures in the Bill. It is unlikely that evidence in a formal committee setting would be the most effective approach. If the Committee agrees in principle that such views should be sought we will consider further, in discussion with Victim Support Scotland and others, how to seek views in a sensitive and confidential way. Approaches could include:
   - appointing members as reporters to speak to vulnerable witnesses on a one to one basis in an informal setting;
   - working through Victim Support Scotland’s witness services to collect views;
   - providing a user-friendly information sheet/pro forma which organisations likely to be working with vulnerable witnesses could make available to clients – this could allow both direct and anonymous submissions to be made.

9. The Committee may also wish to identify witnesses now for the first oral evidence session, with further witnesses called once the written evidence has been assessed. For example, the Committee might decide that it wished to hear on the record from the officials leading the Bill team.

Timing

10. The Bureau has not yet set a timetable for the Committee to report to the Parliament and any decision on timing is subject to Bureau approval.

11. The Committee is scheduled to meet on a fortnightly basis following the summer recess and the bulk of its business will involve consideration of the Bill. It is proposed to set aside 3 meetings to hear oral evidence plus time to consider the draft report, with a view to reporting to the Parliament at the end of November. If the Bureau sets a shorter timescale than this, weekly meetings are likely to be required.

Recommendation

12. The Committee is invited to agree its approach to Stage 1 scrutiny of the Bill.
List of Potential Organisations for Written Evidence – Vulnerable Witnesses  
(Scotland) Bill

Victim Support Scotland
Scottish Child Law Centre
Scottish Human Rights Centre
Disability Rights Commission
Edinburgh Rape Crisis Centre
Criminal Law Group of the Faculty of Advocates
Scottish Law Commission
Commission for Racial Equality
SACRO National Office
Ethnic Minorities Law Centre
Equality Network (Lesbian, Gay, Bisexual and Transgender Equality)
Crown Office
National VIA (Victim Information and Advice) Headquarters
Children First
The Law Society of Scotland
Mental Welfare Commission for Scotland
Sheriff’s Association
Sheriff Court Users Group
Scottish Women’s Aid
Barnardos Scotland
ACPOS
Equal Opportunities Commission for Scotland
JUSTICE 2 COMMITTEE

2nd Meeting 2003 (Session 2)

Tuesday 24 June 2003

Budget Process 2004/5 - Note by the Clerk

Background
1. The budget scrutiny process is designed to enable subject committees to have a say in the development of the Executive’s forward budget in their particular subject area. It is also intended to provide a mechanism for the public and interested groups to contribute to the Budget development process.

Budget Process for 2004-2005
2. The normal scrutiny of the budget involves a 3 stage scrutiny process, with subject committees having a role at the first and second stages. The process is set out in more detail in the attached SPICe Briefing. This year, due to the election, the subject committees’ scrutiny of the budget will take place in one stage. It will involve taking evidence on the Executive’s draft budget for 2004-05 before reporting to the Finance Committee.

3. The draft budget for 2004-05 will be published at the end of August and subject committees are likely to be required to report to the Finance Committee by the beginning of November 2003. The Finance Committee will then draw its conclusions from the reports received from subject committees and report to the Parliament.

Options
4. In scrutinising the budget Committees are invited to—
   • identify the level of resources the Executive is planning to commit to their area;
   • identify the intended policy outcomes; and
   • comment on whether they think the allocation is appropriate and adequate.

5. The remit of the Justice Committees includes scrutiny of the functions of the Lord Advocate as well as matters which fall within the responsibility of the Minister for Justice. Therefore, as part of the process the Committees will be required to scrutinise the budget of the Crown Office and Procurator Fiscal Service as well as the Justice budget.

6. It is for the Committee to decide the level and nature of the consideration of the Budget. In the last session of the Parliament, the two Justice Committees decided, with the agreement of the Bureau, to meet jointly to scrutinise the budget proposals. This decision took account of the fact that each committee gained a different range of information and expertise from its work during the year. It also allowed the Committees to fully consider the financial aspects of the areas that they were scrutinising or inquiring into in more detail.
7. In the previous session the Justice Committees also benefited from the appointment of an adviser to assist in the process.

**Conclusion**

8. The Committee is invited to—
   - agree that permission should again be sought from the Bureau to meet jointly to consider the draft budget this year.
   - agree that an adviser should be appointed to assist with the budget scrutiny. A specification for an adviser is attached at Annex A and the Committee is invited to consider and agree to it. If this is agreed, once a shortlist of names has been drawn up, the clerks will arrange a joint meeting of the two Justice Committees to consider it.
   - agree to invite the Minister and the Lord Advocate to give evidence on the Executive and Crown Office spending priorities. The Committee could also consider whether the Minister and the Lord Advocate should be invited to produce papers which set out the changes in budget priorities within the Executive and Crown Office over the past 4 years and their priorities for the next 4 years, in line with the recommendations of last session’s Justice 1 Committee in its legacy paper.

Clerk to the Committee
JUSTICE 1 & JUSTICE 2 COMMITTEES

Adviser on the Budget Process 2004-05

Proposed Specification

Adviser Duties

1. The role of the adviser will be to assist the Committees in:

   - assessing the Executive’s proposals;
   - comparing these proposals with last year’s plans;
   - identifying areas for evidence;
   - advising on lines of questioning;
   - preparation of the report to the Finance Committee.

Person specification

2. It would be desirable for them to have primarily economic or financial expertise but with some relevant knowledge of justice and home affairs.