



The Scottish Parliament  
Pàrlamaid na h-Alba

## Justice Committee

Kenny McAskill MSP  
Cabinet Secretary for Justice

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Dear Kenny

### Justice Committee: Brain injury and the criminal justice system

At its meeting on Tuesday 12 August, The Justice Committee held a very informative round-table evidence session on Brain Injury and the Criminal Justice System. Participants in the session included medical professionals, academics, representatives of Police Scotland and the Scottish Prison Service and campaigners. A copy of the Official Report is available here:

<http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=9458&mode=pdf>.

The Committee would be grateful if your officials could take time to read through the Official Report and respond to the Committee on the points made during the session.

In particular, participants in the evidence session recommended that the following actions be taken to improve public policy in this area, and I would be grateful if you could respond to each of them:

- that a comprehensive epidemiological study be developed, to provide high quality information about head injuries throughout prisons in Scotland and the relationship to offending;

- that a greater focus be placed on preventative action, to ensure that people with severe brain injuries do not develop an offending profile;
- that teaching and training to increase staff awareness within the criminal justice system of these issues be improved;
- that more link workers be provided to go into prisons to train and help people to identify vulnerable offenders;
- that consideration be given to the introduction of routine screening for traumatic brain injury along with existing assessments that help identify mental health problems, substance misuse and potential learning disabilities;
- that thought be given to how to deal with issues around the containment of prisoners with brain injury. The participant who made this point advised that there are currently very few forensic beds in Scotland for brain-injured offenders and that the majority of the medium-secure forensic psychiatry facilities do not take people with brain injury as a matter of policy;
- that resourcing for the resettlement of offenders in the community be improved, to reduce the risk of reoffending and provide them with a better quality of life;
- that additional funding be provided for mental health services once people have been identified as requiring it, for example the provision of such services in custody (an issue also highlighted by HM Inspector of Constabulary in a recent report);
- that there be an increased focus on preventative action in relation to childhood brain injuries to identify those injuries more effectively by improving links between accident and emergency departments, GP practices and schools that would enable better reintegration into school of children who are at risk;
- that steps be taken to improve awareness of other risk factors such as alcohol misuse.

I realise that this is a long list of action points and that a considerable amount of work is already being undertaken by the Scottish Government, the Scottish Prison Service and NHS Scotland to address many of these issues. For example the Committee is aware of the pilot screening programme taking place in NHS Grampian and discussions around the establishment of a national prison health network workstream on brain injury among prisoners. We also acknowledge the importance, highlighted by one participant, of making a distinction between severe head injury and mild head injury when considering these matters.

If possible, to allow it to consider the response at its meeting on 7 October, the Committee would appreciate a response to this letter by Wednesday 1 October.

I am copying this response to Alex Neil MSP, Cabinet Secretary for Health and Wellbeing for his portfolio interest and to Duncan McNeil MSP, Convener of the Health and Sport Committee, for information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Christine Grahame', with a long, sweeping horizontal stroke at the beginning.

Christine Grahame MSP  
Convener, Justice Committee

cc:

Alex Neil MSP, Cabinet Secretary for Health and Wellbeing

Duncan McNeil MSP, Convener of the Health and Sport Committee