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19 July 2024

Thank you for your letter of 18 July 2024 following Jonathan Beadle's tragic death at HMP&YOI Polmont. Our thoughts are with his family and all those who cared for him.

As you have highlighted in your letter, a Fatal Accident Inquiry (FAI) is mandatory for all deaths in custody and this independent, judicial process will carefully consider all the circumstances around his death. We will await the outcome of the FAI and SPS will formally respond to any recommendations.

### Timeline

You have asked for a timeline in this case and the circumstances which led to Jonathan's transfer from secure accommodation to HMP&YOI Polmont.

Jonathan Beadle was remanded into custody, at HMP&YOI Polmont, following his appearance at court on 10 March 2023. On 7 November 2023, the court directed that he be moved to be remanded instead at St Mary's Kenmure Secure Centre. At a court hearing on 26 March 2024, the court directed that Jonathan be moved back to HMP & YOI Polmont that day.

As you will be aware, there is an ongoing investigation into the circumstances of Jonathan's tragic death. It would therefore be inappropriate for me to comment on any of the circumstances at this stage.

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## Implementation of the Children (Care and Justice) (Scotland) Act 2024

As you know, provisions in the Children (Care and Justice) (Scotland) Act 2024 will amend relevant provisions of the Criminal Procedure (Scotland) Act 1995, meaning that all under 18s will be treated as children and have a legal route to remand or detention in a facility other than a YOI, should a period of detention in a locked facility such as secure accommodation be required.

The Act received Royal Assent on 4 June 2024 and plans are moving at pace to ensure these provisions are commenced as soon as possible and no later than during the week of 2 September, the week of Parliament's return from summer recess. This will require the making of Commencement Regulations and laying those in Parliament in accordance with section 38 of the Act. As well as prohibiting the use of YOIs for under 18s, this will also include appropriate transitional provisions to enable the movement of children currently detained in a YOI to alternative child friendly secure settings such as secure accommodation. Urgent engagement is taking place with and by the Scottish Government and its partners, including SPS, secure care providers, Social Work Scotland, Crown Office, Scottish Courts and Tribunal Service and the Care Inspectorate, to ensure the necessary plans are in place for the safe transition of the children in Polmont at the commencement date.

The Act contains a range of measures across different topics and timescales for the commencement of broader provisions are under active consideration with partners. A meeting of the associated Implementation and Resourcing Group is due to take place on 29 July.

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