I am writing on behalf of Stirling & District Women’s Aid about the recent recommendations made by the Scottish Courts Service in relation to Court closures and centralisation of Court business. As an organisation we believe that it is extremely important for our service users to be able to access Court services locally.

Our service users can come into contact with the Court Process in a number of ways by being called as witnesses when incidents of domestic abuse have been reported to the Police and pursued through the Criminal Justice System; as parties to civil actions where they could be seeking protective orders by way of Interdicts or in relation to Civil family Court matters; in relation to referrals to the Sheriff in relation to the ongoing Children’s Referral business.

When women are attending as witnesses in criminal cases this is an extremely daunting process and if they are required to travel to a Court further away this adds to the stress involved in relation to additional travel time and costs. Many women will have children and they will require to obtain child care for a longer period of time given the additional travel time. Whilst witness expenses are met they are not paid in advance and the costs of travelling to Court is also a concern at a time when women are vulnerable.

If attendance is required for civil cases or matters concerning the Children’s Reporter travel and care costs need to be met by the women themselves which is difficult when on a limited budget and if in receipt of benefits.

Many women in this situation are in receipt of benefits and will require to rely on the public transport and this in itself can put them at added risk. The possibility of meeting an ex-partner or people who have a connection with their ex-partner can make even the travel to Court an additional difficulty. We currently can provide a service to service users by providing support with a support worker attending Court. However if that involves a lengthier journey this adds to the strain on our resources as an organisation both in terms of time in supporting women and costs in travelling.

The above problems apply whether women are attending as witnesses in criminal matters, attending as parties in civil matters or attending as participants in relation to children’s referral matters.

We also have a concern that one of the consequences of Court closures or indeed of specialisation at central Courts within a Sheriffdom could affect our service users’ capacity to obtain adequate legal representation. Court Solicitors traditionally will have offices close to the Court in which they are appearing. Legal Aid funding is such that Solicitors struggle to be paid for travel time and travel costs. As a result, it is likely that Solicitors’ offices will tend to drift geographically towards the Courts which are now conducting the business and as a result local representation for women could well be reduced. It would be a strong disincentive for vulnerable women to require to travel a considerable distance to meet with a solicitor.
We believe that it is important for women who are vulnerable to perceive that legal remedies and Courts are accessible. In many cases, they have suffered abuse for a number of years when they seek advice either from our organisation or others who can assist. If their perception is that there is not a local remedy available then this may be one further obstacle preventing them having the confidence to use the remedies which they may have available to them through either the criminal or civil Court process.

We are aware that the changes to the Children’s Hearing system provides more scope for Appeals at different points within the Panel Procedure. Parents and relevant persons are obliged to attend at any such Court Hearings and we believe that for referral proceedings in particular these Hearings should be conducted in the locality in which the child who is the subject of the Application resides. At such Hearings professional witnesses may be required to attend such as teachers and doctors as well as Social Workers and therefore additional travelling will impact on many more individuals and organisations than the immediate family involved.

In more rural locations where there is a strong sense of community it is even more important that service users perceive that remedies are available within that community.

We should be obliged if these issues could be taken into account when considering further the issue of Court closure and centralisation of the Court business.

Stirling & District Women’s Aid
21 May 2013