Justice Committee

Scottish Court Service recommendations for a future court structure in Scotland

Written submission from Victim Support Scotland

1. Victim Support Scotland welcomes the opportunity to provide evidence to the Justice Committee on the Scottish Court Service’s recommendations for a future court service.

2. We understand the Scottish Court Service faces significant cuts to its budget, making a restructuring of its estate and business unavoidable. Victim Support Scotland is nevertheless concerned that the motivation behind the recommendations is primarily cost saving, while the full nature and extent of the impact for some individuals and communities has been insufficiently addressed.

Accessibility/getting to court

3. Whilst we know that accommodation and facilities at some older courts is far from satisfactory at present, this must be balanced against the impact for some victims and witnesses of having to travel further to attend court. Many of these towns are in rural communities already poorly served by public transport. The closures will therefore see some individuals face considerably longer and more costly arrangements to attend court. Under the proposals, some individuals could face journeys in excess of two or three hours just to get to court, with the additional burden of a very early start and up-front costs arising from the extra distances involved.

4. The inconvenience of additional travel is likely to be particularly felt during the winter months when weather conditions may be more severe and transport less reliable. Moreover, unless individuals have access to a car, certain court closures will increase the risk of victims and witnesses experiencing intimidation in their local communities, for instance when they find themselves in the extremely distressing situation of being on the same bus or train as the accused.

5. Accessibility of courts cannot simply be measured by the distances between towns and cities, nor by public transport links between towns; when analysing the impact of travel for victims and witnesses it is important to factor in the proximity in which individuals live in relation to public transport. Furthermore, court buildings are not always located in close proximity to the main bus or train station serving the community. In some locations the court does not have ready access to parking nearby, thereby also creating potential difficulties for those with access to private transport. For some individuals this will necessitate a further walk, taxi ride or substantial parking charges added on to their journey to and from court, and will potentially serve as a further barrier to getting people to court.
6. Victim Support Scotland would wish to note that in many cases the cost of a return bus or train journey is in the region, or even in excess of, £10. When considering the impact of travelling further to court, it is important to factor in that some court cases will not go ahead on the day scheduled and, even if they do, witnesses may be required to attend over several days or even weeks. A victim or witness could find themselves having to make several journeys to and from court, or arranging overnight accommodation and/or childcare which they would also have to pay for. There will also be cases where several members of a family are required to attend court to give evidence or to provide support to a victim or witness. It is clear to see how costs could quickly mount up. Some victims and witnesses affected by court closures will be on low incomes, some on benefits, and will inevitably struggle to meet the costs of this up-front expenditure. Given that currently expenses are paid retrospectively by COPFS, there is a real risk that witnesses, unable to meet these costs up-front, will not turn up at court and justice will not be served.

7. The principle of accessibility should not apply only to those officially cited to attend court as witnesses. Courts are public buildings and the public too have the right to attend and witness proceedings.

8. Victim Support Scotland foresees a real potential consequence of the reforms being an increased number of people not turning up at court, whether due to the expense or inconvenience of travel, or the prospect of having to share transport with the accused and potential intimidation. This, in turn, is likely to have a negative impact on 'churn'. Another likely effect will be to create additional stress for witnesses, which in turn could have a negative impact on their quality of evidence.

**Impact analysis of the proposed reforms**

9. It is accepted that rural courts are not as busy as the central belt courts however that does not mean that local justice should be denied to those living in rural areas. Additional costs will have to be met by all involved in the criminal justice system; jurors/solicitors/witnesses/perpetrators/police having to travel to attend a trial. When cases are called off these costs will rise significantly.

10. We have carried out our own initial analysis of the main court closure programme and consequential transfer of business. Below are some examples highlighting the main issues we foresee arising from the reforms:

**Transfer of business from Arbroath to Forfar**

11. Arbroath Sheriff Court is easily accessible by public transport from the other towns across Angus. This is not the case for Forfar, resulting in significant inconvenience to witnesses travelling to court.
12. Currently the office space that we occupy in Forfar court is limited. An increase in volume would have to be addressed to allow appropriate management of cases.

**Closure of Rothesay Sheriff Court**

13. The programming of cases needs to take account of the timetable for ferry sailings to and from Wemyss Bay and associated public transport. In addition there are often sailing cancellations at short notice during the winter. Consideration should also be given to cases being called off and appropriate timely communication with witnesses to avoid unnecessary travel.

14. Victim Support Scotland would wish to highlight the issue of victims/witnesses travelling to and from the court for about an hour and a half each way on the same ferry and public transport as the accused and the potential dangers this creates. Intimidation can occur in and around court but there is a level of protection there through police officers and court staff. This is not the case on public transport. In addition it is important to consider the cost implications of this change for all the parties concerned.

**Closure of Dornoch Sheriff Court and transfer of business to Tain**

15. At present Dornoch Court has reasonably good facilities for vulnerable witnesses. This means they can be separated from each other if need be, causing them less stress. This is not the case in Tain where court space is already at a premium with everyone having to use the same stairwell whether it being SCS staff, witnesses, accused persons etc. We have concerns about the suitability of Tain court providing facilities for witnesses attending who may have physical disabilities.

16. For witnesses who at present would attend court in Dornoch it will mean increased travel costs. The additional travelling time for attending court visits and trials will cause further stress to the most vulnerable witnesses and children, especially when they find themselves on the same public transport as accused persons.

**Closure of Dingwall Sheriff Court**

17. We would wish to note that there is no local Witness Service for witnesses attending courts in Ross Shire. Dingwall is the most central point for those attending courts from Easter and Wester Ross and many witnesses pass through Dingwall on a daily basis which means it is an ideal centre to base the Witness Service. Witnesses would have to arrange court visits and appointments with staff in Inverness/Tain or Wick which not only causes added stress to these victims but also adds to the costs of travel expenses substantially when the geography of the area is taken into account.
Impact on Victim Support Scotland staff and volunteers

18. Victim Support Scotland is a volunteer led service and has a presence in every sheriff court and high court in Scotland. Plans to close some Sheriff Courts will have a direct impact on our staff members and volunteers who are based within these courts. We may lose some people as a direct result of the decision to close the courts in which they are located. Others may choose to relocate however this could result in additional inconvenience, travel and associated costs.

19. Another possible consequence of the closure of courts and transfer of business is that in some locations office space is currently adequate for the volumes we manage however would not be sufficient to house additional staff and volunteers as required to provide an appropriate level of support to witnesses.

20. Additionally, the anticipated impact of some courts becoming dedicated sheriff and jury centres will be increased workload resulting in more volunteers being required and the additional costs associated with travelling and the recruitment and training of new volunteers.

Use of communication technology

21. We welcome the expansion and enhancement of video and other communication technology indicated by the Scottish Court Service. However this will only be effective if there is more investment in both the equipment and technology used, and also in the arrangements for supporting the use of that technology. Our experience of its use in remote sites and CCTV links is mixed, with equipment sometimes failing and actually causing disruption to court business and increased inconvenience for all concerned. Furthermore, a flexible approach to its use is crucial; that is, if an individual prefers to physically attend court then they should be afforded the opportunity to do so, regardless of where they live. Priority consideration should be given to the needs and wishes of victims and witnesses to be supported through the process, including when they are giving evidence away from the court.

22. Victim Support Scotland would wish to note that in the SCS’ response to the consultation\(^1\) it sets out the estimated financial impact of the proposals, outlining in detail the savings that will be made as a result of the court closures and transfer of business. It does not however provide any cost indications associated with investment to develop communication technologies. Victim Support Scotland would welcome further information and understanding regarding the investment the SCS intends to put towards enhancing the use of communication technology if indeed this is how the SCS intends to offset the impact of the court closure programme.

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\(^1\) Shaping Scotland’s Court Services: The Scottish Court Service response to the consultation and recommendations for a future court structure in Scotland. April 2013.