Justice Committee

Post-legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012

Written submission from the Scottish Courts and Tribunals Service

I refer to the above call for evidence and am responding on behalf of the Scottish Courts and Tribunals Service (SCTS) acting in its role to provide efficient and effective administration to Scotland’s courts and devolved tribunals. Our response relates to Police Scotland, as our contact with the Scottish Fire and Rescue Service is very occasional. This response does not represent the views of the Judiciary.

SCTS works with Police Scotland at both a national and local level to ensure the efficient and effective management of the criminal justice system. The management of that system presents challenges for all the agencies involved and the business is both varied and changing in a number of ways.

Whilst levels of crime have fallen in recent years the length and complexity of many criminal cases has increased, particularly sexual offence and domestic abuse cases. A greater proportion of cases calling in court are now continuing to trial. These changes have implications for all agencies working to support the system including both Police Scotland and SCTS.

Justice agencies across Scotland work together to deliver a high-quality service and to explore how the system can be improved in collaboration. At the strategic level the Justice Board for Scotland provides a forum for consideration of the operation of the system – and regularly commissions joint working initiatives to explore and address issues. The introduction of Police Scotland provided a national structure that has improved the ability of the service to engage in work of this nature whilst avoiding duplication of effort.

In addition to the links through the Justice Board, the SCTS have good working relationships with Police Scotland at a local level. The SCTS worked closely with Police Scotland in rationalising local Criminal Justice Boards from 11 to 6 (to coincide with sheriffdom boundaries) and in reviewing their remits. Effective joint working through these Boards has resulted in better forward planning of local resources, to the benefit of all agencies and the system generally. From the perspective of SCTS it is crucial that strategic and national initiatives are backed-up with good working relationships at the Local Criminal Justice Board level – ensuring that all agencies involved in the processing of criminal court business work together to maximise its efficiency and effectiveness. Our relationships with Police Scotland are very positive in this regard – with the level of service maintained or improved in comparison with that provided before.

In relation to key joint initiatives the proposals of the Evidence and Procedure Review (EPR), led by SCTS with involvement from a number of agencies including Police Scotland, aim to redesign the summary justice system, making effective use of technology. The proposals are designed to ensure that only those who need to attend court actually do so, with others diverted or directed to appropriate disposals (and/or support). Implementation of the recommendations has the potential to allow
greater use of pre-recorded evidence and technology to improve the efficiency of court hearings. Amongst the benefits of these proposals would be the ability to redirect capacity away from case “churn” towards the front line. This has the potential to free up both police and court time to better serve our communities.

There will always be a need for criminal court hearings, to deal with those cases that must be prosecuted – and a police presence in court buildings can be vital in maintaining public confidence in the safety of the court and in preventing court premises from becoming places in which offending behaviour may itself take place. By their very nature courts can bring together large numbers of people who are emotionally tense, some of whom have previous records of offending. It is essential, if justice is to be served in this environment, that a visible public order policing presence is maintained across Scotland’s courts. This has been maintained to date and we would stress the importance of that continuing.

I hope this response is of assistance to you. If you require any further information please do not hesitate to contact me.

Noel Rehfisch
Corporate Secretary
Scottish Courts and Tribunals Service
23 May 2018