

Scottish Courts and Tribunals Service



Convenor
Criminal Justice Committee
By email to
CriminalJustice.committee@Parliament.Scot

Chief Executive's Office
Parliament House
Parliament Square
Edinburgh
EH1 1RQ

02 September 2026

DX 549306
LP1 Edinburgh 10

Dear Convenor

CRIMINAL JUSTICE COMMITTEE EVIDENCE SESSION: COURTS, DELAY AND SYSTEM REFORM

Thank you for inviting the Scottish Courts and Tribunals Service (SCTS) to give evidence to the Committee as part of its round table session on 9 September 2026. This submission sets out the current position on criminal court business, the action being taken to manage immediate pressure and the reform required to support a sustainable response.

The pandemic backlog has been cleared – but new pressures are developing

The criminal trial backlog caused by the pandemic has been cleared in numerical terms. At the end of March 2020, 18,319 trials were scheduled across Scotland's criminal courts. That number increased to 43,606 in January 2022 and had reduced to 12,992 by the end of July 2026, 29% below the 2019-20 position.

The national total, however, masks a significant change in the composition of criminal business, which has been developing over a longer period of time. Summary scheduled trial volumes are below their pre-pandemic baseline, while High Court and sheriff solemn scheduled trials remain more than twice their 2019-20 levels. The present challenge is therefore not a residual pandemic backlog - it is a new normal of substantially higher serious criminal demand entering the system.

Serious criminal business and waiting periods

High Court business has increased significantly in both volume and complexity. Current forecasts provided by the Crown Office and Procurator Fiscal Service (COPFS) indicate that High Court indictments could exceed 2,700 in 2026-27, compared with 935 in 2023-24. No single factor explains this increase. It reflects underlying growth in serious criminal business, legislative and legal developments, significant growth in serious and historical offences reaching court, and an increasingly demanding case mix, including complex, lengthy and multi-accused trials. It also reflects sustained and welcome efforts to improve the investigation and prosecution of violence against women and girls and historical sexual offending. The ending of the temporary statutory time-limit extensions is expected to contribute to a period of particularly high indictment registrations, while developments affecting the prosecution of sexual offences will place further pressure on future demand.

SCTS is responding to that increase in demand by expanding High Court trial provision to 26 courts per day from January 2027, ten more than the pre-pandemic position. That additional capacity is

being managed by flexing capacity in the current system, realising the benefits of recent reforms we have implemented in relation to summary criminal business. The increased capacity will be essential to manage the substantially higher volume of serious criminal business. However, the scale of the forecast increase means that, even with this provision in place, SCTS [criminal court modelling](#) estimates that the average wait between pleading diet and an evidence-led trial could rise from around 50 weeks currently to 135 weeks by 2028-29, compared with 22 weeks before the pandemic. The modelling indicates that scheduled trial numbers and waiting periods would then stabilise from around March 2028 but would remain substantially above their pre-pandemic levels.

People involved in the most serious criminal cases could therefore be waiting around two and a half years for trial from the pleading diet, even after this substantial increase in capacity. The resulting uncertainty and demands on victims, witnesses, accused people and their families would be fundamentally at odds with the collective commitment to a trauma-informed and victim-centred justice system.

It is important to place those court waiting periods within the complete criminal justice journey. The latest [published Scottish Government statistics](#) show that the median period from a crime first being known to the police to a High Court verdict was 123 weeks in 2024-25. The period from court registration to verdict accounted for 45 weeks of that journey. Delay can therefore arise at several stages before and after a case reaches court. Reducing delay requires a joined-up system, with cases prepared properly, information shared promptly and barriers to progress addressed early.

Longer case journeys have consequences for the wider justice system. Where accused people are held on remand, unnecessary delay can increase the time they remain in custody and add to pressure on the prison population. Longer delays in cases reaching trial can lead to increased trauma for victims and witnesses, poorer recall of evidence and the disengagement of some parties from the process – which can lead to cases being discontinued. Improving the flow of cases can therefore support the more effective use of capacity across courts, prosecution, prisons and other justice services.

End-to-end reform and investment

The scale and system-wide nature of this challenge mean that additional court capacity, while essential, cannot provide a sustainable solution on its own. A courtroom can only be used effectively when the case is ready, the necessary information and evidence are available, and the judiciary, prosecution, defence and witnesses are able to proceed.

There are practical limits to increasing the court programme. Every additional trial court requires sufficient judicial and operational resources, with judicial availability identified as the principal constraint on High Court sitting capacity. The planned expansion also relies partly on reallocating resources from sheriff solemn business, which remains under pressure. Moving finite capacity between jurisdictions cannot provide a sustainable long-term solution.

Even this substantial increase in High Court capacity will not be sufficient to address forecast demand on its own. Additional capacity must therefore be matched by reform that improves system productivity by addressing barriers to case readiness, reducing wasted effort and enabling cases to progress more efficiently.

[Summary Case Management](#) (SCM) demonstrates what coordinated reform can achieve. By January 2026, scheduled summary trials had fallen to 10,191, 27% below the pre-pandemic baseline. First witness citations had reduced by 47% from their May 2023 peak, while the proportion of trials adjourned to a further diet had also fallen. It is estimated that over 100,000 fewer police officers were cited to give evidence during the period of the national rollout of SCM. Approximately 3,000 fewer child witnesses were cited, representing a reduction of 40% over the period.

By reducing unnecessary trials, adjournments and witness attendance, SCM has released some capacity that SCTS has been able to redeploy to support the additional courts now required for the

most serious criminal business. This is a targeted use of finite resources and does not suggest that summary criminal business is without continuing demand or pressure.

Other improvements are also helping to make better use of capacity across the justice system. Remote provision of evidence reduces travel and time away from frontline duties for police and professional witnesses. The Digital Evidence Sharing Capability (DESC) provides a secure, unified system for collecting, storing and sharing digital evidence across the criminal justice system, while the COPFS Defence Agent's Service enables defence agents to access case information and disclosure material digitally. Evidence by Commissioner facilities also enable vulnerable witnesses to give pre-recorded evidence in safe, purpose-designed surroundings, reducing the need for attendance at a later trial.

High Court cases require a distinct approach, different from SCM, but the experience shows that better outcomes can be achieved when justice organisations coordinate disclosure, early engagement and judicial case management around the needs of the case.

Meeting this challenge requires coordinated reform across the justice system, supported by modern and resilient court processes and technology. SCTS is therefore progressing two connected but distinct proposals: Joining Up Justice, which would establish the shared model for reform across justice organisations, and SCTS Criminal Case Management Reform, which would redesign court processes and provide the principal court-based digital platform needed to support it.

The Joining Up Justice project would apply that underlying principle more widely. It is intended to shift reform from a series of organisation-led improvements towards system-led improvement, convening the Scottish Government and justice organisations to align activity around shared outcomes and the experience of those who use the system. It would develop the operating model, processes, data standards, governance and responsibilities required to improve productivity across the system. Better visibility of the decisions, constraints and bottlenecks affecting the complete case journey would help align capacity, reduce unnecessary effort and allow cases to progress with less delay. Over time, this could create opportunities to redirect capacity towards prevention, earlier intervention and the areas of greatest pressure.

The implementation of the new Sexual Offences Court provides the first major opportunity to put this approach into practice by developing a future operating model for serious criminal cases that could inform reform across the wider criminal case journey. SCTS is working with the Scottish Government, the judiciary and justice partners to develop a clear and deliverable approach to implementation.

The specialist court cannot simply be added to arrangements already operating under significant pressure and be expected on its own to deliver the intended improvements. Trauma-informed justice requires more than a specialist court environment. It also requires serious cases to progress as predictably and efficiently as possible, reducing unnecessary delay, repeated attendance and uncertainty for victims, witnesses, accused people and their families. Its success will therefore depend on modern court processes, technology and more effective information sharing across the justice system. This requires commitment and investment to achieve.

SCTS Criminal Case Management Reform is the organisation's contribution to that wider ambition. The programme would replace SCTS's increasingly costly and constrained criminal case-management arrangements with an end-to-end digital platform capable of connecting securely with partner systems. The preferred option emerging from the work to date is an established off-the-shelf platform, configured and enhanced to meet SCTS requirements and support integration across the justice system.

The platform would build on existing digital infrastructure, including the Digital Evidence Sharing Capability, which supports the secure collection, storage and sharing of digital evidence, and the COPFS Defence Agent Service, through which defence agents can access case information and disclosure material.

Connections with other partner systems could also improve the flow of relevant court information to services such as criminal justice social work and community justice. This could reduce repeated requests and manual re-entry of information, provide earlier and more reliable notification of court decisions and requirements, and support more timely planning of community-based interventions and supervision. More broadly, common data standards and secure integration would allow relevant information to move more effectively with the case and strengthen continuity between court proceedings and the services responsible for giving effect to court decisions.

Technology will not, on its own, create judicial capacity or make every case ready. Its value lies in enabling redesigned processes, better information sharing and more joined-up case management. The platform is therefore an essential enabler of reform, not a standalone solution.

There is also an urgent resilience case for investment. The existing arrangements depend on end-of-life systems that are increasingly costly, constrained and vulnerable to disruption. Failure of a core criminal case-management system would severely disrupt court administration and partner access to court information. Manual contingency arrangements would reduce throughput, require retrospective data entry and risk creating further backlogs, while a prolonged failure would increase operational and recovery costs and damage confidence in the justice system.

Criminal Case Management Reform would require initial investment of around £62 million over five years. Subject to funding, completion of the Outline Business Case and procurement, phased delivery would begin in April 2027. The current appraisal estimates a whole-life cost of around £140 million over 15 years and cashable benefits of approximately £116.5 million – alongside a transformation in the quality of service delivery, accessibility and resilience – which would be fully in line with the Scottish Government's public service reform ambitions.

The alternative is neither cost free nor low risk. Continuing with the existing platform and processes is estimated to cost almost £30 million over 15 years. This would retain the constraints of the current arrangements and assume that the end-of-life systems on which criminal case management depends can remain operational throughout that period. It would not provide the capability needed to support reform or respond sustainably to increasing demand.

The financial impact of rising serious criminal business extends beyond the case-management platform. Supporting High Court trial business requires significant judicial, staffing and operational resources. Since the pandemic, SCTS has substantially expanded High Court capacity, supported by additional funding, with the trial court programme increasing from 16 courts to 26 from January 2027. This represents a significant ongoing investment in criminal justice capacity, alongside associated expenditure by Police Scotland, COPFS, legal aid and other justice partners. Throughout this period, SCTS has sought to accommodate increasing demand through the effective prioritisation of resources and by delivering additional capacity within a challenging financial environment. While this additional capacity has helped to address demand pressures, forecast waiting periods indicate that further capacity increases alone will not provide a sustainable long-term solution.

Conclusion

The pandemic trial backlog has been cleared in numerical terms, but Scotland's criminal justice system now faces a sustained and substantially higher level of serious and complex business. SCTS is increasing High Court capacity, but practical limits on judicial, legal and operational resources mean that capacity alone cannot provide a sustainable response.

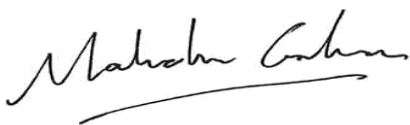
The implementation of the new Sexual Offences Court should mark the beginning of a different approach. The specialist court provides an opportunity to redesign the serious criminal case journey around earlier readiness, clearer responsibilities, better information and more reliable progression. Trauma-informed justice cannot be achieved through the court environment alone. This modernisation will require investment to gain these benefits.

The long-term answer must therefore combine capacity with reform. Joining Up Justice would establish the shared model for managing cases more effectively across organisational boundaries. Criminal Case Management Reform would provide the redesigned court processes and modern, resilient digital platform needed to support it. Together, they would improve case flow, make better use of available capacity and provide a clearer service for those who use and work within the justice system.

SCTS is leading work to develop the capacity required to manage immediate demands, to progress Criminal Case Management Reform, and embracing a shared mandate to develop Joining Up Justice. Without that combined commitment, waiting periods will remain unacceptably high, pressure on finite resources and ageing systems will continue to grow, and the full ambition of the Sexual Offences Court will not be realised.

I look forward to discussing these matters with the Committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Malcolm Graham', with a long horizontal flourish underneath.

Malcolm Graham
Chief Executive