Justice Committee

Scottish Court Service recommendations for a future court structure in Scotland

Letter from the Scottish Court Service to the Justice Committee

Points of Clarification Arising from the Meeting of the Justice Committee on 21 May 2013

Thank you for your letter of 22 May 2013. My response to the points arising from the meeting of the Justice Committee on 21 May 2013 is provided below.

EU Directive on Victims

Our recommendations in Shaping Scotland’s Court Services are compatible with the EU Directive. The key themes emerging from the EU Directive and the Victims and Witnesses (Scotland) Bill – standards of service, access to information, victim support services and special measures – are areas where there are already strengths within our existing service provision. Our proposals to further enhance the overall levels of provision for victims and witnesses, which will form part of our planned response to the Victims and Witnesses (Scotland) Bill, will meet the requirements of the EU Directive.

Our model for service delivery needs to accommodate a number of priorities simultaneously. The model has to be accessible and responsive; including responsiveness to those with particular needs be they by reason of protected characteristic, legal provision or other circumstance. The model has also to be economic and financially sustainable. Our vision of the model is one which seeks to gain the best level of consolidated provision – targeting investment where it is of greatest benefit – while providing a combination of a network of smaller facilities and an outreach to extend services. We see technology playing a key role in delivering the vision.

It will also be helpful to explain that we are building on some strong, well-established foundations. Video links within the court and from remote sites are already available and operating for vulnerable witnesses within the provisions of existing legislation. SCS has a strong capacity within the court estate and we already have a range of over twenty remote evidence sites across Scotland. We operate those remote sites in partnership with a range of public sector and service organisations. As confirmed at the Justice Committee meeting, we will work with local partners to provide video link facilities in every area where a court closure takes place.

The Victims and Witnesses (Scotland) Bill extends the category of witnesses deemed as vulnerable to include victims of domestic abuse and raises the age of child witnesses to eighteen. While we are not able at this stage to define the exact extent to which a video link would be the preferred measure for individual vulnerable witnesses, we are entirely confident of having scalable capacity to meet any level of demand.
Vulnerable Witnesses – Arbroath and Forfar

Your letter refers to “Vulnerable Witness Orders”. We assume this means applications made for special measures under the Vulnerable Witnesses (Scotland) Act 2004 and we have fully taken this into account. The number of applications received for special measures under the Vulnerable Witnesses (Scotland) Act 2004 in the year ending 31 March 2013 as between Arbroath and Forfar Sheriff Courts is shown below:

### Arbroath

<table>
<thead>
<tr>
<th>MEASURE</th>
<th>CHILDREN</th>
<th>ADULTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Screens</td>
<td>23</td>
<td>4</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Video in court</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Supporter</td>
<td>29</td>
<td>8</td>
</tr>
<tr>
<td>Video between courts</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>No measure</td>
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<tr>
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<td>0</td>
</tr>
<tr>
<td>Video remote</td>
<td>10</td>
<td>3</td>
</tr>
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</table>

### Forfar

<table>
<thead>
<tr>
<th>MEASURE</th>
<th>CHILDREN</th>
<th>ADULTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Screens</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Video in court</td>
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<td>1</td>
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<tr>
<td>Supporter</td>
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<td>2</td>
</tr>
<tr>
<td>Video between courts</td>
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<td>0</td>
</tr>
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</tr>
<tr>
<td>Video remote</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

Footnote – a single application may seek more than one measure

While proportionately the numbers vary between Arbroath and Forfar, the level of combined application applications is relatively low and the facilities we will provide at Forfar will comfortably meet the requirement. Additionally, as outlined above, the facilities will be scalable to meet any future increases and we have committed to providing video link facilities in the Arbroath area.
Shared accommodation with Police

We share accommodation with Police Scotland in only two courts recommended for closure – Peebles and Stonehaven. Police Scotland (formerly ACPOS), as members of the Making Justice Work, Court Structures Project Board, have been fully involved in the development of our recommendations and fully support the implementation.

Justice Centres

From the start of the consultation last September on future court structures we have been clear that Justice Centres, providing the full range of specialist support services, are an integral part of our longer term vision and in our consultation response in April 2013 we identified the Borders, Fife, Lanarkshire and Highland as areas where Justice Centres would complement the existing high quality courts that we already have in many of Scotland’s cities. We will be taking forward feasibility studies this year to test what opportunities exist in the future.

It would be speculative and premature to say that further court closures would necessarily accrue from the Justice Centre model. The intention is that feasibility studies and appropriate dialogue and consultation will determine the optimal configuration of courts and/or service centres which will operate around the hub of a proposed Justice Centre. Our vision is that through time, and with the right level of investment being available, we will be able to develop Justice Centres that are more than just having organisations in the same building. In an ideal world Justice Centres would offer state of the art facilities with complete service integration including shared custody facilities and pre-court diversions to social and problem-solving services and would offer immediate access after court for community disposals, counselling and support.

This is why we want to start some feasibility work now to test out our ambitions on what might be possible in the future. Whilst this is our long term vision, it is the current recommendations before the Scottish Parliament which will deliver essential changes to allow us to continue to improve services to court users by investing in a smaller number of buildings.

Economic Impact

We have taken account of a range of factors bearing on the economic in the context of volume of business and proximity of receiving courts. Our report on this is detailed at part 7 of the Consultation Paper. The proposals will not reduce the overall levels of activity within Scotland’s courts, but will realign where that business is undertaken to take account of justice system reforms and financial efficiency. Cases, staff and judiciary will transfer to new locations. We will continue to invest, within the resources made available to us, in the court estate.

The overall economic impact of these proposals at an all-Scotland level should, therefore, be broadly neutral. In practice, by releasing resources from buildings rather than cutting capacity through reduced staffing and judicial sitting days, the proposals should help preserve economic activity relative to the status quo.
However, with the transfer of activity away from some locations and the closure of court buildings, we acknowledge that there may be some short-term limited potential economic impact for local communities. Court closures can have a number of potential economic impacts for individual communities. These include reduced expenditure by court staff and judiciary as a result of their transferring to alternative locations; reduced expenditure by those attending the court on court business; and impacts for local businesses connected with the courts.

In the case of the smallest courts, the impacts from court staff and judiciary transferring will be negligible. In most cases, the courts are staffed and have a sheriff presiding only on those days the courts actually sit. The economic impact accruing from reduced expenditure in the cases where the closure relates to those courts in proximity will again be small – the distance involved in the transfer of work will mean that there would actually be no change in residence for SCS staff. The position is the same with the Crown Office and Procurator Fiscal Service (COPFS). COPFS have no staff based in Dornoch, Duns, Kirkcudbright, Peebles, Rothesay or Stonehaven. COPFS have small offices in the remaining locations and would simply offer staff a transfer to a nearby office – the furthest distance being Haddington to Edinburgh.

The level of business transferring in all cases is relatively low in the context of potential economic activity from those attending court. While it is acknowledged that there may be an impact on law firms, we consider, given the low volumes of business being re-distributed and the proximity of receiving courts, that the impact will be minimal.

Police Witness Costs

Prior to publication of our consultation document we invited key justice partners to provide information on any cost impact of our proposals. As indicated in our consultation paper (September 2012, Paragraphs 6:12-17) ACPOS was of the view that the need to provide officers to police fewer court sites, even when balanced with increased travelling costs, would generate some financial saving for police forces overall.

You asked specifically for expansion on the points, at paragraph1.20 of “Shaping Scotland’s Court Services”, on the attendance of Police Officers attending court. A significant number of police officers attend court to give evidence in criminal trials. Historically, police officers were required to attend at court and remain within waiting rooms until such time as they were required to give evidence. This waiting time was unproductive police time as many of those police witnesses were subsequently discharged without giving evidence.

Following joint working between Police Scotland, COPFS and SCS, systems were developed which provided for a “standby arrangement” that allowed police officers to attend at their local police station until required to attend court to provide evidence. When attending at their designated police station on standby, those police officers were able to undertake a range of productive duties including:
• completion of outstanding paperwork including reports to the procurator fiscal and completion of statements;
• provision of assistance with general station duties;
• keeping abreast of force standing orders and legislation via the Intranet;
• being deployed operationally.

From the local Police Station officers will be required to attend court only once it is known a trial will proceed on a given day or alternatively they will be formally discharged from court when a trial does not proceed and immediately deployed to front line policing duties. Because officers were able to do paperwork while on standby which they would normally undertake during other duty days, they were more likely to be available for patrol when reporting for substantive duty. Extrapolation from duty to undertake paperwork has therefore reduced. This standby arrangement will be standardised by way of formal protocol between, COPFS, Police Scotland and SCS and extended throughout Scotland in early June 2013.

By way of example, during a pilot undertaken in the former Strathclyde Force area around 11,000 police officers reported to a police station rather than court during the 14-month pilot period and of that number only 900 were subsequently called on to attend court to give evidence. That resulted in around 11,000 police officers being able to undertake productive work in their police station with 10,000 officers immediately deployed to frontline policing duties on discharge from court attendance.

I hope this response is helpful to the Committee.

Eric McQueen
Chief Executive, Scottish Court Service
29 May 2013