Justice Committee
Scottish Government’s Draft Budget 2013-14

Written submission from the Public and Commercial Services Union Scotland

Court closures

In the consultation paper Shaping Scotland’s Court Services, the Scottish Court Service states “It is about the way the provision of these services is structured in a modern country where the diverse needs of people are considered, and every effort is made to provide facilities that enable everyone to participate fully in the justice system, whether they chose, or are required, to do so.”

The Public and Commercial Services Union (PCS) represents 29,000 in the Scotland and 900 members at all levels within SCS. It is our view that the proposals rather than looking at modernising the court service in a way that enhances the delivery of justice, is driven by financial cut backs.

Staffing implications

Whilst the consultation document states that a guarantee of no compulsory redundancy is in place, the implications for staff and associated costs remain unclear. The closure of certain courts will mean that some staff may face the threat of compulsory relocation and additional travel time and costs. However given the location of many of the courts proposed for closure, many of the staff affected will find it very difficult if not impossible to transfer to alternative courts. This is particularly an issue in relation to staff with caring responsibilities, many of whom work part time to accommodate these responsibilities. The effect will be felt not only by staff in SCS but will also have an impact on staff employed in COPFS.

Examples of closures

The consultation paper lists a number of courts that if closed will not provide a substantial saving. An example of this would be Peebles, a court that is located within the council buildings so running costs to the Scottish Court Service are low, a court that has no permanent onsite staff as the administrative work is carried out at Selkirk Sheriff Court and the papers taken to the court on court sitting days.

Selkirk staff provide an excellent service to the community that Peebles sheriff court cover e.g. small estate interviews and fine enquiries are dealt with on the court days when a member of staff is in situ, a service that is greatly appreciated in the local community and one that will be lost to them if the closure goes ahead. Indeed whilst the savings at Peebles would be negligible the suggestion of closing a court that seems to be one that fully meets the blueprint for cost effective court provision in a rural location, is somewhat puzzling.

The closure of Coatbridge Justice of the Peace Court and relocation of the staff and workloads into Airdrie will cause issues in an already overcrowded court. In order to meet the demands on court time it is likely SCS will have to provide portacabin
courtrooms in the car park, this is hardly providing Scotland’s citizens with services and facilities that are ready to support the anticipated justice reforms.

In terms of the potential to realise savings, Haddington is an example which can be looked at. If Haddington closes then the staff will be forcibly relocated at increased expense to both themselves and the SCS, the building will not be sold as it is part of an adjoining building, so it is impossible to accurately predict where the savings will come from. The work will simply be transferred to Edinburgh and with the exception of jury business will not result in any changes that will support the other fundamental reviews of the Scottish judicial system that have been published and debated.

**Impact of future reviews of justice system**

SCS correctly claims that the Scottish legal system is about to embark on the most significant changes in over a century. Civil and criminal justice will be reformed in the coming years following the recommendations arising from the reviews by Lord Gill, Lord Carloway, Sheriff Principal Bowen and the Victims and Witnesses Bill. Significant new recommendations are anticipated arising from the Commission on Women Offenders chaired by Dame Elish Angiolini. These reviews are not simply about a redistribution of existing business, but the way in which cases that need to come before the courts are dealt with.

It is our view that the changes to be brought about by the reviews mentioned are significant in terms of root and branch reform of the judicial system in Scotland, however the present consultation does not put in place any revised or reformed structure for future reforms nor does it change how any of the current work is processed. It is simply about relocation of work and perceived economies of scale. Staff will be relocated to larger, busier offices with the hope being that workloads will be swallowed up in those larger courts. There is nothing in these proposals that will support any of the reforms mentioned by the SCS by way of enhancing access to justice locally.

The proposals look at the centralisation of jury work and the reduction of high court sittings. The centralisation of work simply offsets the costs of these sittings from one location to another, in fact the expenditure in relation to witness expenses for COPFS are likely to increase as are jury costs to the SCS. The proposals undermine some key aspects of the Scottish justice system with citizens in remote areas potentially being denied the opportunity to serve as jurors, and also being denied the opportunity to observe court proceedings.

In terms of civil procedure, the proposals laid out in Lord Gill’s report on civil procedure should also be taken into account when considering the impact of closing a court like Haddington or Stonehaven. Indeed little mention is made throughout the consultation document on the impact of the proposed closure programme on civil court work.

Lord Gill proposed that a system should be introduced whereby a number of sheriffs in each sheriffdom should be are designated as specialists in particular areas of practice, including solemn crime, general civil, personal injury, family and commercial. A new judicial office should be created, that of Summary Sheriff.
A Summary Sheriff will have jurisdiction to hear housing actions, actions for payment of £5,000 or less, and referrals and appeals from children’s hearings, and concurrent jurisdiction with sheriffs in family actions and would sit in the sheriff court and hear summary criminal business and civil claims of modest value. This mean that all ‘modest value’ claims will for example have to be heard in Edinburgh for Haddington cases by a specialist judge in the jurisdictions that the closures are proposed, something that is completely contrary to Lord Gill’s proposal.

Lord Gill also proposed that in the sheriff court, actions will be transferred to a court in which a sheriff with the relevant specialism is resident. Procedural business will be conducted by email, telephone, video conferencing or in writing. This consultation makes no provision for this nor is there any statutory provision in place for this should these courts close. All that will happen is the cost of raising a civil action will go up as the additional costs involved attending the court will be added to the expenses.

Savings

Not all buildings highlighted for closure are stand alone properties owned by the SCS so there will be little to be gained by closing those courts. The proposal also states that the staff posts will follow the work from the court being closed to its new location again where is the savings in business volumes, staff in post or building costs?

The essence of this consultation paper is that access to justice is regarded as being secondary to financial savings. As the document makes clear the largest areas of savings £4,256,000 are to be made from non completion of the backlog of maintenance works. PCS is acutely aware of the impact of government spending cuts as our members are affected by the pay freeze and cuts in staffing.

The question we would ask is whether or not the delivery of justice and access to justice for Scotland's citizens both now and in the future should be driven by budget cuts. Given the location of the courts planned for closure and the fragile economies in many of these locations, the maintenance spend of over £4million and the ongoing spend is much needed.

Proceeding on the basis proposed not only denies these communities this vital spend, but also delivers less access to justice.

Conclusion

We remain unconvinced by some of the arguments put forward in this consultation paper and fear that the primary motivation is to cut costs. The paper concentrates on the impact on criminal court work with little or no mention of the impact on civil court work. The anticipated savings are vague in places and in others demonstrate aspirations rather than projections. These points were raised regularly at the SCS dialogue events, but unfortunately the necessary detail is still lacking.
PCS believe that local justice matters. People need to see justice that is delivered in their communities. The extent of court closures will make justice seem increasingly remote.

We believe the proposed reduction in the budget of the Scottish Courts Service is dependent upon acceptance of the recommended court closures. This would prejudge the consultation currently underway and also make more difficult the proper scrutiny by Parliament of the proposals which will emanate from the consultation.

PCS Scotland
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