Justice Committee

Scottish Government’s Draft Budget 2013-14

Written submission from the Scottish Court Service

Background

The Scottish Court Service (SCS) is a non-ministerial public body providing the people, buildings, technology and administrative services to support the work of Scotland’s courts and the judiciary and the Office of the Public Guardian (OPG). The SCS is led by a governing Board, chaired by the Lord President, with members drawn from the judiciary, the legal profession and from outwith the justice system.

Scottish Ministers’ 2013-14 draft budget provides for further revenue and capital reductions of £1.1m (1.6%) and £2.5m (29%) respectively compared with 2012-13. This takes the overall cash reductions since 2011-12 (prior to the last Spending Review) to £2.5m (3.6%) for revenue and £4.5m (43%) for capital. In real terms, the reductions are around 9% and 47% respectively. The figures below show the SCS budget allocation following the Scottish Government’s 2011 spending review (2011-12 is shown for comparison).

<table>
<thead>
<tr>
<th>SCS Budget</th>
<th>2011/12</th>
<th>2012/13</th>
<th>2013/14</th>
<th>2014/15</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>£69.9m</td>
<td>£68.5m</td>
<td>£67.4m</td>
<td>£65.4m</td>
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<tr>
<td>Capital</td>
<td>£10.4m</td>
<td>£8.5m</td>
<td>£6.0m</td>
<td>£4.0m</td>
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Corporate Planning

In recognising the significant financial constraints being faced by all public bodies and the expectation of significant reform to the justice system the SCS Corporate Plan 2011-14 set out a clear vision to “build a stronger court service” and identified the following elements as being critical to successful delivery:

- Skilled, engaged and motivated staff in our courts, OPG and corporate teams;
- A well-managed estate that makes best possible use of our buildings and meets our environmental responsibilities;
- Effective technology that supports our key processes and communications;
- Appropriate collaboration with other justice organisations to help drive improvements across the justice system as a whole.
Eighteen months into the corporate plan period, good progress is being made in reducing the recurring annual SCS cost base, with significant focus on staff, court sitting days, existing court estate and corporate services.

- Staff headcount was reduced by 120 (9%) during 2011-12, mainly through a voluntary redundancy scheme with further smaller staff reductions planned for 2013-14. This latter reduction is manageable without recourse to redundancies. This is in keeping with our pledge to staff and the trade union side to avoid compulsory redundancies. The headcount reductions have reduced the annual cost base by £3.7m since 2011-12.

- A combination of improved court programming and a decrease in both criminal and civil business levels has lessened the reliance on part-time sheriffs sitting days, from over 6,000 in 2010 to around 3,200 in 2012-13, reducing the annual cost base by £1.5m since 2011-12.

- The transfer of business of 6 Justice of the Peace Courts to combined Sheriff and Justice of the Peace Courts in the same towns (Glasgow being achieved in August 2012) has improved the facilities for all court users and has been widely welcomed. This has reduced the annual cost base by £0.4m since 2011-12 and will allow the capital receipts from building disposal to be re-invested.

- A thorough review of corporate services has released savings through re-tendering of procured services and the use of collaborative contracts across the public sector. SCS has also taken on the management of the Crown Office and Procurator Fiscal Service estate as part of shared services. In conjunction with other corporate efficiency measures, this has reduced the annual cost base by £2m since 2011-12.

Over the period 2011-12 to 2013-14, these reductions to the annual cost base have enabled SCS to deal with the budget reductions while continuing to invest in upgrading IT systems and implement both online payment of fines and on-line applications for powers of attorney. Further reviews of key processes are underway to reduce costs in areas such as juror management, printing and postal costs and legal publications.

New court fees orders are planned to take effect from 10 December 2012, subject to Parliamentary approval to cover the years up to March 2015. The orders take account of inflationary pressures over that period and will in part fund the creation of the new Scottish Civil Rules Council.

The capital allocation for 2013/14 provides sufficient funds for completing the current major redevelopment of the Parliament House court complex, to provide fit-for-purpose accommodation for the Court of Session. Of the remaining capital funding, approximately £2m is required for essential maintenance and upgrading of court and SCS ICT systems, leaving little for on-going maintenance of the remaining SCS estate.
Structural reform

The SCS Corporate Plan takes into account the fact 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, the Commission on Women Offenders and the forthcoming Victims and Witnesses Bill. These reviews are not simply about a redistribution of existing business, but have implications for how and where court services will be delivered in the future. In looking to the future, the SCS has launched a consultation on future court structures to respond both the wholesale change of the system and the need to meet that challenge within declining budgets. The three month consultation runs until 21 December 2012.

The planned justice reforms will introduce a greater degree of specialism and in our view direct a move from the generalist court that deals with all business, to a model based around fewer specialist centres dealing with the most serious cases supported by a network of courts dealing with summary crime and the lower level civil business.

Whilst immediate financial considerations are a factor in informing the review of court locations, the SCS Board is clear that consideration must be given to the planned reform of the justice system and the need to target resources to support reform and improve facilities for courts users.

The full consultation paper is available at:


In summary the proposals are that:

- the High Court will sit primarily in Edinburgh, Glasgow and Aberdeen;
- in the longer term 16 specialist centres will be created dealing with Sheriff and Jury business and higher level civil business;
- business from 5 Justice of the Peace Courts will transfer to the Sheriff court house for their district;
- 3 Justice of the Peace Courts will be disestablished, with all summary criminal business being heard in the local Sheriff Court;
- 5 Sheriff Courts with low volumes of business will close;
- 6 Sheriff Courts that are close to another court with capacity to accommodate the business will close.

These proposals would generate annual savings of £2m, one-off saving on backlog maintenance in the region of £4m and potential capital receipts in excess of £2m to support future investment.
Cross-justice working

The SCS Board welcomes Scottish Government strategy for justice in Scotland and the need for alignment of corporate planning across the justice system, acknowledging that further improvement cannot be achieved by organisations in isolation, but requires action across the justice system as a whole.

The SCS continues to play an active role in supporting and driving key elements of the cross-justice Making Justice Work programme. A specific project within this programme focuses on improving the procedures of the summary criminal justice system and seeks to introduce active and effective management of cases, in order to minimise delays and adjournments to ensure the most cost effective use of precious court time.

A significant factor in “court churn” is the failure of the accused and witnesses to attend court. Part of that problem can be that the accused may be being held in prison. An electronic data hub is now in place to check whether those accused due to appear in court are being held in prison on other matters so that attendance can be arranged from prison when needed in court. A witness text reminder pilot has proven successful in Edinburgh and is now being rolled out nationally and a new electronic scheduler for police witnesses will be rolled out prior to the introduction of a single police force next year.

Work is also well in hand to finalise the new summary justice system model which aims to ensure that cases are resolved at the earliest stage and a trial is only fixed when necessary to resolve a case. Pilots are being developed to take place in three of the busiest summary courts to further improve performance in the effectiveness of the first calling, availability of evidence at first calling, improved witness attendance and the effectiveness of the intermediate diet.

Video conferencing provides opportunities for targeted application in a number of settings including evidence from vulnerable witnesses, expert witnesses, witnesses in distant and remote locations and procedural hearings where the accused is in custody. A pilot is underway to test the application to High Court appeal cases. This will inform the extent to which this technology can be applied to other types of court diet.

Scottish Court Service
25 October 2012