The Scottish Parliament
Pàrlamaid na h-Alba

Justice Committee

Report on Draft Budget 2015-16

The Committee reports to the Finance Committee as follows—

BACKGROUND

Introduction

1. The Draft Budget 2015-16 was published on 9 October 2014. It sets out the Scottish Government’s draft spending plans for 2015-16. The Justice Committee has concentrated its scrutiny of justice spending on the policing and courts budgets. The decision to take a focussed approach is in line with previous years.

2. The policing budget is by far the largest area of spending within the Justice portfolio (£1,063.9m in the draft budget for 2015-16). The Committee scrutinised the Police and Fire Reform (Scotland) Bill and accompanying Financial Memorandum in 2012, and has an on-going interest in examining whether the savings targets from police reform are being achieved each year and are on track for future years. It has therefore examined the previous two years’ policing budgets. While the courts budget is much smaller (£87.4m in the draft budget for 2015-16), the Committee was keen to examine the financial implications arising from the recent and planned court closures and reforms to court processes and structures.

3. The Committee received 11 responses to its call for written evidence on the Draft Budget 2015-16. In addition, the Committee, noting that detailed figures (level 4) on the budgets for the Scottish Police Authority (SPA) and the Scottish Courts Service (SCS) are not available from the Scottish Government, requested

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1 This is a one-year spending plan up to the next Scottish Parliamentary election in 2016.
2 Not including Scottish Government funding under the Police Central Government budget line or funding for police pensions.
3 Not including funding under the Courts, Judiciary and Scottish Tribunals Service budget line.
4 The Scottish Courts Service is in the process of closing a number of sheriff and justice of the peace courts over the period 30 November 2013 to 31 January 2015.
5 The Courts Reform (Scotland) Act 2014 makes changes to the structure and procedures of Scotland’s civil courts with the intention of improving efficiency and effectiveness.
6 Written submissions are available at: http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/83201.aspx
7 Police Scotland was also asked to comment on these issues, although its budget comes from the SPA’s budget line.
and received\textsuperscript{8} the following additional budgetary information from the SPA and SCS:

- a breakdown of how their budgets for 2014-15 have been allocated and how specific savings for that year were made;
- how they plan to allocate their budgets and make specified savings for 2015-16;
- any significant factors which limit their flexibility in managing relevant budgets; and
- any potential ways of achieving savings which have been considered but rejected.

4. The Committee heard from five panels of witnesses on the policing budget on 4, 11 and 25 November, and three panels on the courts budget on 18 November. An evidence session with the Cabinet Secretary for Justice (designate)\textsuperscript{9}, Michael Matheson MSP, concluded evidence-gathering on the budget on 25 November.

5. This report provides a general overview of the spending plans in the Justice and Crown Office and Procurator Fiscal Service (COPFS) portfolios, before exploring in more detail the policing and courts budgets. A short section is also included on the COPFS budget to the extent that it impacts on the processing of cases through the courts.

**General overview of the Justice budget**

6. The Justice portfolio budget is set to increase, in cash terms, from £2,589.2m in 2014-15 to £2,608.4m (+0.7\%) in 2015-16. This is a real terms reduction of 0.8\%. This figure is £6.9m (0.3\%) less than set out in last year’s planned figures for 2015-16 contained in the Draft Budget 2014-15. The most significant changes to the 2015-16 figures relate to funding for the police and courts and these issues are therefore explored in more detail later in this report.

7. Funding for the COPFS is also set to increase, in cash terms, from £108.7m in 2014-15 to £112.1m (+3.1\%) in 2015-16. This equates to a real terms increase of 1.5\%. The ring-fenced central government grant to local authorities\textsuperscript{10} to pay for criminal justice social work is to remain the same in cash terms, at £86.5m in both 2014-15 and 2015-16. This is equivalent to a real terms reduction of 1.6\%.\textsuperscript{11}

8. More detailed (level 2) figures for the Justice portfolio (in cash terms) are set out in the table overleaf.

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\textsuperscript{8} This material can be accessed at: 
\url{http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/83201.aspx}

\textsuperscript{9} Prior to giving evidence on 25 November, Michael Matheson was announced as the new Cabinet Secretary for Justice, but his appointment was not approved by the Parliament until later that day. For the remainder of this report, he is referred to as the Cabinet Secretary for Justice. He is referred to in this report as Cabinet Secretary.

\textsuperscript{10} This grant forms part of the local government budget.

\textsuperscript{11} Scottish Parliament Information Centre (SPiCe) (2014). *Draft Budget 2015-16: Justice 14/75*, (page 3). Available at:
Table 1: Justice spending in cash terms

<table>
<thead>
<tr>
<th>Service</th>
<th>2014-15 budget £m</th>
<th>2015-16 draft budget £m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Justice Services</td>
<td>32.3</td>
<td>32.3</td>
</tr>
<tr>
<td>Courts, Judiciary &amp; Scottish Tribunals Service</td>
<td>51.6</td>
<td>40.5</td>
</tr>
<tr>
<td>Criminal Injuries Compensation</td>
<td>17.5</td>
<td>17.5</td>
</tr>
<tr>
<td>Legal Aid</td>
<td>143.2</td>
<td>146.8</td>
</tr>
<tr>
<td>Scottish Police Authority</td>
<td>1,082.6</td>
<td>1063.9</td>
</tr>
<tr>
<td>Scottish Fire and Rescue Service</td>
<td>310.2</td>
<td>309.2</td>
</tr>
<tr>
<td>Police Central Government</td>
<td>101.3</td>
<td>98.1</td>
</tr>
<tr>
<td>Safer &amp; Stronger Communities</td>
<td>39.9</td>
<td>40.3</td>
</tr>
<tr>
<td>Police &amp; Fire Pensions</td>
<td>324.6</td>
<td>350.6</td>
</tr>
<tr>
<td>Scottish Prison Service</td>
<td>382.3</td>
<td>396.2</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>31.4</td>
<td>25.6</td>
</tr>
<tr>
<td>Scottish Court Service</td>
<td>72.3</td>
<td>87.4</td>
</tr>
<tr>
<td>Total</td>
<td>2,589.2</td>
<td>2,608.4</td>
</tr>
</tbody>
</table>

Source: SPICe Briefing on the Draft Budget 2015-16: Justice 14/75

9. The table below sets out the percentage changes in proposed Justice funding for 2015-16 compared with 2014-15.

Table 2: Proposed changes in Justice spending, 2015-16 compared with 2014-15

<table>
<thead>
<tr>
<th>Service</th>
<th>cash terms %</th>
<th>real terms %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Justice Services</td>
<td>0.0</td>
<td>-1.5</td>
</tr>
<tr>
<td>Courts, Judiciary &amp; Scottish Tribunals Service</td>
<td>-21.5</td>
<td>-22.7</td>
</tr>
<tr>
<td>Criminal Injuries Compensation</td>
<td>0.0</td>
<td>-1.7</td>
</tr>
<tr>
<td>Legal Aid</td>
<td>+2.5</td>
<td>+0.9</td>
</tr>
<tr>
<td>Scottish Police Authority</td>
<td>-1.7</td>
<td>-3.3</td>
</tr>
<tr>
<td>Scottish Fire &amp; Rescue Service</td>
<td>-0.3</td>
<td>-1.9</td>
</tr>
<tr>
<td>Police Central Government</td>
<td>-3.2</td>
<td>-4.6</td>
</tr>
<tr>
<td>Safer &amp; Stronger Communities</td>
<td>+1.0</td>
<td>-0.5</td>
</tr>
<tr>
<td>Police &amp; Fire Pensions</td>
<td>+8.0</td>
<td>+6.3</td>
</tr>
<tr>
<td>Scottish Prison Service</td>
<td>+3.6</td>
<td>+2.0</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>-18.5</td>
<td>-19.7</td>
</tr>
<tr>
<td>Scottish Court Service</td>
<td>+20.9</td>
<td>+18.9</td>
</tr>
<tr>
<td>Total</td>
<td>+0.7</td>
<td>-0.8</td>
</tr>
<tr>
<td>COPFS</td>
<td>+3.1</td>
<td>+1.5</td>
</tr>
<tr>
<td>Criminal Justice Social Work</td>
<td>0.0</td>
<td>-1.6</td>
</tr>
</tbody>
</table>

Source: SPICe Briefing on the Draft Budget 2015-16: Justice 14/75
10. The largest proposed change from 2014-15 to 2015-16 is the increase to the SCS budget and reduction in the Courts, Judiciary and Scottish Tribunals Service budget to reflect the merger of the SCS and Scottish Tribunals Service (STS) from 1 April 2015. There is also a substantial decrease in the Miscellaneous budget line which reflects the reduction in Scottish resilience funding associated with the Scottish Fire and Rescue Service. For 2013-14 and 2014-15, money was available within Scottish Resilience funding for projects to facilitate the transition from the eight legacy services to the new single service. The SPICe briefing highlights advice from Scottish Government officials (October 2014) that there is no provision for this funding in 2015-16.

POLICE BUDGET: OVERVIEW

Police and Fire Reform (Scotland) Act 2012

11. The Police and Fire Reform (Scotland) Act 2012, which came into effect on 1 April 2013, replaced the eight territorial police forces in Scotland with one national force, Police Scotland, and the local police authorities and joint police boards with a national oversight body, the SPA. The Act also saw a change in police funding arrangements. Prior to reform, the eight police forces were funded through a combination of funding streams from local and central government. Funds for the single force come mainly from the Scottish Government budget through the SPA. As before, local authorities can still opt to provide additional funding for policing in their areas and Police Scotland can levy charges when providing some goods and services.

12. A key driver for police reform was to deliver substantial savings from 2014-15 onwards. The Financial Memorandum (FM) on the Police and Fire Reform (Scotland) Bill, published in 2012, estimated the total net savings from police reform to be in excess of £1.1 billion by March 2026. The FM included the following table as an indication of the estimated savings to be achieved by 2026 (minus the set-up costs) at 2011-12 prices.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>£m</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2011-12</td>
<td>16.3</td>
<td>9.1</td>
<td>-9.1</td>
<td>28.4</td>
<td>83.2</td>
<td>100.0</td>
<td>101.0</td>
<td>1,135.0</td>
</tr>
</tbody>
</table>

13. The Committee, in its Stage 1 report on the Bill and in its previous two budget reports, noted the concerns of witnesses regarding the lack of detail in the Outline Business Case (OBC) for police reform, on which the FM was based. The ability to achieve the projected savings in the OBC within the expected timescales and the

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12 The Act also abolished the Scottish Police Services Authority and the Scottish Crime and Drug Enforcement Agency.


14 Estimated savings recurring annually after year seven.
impact of the planned redundancies amongst support staff were also of concern. In light of this work, the Committee was keen to continue monitoring progress towards meeting these projected savings and their potential impact on staff, officers and services.

Draft Budget 2015-16

SPA Draft Budget 2015-16

14. Most of the Scottish Government funding for policing is found in the SPA budget line. The SPA passes most of this funding onto Police Scotland, but retains a proportion to cover its own services and running costs. The table below sets out the SPA’s funding in cash and real terms for 2014-15 and 2015-16.

<table>
<thead>
<tr>
<th>Table 4: SPA: level 3 figures</th>
<th>2014-15 budget £m</th>
<th>2015-16 budget £m</th>
</tr>
</thead>
<tbody>
<tr>
<td>cash terms</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resource</td>
<td>1,057.4</td>
<td>1,035.8</td>
</tr>
<tr>
<td>Capital</td>
<td>25.2</td>
<td>28.1</td>
</tr>
<tr>
<td>Total</td>
<td>1,082.6</td>
<td>1,063.9</td>
</tr>
<tr>
<td>real terms</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resource</td>
<td>1,057.4</td>
<td>1,019.5</td>
</tr>
<tr>
<td>Capital</td>
<td>25.2</td>
<td>27.7</td>
</tr>
<tr>
<td>Total</td>
<td>1,082.6</td>
<td>1,047.1</td>
</tr>
</tbody>
</table>

Source: Draft Budget 2015-16 (table 9.08)

15. Table 4 shows that the SPA’s total budget for 2015-16, compared with the 2014-15 budget, is set to fall by £18.7m in cash terms. The Draft Budget document explains that part of this reduction is due to £7.6m being transferred from the SPA to the Health and Wellbeing portfolio to reflect the transfer of custody healthcare and forensic medical services to the NHS.

Police Central Government Draft Budget 2015-16

16. The Draft Budget 2015-16 also contains a budget line for Police Central Government, which includes funding for the Police Investigations and Review Commissioner (PIRC), the Airwave communications system, and activities aimed at generating efficiencies.15 The table overleaf sets out level 3 and 4 figures for Police Central Government.

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15 SPICe Briefing (2014), page 8.
### Table 5: Police Central Government: level 3 and 4 figures

<table>
<thead>
<tr>
<th></th>
<th>2014-15 budget £m</th>
<th>2015-16 budget £m</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>cash terms</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police Support Services</td>
<td>2.8</td>
<td>2.8</td>
</tr>
<tr>
<td>National Police Funding &amp; Reform</td>
<td></td>
<td></td>
</tr>
<tr>
<td>operating reform</td>
<td>73.3</td>
<td>60.3</td>
</tr>
<tr>
<td>other national police funding</td>
<td>25.2</td>
<td>25.0</td>
</tr>
<tr>
<td>capital reform</td>
<td>-</td>
<td>10.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>101.3</td>
<td>98.1</td>
</tr>
<tr>
<td><strong>real terms</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police Support Services</td>
<td>2.8</td>
<td>2.8</td>
</tr>
<tr>
<td>National Police Funding &amp; Reform</td>
<td></td>
<td></td>
</tr>
<tr>
<td>operating reform</td>
<td>73.3</td>
<td>59.4</td>
</tr>
<tr>
<td>other national police funding</td>
<td>25.2</td>
<td>24.6</td>
</tr>
<tr>
<td>capital reform</td>
<td>-</td>
<td>9.8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>101.3</td>
<td>96.6</td>
</tr>
</tbody>
</table>

Source: Draft Budget 2015-16 (table 9.10) plus level 4 figures

17. This table shows that the total Police Central Government budget is set to fall by £3.2m in cash terms. This sum relates to funding for the Specialist Crime Division which is being transferred to the SPA budget.

**Police Pensions Draft Budget 2015-16**

18. The Scottish Government directly funds pensions for retired police officers. The Draft Budget 2015-16 notes that the Scottish Government will meet its obligations to provide police pensions in full, while stating that the numbers are based on historic trends and “will be updated in due course once likely budget requirements become clearer”.

### Table 6: Police Pensions: level 3 figures

<table>
<thead>
<tr>
<th></th>
<th>2014-15 budget £m</th>
<th>2015-16 budget £m</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>cash terms</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>262.5</td>
<td>278.4</td>
</tr>
<tr>
<td><strong>real terms</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>262.5</td>
<td>274.0</td>
</tr>
</tbody>
</table>

Source: Draft Budget 2015-16 (table 9.10) plus level 4 figures

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17. £10m of the budget for operating reform transferred to capital reform in 2015-16.

18. Other national police funding includes funding for the Police Investigations and Review Commissioner and the Airwave communications project.

19. £10m in 2015-16 transferred from operating reform to meet costs of ICT systems.

19. Table 6 shows a projected increase of £16m in cash terms and of £11.5m in real terms.

POLICE BUDGET: EVIDENCE

Identifying savings from police reform

15-year period

20. As referred to earlier in this report, the total estimated savings from police reform is £1.1 billion by 2026. In response to questions over the reliability of the Outline Business Case, the Chief Constable advised the Committee that “our view and the view of the Association of Chief Police Officers in Scotland (ACPOS) at the time, was that the Outline Business Case was solid”. However, he went on to say that “what we took issue with was the savings that were attributed to it … ACPOS never signed up to that exact amount of savings”.22

21. Despite this, the Committee heard in evidence that both the SPA and Chief Constable are, at this stage, confident that this overall target will be achieved.23 When pressed on the issue, the Chief Constable said that, “I can be confident because we are already making recurring yearly savings that will add up to a saving of £1.1 billion by 2026”, adding that “it is a simple arithmetic exercise”.24 The Cabinet Secretary also acknowledged that the Police Scotland has done “a tremendous amount of work to achieve efficiencies [and] is well on track to achieve the £1.1 billion of savings that we anticipate between now and 2026”.25

22. Calum Steele, General Secretary of the Scottish Police Federation (SPF) highlighted the “stark reality” that £1.1 billion of savings by 2025-26 … is a year’s worth of policing for free”, while acknowledging that “savings might be made easier if they are made slower”.26 When asked whether he would support a review of the timetable for the savings, the Chief Constable responded that “the path is quite bumpy, and anything that can be done to smooth it would make it easier for us to sustain progress”, adding that “for example, next year is pretty difficult … there are years beyond next year that, at the moment, do not seem so difficult”.27

23. The Cabinet Secretary did not commit to a review of the timetable for the savings, arguing that “all aspects of our public services are under pressure”. He said “I suspect that there are still areas where efficiencies can be gained in how the service operates, and I have no doubt that [Police Scotland and the SPA] will continue to do that work”.28 He also indicated that he expects Police Scotland, before implementing any change to the delivery of its services arising from

21 ACPOS was the collective organisation of Chief Constables, Deputy Chief Constables and Assistant Chief Constables from the eight police forces in Scotland and the Assistant Chief Constable of the British Transport Police in Scotland. ACPOS ceased to operate with the creation of Police Scotland on 1 April 2013.
23 Scottish Police Authority, written submission.
budgetary savings, to anticipate what the outcomes will be and to engage with communities.  

24. The Chief Constable assured the Committee that he would alert the Parliament if, at any stage, he considers that a particular budget cannot be met. He said that “I am happy to repeat externally what I have said internally to my organisation for a number of years, which is that there will come a point at which we will have to say to politicians that we cannot do any more, and if that point comes, I will say that”. He also gave assurances that, “if a time comes when I think the service is being degraded, I will say so”.  

Vic Emery, Chair of the SPA, similarly advised that he would alert the Parliament if he considers at any point that a budget is not sufficient to deliver a safe service. The Committee welcomes these assurances.

25. The Committee notes that neither ACPOS nor Police Scotland signed up to the ambitious savings targets included in the Financial Memorandum on the Police and Fire Reform (Scotland) Bill. The Committee also notes the Chief Constable’s comments that, while the overall savings target of £1.1 billion would be achieved by 2026, the path ahead is “quite bumpy”. The Committee therefore recommends that the Scottish Government works with the Scottish Police Authority (SPA) and Police Scotland to ensure the timetabling of savings does not place unnecessary pressures on the delivery of police services.

Financial year 2013-2014 and 2014-15

26. Savings of £63.9m were delivered in the financial year 2013-14, including a range of recurring cost reductions. A further £68.2m of savings is required in 2014-15. Police Scotland stated in its written submission that, as at October 2014, £4.2m of these savings had still to be identified and delivered.

27. The submission from Police Scotland states that police officer and staff costs combined amount to 91% of Police Scotland’s 2014-15 net revenue budget. In its written evidence, the SPA explained that a “priority focus” for savings in 2013-14 and 2014-15 has been the voluntary redundancy (VR) and early retirement (ER) programme, which has resulted in 523 police staff leaving the organisation in 2013-14 and 243 in 2014-15 (to date). Other costs have been reduced through contract rationalisation; an estates strategy and rationalisation, and consideration of other staff costs and allowances.

28. Derek Penman, Her Majesty’s Inspector of Constabulary in Scotland (HMICS) told the Committee that, in his view, Police Scotland has “done

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32 Police Scotland, written submission.
33 Police Scotland stated that £58.4m of the £68.2m savings had been identified by March 2014 in the areas of people, property and procurement. The balance of £9.8m was then allocated across business areas to identify and deliver. As at October 2014, £5.6m of this balance had been identified and is at various stages of delivery.
34 SPA, written submission.
35 Police Scotland, written submission. Scottish Police Authority, written submission.
remarkably well” in balancing the budget in the first year (2013-14) of the new policing arrangements and that “all indications are that the current year will come in on budget as predicted”.\(^{36}\) John Foley, Chief Executive of the SPA also said that the SPA is “confident that we will achieve the savings for this year”\(^{37}\), while the Chief Constable confirmed that Police Scotland likewise is “increasingly confident that we will balance the books this year, which will give us a bit of a head start for year 3 [2015-16]”.\(^{38}\)

29. The Committee notes the expectations of HMICS, the SPA and the Chief Constable that the 2014-15 budget will be balanced at the end of this financial year and recognises the work that has gone into achieving this target. The Committee asks that it be kept informed if, at any point, it becomes clear that the budget cannot in fact be met, together with the reasons for this.

Financial year 2015-16

30. The draft budget for 2015-16 represents the third year of funding under the new policing arrangements. There was broad agreement amongst witnesses that identifying savings would be more challenging in this year than in previous years. The SPA, for example, stated in its written submission that “achieving a balanced budget in the 2015-16 year is … a considerably more difficult and stretching target [as] much of the duplication from having 9 individual police organisations has already been removed, and the efficiencies of having combined functions have been realised”. Mr Emery told the Committee that “we have always viewed the reform of policing in three stages: the first stage was bringing all the forces into one force; the second stage has been consolidating that position and therefore getting rid of some redundancy; and the third stage, which we are just embarking on, is the transformational stage where we do things differently from the way we did them before”.\(^{39}\) He went on to say that “the list of things that we can do to save money has not been exhausted by a long way, and nothing is off the table”, adding that “we will look at whatever we can do to maintain the service at best value to the public”.\(^{40}\)

31. Mr Penman (HMICS) warned of the “risks about the extent to which, in order to make more savings, the police might have to lose more staff [or] they might start to cut inappropriately into the other 10% of the budget, which would start to have an impact on operational effectiveness”. He added that “the most obvious example of how that would manifest itself is around police performance … [and] falling service and public satisfaction levels”.\(^{41}\) Stevie Diamond, Chair of UNISON Police Staff Scotland, warned that further cuts to police staff numbers would be “catastrophic”.\(^{42}\)

32. The SPA indicated that a detailed budget review for 2015-16 would not be completed until March 2015. However, the Chief Constable indicated that “there is

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no area that we will not consider looking at to balance the budget”\(^{43}\), including custody centres; property; the vehicle fleet; procurement; contracts; ICT; overtime and senior ranks. He confirmed that he also anticipates more reductions in the numbers of civilian staff.\(^{44}\) Addressing Mr Penman’s comments around risk specifically, the Chief Constable said that, “when we look to balance the budget, we not only ask how we can save money but consider the operational implications of the cut [and,] if those implications are disproportionate or if we do not think we can balance them in some way, we will not have the cut in our top line”.\(^{45}\)

33. The Committee recognises the challenges faced by Police Scotland in meeting the savings target in 2015-16 – the third year of policing under the new arrangements – and urges the SPA and Scottish Government to monitor closely the effects on the organisation.

34. The Committee also asks the SPA to provide a written update following completion of its detailed budget review for 2015-16 in March 2015.

Workforce

Police officer and staff configuration

35. In 2007, the Scottish Government outlined a commitment to make an additional 1,000 police officers available.\(^{46}\) The Draft Budget 2015-16 repeats this commitment.\(^{47}\) The Scottish Government’s most recent police officer quarterly strength statistics\(^{48}\) show that police officer numbers increased from 16,234 on 31 March 2007 to 17,318 on 30 June 2014 (an increase of 1,084). Over the same period, the number of police support staff decreased from 7,352 to 5,806 (a reduction of 1,546).

36. Concerns were raised during Stage 1 scrutiny of the Police and Fire Reform (Scotland) Bill as to whether the police will be able to maintain an efficient, balanced workforce within the Scottish Government’s commitments on police officer numbers and no compulsory redundancies, along with the need to make savings. In its written submission, Police Scotland stated that it is committed to delivering the savings and will aim to do this within the restriction of government policies of maintaining police officer numbers at 17,234 and no compulsory redundancies. However, it suggested that “this will require the Force to make difficult choices and decisions about service provision and structure”.\(^{49}\)

37. Mr Diamond of UNISON said that “there has been much play of the 17,234 figure, which is a political number that has been put in place to maintain police officer numbers, [but] Police Scotland is not made up of 17,234 people; Police Scotland is made up of around 23,000 people who deliver the service”.\(^{50}\) Mr Steele

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\(^{46}\) The baseline figure used for this commitment is 16,234, which was the number of police officers as at 31 March 2007.


\(^{48}\) SPICe Briefing (2014), page 12.

\(^{49}\) Police Scotland, written submission.

of the SPF suggested that “there will come a point when politicians have to say whether they think that the number of police officers is right or wrong and whether they think that police officers get paid too much or not enough [and] once those honest discussions are had, the police service will be better placed to know what the Parliament expects of it”.

38. The Cabinet Secretary advised the Committee that the Scottish Government remains committed to maintaining 1,000 extra officers and that he expects Police Scotland and the SPA to operate within this commitment. When asked to respond to the suggestion that this policy represents overt political interference in policing, the Cabinet Secretary said that “it is not interfering in operational issues; it is about the overall number of officers”. He said that “how they are deployed and utilised is a matter for the police, and how the service is configured is a matter for the SPA”. The Cabinet Secretary also stated that the Scottish Government “will not attack our officers’ terms and conditions”.

39. The Committee notes the on-going challenges faced by Police Scotland and the SPA in achieving ambitious savings targets from police reform within the commitments on maintaining additional police officers and no compulsory redundancies. The Committee also notes the warnings from UNISON that further reductions in police staff would be “catastrophic”, and from HMICS that potential cuts in areas other than staffing could begin to affect operational effectiveness.

40. The Committee went on to explore the workforce split more generally. Mr Diamond of UNISON told the Committee that “the workforce balance is absolutely not correct” and suggested that “we need some sort of review of Police Scotland’s work, to establish exactly how many police officers and how many staff we need to carry out the role that Police Scotland is there to do”. This view was shared by a number of witnesses, including Chief Superintendent Rennie of the Association of Scottish Police Superintendents (ASPS), who suggested that “there needs to be a realistic expectation of what we want the police to deliver [and then] have wider discussion of what we expect the police to do, and then fund appropriately”.

41. Mr Emery acknowledged that “it would be premature to say that there is a balance between the uniformed people and the non-uniformed people”. However, he advised the Committee that the SPA has started a piece of work to “look at where we want policing to be in future, what policing will cost, what skillsets policing needs and what the balance will be between uniformed and non-uniformed people”. The Chief Constable also highlighted that this review is underway and confirmed that Police Scotland “will be playing a full part in that discussion with the SPA”. However, he told the Committee that “I will not promise that it will be finished in three or six months”, adding that “we need to take our time...
with it, and we want to ensure that we talk enough to the public, councils and a variety of other stakeholders, including the Crown”. The Cabinet Secretary advised that, while it was for the SPA to take forward this work, he has asked his officials to keep him informed about the review.

42. **The Committee welcomes the work being undertaken by the Scottish Police Authority to establish what policing should look like in 10 to 15 years’ time, including how much it should cost and what configuration of staff and officers are needed to support it. The Committee is also encouraged by the Chief Constable’s comments that time must be given to ensure that stakeholders and the public are fully engaged in this work. The Committee calls on the SPA to keep it updated on this work, and urges the Scottish Government to keep an open mind when considering the outcomes.**

**Local authority funded police officers**

43. During the passage of the Police and Fire Reform (Scotland) Act 2012, the Cabinet Secretary for Justice advised the Committee that local authorities would, after reform, still be able to fund additional police officers to work on particular priorities within their local areas. At that time, COSLA estimated that around 600 to 800 additional police officers were being funded in that way. During last year's budget scrutiny, the Chief Constable said that this figure was nearer to 300, at a cost of around £12m. This year, he advised that “about 329 officers are funded by various councils across the country”, with Edinburgh City Council and Glasgow City Council contributing around two-thirds of this funding. He highlighted that “some of the smaller contributing councils have said that they might find things more difficult next year” and said that “we would be disappointed if that happened, but we understand that everyone has budgets to balance”.

44. In its written submission, the SPF suggested that, “rather than seek to fund additional police officers, or perhaps even in addition to this, local authorities [should] engage with Police Scotland and dedicate funding to specialist support staff roles in their communities”. Mr Steele expanded on this during oral evidence, suggesting that “there are opportunities for local authorities and communities to come up with more imaginative solutions to keep empowerment in their areas and support the police service”. He added that “one thing that I think everyone agrees on is that the police service is about more than just police officers”, and “why not look at the delivery of the police service beyond just the man or woman in the woolly suit”.

45. When asked for his views on this suggestion, Mr Penman said that “it is probably worth having a dialogue between a local authority and the local

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61 Stage 1 report on Police and Fire Reform (Scotland) Act 2012, paragraph 210. Available at: [http://www.scottish.parliament.uk/S4_JusticeCommittee/Reports/jur-12-04w.pdf](http://www.scottish.parliament.uk/S4_JusticeCommittee/Reports/jur-12-04w.pdf)
commander about how the authority might support policing financially and in a way that is appropriate for that authority."

46. The Committee notes that, despite their own challenging budgets, local authorities appear to be providing funding for similar numbers of additional police officers as in previous years to work on priorities within their local communities.

**Backfilling**

47. In its budget report last year, the Committee noted a difference of opinion in relation to the level of backfilling of police staff posts with police officers. UNISON argued that a significant number of police staff posts were being backfilled, whilst the Chief Constable stressed that there was no policy and no strategy of backfilling civilian posts with police officers. This year’s witnesses were therefore asked to clarify the current position in relation to backfilling.

48. Mr Steele of the SPF told the Committee that he recalled the Chief Constable’s previous assurances that there is no long-term policing of backfilling support staff roles with police officers and said that he had “no reason to believe that that is anything other than his intention”. He also argued that “police officers are a more flexible resource; there are times when their skills allow them to do a job for a short period, [but that] these are not continual and on-going backfilling commitments”. He added that: “if police officers carried out the roles in those circumstances, of course I would consider that to be unacceptable.”

49. Mr Penman (HMICS) also highlighted that “there is occasional backfilling if it is required to support the operational need” and Tina Yule, Lead Inspector at HM Inspectorate of Constabulary in Scotland, added that “Police Scotland is using a flexible resourcing model, which is a degree of sophistication that we commend”. She said that, “if custody was resourced to cover permanently for all the sick leave and annual leave, it would be over-resourced”.

50. However, Mr Diamond of UNISON stated that: “my view is very different from Mr Penman’s, I am afraid”. He suggested that “part of the budget document that Police Scotland put forward mentioned that efforts had been made to reduce the deficit by not employing new people whenever a vacancy arose … however, the work is still there be done and I am sure that you can imagine who will be doing that work—police officers will be put in”. He added that “they would not necessarily be registered in that particular role but if there is work to be done, there has to be someone there to do it, and that will generally be a police officer”.

51. The Chief Constable reiterated his position that there is “no policy or strategy of backfilling”, whilst noting that “backfilling goes on on a daily basis, of course, because people go off sick and positions have to be filled at short notice”. He

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explained that: “we backfill in certain cases where we think that it is the logical thing to do, and we try to secure union acceptance of that … however, there is still no policy around backfilling at this moment in time”. He also explained that Police Scotland monitors where backfilling is happening and that “where we think that it is inappropriate, we will take steps”. He added that “I would not expect it to happen in the organisation, as there is no strategy or policy to support it”.71

52. The Committee again notes the stark difference of opinion between UNISON and Police Scotland on the level and appropriateness of the “backfilling” that takes place within Police Scotland. Notwithstanding Police Scotland’s commitment, the Committee calls on the SPA to closely monitor the situation, particularly over the coming months, when more reductions to the numbers of civilian staff are expected. The Committee also requests regular updates from Police Scotland and the SPA on this work.

Workload

53. Concerns were raised by witnesses regarding workload pressures on police officers and staff arising from police reform and cost-saving measures. Chief Superintendent Rennie of ASPS told the Committee that he has particular concerns regarding the workload of superintendents arising from reducing their numbers “without really measuring what has been left for the remainder to carry on”. He added that his members are reporting that they cannot take their rest days or annual leave and, in some cases, would rather take annual leave than report in sick. Mr Penman also highlighted that his most recent local policing inspection of Fife Division found that superintendents are working long hours because of “unrealistic expectations”.72

54. Mr Steele of the SPF told the Committee that “there is a phenomenal amount of pressure on police officers, [but that] the greatest unhappiness among police just now is not because of Police Scotland, but because of the economy and changes to pensions”. He added that, “when we add to that the additional stress or change that has been brought about by the creation of Police Scotland and indeed considerable disruption that has taken place during the past year, it is not surprising that there is a lot of stress and that there have been expressions of considerably low morale among the federated officers”.73

55. Mr Diamond of UNISON argued that “whenever staff are feeling under pressure, they will do anything they can to make it known that they are the right person for the job”, and that “there are real pressures on staff to perform and fill in the gaps that have been left by people leaving or by roles not being filled”. He went on to say that he is “surprised, to be honest, that the sickness absence rate has not increased considerably more [as] that has been the experience previously as people just burn themselves out”. However, he warned that “that may be coming in the very near future”.74

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56. The Chief Constable told the Committee that “I am always concerned if I hear that staff are under undue stress [and] would be disappointed if superintendents felt that they could not take their annual leave”. However, he said that Police Scotland and ASPS regularly meet to discuss issues of concern and that “is a perfectly appropriate way of dealing with problems”. He advised that “sickness levels have at worst held steady, and they have improved in some parts of the country in recent years”, adding that “we keep a close eye on our absence figures, and we do not find that they are out of step”. The Cabinet Secretary said that he recognises the challenges faced by staff in particular and said that he is “always prepared to discuss with the staff side the challenges that they face”.

57. Mr Foley of the SPA advised that, “everyone who works for Police Scotland and the SPA will be asked to participate in an employee survey so that we can assess the situation for ourselves”. The survey would take place at the end of this financial year and be repeated on a regular basis every two years, which Mr Foley suggested was “widely recognised as an appropriate timeframe to attend to such matters”.

58. The Committee notes the comments from the Association of Scottish Police Superintendents and UNISON regarding the workload pressures that their members face due to reduced numbers. The Committee is concerned by the evidence it heard regarding officers not being able to take rest days and annual leave, and that staff are finding pressures close to overwhelming. The Committee urges the representative bodies and Police Scotland to work together to address such matters.

59. The Committee also notes the SPA’s plans to undertake a collaborative employee survey at the end of this financial year and every two years thereafter. In welcoming this development, the Committee asks that the SPA publishes the outcomes of the survey and that consideration be given to undertaking the survey on an annual basis to allow the SPA to monitor more closely the impact of budgetary savings on officers and staff in this and coming years.

De-skilling of police staff

60. Mr Diamond from UNISON highlighted that “not only are police staff numbers decreasing, but their roles are diminishing”, as “some staff roles have been given to police officers”, including in licensing and the serving of citations.

61. The Chief Constable, however, explained that, until recently, serving citations and licensing duties had been police officer duties rather than those of civilian staff, and said that “we have simply gone back to that model”. He added that there are operational benefits from police officers undertaking these duties as they “will better understand the nature of the community in which they work and will be able to link things together a lot more”. He cited an example of a police officer realising that a firearms licensing check is required at the same address as where a

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domestic abuse incident recently took place. He also indicated that “it is far more effective to have a police officer in uniform going into a licensed premises than someone in civilian dress who has to identify themselves”.  

62. The Committee recognises the concerns of UNISON that some police staff roles are being transferred to police officers and notes the Chief Constable’s explanation that there can be some operational benefits from police officers carrying out licensing duties and serving citations. The Committee would, however, be concerned if the trend towards police officers taking on police staff duties continued into other areas without a full assessment of the potential impact on staff and services, through some loss of expertise, and calls on the Chief Constable to monitor this matter closely.

Devolved budgets

63. In last year’s budget report, the Committee recommended that budgets be devolved down to local or even ward level to allow funding to be better aligned to local and ward policing plans. The Committee did however acknowledge that, due to the scale of the savings required centrally, this may not be possible immediately. The Committee was therefore keen to establish whether the position had changed in the last year.

64. HMICS, Mr Penman, told the Committee that the main budgets are still held centrally. He stated that “given the time for which Police Scotland has been in operation, the constraints on finances and the need to control staffing levels centrally and maintain minimum numbers of police officers, it would be difficult to devolve some budgets”. However, he concluded that “once we are in a steadier state, there will be opportunities to devolve budgets further”. 81 Chief Superintendent Rennie of ASPS said he would welcome devolved budgets and more power for divisional commanders to “tackle matters locally”. However, he raised concerns that local commanders do not presently have the local staffing support to be able to manage budgets, which he referred to as one of the areas of “business divisional administration support that has gone largely through voluntary redundancy”. 82

65. The Chief Constable indicated that “there would be little point in me devolving the budget to divisional commanders when the biggest chunk of it by far is police officer numbers”. He explained that “divisional commanders cannot do anything on police officer numbers, because if they started to reduce the number of police officers, we would not maintain 17,234 officers”. He also agreed with Chief Superintendent Rennie that, if the budget was devolved to divisional commanders, a finance manager and administration staff would be needed. 83 The Chief Constable added that “my first choice would be to find a way to give divisional commanders the decision-making ability about budgets and the shape of their

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workforce locally, without giving them the administrative and bureaucratic burden of managing the budget”.

66. The Committee accepts that the scope for devolving budgets to divisional commanders is limited in circumstances where police officer and staff costs account for 91 per cent of the policing budget and flexibility in this area is greatly constrained by the commitment to maintaining police officer numbers. The Committee also notes the Chief Constable’s view that additional financial and administrative support might be required to assist divisional commanders in managing larger devolved budgets. As a principle, however, the Committee would like to see more of the policing budget devolved down to local or even ward level as soon as practicable, and notes that the Chief Constable appears to support this approach.

VAT

67. The eight legacy forces were able to recover VAT costs incurred (under section 33 of the Value Added Tax Act 1994) as they: (a) carried out local authority functions, and (b) had a power to draw on local taxation. The new bodies are not able to recover VAT payments. During scrutiny of the Police and Fire Reform (Scotland) Bill, the Committee noted that, if the single service was to be subject to VAT, this could be an annual recurring cost of £21.5m for the single police service. At that time, the Committee urged the Scottish Government to pursue with HM Treasury all possibilities to resolve the issue, for example: (a) by treating Police Scotland in a similar way to the Police Service of Northern Ireland, and/or (b) by giving local authorities the capacity to contribute to police budgets.

68. The Committee heard that the Scottish Government had, for the first three years of police reform, provided Police Reform Funding to support the SPA in covering VAT payments. However, this funding is only guaranteed until the end of the 2015-16 financial year; therefore, it is likely that funds will need to be found from the SPA/Police Scotland budget to cover VAT payments from 2016-17. Mr Emery of the SPA told the Committee that VAT is paid on services and material that are bought by the police service and that this usually amounts to around £22m to £24m a year, while Mr Steele from the SPF summed up the view of police bodies on the matter as “an immense frustration for all of us”. Mr Foley of the SPA advised that “Scottish Government colleagues are speaking to colleagues in London to find out whether the situation can be addressed, but our forward planning has to assume that we will not recover any VAT”. He suggested that the annual VAT bill is “probably

69. The Chief Constable advised that “I find it bewildering that we seem to be the only police service in the UK which is charged VAT”, adding that “I just do not understand the logic of that and, frankly I do not think that the Scottish public would understand it either”. He suggested that the annual VAT bill is “probably

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worth 680 police officers”, while noting that the funds, if available, would not necessarily be spent in that area.\(^{88}\)

70. The Cabinet Secretary said that, in his view, “the present situation is completely unacceptable” and that he would pursue the matter further with the UK Treasury “to try to get the policy in this area changed”.\(^{89}\) He also offered to provide the Committee with copies of correspondence between Scottish Ministers and HM Treasury where possible to assist in its scrutiny. The Committee notes the correspondence subsequently received.

71. The Committee notes the frustration amongst police bodies and the Scottish Government that Police Scotland is the only police body in the UK that is unable to recover VAT payments on the services and material it purchases. The Committee also notes that the Scottish Government currently provides funds to cover the VAT payments but that this funding is expected to end at the close of financial year 2015-16. The Committee considers that placing the burden on the SPA and Police Scotland of finding an additional £22 to £24m in annual savings on top of the estimated savings from police reform could lead to a diminution in the service provided to the public. The Committee therefore urges the Scottish Government and the UK Government to resolve this matter.

Charging for policing events

72. Witnesses were asked about recovery of police costs for supporting events. HMICS, Mr Penman told the Committee that Police Scotland “must ensure that it can support community events and recharge as appropriate”.\(^{90}\) Chief Superintendent Rennie from ASPS said that he had been impressed by the way in which Police Scotland has operated in charging for policing events.\(^{91}\)

73. The Chief Constable stated that Police Scotland had worked with the SPA to develop “a policy on consistency of charging at events”, and that “where the enterprise is profit-making there is full cost recovery”. He highlighted that the police have supported 12,195 events (not including football matches) since 1 April 2013 and have recovered full costs at 272 events and some costs in relation to a further 81 events.\(^{92}\) Janet Murray, Finance Director at Police Scotland, advised that where charges are imposed, cost recovery is generally effective and that “charges that remain unpaid after 90 days represent a very small amount”.\(^{93}\)

74. The Chief Constable went on to explain that some costs are abated, for example, if an event has some element of public interest. The more significant decisions on whether costs should be abated are taken to the SPA’s Finance and Investment Committee for approval. Hilary Pearce, a Scottish Government official, explained that the principle of full cost recovery is set out in section 86 of the

Police and Fire Reform (Scotland) Act 2012 and this precludes the making of a profit from charging for services. She also explained that the Scottish Public Finance Model sets out the circumstances in which Police Scotland is required to apply a full cost-recovering approach.94

ICT infrastructure

75. The Committee and its Sub-Committee on Policing have taken a keen interest in monitoring developments with the i6 ICT programme, recognising that it is a key enabler of police reform and crucial to achieving efficiencies. It is intended that the i6 programme will bring together more than 100 separate ICT systems in the legacy forces to free up more time for front-line policing and that it will cover 80 per cent of current police operational activity, including six strands: crime, vulnerable persons, criminal justice, custody, missing persons, and productions and property.

76. Proposals for development of the programme had begun prior to the inception of Police Scotland. However, the SPA written submission notes that the i6 programme will not be completed until September 2016 and, therefore, savings arising from this project will not be realised in the 2015-16 financial year. HMICS, Mr Penman, acknowledged that there has been some slippage in the i6 programme, but indicated that “there is a high level of confidence about the project being delivered”.95 Tina Yule of HM Inspectorate of Constabulary in Scotland also agreed that, “following initial issues with i6 with regard to the specification, Police Scotland has genuinely got into a position in which it and its supplier are confident about guaranteeing delivery to timescale”.96 Mr Foley highlighted that the SPA has “robust governance structures against all the major ICT projects and [that] there is no significant slippage on any of them”. He highlighted that the ICT projects are “priority projects that require a large degree of dedicated resource”, whilst acknowledging that “the savings do not manifest themselves immediately”.97

77. The Committee notes that potential savings arising from the i6 ICT programme will only be realised from 2016-17 onwards. The Committee also notes witnesses’ assurances that robust governance mechanisms have been put in place to ensure that there is no further slippage with the project. The Committee also notes that the Justice Sub-Committee on Policing is continuing to monitoring progress with development of the programme and is next due to take evidence on the issue in January 2015.

Environmental issues

78. The Chief Constable was asked about Police Scotland’s obligations under the Climate Change (Scotland) Act 2009 and any possible conflict between making budgetary savings and reducing carbon emissions. He responded that “I do not recognise much of a conflict at all … it is about efficiency across the board”. He explained that Police Scotland is undertaking a number of measures aimed at

improving existing buildings, reviewing its vehicle fleet, and ensuring that new-build properties are built to BREEAM\(^{98}\) standard.

79. He also told the Committee that “you will be aware that we have moved to a heavily diesel fleet, although I understand that environmental advice has perhaps started to move against diesel fleets, so we will take that on board”. He advised that “we are starting to use electric vehicles ... but I know they still have a bit of an issue with range”. He also highlighted that hydrogen-powered vehicles “have started to make much more of an impact”, and “bearing in mind that Police Scotland now has the second biggest vehicle fleet in the UK, we would get fairly early access to such specialised vehicles and we would be keen to try them out”\(^99\).

80. Finally, the Chief Constable advised that Police Scotland has set targets on reducing emissions of 25 per cent by 2020 and 50 per cent by 2050, adding that “the total cost of our carbon footprint last year was in excess of £26m” and that Police Scotland would look at “anything that we can do to save taxpayers’ money and be better for the environment”\(^100\).

81. The Committee welcomes Police Scotland’s ambitious targets for reducing carbon emissions and notes the practical steps it is taking to meet these targets.

COURTS BUDGET: OVERVIEW

Draft Budget 2015-16

Scottish Court Service Draft Budget 2015-16

82. The Committee agreed to examine the courts budget as part of its scrutiny of the Scottish Government’s Draft Budget 2015-16 against a background of recent and proposed closures of sheriff and justice of the peace courts, and recent and forthcoming reforms to court processes and structures.

83. The Scottish Government funds the Scottish Court Service (SCS), which is a non-Ministerial Department, chaired by the Lord President, to provide “the people, buildings, and technology to support the judiciary, the courts, and the Office of the Public Guardian”.\(^{101}\) The SCS is also able to generate its own income through court fees and fines (although only a small proportion of fine income is retained by the SCS). Income generated is used in addition to the budget supplied by the Scottish Government to fund court services and is expected to amount to £35.6m in court fees and fines in 2015-16.\(^{102}\)

84. The table below sets out level 3 figures for the SCS. It shows that the SCS budget is set to increase by £15.1m (in cash terms). Most of the increase is due to the transfer of funding (£11.1m) to the SCS budget from the Courts, Judiciary and

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\(^{98}\) BREEAM is an environmental assessment method and rating system for buildings.


\(^{101}\) Draft Budget 2015-16, page 88.

\(^{102}\) SPICe briefing, page 14.
Scottish Tribunals Service budget. After this transfer has been accounted for, the net increase in the budget is £4m in cash terms.\textsuperscript{103}

**Table 7: Scottish Court Service: level 3 and 4 figures**

<table>
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<th>2014-15 budget £m</th>
<th>2015-16 budget £m</th>
</tr>
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<tr>
<td><strong>cash terms</strong></td>
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</tr>
<tr>
<td>Operating expenditure</td>
<td>65.3</td>
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<td>Scottish Tribunals Service</td>
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<tr>
<td>Capital</td>
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<td><strong>Total</strong></td>
<td>72.3</td>
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<tr>
<td><strong>real terms</strong></td>
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<tr>
<td>Operating expenditure</td>
<td>65.3</td>
<td>67.7</td>
</tr>
<tr>
<td>Scottish Tribunals Service</td>
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<td>10.9</td>
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<tr>
<td>Capital</td>
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</tr>
<tr>
<td><strong>Total</strong></td>
<td>72.3</td>
<td>86.0</td>
</tr>
</tbody>
</table>

Source: Draft Budget 2015-16 (table 9.15)

**Courts, Judiciary and Scottish Tribunals Service Draft Budget 2015-16**

85. The table below sets out level 3 figures for the Courts, Judiciary and Scottish Tribunals Service budget line, which includes funds for the Scottish Government’s contribution to the superannuation costs of judicial office holders in Scotland, the running costs of the Judicial Appointments Board for Scotland and the Court of the Lord Lyon, salary costs for the Lord Lyon, the Lyon Clerk, the Auditor of the Court of Session, and members of the Scottish Law Commission.\textsuperscript{104} The Scottish Tribunal Service (STS) provides support to a range of tribunals operating in Scotland and is delivering the reform of the Scottish tribunal system.\textsuperscript{105}

**Table 8: Courts, Judiciary and Scottish Tribunals Service**

<table>
<thead>
<tr>
<th></th>
<th>2014-15 budget £m</th>
<th>2015-16 budget £m</th>
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</thead>
<tbody>
<tr>
<td><strong>cash terms</strong></td>
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<td></td>
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<tr>
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<td>9.9</td>
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<tr>
<td>Scottish Tribunals Service</td>
<td>11.1</td>
<td>-</td>
</tr>
<tr>
<td>Judicial Salaries</td>
<td>30.1</td>
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<tr>
<td><strong>Total</strong></td>
<td>51.6</td>
<td>40.5</td>
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<tr>
<td><strong>real terms</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Courts, Judiciary</td>
<td>10.4</td>
<td>9.7</td>
</tr>
<tr>
<td>Scottish Tribunals Service</td>
<td>11.1</td>
<td>-</td>
</tr>
<tr>
<td>Judicial Salaries</td>
<td>30.1</td>
<td>30.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>51.6</td>
<td>39.9</td>
</tr>
</tbody>
</table>

Source: Draft Budget 2015-16 (table 9.04)

\textsuperscript{103} SPICe briefing, page 13.  
\textsuperscript{104} Draft Budget 2015-16, page 79.  
\textsuperscript{105} Proposals for reform of tribunals were included in the Tribunals (Scotland) Bill, which was considered by the Committee is 2013.
86. Table 8 shows a budget decrease of £11.1m (in cash terms) in the Courts, Judiciary and Scottish Tribunals Service budget, which reflects the transfer of funding for the STS to the SCS.

**Recent reforms**

_Shaping Scotland’s Court Services_

87. _Shaping Scotland’s Court Services_ (April 2013) is the SCS response to issues raised during its consultation on the future provision of court services in Scotland. In it, the SCS sets out its long-term vision for a future court system, including that:

- only matters requiring judicial process should be brought within the courts system and, so far as is consistent with the interests of justice, procedural stages ought to be dealt with in a way that does not entail personal appearance in the court room;
- the first choice for the conduct of administrative business should be through technology – electronic, web based, telephone and video links;
- where appearance before a court is necessary, as many participants as possible should appear through live video link; and
- justice centres should serve the main population centres of Scotland, with highly specialist and comprehensive facilities in support of the more serious criminal and civil business – with a wider network of smaller court facilities providing access to summary justice.\(^{107}\)

88. It also recommended more immediate short and medium term changes, including the closure of a number of sheriff and justice of the peace courts, which it described as “consistent with our vision and [will] allow us to focus future investment across a smaller group of buildings while maximising benefit of that investment in the services delivered to court users”.\(^{108}\) The Committee considered the proposals in June 2013. The programme of court closures began in November 2013 and is due to conclude in January 2015.

_Courts reform_

89. The Courts Reform (Scotland) Act 2014 makes changes to the structure and procedures of Scotland’s civil courts with the intention of improving efficiency and effectiveness. It is expected that the Act will create long-term savings, with short-term costs being funded from increased fees to civil court users.\(^{109}\)

90. Concerns about the capacity of the sheriff courts were raised during scrutiny of the Courts Reform (Scotland) Bill in early 2014. The Committee’s Stage 1 report on the Bill questioned whether sufficient time had passed “to assess the impact of recent and planned sheriff court closures on business in the sheriff court to provide confidence that further additional business can be accommodated”.\(^{110}\) In response, the Scottish Government highlighted that there had been a substantial

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\(^{106}\) The consultation took place in 2012.
\(^{107}\) Scottish Court Service (2013). _Shaping Scotland’s Court Services_, paragraph 1.8.
\(^{108}\) Scottish Court Service (2013). _Shaping Scotland’s Court Services_, paragraph 1.10.
\(^{109}\) SPICe briefing, page 16.
\(^{110}\) Justice Committee (2014). _Stage 1 report on the Courts Reform (Scotland) Bill_, paragraph 347.
reduction in the number of civil cases being heard at sheriff court level, and set out its belief that “there is sufficient capacity in the sheriff courts to absorb the expected transfer of 2,700 cases from the Court of Session”.

_Tribunals reform_
91. The Tribunals (Scotland) Act 2014 reforms the administrative structure underpinning the tribunals system in Scotland, including merging the STS with the SCS from April 2015. The new body, the Scottish Courts and Tribunals Service, will be fully independent of the Scottish Government, with a Board chaired by the Lord President as head of courts and tribunals judiciary. There are costs associated with the Tribunals (Scotland) Act 2014, but these are not expected to start accruing until 2016-17. There are also costs associated with the merger between the SCS and the Scottish Tribunals Service, but these have been dealt with in the 2014-15 budget. Therefore, none of these processes are expected to have an impact on the 2015-16 budget.

_Victims and witnesses_
92. The Victims and Witnesses (Scotland) Act 2014 created new rights for victims and witnesses relating to: standards of service from justice agencies; information concerning cases, and special protection for vulnerable witnesses. The Financial Memorandum accompanying that Bill estimated costs for the SCS of between £0.4m and £0.5m a year, stating that “to address costs in 2015-16 onwards, any rise in the overall running costs of SCS will be reviewed as part of the overall planning for the Justice budget”.

**COURTS BUDGET: EVIDENCE**

**Identifying savings**

_Financial years 2013-14 and 2014-15_
93. In its written submission, the SCS stated that savings from 2013-14 expenditure levels totalling £2.3m were built in to the 2014-15 budget, including savings achieved through the initial phases of the court restructuring programme (£0.6m); the relinquishment of 1A Parliament Square (£0.6m); reductions in carbon emissions (£0.1m); and procurement efficiencies (£0.2m). It also noted that energy budgets were reduced (£0.8m) to reflect stabilised energy costs and efficiency savings, and the court closure programme had delivered cost avoidance (£3m) relating to the backlog maintenance on the buildings vacated.

94. The SCS indicated that its total net budget for 2014-15 is £72.3m, although this would rise to £72.7m following the addition of a further £0.4m to meet the costs of part-time sheriffs covering judicial vacancies. It highlighted that, during the first half of 2014-15, in-year funding was agreed with the Scottish Government

111 Scottish Government (2014). _Response to the Justice Committee’s Stage 1 report on the Courts Reform (Scotland) Bill_, page 3.
112 Scottish Court Service, written submission.
113 SPICe briefing, pages 16-17.
115 Scottish Court Service, written submission.
116 Scottish Court Service, written submission.
of: (a) £1m for additional staff and judicial resource to support the increase in road traffic, domestic abuse and sexual offences cases as a result of the proactive approach taken by the police and prosecutors; and (b) £1.2m to cover transitional costs associated with the merger of the SCS and the STS.

Financial year 2015-16

95. In its written evidence, the SCS noted that its draft budget for 2015-16 has been set at £87.4m for 2015-16, which is an increase of £15.1m on the original 2014-15 budget of £72.3m. The majority of this increase reflects the merger of the STS and SCS, while £2.6m relates to additional non-cash funding to cover increased depreciation costs.\(^{117}\)

96. Its submissions stated that: “the difficult decisions made in previous years have enabled us to maintain staff numbers, fully resource the significant justice reform programme and move investment to ICT to make sure we can substantially upgrade our infrastructure, develop new case management systems and digital evidence presentation in courts, while upgrading our video link capability to meet the needs of vulnerable witnesses.”\(^{118}\) The SCS went on to argue that “savings have been built in to the 2015-16 projection, based on previous costs” which total £1m and include savings from the court closure programme (£0.4m) and efficiencies in corporate support (£0.6m). It added that these savings will help meet additional cost pressures, including a rise in employer pension contributions and inflation.\(^ {119}\)

97. As requested by the Committee, the SCS also detailed a number of factors limiting its flexibility in managing budgets, including:

- limited control over demand;
- operational costs;
- level of fee income and judicial operational costs;
- a historic and costly estate to maintain; and
- accommodating legislative changes.

98. It also, as requested, highlighted the potential ways of achieving savings that it had considered but rejected, including:

- delaying implementation of its digital innovation programme – but this had been ruled out as it would “run counter to other initiatives on victims and witnesses, courts reform and the Scottish Government’s Digital Strategy for Justice in Scotland”\(^ {120}\);
- closure of additional courts, which was rejected on the basis that it would not be in the interests of delivering effective local justice;
- restricting planned property maintenance, which was not taken forward as it would carry significant risk to operation of the courts;

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\(^{117}\) Scottish Court Service, written submission.
\(^{118}\) Scottish Court Service, written submission.
\(^{119}\) Scottish Court Service, written submission.
• introduction of additional fees for tribunals, which was not considered to be in the interests of justice.\textsuperscript{121}

99. The Committee notes the work undertaken to date by the Scottish Court Service in delivering efficiencies in recent years and recognises that this has involved taking some difficult decisions. The Committee welcomes its decision to reject further potential cost-saving measures, including more court closures and additional fees for tribunals, which the Committee considers may not be in the interests of access to justice.

Volume of cases

\textit{Impact of increased demand on the Scottish Court Service}

100. The Committee heard from a number of witnesses that, in the last 18 months, there had been a significant increase in the volume of cases being heard in the courts and that this has led to pressures on the system and on staff. Witnesses advised the Committee that these increases were focused in a number of areas: road traffic, domestic abuse and sexual offences, as a result of the proactive approach taken by the police in certain areas and a rise in the number of witnesses of historic cases coming forward.

101. Brian Carroll, SCS Branch Secretary of the PCS union, indicated that, in some areas, the number of cases had increased by as much as 25 per cent\textsuperscript{122}, adding that the “vast majority of courts – 29 out of the 47 – have seen an increase in trials led”.\textsuperscript{123} He highlighted that the target average waiting period for a summary criminal trial is 16 weeks, but that this waiting time is currently 19 weeks in Glasgow and Strathkelvin and 23 weeks in the Lothian and Borders.\textsuperscript{124}

102. As referred to earlier in this report, the SCS agreed in-year funding of £1m with the Scottish Government to provide additional staff and judicial resource to support the increase in demand. Eric McQueen, the SCS Chief Executive, described the change in demand as “unplanned for and unforeseen”, but said that “we can cope with it with the flexibility in the system”. He said “we are confident that, as we move to the early part of next year, the vast majority of courts will either be at or be as close as possible to the 16-week period that is acceptable for trial diets”.\textsuperscript{125}

103. The Cabinet Secretary indicated that the rise in the volume of cases had “clearly created a certain pressure on the SCS and the way in which it carries out its responsibilities”, but confirmed that the in-year funding agreed by the SCS and Scottish Government was to provide additional resource to meet this demand.\textsuperscript{126} When asked whether the Scottish Government would be able to respond to similar requests for in-year funding in 2015-16 if the demand continued to remain high, the Cabinet Secretary stated that “we will remain engaged with the Justice

\textsuperscript{121} Scottish Court Service, written submission.
Board\textsuperscript{127} to ensure that, if issues require to be addressed in-year, we try to do that as quickly and as helpfully as we can”.\textsuperscript{128}

104. Both the Chief Executive of the SCS and Cabinet Secretary were asked whether there was a case for increasing the SCS core budget rather than having to provide ad hoc funding to deal with pressures in-year. Mr McQueen responded that, “at the moment, we are confident that our budget is set at the right level and that it will allow us to deliver”. He also indicated that he expects business volumes to start coming back down. However, he went on to state that “if, in the middle of next year, we find that there has been a change or that something else has happened to demand, we would need to discuss that with the Justice Board and the Scottish Government.\textsuperscript{129}

105. The Cabinet Secretary advised the Committee that it would be for the SCS to prepare a proposal to justify any additional resources that it needs to meet ongoing demand. However, he indicated that he expects the SCS to “consider adapting its budget to reflect that situation or to discuss with its Justice Board colleagues how it might wish to manage things”.\textsuperscript{130}

106. The Committee notes the significant increase in the volume of cases, some of which may be very complex, that the Scottish Court Service has had to deal with over the past two years arising from Police Scotland’s proactive approach to targeting certain crimes, such as domestic abuse, and a rise in the number of witnesses to historic cases coming forward. The Committee accepts that an increase of this scale could not have been predicted. However, the Committee asks Police Scotland to ensure that it alerts the Scottish Court Service and Crown Office and Procurator Fiscal Service at the earliest stage when planning to prioritise particular crimes for detection, to enable these organisations to plan for any knock-on effects to their workloads.

107. The Committee commends the flexible partnership approach that the Justice Board gives to those organisations involved in the delivery of justice to be able to co-ordinate approaches and respond to peaks and troughs in workload. However, some Committee members would rather see an overall increase in the core budget for the SCS to allow it to meet demand appropriately, rather than it having to apply for additional funding during the course of the year when workload pressures have already arisen.

\textit{Impact of increased demand on the Crown Office and Procurator Fiscal Service}

108. The extent to which the COPFS budget impacts on the processing of cases through the courts was also explored and the specific issues raised in evidence are noted below. This section should not, however, be seen as an in-depth scrutiny of the COPFS budget in its entirety, as the Committee’s focus this year was solely on the courts and police budgets.

109. Funding for COPFS is set to increase, in cash terms, from £108.7m in 2014-15 to £112.1m (+3.1%) in 2015-16. This equates to a real terms increase of 1.5%. Compared to the indicative figures for 2015-16, an additional £2.7m of funding has been allocated to COPFS in 2015-16 for prospective major/complex cases.

110. The Committee heard concerns about the impact on procurators fiscal of the increased workload and the particular nature of the cases involved. In written evidence, the Procurators Fiscal Society (PFS) of the FDA union suggested that “while COPFS appear to have received a real-terms increase to the overall budget, upon further analysis, it is apparent that [there] is a £1.1m cut in our staffing budget next year.” It went on to state that “the obvious consequence of this reduction in staffing costs is that the number of staff will have to decrease, which we believe will have a detrimental effect on our members' professional ability to prosecute cases in a timely and effective manner, their ability to meet COPFS performance targets and therefore the proper demands of victims and witnesses”.

111. Fiona Eadie, Secretary to the PFS, highlighted that “the complexity and serious nature of cases and the personal impact that dealing with cases such as those that involve serious sexual offences and offences against children mean that they are very demanding on individuals”, adding that “those combined pressures cause us concern.” Ms Eadie highlighted that, in a stress audit carried out by both of the unions in COPFS, 80 per cent of members said that they had concerns about workload, reducing staff levels and the lack of court preparation time, and a quarter of those who responded said that those concerns were a cause of stress to them.

112. However, the Crown Agent rejected claims that the staffing budget would decrease, arguing that “we want to protect staffing and take money from other areas where we can make savings”. She advised that “we have tried to move the most experienced staff, who are specially trained for different types of cases such as sexual offending and domestic abuse into the right units to cover those cases”. She added that “we can also take on a number of fixed-term staff—administrative and legal—to relieve pressure when we cannot meet the demands of our workload with the permanent staff”.

113. Concerns were also raised by Ms Eadie that “an increasing number of serious cases at Sheriff and Jury and High Court level are being indicted on the last date of service before they time bar”. However, the Crown Agent argued that “a proportion of cases will always be served on the last day for service, but that has always been the case” and confirmed that “we are not concerned that we are going to miss time bars in cases”. In a supplementary written submission,
the Crown Agent confirmed that no solemn case was unable to proceed on indictment due to COPFS failing to indict the case within the time-bar. 138

114. Similar to the SCS, in-year funding (£0.47m) was agreed between the Scottish Government and COPFS during 2014-15 to deal with the increasing demand of cases. The Crown Agent explained that: “over the past two and a half years, reporting has almost doubled in certain areas [and] to be perfectly frank, I do not think that anybody in the justice system really anticipated that”, adding that additional funding was made available to deal with these cases. When asked whether there was an argument for increasing the COPFS core budget rather than providing ad-hoc funding to deal with pressures in-year, the Crown Agent said that, “as a public servant who is responsible for public expenditure, I would not expect you to think that I should ask for things when I do not have work to carry out with them”. 140 She also highlighted using the Justice Board to respond to any unexpected peaks in demand “is a flexible approach” and suggested that “we are at a stage at which we think that it might have plateaued”. 141

115. When questioned about the funding for COPFS, the Cabinet Secretary highlighted the real terms increase to the COPFS budget and suggested that “how best to make use of the resources in the service is a matter for the Crown Office, the Lord Advocate and the Solicitor General to determine”. 142

116. The Committee notes the concerns of the Procurators Fiscal Society regarding the increased workload of procurators fiscal and the personal impact on them in dealing with the particular increase in complex sexual and domestic abuse cases. The Committee also notes the Crown Agent’s assurances that the COPFS staffing budget will be protected and that an additional £2.7m of funding has been allocated to the organisation in 2015-16 for prospective major/complex cases.

Impact of court closures on demand

117. The Committee heard from some witnesses that court closures may also be placing demands on the system. Mr Carroll of the PCS union advised that the average waiting period for summary criminal trials led in the Edinburgh and Lothians was likely to increase from 23 to 30 weeks after the closure of Haddington Sheriff Court (against a target of 16 weeks). 144 Alan McCloskey, Director of Operations at Victim Support Scotland, suggested that “more people are coming into the courts … with the court closures and court reforms in general”, and highlighted that issues around the separation of witnesses and the accused “is more acute because a number of courts are closing”. 145

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138 COPFS, supplementary written submission.
118. However, Andrew Alexander, Head of Access to Justice at the Law Society of Scotland, suggested that “it might just be the case that the courts have gone through one set of transitions and are on the cusp of another, rather than there being any fundamental issues to do with resourcing”. He suggested that “it might also be the case that some of the issues can be resolved through discussions between court users, and the Court Service and others, but we are monitoring the situation”.  

119. In response to Mr Carroll’s comments regarding the transfer of business from Haddington Sheriff Court to Edinburgh, Mr McQueen said that “we have no doubt whatever that Edinburgh has the capacity to deal comfortably with the Edinburgh business”. He also argued that, “in fact, we have the capacity to deal with more cases than the combined impact of Haddington and Edinburgh, and we are putting in place a court programme to deal with the business”.  

120. On the courts closure programme more generally, Mr McQueen told the Committee that “the programme has gone surprisingly well”. He explained that the overall movement of business was 5 per cent, “which means that any impact will be 5 per cent on what was previously there”. He suggested that, while “significant concerns were raised about access to justice, witnesses not turning up, intimidation, public order and increases in churn in the courts, ... we have experienced the reverse of that”. He also suggested that, “if anything, the programme has allowed us to be more flexible in how we use our resource in many courts and to deploy judiciary and staff to help improve the flow of business”.  

121. The Cabinet Secretary was also asked to comment on court capacity and responded that “the SCS is very clear that its physical estate is sufficient to meet the demands on the service in Scotland [and that] no delays have come about as a result of any court closures”.  

122. The Committee notes assurances by the SCS Chief Executive that the concerns that court closures would affect access to justice and increase churn in the court have not been realised. It also notes figures provided by the PCS union highlighting increased waiting times for summary criminal trials in some courts, including Edinburgh. It therefore appears that there is some evidence suggesting current capacity problems. As more courts are due to close in January 2015, the Committee asks the SCS to keep under review the impact of the court closures on the capacity of the remaining courts. The Committee will also monitor the impact of court closures.  

**Court estate**  

*Separate facilities for witnesses and the accused*  

123. The Committee heard that Victim Support Scotland (VSS) had continuing concerns about the separation of facilities for witnesses and the accused in court

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buildings. Although it was acknowledged that significant progress had been made in this area, Mr McCloskey of VSS highlighted that victims and witnesses still come into contact with the accused and their supporters, either at the court entrance or in and around the public areas of the court and, as referred to earlier in this report, this “is more acute because a number of courts are closing”.  

He highlighted that VSS and SCS staff had toured eight of the larger courts earlier this year, walking through the building from the perspective of a victim or witness and pointing out “simple measures that can be taken that do not necessarily cost money, such as providing adequate signage that points people in the right direction and operating a desk where people can find out where to go.” Mr McCloskey confirmed that he had seen improvements as a result of the tours and that more are planned.

124. The SCS Chief Executive was asked to respond to comments from VSS on the separation of the accused and witnesses. He advised that “we completely recognise that some of our buildings have some physical limitations … we cannot change them overnight, and there are restrictions on public access with regard to the space that is available inside”. However, he advised that the SCS is “working collaboratively with VSS to try to make any changes that we can make quickly and give victims and witnesses the best possible service”.

125. The Cabinet Secretary was asked whether he is confident that sufficient funds are being allocated to the SCS capital budget to enable it to ensure that its buildings can be adapted to ensure separation of witnesses from the accused. In responding, he recognised that the SCS had undertaken a lot of work in recent years to provide different waiting areas in court buildings and suggested that he expects the SCS to “continue to look at its estate and at how it can be much more sensitive to the needs of different groups of individuals who are using our courts”.

126. The Committee recognises that progress has been made in ensuring the separation of witnesses and the accused in court buildings, but acknowledges the challenges of achieving this within some of the older court estate. The Committee considers the joint approach taken by Victim Support Scotland and the Scottish Court Service in identifying remaining areas of concern within buildings is an example of good practice and should be continued in the future.

New justice centres

127. In its written submission, the SCS stated that: “as part of its long-term vision we believe that delivery of the best possible accommodation solution for court services is critical”. It explained that, “in a number of areas across Scotland the optimal future model is for purpose-built justice centres in key strategic population

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areas, providing the best environment and facilities for victims, witnesses, professional court users and support services".\footnote{Scottish Court Service, written submission.}

128. There was broad support from witnesses for the creation of justice centres. For example, Mr Carroll of the SCS branch of the PCS union stated that, “if justice centres are built in [the expected] locations, they will replace the ageing estate that needs to be replaced and will enhance the service that is provided for victims, witnesses, jurors and the accused, as well as, I hope, providing better facilities for our staff”.\footnote{Scottish Parliament Justice Committee. \textit{Official Report}, 18 November 2014, Col 34.}

129. Mr McQueen explained to the Committee that the SCS had “identified three areas—Inverness, Kirkcaldy, and Airdrie—where justice centres are our first priority, and in the coming months we will work up feasibility studies and take our proposals back to Government for funding.”\footnote{Scottish Parliament Justice Committee. \textit{Official Report}, 18 November 2014, Col 41.} He noted that the SCS bid for justice centres has been earmarked for access to the £60m NPD\footnote{The Non-Profit Distributing (NPD) model was developed and introduced as an alternative to and has since superseded the traditional Private Finance Initiative (PFI) model in Scotland.} funding for investment in capital projects, adding that “we believe that if we carry out the feasibility studies and produce the right business cases, we can progress the centres at some stage in the next three to five years”.\footnote{Scottish Parliament Justice Committee. \textit{Official Report}, 18 November 2014, Col 42.}

130. When asked to comment on the financing of the justice centres, the Cabinet Secretary confirmed that the Scottish Government has “assigned £60m from the overall investment in the NPD programme to facilitate the provision of the three centres, but the SCS needs to take forward this work over the next couple of years within the capital programme”. He added that it is for the SCS to take forward the modelling that would be required and then to bring forward a business case to the Scottish Government justifying its chosen approach.\footnote{Scottish Parliament Justice Committee. \textit{Official Report}, 25 November 2014, Col 37.}

131. The Committee supports the principle of creating three purpose-built justice centres in key strategic population areas to provide improved facilities for victims, witnesses, court users and support services, and notes that the Scottish Government has allocated £60m from the NPD\footnote{The Non-Profit Distributing (NPD) model was developed and introduced as an alternative to and has since superseded the traditional Private Finance Initiative (PFI) model in Scotland.} programme for this work. The Committee urges the Scottish Court Service, when conducting its feasibility studies into this project, to ensure access to justice is its utmost priority. It also asks the Scottish Government to keep under review the amount it allocates to the SCS revenue budget so that insufficient revenue does not become a barrier to progressing the projects.

Specialist jury centres

132. The SCS intends to create 16 specialist jury centres in major population centres where more complex sheriff court cases can be dealt with. There will be further provision for sheriff and jury business in the islands. It is expected that it
will take ten years for this process to be completed.\textsuperscript{164} The SCS written submission stated that, “as a result of this work, the court estate will be consolidated allowing targeted investment of resources”. Again, there was broad support from witnesses for this approach.

133. Mr Alexander from the Law Society advised that, “in principle, concentrating resources in those areas under that model is a sensible idea”, adding that “prioritising areas to make sure that they are as fit for purpose for complex business as possible is the way forward”. He also said he understood that “some flexibility might remain to hear cases locally when they would otherwise be concentrated in one of the 16 hubs”.\textsuperscript{165}

134. The Crown Agent and COPFS Chief Executive, Catherine Dyer, welcomed the proposed creation of 16 jury centres, stating that “we understand that there has been a change and that Scotland looks very different from how it looked when the courts that are now in place were set up in the 1800s or whenever”.\textsuperscript{166} She confirmed that COPFS “will work with the SCS as it moves to that system, but I understand that that will be a gradual movement—there is not going to be a sudden stop, and there will have to be planning around the movement of work”. She further highlighted that “the public will expect an increased level of service for victims and witnesses at the 16 jury centres”.\textsuperscript{167}

135. \textbf{The Committee notes the proposal to establish 16 specialist jury centres where complex sheriff court business can be dealt with and that this will take up to ten years to complete. The Committee again asks the Scottish Court Service to take into account access to justice issues when taking decisions on the location and facilities of these centres.}

\section*{ICT infrastructure}

136. The SCS written submission stated that it is currently investing in new ICT infrastructure to support court reform, including development of electronic case management systems, digital access to the courts, including appearances by video link and the electronic presentation of evidence. The detailed budget provided by the SCS highlights that an additional £1.9m has been allocated to ICT development.\textsuperscript{168}

137. The Committee heard concerns around the reliability of technology in remote sites from which vulnerable witnesses often give their evidence. Mr McCloskey of VSS highlighted that “it is fair to say that our experience thus far of some of the remote sites has been disappointing in terms of the technology” where “the links often go down and the technology can be ineffective”. He noted that “a lot of court time can be lost in getting the links back in operation, so although it sounds good and we support it in principle, we would like to see better technology in place of what is currently available, which is hit and miss at best”. Mr McCloskey also highlighted that “the court closures may put more pressure on the use of remote

\begin{footnotesize}
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\footnotetext{164}{SPICe briefing, page 16.}
\footnotetext{168}{SPICe briefing, page 17.}
\end{footnotesize}
sites, but the problems with technology have been an issue for a number of years.\textsuperscript{169}

138. Mr Alexander of the Law Society suggested that there is potential for significant efficiency savings from increased use of video-conferencing facilities to allow solicitors to have consultations remotely with clients who are in prison. This approach had been piloted in a number of areas and had been “broadly successful”.\textsuperscript{170}

139. The SCS Chief Executive told the Committee that the SCS has allocated another £1.9m to ICT next year “to bring our standards right up to what we class as being state-of-the-art facilities”. He advised that a major upgrade in the SCS videoconferencing system is taking place, ensuring that the system will be reliable and consistent and which meets the needs of vulnerable witnesses.\textsuperscript{171} This upgrade is to be completed by January 2015.

140. Mr McQueen also highlighted that the SCS is developing an electronic management system for videoconferencing bookings to “allow us to have resilience, that the expertise is there and that the lines are working”. Local area networks within individual courts are also being upgraded “to allow wireless access in all our courts as well as high speed connections and a very new infrastructure”. He also noted that the business case for introducing a “next-generation case management system” is to be presented to the SCS Board for sign-off in December, with the contract expected to be awarded in January.\textsuperscript{172}

141. The Committee welcomes the new initiatives and targeting of funding towards ICT as a way of generating long-term efficiencies. However, during the 2013-14 budget process, the Committee is disappointed at the lack of progress in the use of videoconferencing in prison visits and court proceedings, given the potential cost savings. Therefore, while the Committee welcomes that a major upgrade of videoconferencing facilities will be complete in 2015, it is frustrated that it has taken such a long time to make this progress.

Environmental issues

142. In its written submission, the SCS stated that energy budgets were reduced (£0.8m) in 2013-14 reflecting stabilised energy costs and efficiency savings, and that carbon emissions were reduced (£0.1m). Relinquishing ageing court buildings through the court closure programme is also expected to make significant efficiencies, both financially and in terms of the organisation’s own carbon emissions.

143. In its Stage 1 report on the Courts Reform (Scotland) Bill, the Committee noted the differences between the requirements of the Aarhus Convention\textsuperscript{173} and


\textsuperscript{173} The Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters, signed on 25 June 1998. It grants public rights regarding
the scope of judicial review in Scots Law. It also noted witnesses’ calls that, either judicial review should be adapted to meet the Convention requirements, or that a lower court or tribunal on the environment should be created. The Committee also stated that it is sympathetic to calls for the introduction of an environmental tribunal for Scotland.

144. The Cabinet Secretary was asked if he would consider creating such a tribunal and responded that he is “open to considering what the shape of our specialist courts should be in the future, including whether we should have environmental tribunal or court”. He went on to state “that is not to say that it will automatically happen, but I am open-minded about considering whether it would be appropriate and how it would fit within the Scottish justice system”.

145. The Committee welcomes the Scottish Court Service’s work in stabilising energy costs and reducing carbon emissions. The Committee renews its request to the Cabinet Secretary to consider establishing an environmental tribunal or court, as suggested in its earlier report on the Courts Reform (Scotland) Bill.

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access to information, public participation and access to justice, in governmental decision-making on environmental matters. The UK Government is a signatory to the Convention.

ANNEXE A: EXTRACTS FROM THE MINUTES OF THE JUSTICE COMMITTEE

24th Meeting, 2014 (Session 4) Tuesday 30 September 2014

Draft Budget Scrutiny 2015-16 (in private): The Committee considered its approach to the scrutiny of the Scottish Government's Draft Budget 2015-16 and agreed to: (a) focus its scrutiny on the budgets for policing and the courts; (b) issue a call for written evidence; and (c) further consider its approach at its next meeting.

25th Meeting, 2014 (Session 4) Tuesday 7 October 2014

Draft Budget Scrutiny 2015-16 (in private): The Committee further considered its approach to the scrutiny of the Scottish Government's Draft Budget 2015-16 and agreed: (a) not to appoint an adviser; (b) a list of witnesses on the courts budget; and (c) to request specific budgetary information from the Scottish Court Service, the Scottish Police Authority and Police Scotland.

27th Meeting, 2014 (Session 4) Tuesday 4 November 2014

Draft Budget Scrutiny 2015-16: The Committee took evidence on the Scottish Government's Draft Budget 2015-16 from—
Derek Penman, HM Inspector of Constabulary in Scotland;
Tina Yule, Lead Inspector, HM Inspectorate of Constabulary in Scotland;
Chief Superintendent Niven Rennie, President, Association of Scottish Police Superintendents;
Stevie Diamond, Police Staff Scotland Branch, Unison.

28th Meeting, 2014 (Session 4) Tuesday 11 November 2014

Draft Budget Scrutiny 2015-16: The Committee took evidence on the Scottish Government's Draft Budget 2015-16 from—
Calum Steele, General Secretary, Scottish Police Federation;
Vic Emery, Chair, and John Foley, Chief Executive, Scottish Police Authority.

29th Meeting, 2014 (Session 4) Tuesday 18 November 2014

Draft Budget Scrutiny 2015-16: The Committee took evidence on the Scottish Government's Draft Budget 2015-16 from—
Andrew Alexander, Head of Access to Justice, Law Society of Scotland;
Alan McCloskey, Director of Operations, Victim Support Scotland;
Catherine Dyer, Crown Agent and Chief Executive, Crown Office and Procurator Fiscal Service;
Fiona Eadie, Secretary, Procurators Fiscal Society Section, FDA Union;
Brian Carroll, Branch Secretary in the Scottish Court Service, Public and Commercial Services Union;
Eric McQueen, Chief Executive, and Cliff Binning, Chief Operations Officer, Scottish Court Service;
Martin McKenna, Acting Deputy Director, Scottish Tribunals Service and Parole Unit, Scottish Government.

30th Meeting, 2014 (Session 4) Tuesday 25 November 2014

Draft Budget Scrutiny 2015-16: The Committee took evidence on the Scottish Government's Draft Budget 2015-16 from—
Chief Constable Sir Stephen House, Deputy Chief Constable Neil Richardson, and Janet Murray, Director of Financial Services, Police Scotland;
Michael Matheson, Cabinet Secretary for Justice designate, and Hilary Pearce, Police Division, Scottish Government.

32nd Meeting, 2014 (Session 4) Tuesday 9 December 2014

Draft Budget Scrutiny 2015-16 (in private): The Committee considered a draft report to the Finance Committee on the Scottish Government's Draft Budget 2015-16. Various changes were agreed to and the Committee agreed its report.
ANNEXE B: ORAL EVIDENCE AND ASSOCIATED WRITTEN EVIDENCE RECEIVED BY THE JUSTICE COMMITTEE

27th Meeting, 2014 (Session 4) Tuesday 4 November 2014

ORAL EVIDENCE

Derek Penman, HM Inspector of Constabulary in Scotland
Tina Yule, Lead Inspector, HM Inspectorate of Constabulary in Scotland
Chief Superintendent Niven Rennie, President, Association of Scottish Police Superintendents
Stevie Diamond, Police Staff Scotland Branch, Unison

28th Meeting, 2014 (Session 4) Tuesday 11 November 2014

ORAL EVIDENCE

Calum Steele, General Secretary, Scottish Police Federation
Vic Emery, Chair, and John Foley, Chief Executive, Scottish Police Authority

WRITTEN EVIDENCE

Scottish Police Federation
Scottish Police Authority

29th Meeting, 2014 (Session 4) Tuesday 18 November 2014

ORAL EVIDENCE

Andrew Alexander, Head of Access to Justice, Law Society of Scotland
Alan McCloskey, Director of Operations, Victim Support Scotland
Catherine Dyer, Crown Agent and Chief Executive, Crown Office and Procurator Fiscal Service
Fiona Eadie, Secretary, Procurators Fiscal Society Section, FDA Union
Brian Carroll, Branch Secretary in the Scottish Court Service, Public and Commercial Services Union
Eric McQueen, Chief Executive, and Cliff Binning, Chief Operations Officer, Scottish Court Service
Martin McKenna, Acting Deputy Director, Scottish Tribunals Service and Parole Unit, Scottish Government

WRITTEN EVIDENCE

Law Society of Scotland
Victim Support Scotland
Crown Office and Procurator Fiscal Service
FDA Union
SUPPLEMENTARY WRITTEN EVIDENCE

Crown Office and Procurator Fiscal Service
FDA Union

30th Meeting, 2014 (Session 4) Tuesday 25 November 2014

ORAL EVIDENCE

Chief Constable Sir Stephen House, Deputy Chief Constable Neil Richardson, and Janet Murray, Director of Financial Services, Police Scotland
Michael Matheson, Cabinet Secretary for Justice designate, and Hilary Pearce, Police Division, Scottish Government

WRITTEN EVIDENCE

Police Scotland

OTHER WRITTEN EVIDENCE

Scottish Court Service
Scottish Consortium on Crime and Criminal Justice
Howard League Scotland
Scottish Women's Aid

CORRESPONDENCE

Letter from the Chief Constable to the Convener (9 December 2014)
Letter from the Convener to the Chief Constable (10 December 2014)
Letter from the Chief Constable to the Convener 12 December 2014