Children (Scotland) Bill

As you will be aware, the Committee is currently considering the Children (Scotland) Bill at Stage 1. At its meeting on 17 December 2019, the Committee took evidence from Professor Elaine Sutherland, University of Stirling, and Dr Richard Whitecross, Edinburgh Napier University.

During that evidence session, the Committee heard that it is not currently possible for researchers to gain access to records of historical (i.e. no longer active) civil court cases. This is different to other legal systems, including England and Wales, where such access can be granted subject to ethical approval.

Consequently the lack of access means that we do not have up-to-date information on a range of issues associated with how the courts are operating in practice in cases under section 11 of the Children (Scotland) Act 1995. Some written evidence to the Committee has also raised more general concerns about the absence of data and statistics in relation to such cases.

Would you please confirm whether it is your understanding that researchers are currently not able to access historic court records in civil cases? If so, what steps

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could be taken to allow access and, more broadly, to improve the data we have available on cases dealt with under section 11 of the 1995 Act?

I would be grateful for a reply by Friday 7th February.

Margaret Mitchell MSP
Convener, Justice Committee