JUSTICE COMMITTEE

PRE-BUDGET SCRUTINY OF THE SCOTTISH GOVERNMENT’S DRAFT BUDGET 2019-20

SUBMISSION FROM THE SCOTTISH COURTS AND TRIBUNALS SERVICE

Funding across the Justice Portfolio

The Scottish Courts and Tribunals Service (SCTS) Chief Executive is a member of the Justice Board for Scotland. Through a collaborative approach Justice Board members are working together to deliver the outcomes set in the “Justice in Scotland: Vision and Priorities” document¹. In prioritising work, Board members consider its impact across the justice system as a whole, alongside the financial implications.

A recent example of this, at a tactical level, is the approach being taken to manage the significant rise in reporting of domestic abuse and sexual offending. By coordinating activity and targeting additional funding, trials are starting at the earliest opportunity – minimising the need for them to be moved to other court locations, which is not in the best interest of the complainer or witnesses.

At the strategic level the work of the Evidence and Procedure Review² has shone a light on the need to transform the way in which we take the evidence of children and vulnerable witnesses and the opportunities to bring about substantial modernisation to summary criminal justice in Scotland.

The balance between maintaining adequate tactical funding to ensure that day to day business operates effectively, whilst preserving strategic funding to make sure that longer-term transformation can be achieved, will be critical in future funding decisions. A deficit in the former can lead to short-term crisis management, which consumes capacity and prevents an effective focus on reform. A deficit in the latter will prevent the effective delivery of envisaged reforms, which will ultimately lead to greater cost and a poorer service for victims and witnesses in the longer-term.

Proposals for Spending

The recent announcement that The Crown Office and Procurator Fiscal Service (COPFS) have been given additional in-year budget of £3.6million to fund the recruitment up to 140 permanent staff is welcomed. The Justice Committee Inquiry into the role of COPFS highlighted a number of areas for improvement and concerns about underfunding.

The nature and complexity of criminal cases is changing, particularly in relation to sexual offending and the increases in technology based evidence. With the expectation that cases should be brought to court earlier and a move to pre-recorded evidence, it is vital that the draft Budget reflects the impact of realising that change across the justice system as a whole and ensures an effective funding distribution across all justice organisations. From an SCTS perspective maintaining funding at the “real terms” level of our total budget for 2018-19 represents the minimum level at which the organisation will be able to maintain

² http://www.scotcourts.gov.uk/evidence-and-procedure-review
effective day to day operations at the tactical level whilst taking real steps to deliver the longer-term change envisaged at the strategic level. This will be critical to ensure we can maintain access to justice, deliver sustainable performance improvements and achieve the transformation planned to modernise our courts and justice system.

Electronic monitoring

The SCTS response to the Justice Committee’s Calls for Evidence on the Management of Offenders (Scotland) Bill, can be accessed at the link below:

http://www.parliament.scot/S5_JusticeCommittee/Inquiries/MO-SCTS.pdf

Essentially the wider availability and increased use of electronic monitoring will likely result in:
- Increased number of orders imposed
- Increased court and staff time required to deal with variations, revocations, reviews and breaches of those orders.

As the Scottish Government moves closer to introducing the extension of the presumption against short sentences, any funding arrangements for an enhanced electronic monitoring service will also have to consider the impact on the SCTS, Police Scotland and other organisations such as local authorities. The heightened profile and the possible attractiveness of electronic monitoring being imposed for longer periods than at present, may lead to an overall increase in the number of community based disposals imposed in the courts. These can create additional court costs as they may take longer to impose in court and breaches may result in subsequent court appearances.

In relation to third sector and voluntary groups, it is clear as electronic monitoring is expanded and enhanced in all parts of Scotland, those will require appropriate funding to maintain and develop their support services.

Third sector and voluntary

The SCTS is not best placed to comment on the funding issues that arise more generally from the work of third sector and voluntary groups who operate in the civil and criminal justice systems. However, we would note that the lack of adequate funding for these groups may mean that the justice system does not operate as efficiently and effectively as it could. For example if funding for adequate support for individuals was not available a consequence of this may be an increase in breaches or re-offending, meaning increased pressure of business within the justice system giving rise to additional costs.