

Criminal Justice Committee
Wednesday 12 November 2025
30th Meeting, 2025 (Session 6)

Crown Office and Procurator Fiscal Service (COPFS) and Scottish Courts and Tribunal Service (SCTS) Pre-budget Scrutiny [Panel 1]

Note by the Clerk

Introduction

1. Each year, subject committees in the Parliament carry out pre-budget scrutiny in advance of the publication of the Scottish Government's budget for the forthcoming financial year.
2. The aim is for the committees to collect evidence on spending priorities and make recommendations to the relevant Cabinet Secretary before the Scottish Government finalises its budget.
3. The Committee held its first 2026/27 Pre-Budget Scrutiny oral evidence session on 5 November when it took evidence from Police Scotland and the Scottish Police Authority.
4. At this evidence session the first panel of witnesses the Committee will hear from today are:
 - **John Logue**, Crown Agent and Chief Executive and **Yvette Greener**, Chief Operating Officer of the Crown Office and Procurator Fiscal Service, and
 - **Malcolm Graham**, Chief Executive of the Scottish Courts and Tribunal Service.
5. At subsequent meetings, the Committee plans to hear from other organisations within the criminal justice sector and then from the Cabinet Secretary for Justice and Home Affairs. Thereafter, the Committee will produce a short report with its recommendations.
6. The written submissions that have been submitted from the above organisations is set out in **Annex A** to this paper.
7. Other relevant written submissions received by the Committee that may be of interest include:
 - [Procurators Fiscal Section of the FDA Trade Union](#)
 - [PCS Procurator Fiscal Branch](#)

Focus of the Pre-budget Scrutiny

8. As with last year, the focus of the Criminal Justice Committee is a general one on the financial pressures on organisations in the criminal justice sector.
9. Of particular interest to the Committee is the pressure on capital budgets and investment in policing, the fire and rescue services, prisons, courts, community justice, criminal social work and the third sector.

Action

10. Members are invited to discuss budget matters with the witnesses at today's meeting.

**Clerks to the Committee
November 2025**

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SUBMISSION FROM THE CROWN OFFICE AND PROCURATOR FISCAL SERVICE

Thank you for inviting the Crown Office and Procurator Fiscal Service (COPFS) to provide a written submission to the Criminal Justice Committee's pre-budget scrutiny of the Scottish Budget for 2026-27.

This submission provides the Committee with an overview of COPFS's budget and resource plans, as well as our delivery and reform priorities for the 2026-27 financial year. It also outlines the casework context and operational pressures facing the organisation, alongside our ongoing work to reform both the criminal justice system and the way we deliver our service. The submission reflects recent increases in COPFS funding, which have supported improvements in our capacity to investigate and prosecute serious and complex crime, make significant progress in reducing criminal court backlogs caused by the pandemic, investigate Covid-19 related deaths, and addressing the age profile of death investigations. COPFS also continues to manage an unprecedented volume of complex investigations, each requiring large, skilled teams of prosecutors and case preparers.

The submission highlights the delivery of £7m in efficiency savings in 2025- 26 and outlines our plans for efficiencies in future years, aligned with the Scottish Government's public sector reform aims. Our commitment to reducing future funding requirements through pandemic recovery and system reform is embedded in our strategic planning.

COPFS is currently working with the Scottish Government on budget planning and allocations for 2026-27. While our funding for the next financial year has not yet been confirmed, this submission outlines the resource requirements necessary to maintain progress, manage operational pressures, and deliver justice system reform. Final budget allocations will be confirmed later this year as part of the Scottish Government's 2026-27 Budget process.

In this context, the submission sets out:

- COPFS' strategic approach to resource planning and delivery for 2026-27;
- The progress being delivered through recent investment and targeted resources, enhancing COPFS's capacity and capability;
- The importance of maintaining current service levels in 2026-27, including the conclusion of pandemic-related casework and continued support for justice system reform;
- COPFS's contribution to public sector efficiency, including savings from workforce planning and reductions in corporate costs;

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- Key unfunded pressures and operational risks, such as the implementation of Body Worn Video evidence, rising mortuary costs, and the resource demands of complex investigations;
- The importance for sustained investment in 2026-27 to protect public confidence and ensure COPFS can meet its statutory obligations and wider justice system responsibilities.

Background - Casework Pressures and Delivery

COPFS is a demand-led organisation with statutory responsibilities to deliver justice and investigate deaths. The volume and complexity of our casework continues to grow, placing sustained pressure on our resources. Sexual offences and death investigations remain significant and increasing areas of demand. Sexual crime now accounts for almost 70% of High Court casework and forms a substantial proportion of indictment cases in the Sheriff Court. Domestic abuse cases continue to represent a significant share of summary casework. These trends are expected to persist for years to come.

The number of deaths requiring investigation remains high, with a 22% increase in 2024-25 compared to pre-pandemic levels (2019-20). COPFS is working to achieve quicker conclusions in death investigations and reduce the age profile of outstanding cases, with work underway to conclude, lodge first notice, or initiate criminal proceedings for all pre-2022 death investigations.

While the number of postmortem examinations instructed by COPFS decreased slightly (3%) in 2024-25 compared to the previous year, this work is increasingly complex. Compared to 2019-20, the number of instructed postmortem examinations has increased by 11%.

COPFS faces additional pressures in investigating deaths related to health and safety incidents, each requiring large, skilled teams of prosecutors and casework staff to undertake complex and lengthy investigations. This reflects a rise in both mandatory and discretionary Fatal Accident Inquiries (FAIs). Some death investigations require substantial investigative effort even when they do not result in public court hearings. High-profile incidents currently being investigated include the Jenners fire, the New County Hotel fire in Perth and the Clyde tug sinking.

With the provision of additional resource, COPFS has made significant progress in tackling pandemic-related casework and delivering justice system improvements. We have reduced the backlog in summary courts from over 40,000 to 16,000 - now below pre-pandemic levels. We have completed the investigation of 2,396 Covid-19 deaths, with 3,625 remaining under active investigation, from over 6,000 reported cases.

COPFS is meeting the challenges of amended pandemic time bar legislation in Sheriff and Jury and High Court cases, working with justice partners to plan and

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conclude casework within statutory timeframes. We have made progress in High Court cases through increased productivity in reporting, demonstrated by a 23% improvement in 2024-25 compared to the previous year. While the age profile of unreported cases has reduced, a projected 24% increase in new High Court petitions - alongside a growing backlog of cases awaiting trial (from 1,086 to 1,145 between April and August 2025) - means there is still substantial work to be done. Based on current resource and casework levels, COPFS is managing unreported and indictment-stage cases in line with time bar requirements.

There has been a notable increase in the number of public inquiries requiring COPFS support. While some cases have received targeted funding, the capacity to progress new and ongoing complex investigations remains constrained. These resource limitations have led to delays that risk undermining public and political confidence in COPFS's ability to investigate deaths effectively, an area of growing scrutiny.

COPFS has progressed a number of key reform initiatives within its existing budget allocation and resources, without receiving specific additional funding. These include:

- Conducting a full review of the impacts across COPFS following the High Court's judgment in Lord Advocate's Reference No.1 of 2023, which clarified the law of corroboration in sexual offence cases and has significant implications for evidential standards and prosecution practice;
- The Lord Advocate's instructed review of the prosecution of sexual offences, which is informing future service design and operational priorities;
- Victim and Witness Reform: COPFS is progressing reform programmes to modernise its Victim Information and Advice (VIA) service, aimed at improving accessibility, responsiveness, and trauma-informed support for victims and witnesses. These reforms are central to delivering a more person-centred justice system and improving outcomes for those affected by crime.
- Summary Case Management (SCM), a judicially-led transformation enabling early disclosure and engagement between the Crown and defence, which is now being implemented in all Sheriff Courts, helping to reduce trial backlogs and improve engagement through early disclosure of key evidence, proactive engagement with victims of domestic abuse and defence agents, and judicial case management to improve case progression;
- Implementation of the Single Complainer Pilot for rape trials in the High Court, aimed at shortening the time to trial and improving the experience of victims in rape cases;

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- Implementing the recommendations from the HM Inspector of Prosecution Reports on Domestic Abuse and on COPFS' National Enquiry Point front-line service; and
- Rollout of Body Worn Video (BWV) evidence, supporting justice system reform and evidential improvements.

These initiatives reflect COPFS's commitment to modernising service delivery, improving outcomes for victims and witnesses, and contributing to the transformation of the wider justice system.

This remains a critical time for maintaining progress and public confidence in the work of COPFS.

COPFS Budget and Resources – Overview

COPFS welcomes the continued support of Scottish Ministers in delivering the improvements and service outcomes made possible through additional and targeted funding in 2025-26 and recent years. The level of investment reflects the importance of our work and the progress being made in tackling the pandemic backlog, strengthening prosecutorial capacity, and supporting reform across the criminal justice system.

The 2025-26 increased funding allocation is enabling COPFS to deliver key operational improvements, including enhanced capacity to investigate and prosecute serious and complex crime, significant reductions in court backlogs, and progress in concluding Covid-19 death investigations, and supporting improvements in outcomes for victims and witnesses. These developments demonstrate the impact and return on investment from COPFS's contribution to justice system recovery and reform.

COPFS is at a pivotal stage in pandemic recovery and in maintaining public confidence in its work. It is therefore essential that the staffing and resource levels currently supported are maintained in 2026-27 to complete Covid-19 death investigations, address the remaining criminal case backlogs, and sustain our progress in complex casework and justice system reform. Continued investment is critical to ensuring COPFS can meet its statutory obligations, deliver timely and effective prosecutions, and support victims and witnesses through a modernised and resilient justice system.

COPFS Proposed Funding for 2026-27

COPFS is currently working with Scottish Government on budget planning and allocations for 2026-27. COPFS' budget allocation for the next financial year will be confirmed later this year in line with the Scottish Government 2026-27 Budget process.

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COPFS' proposed essential resource funding and minimum capital requirements for 2026-27 are as follows:

COPFS Budgets: 2025-26 and 2026-27 (Proposed)

	2025-26	2026-27 ¹
	£m	£m
Resource	227.9	236.5
Capital	12.4	7.6 ²
Total	240.3	244.1

- ¹ COPFS budget forecast – subject to ongoing discussion with Scottish Government as part of the Scottish Budget 2026-27 planning programme
- ² Includes only essential capital spend

This funding does not fund expansion or additional service provision. It will enable COPFS to maintain its current workforce plans to reduce the criminal case backlog in our courts and investigate Covid-19 deaths, and support the funded staff working on death investigations and some of our larger complex criminal investigations. The figures incorporate pay award and inflation assumptions in line with Scottish Government budget planning.

COPFS Efficiencies

COPFS is committed to operating as efficiently as possible. For 2026-27, almost £5m in efficiencies are embedded within the above resource funding requirement, achieved through the application of stringent workforce controls and sustained corporate cost reductions. This disciplined approach has been consistently applied over several years to operate as efficiently as possible and reduce our essential funding requests to Scottish Government. COPFS also continues to absorb excess inflationary pressures and reduce non-staff costs wherever feasible.

COPFS Resource Plan

We are conscious of the recent increases in our budget allocation and welcome the continued support of Scottish Ministers in delivering the improvements which the funding is facilitating. We also understand the pressures on public sector funding and the reform and efficiency challenges. COPFS is developing plans setting out how we will reduce our levels of resource needs as the pandemic recovery work is completed and reflecting casework, reform and transformation efficiencies. The development of this plan is a commitment we have given to Scottish Government and forms part of our funding planning.

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While our funding request for 2026-27 incorporates maintaining current staffing levels for another year to deliver justice and the highlighted priorities, COPFS is developing forecasts for 2027-28 that will incorporate phased budget reductions as pandemic casework is completed, and more efficient processes are embedded. COPFS will develop workforce plans involving the reassignment of staff from recovery related work to core prosecution areas, supporting long-term efficiency, while maintaining service delivery and focus on trauma-informed service. Future casework pressures, new significant investigations or legislative changes will need to be factored to confirm achievable operating budget savings.

Reform and Partnership Working

COPFS is committed to reducing the criminal case backlog and concluding Covid-19- related death investigations. At the same time, COPFS is actively driving improvements to the way it works and delivers. COPFS is also working with justice sector partners - including the Scottish Government, Scottish Courts and Tribunals Service (SCTS), Police Scotland, the judiciary, and the defence profession - to deliver system-wide reform and modernise the criminal justice system.

Key initiatives include:

- Summary Case Management (SCM): COPFS has delivered demonstrable efficiencies through its involvement in the SCM programme, which represents a transformative shift in the handling of summary criminal cases in Scotland. SCM introduces early disclosure of key evidence, proactive engagement between COPFS and defence agents, and judicial case management to accelerate case progression. These reforms have led to measurable improvements: increased early resolution of cases, reduced witness citations, and shorter case durations, significantly easing the burden on victims and witnesses. Cases are concluding more quickly with less churn. SCM is now undergoing phased national rollout across all sheriff courts and will be complete by the end of 2025.
- Once fully implemented, SCM is expected to deliver significant system-wide savings, both in operational efficiency and potential realisable budget savings, which can be redeployed to support a better service for victims and witnesses and more complex casework. These transformation benefits and system-level efficiencies have been achieved without additional funding or legislative change, demonstrating the potential for transformational reform within a critical public service.
- Digital Evidence Sharing Capability (DESC): Delivered in partnership with Scottish Government, Police Scotland and SCTS, DESC enables secure, browser-based sharing of digital evidence, reducing reliance on physical media and improving case progression. DESC is in use across Scotland's Sheriff Courts with a pilot underway in Dundee for Solemn cases.

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- Victim and Witness Reform: COPFS is working with Scottish Government to explore the expansion of its Witness Gateway digital service into a national victims and witnesses online platform, improving communication, access to information, and trauma-informed services.
- Digital Services and Data-Driven Innovation:
 - Witness Gateway: Deployed nationally, provides secure online access for victims and witnesses to view case updates and manage court attendance, with further user-focused functionality scheduled for release over 2025-26;
 - Defence Agent Service (DAS): A secure portal enabling defence agents to access case materials and digital evidence, replacing manual disclosure processes and improving engagement between prosecutors and defence agents. Additional user-focused services and functionality are scheduled for release throughout 2025-26 to deliver further system-level benefits;
 - Undertaking a multi-year programme to modernise COPFS' digital casework systems and business processes;
 - Exploring the use of AI and data analytics to automate routine tasks, and improve productivity and freeing up more time to deliver a trauma-informed service;
 - Investing in improved use of data and management information to enhance performance, resource allocation, and service delivery.

Capital and Investment

COPFS continues to modernise its estate, digital infrastructure, and operational systems to support innovation and more efficient and effective delivery. Capital investment plays a critical role in enabling this transformation: supporting justice system reform, improving services, and ensuring the organisation can meet future demands. Investment in COPFS also contributes to wider justice system reform, enabling collaborative, system-level improvements with justice partners and supporting outcome-focused public service delivery.

Priorities for investment include:

- Continued rollout and development of the Digital Evidence Sharing Capability (DESC), DAS and other online digital services;
- Victim and Witness Digital Services: COPFS is working with the Scottish Government to explore the expansion of the Witness Gateway into a national online platform for victims and witnesses. This would build on existing

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investment in citizen-facing digital services to improve communication, access to information, and the delivery of trauma-informed support;

- Investment in developing COPFS' next-generation casework systems, including the use of Artificial Intelligence and data analytics, to innovate and transform casework and delivery of justice services.
- Capital funding pressures are compounded by inflationary cost increases and the need to replace and modernise essential infrastructure. Without sustained investment, there is a risk that progress in digital transformation and estate modernisation will stall, impacting operational resilience and the ability to deliver services efficiently.

The capital budget included in the 2026-27 figures include only essential spend for COPFS's digital systems and estate. COPFS is currently developing new strategies to support future service delivery, operational capabilities, and reform. These strategies will inform investment planning and are central to COPFS's ambition to improve, modernise, and transform delivery of justice - both within COPFS and in collaboration with partners across the wider justice system.

COPFS will work with the Scottish Government to prioritise capital investment that delivers long-term value, supports reform, and contributes to a more modern, accessible, and effective justice system.

Unfunded Pressures and Risks to Delivery

COPFS acknowledges the pressures on public sector finances and the difficult decisions required to deliver sustainable budgets. We are grateful for the continued support of Scottish Ministers, including the funding provided for the current financial year, which has supported COPFS in reducing court backlogs and progress death investigations and complex prosecutions. To minimise delivery risks and maintain ongoing momentum in pandemic recovery and justice system reform, it is essential that this level of funding is sustained in 2026-27. Without it, COPFS would face significant challenges in meeting statutory obligations, maintaining public confidence, and delivering timely and effective justice.

Key risks include:

- **Operational Risk:** COPFS must maintain sufficient capacity to meet its legal obligations, including the timely prosecution of cases, investigation of deaths, and compliance with statutory time bars. Any reduction in essential core capacity would directly impact our ability to deliver these functions.
- **Service Delivery Risk:** Reductions in essential staffing or funding could delay progress in key areas, including the prosecution of reported crime, support for victims and witnesses, casework reform, and the delivery of new public-facing digital services. These initiatives are vital to improving access to justice and

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maintaining public confidence. Cost pressures arising from the implementation of BWV evidence - currently an unfunded responsibility for COPFS - present an additional challenge.

- **Legislative and Policy Risk:** New or amended legislation, particularly the creation of new offences or key policy changes, may increase demand on COPFS resources. Without corresponding funding, this could limit the organisation's ability to deliver planned efficiencies and meet statutory duties.
- **Workforce and Capacity Risk:** COPFS's ability to deliver planned efficiencies is dependent on maintaining a workforce aligned to current and forecasted demand. Careful workforce management is essential to sustaining service delivery and resilience, and to delivering the efficiencies reflected in COPFS's budget allocations and requests to the Scottish Government. Any sustained increase in case volumes or complexity could reduce the scope for savings and place additional pressure on staffing levels, potentially impacting operational performance and the quality of service provided to victims, witnesses, and the wider justice system.
- **Financial Risk:** COPFS is committed to maintaining pay parity for its staff with equivalent roles in the Scottish Government, which is essential to recruitment, retention, and workforce stability. Any pay awards above current budget planning assumptions for 2026-27 would present a cost pressure. In addition, rising non-staff costs, particularly in areas such as postmortem and mortuary services, which are subject to cost recovery pricing, pose a risk to financial sustainability with significant additional costs incurred in the current financial year.
- **Covid Time-Bar Legislation:** The Covid-19 time-bar extension legislation, originally due to end in November 2025, has been adapted to allow a transition period. For cases initiated before November 2025, the extension applies; for those after, original time bar limits are reinstated. COPFS has plans in place to manage compliance and is working closely with justice partners to align casework with confirmed legislative timeframes.

Given the scale and complexity of COPFS's responsibilities, sustained investment is essential to mitigate these risks and maintain delivery of core services. Without continued support, there is a risk that progress made in pandemic recovery, justice system reform, and service modernisation could stall, impacting victims, witnesses, and public confidence. COPFS remains committed to working with the Scottish Government to manage pressures, deliver efficiencies, and ensure the justice system remains fair, effective, and resilient.

Conclusion

COPFS welcomes the continued support of Scottish Ministers, with resources enabling tangible progress in the reduction of criminal case backlogs and the

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investigation of deaths. The funding provided for 2025-26 has supported improvements in prosecutorial capacity, victim and witness services, and justice system reform. These outcomes demonstrate the value of sustained investment in COPFS and the wider justice system.

Looking ahead to 2026-27, it is essential that resource and workforce levels are maintained to consolidate progress and avoid disruption to core services. COPFS is, as has been the case for several years, committed to delivering efficiencies through careful workforce management and operational controls. The proposed funding for the next financial period - including workforce control and corporate cost efficiencies - is critical to ensuring COPFS can meet its statutory obligations, deliver planned efficiencies, and continue contributing to justice system reform.

COPFS remains committed to working with the Scottish Government and justice partners to deliver a fair, effective, and modern justice system. We will continue to manage pressures responsibly, pursue reform opportunities, and ensure public confidence in our work is maintained.

I hope this submission is helpful to the Committee in its consideration of the justice portfolio and the funding requirements for COPFS in 2026-27. I would be happy to provide further information or clarification if required.

Yours sincerely

John Logue
Crown Agent and Chief Executive

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SUBMISSION FROM THE SCOTTISH COURTS AND TRIBUNAL SERVICE

Introduction

Non-Ministerial office established under section 60 of the Judiciary and Courts (Scotland) Act 2008 to provide, or ensure the provision of, the property, services, officers and other staff required for the purposes of— the Scottish courts, the judiciary of those courts, the Scottish Tribunals and their members and the Office of the Public Guardian and Accountant of Court.

Main financial pressures

SCTS appreciates the opportunity to be able to provide views at this stage in the Committee's scrutiny. Whilst each organisation will be facing slightly different pressures there are a number of underlying pressures by all organisations operating in the justice sector. These can be summarised as:

(i) Prior pressures/under-funding – while we welcome the financial support that the Scottish Government has been able to provide it has fallen short of assessed need to maintain core services and deliver reform. Last year SCTS carefully outlined its budget needs to sustain service and minimum levels of investment in change – we made this case drawing on evidence from prior year budgets, in year funding and projected income streams available to the organisation. The Budget provided for 2025-26 was some £8m below that ask. This has led to significant challenges and risks in the current year. We are obliged to manage within the budget available and have made a range of decisions to be able to do so, but it should be recognised that our capacity to manage business and deliver change is inevitably restricted by a budget that does not meet assessed need – and will form the baseline for the coming year.

(ii) Inflationary and external pressures – over the past few years the rate of inflation has remained persistently above expectations, meaning that settlements secured ahead of the financial year have been devalued as the year progressed, reducing spending power and resulting in a lower baseline from which subsequent years' budgets are set. Sector specific inflation in areas such as construction and digital has been running at a higher rate than inflation generally, increasing the impact on an organisation such as SCTS. In addition to this, organisations are being asked to absorb all (or a proportion of) significant emergent costs, including the increased real living wage, employers' national insurance contribution rates and pay settlements exceeding the levels set out in the public sector pay policy published in tandem with the Budget Bill. SCTS and other organisations seek support from the Scottish Government in order to meet these emergent pressures, but they are often unable to meet them (or meet them in full) in-year e.g. employer NI. The net result is the need to deliver significant efficiencies in order to simply break-even – ahead of any reform requirements.

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In addition to these general pressures SCTS would identify 3 particular pressures it is facing:

(iii) Growing levels of serious criminal business – a new and higher level of serious criminal case registrations, that was emerging prior to COVID, has accelerated. This demand is driven by both fluctuations in volume and by policy changes introduced by both the Scottish Government and the Crown. These are laudable in their intentions, but they do impact on business levels. In relation to High Court Business a general and sustained rise has been apparent for a number of years. This reflects an increased focus by police and prosecutors on proactive investigation of historical sexual and domestic abuse cases, leading to complex, time-consuming prosecutions. These, in turn, increase confidence in the system, leading to greater numbers of victims choosing to take action in both historic and current cases.

Our modelling indicates that solemn business levels will increase further in the coming years, driven by changes in the law on corroboration, which are likely to increase the number of prosecutions for serious sexual offences in particular. Whilst these are welcome developments in terms of public safety (and the role that the justice system can play) their full effect on court business levels is yet to be felt and could be very significant. The Crown secured additional investment to support the prosecution of these cases in its 2025-26 budget – that is bearing fruit in terms of increased case registrations. In the absence of equivalent investment in the courts, business will be delayed, waiting periods will grow significantly and the reputation of the system, including its ability to demonstrate a trauma-informed or victim-centred approach, will be eroded.

(iv) Growing tribunal and OPG business - continued growth in the business of the devolved tribunals and the Office of the Public Guardian is also placing significant pressures on SCTS. Once more these are welcome developments – as they represent successful realisation of the government's strategy to make increased use of specialised jurisdictions and to ensure that people across Scotland are planning for the future and are well-protected by the state. Again, they do come at a cost: OPG's caseloads have soared, with Power of Attorney applications up by 38% in the past four years, to around 100,000 a year. Significant case growth is apparent across almost all devolved tribunal jurisdictions – social security in particular. Unlike in the civil courts, fees are not chargeable in tribunal cases – encouraging their use but adding to SCTS administrative costs without any associated revenue stream to offset some of those costs.

(v) SCTS Funding Model – the baseline budget that has been awarded to the SCTS in recent Budget Bills falls significantly short of what is required to run the organisation. Part of the gap relates to fine and fee income collected and retained by SCTS which – whilst generally predictable – can fluctuate from year to year. The remainder relates to in-year funding awarded to SCTS via budget revisions. Some elements of this relate to genuinely unpredictable and demand-led expenditure that should rightly be funded through budget revision – but other elements relate to expenditure which is now well-defined and could be provided as part of the baseline

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allocation, reducing risk and complexity in the management of budgets.

“RRT funding” (recover, renew, transform) awarded since the COVID pandemic is a key example. SCTS is the only organisation still subject to temporary financing to support a level of capacity that now represents the norm – albeit with a shift from lower level to more serious criminal cases. If more of our total annual spending requirements could be guaranteed through the Budget Bill allocation this would allow us to plan and invest with more certainty – rather than running at risk for a large part of the year, awaiting certainty on both in-year budget allocations and revenue streams. The spending power of such allocations is also eroded by pay inflation as they are used to support a number of posts. Where Judicial costs are not met by the consolidated fund SCTS maintains that these must be fully covered by the Scottish Government – otherwise a rise in these costs has to be cross-subsidised from the core SCTS budget – eroding it further.

Main priorities for 2026/27

(1) Core funding – to support justice. As a general observation SCTS would note that the key priorities set by Scottish Ministers in their programme for government (eradicating child poverty, growing the economy, tackling the climate emergency, and delivering high quality public services) do not directly mention the justice system, but are all dependent on the stability provided by the criminal justice system and the capacity to resolve disputes provided by the civil justice system and tribunals. Courts and Tribunals sit at the heart of a healthy functioning democracy, undertaking a remarkable variety of work.

Given that is the case, as an absolute minimum, sufficient funding to both “keep the show on the road” in terms of managing operations (including the growing levels of serious criminal business and the other financial pressures outlined above) and leading change to become more efficient and effective are both essential – as the detrimental impact of this not being in place would quickly become apparent in terms of public order, efficient management of commercial matters and the ability for citizens to resolve issues with each other and with the state. Providing timely access to courts and tribunals so that rights may be upheld and disputes resolved is more than just a public service – it is an essential part of a well-functioning democratic society. They bring peace and security in the personal lives of citizens, promote stability in the commercial world, discourage and punish unacceptable conduct and provide balance in the affairs and operations of governments. The unique decisions made differ from all others in society in that they are binding, enforceable and ultimately backed by coercive state powers. The Courts and Tribunals matter and must be both maintained and improved if the rule of law is to be upheld.

(2) Justice Sector Digital Transformation – The First Minister has spoken recently of the need to ensure that our public realm is “digitally transformed” to meet the challenges of the future. While a number of positive digital developments (including digital evidence sharing, evidence by commission, remote provision of evidence and body worn video) have progressed in recent years, we run the risk of focusing on

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distinct elements whilst the “backbone” of our technology – the operational case management systems that hold data, organise business and provide the information that allows the system to run – become increasingly out of date. The absence of real investment in this area makes it challenging to deliver the transformation there is potential for – as the systems of one agency are unable to work fluently with those of another; struggle to provide public facing, “self-service” information and are difficult to update as they are based on outdated technology.

The case management systems that underpin the work of the criminal justice system are largely unseen but absolutely critical. Developing and investing in a new system whilst maintaining the legacy system is not something SCTS is resourced for. Similar challenges exist for other justice organisations. There is an opportunity to work together – introducing newer technology that could design out many of the legacy risks and issues faced by current systems (data security, process complexity, lack of interoperability, cyber risk etc). At the same time, we have the potential to transform services, with simpler systems freeing up staff time, offering improved information sharing, analytics and more tailored public-facing services. Taking forward an initiative to modernise and consolidate the case management landscape across the criminal justice field is beyond the capability of a single organisation to deliver – but would be possible working together with support and investment from the Scottish Government.

The UK Government has identified over £4 billion of funding to support preventative approaches and develop cross-cutting digital priorities. Over the past 10 years His Majesty’s Courts and Tribunals Service received over £1.3 billion (in addition to its core funding) to support a major overhaul of its technology and case management platform. With more limited resourcing over a similar period, SCTS has been able to update the case management system used for civil business and is currently updating the system used by the Office of the Public Guardian. These are positive developments – but a step change will be required to both mitigate risk and realise benefits in the criminal justice field.

It is now essential to invest at the scale and pace required (beyond that required to maintain core services to an acceptable level) – in the development of a new, cross agency system to support the efficient and effective management of criminal justice as a priority. This will not provide an immediate fix as development will take time, but is essential if the justice sector is to be sustainable in the longer term. It will be needed to meet the ambitions set in the Government’s fiscal sustainability plan and public service reform strategy – that we use technology to achieve a multiplier effect, making efficiencies and improving performance. Such work would require significant targeted investment and committed collaboration. By way of comparison, the new case management system for Social Security Scotland, which adopts a digital first approach, has an estimated whole life cost of £277m. To achieve a similar step change across the criminal justice system will require expertise, co-ordination, collaboration and targeted investment (both revenue and capital). It is, however, the only option that can deliver both improved service and longer-term efficiency – the goals we all seek.

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Pressures on capital spend

We continue to balance our capital expenditure between:

- maintaining a built environment that is safe, secure, sustainable and supports effective operations; and
- investment in new digital developments and cyber security.

It is not possible to prioritise one of these areas fully over the other – as investment is required in both to provide an effective service. Pressures exist in both areas, particularly in view of recent inflation rates in the construction and digital sectors. We recognise that investment in capital programmes may be challenging in the years ahead, given the Government's commitment to deliver new prisons – however, maintaining our buildings and systems is essential to deliver our core service, with the capital budget we received last year representing the minimum level at which operations can safely and effectively function.

The SCTS built estate – comprises 71 buildings made up of courts, vulnerable witness suites, tribunals and offices. We manage an important and historic estate, with buildings often being viewed as a key part of a community and town centres. We most often host all other justice partners in our buildings – setting the tone, sanctity and majesty of our justice system for all, which underpins a civilised democracy and market economy such as Scotland enjoys. This requires a strategic approach to investment, modernisation and review – subject to the funding we have available. An ageing estate requires significant investment both to maintain and enhance the service potential of buildings. At this point in time we are only able to meet all health and safety requirements and keep the buildings wind and water tight from within the allocated capital budget – but any further investment to improve services (e.g. for vulnerable witnesses) depends on additional and specific funding for projects above the core capital allocation. The inability to invest in proactive and preventative maintenance creates a risk that we are managing a gradual decline in the quality of our building stock. The SCTS remains committed to the journey to net zero and has obligations to deliver decarbonisation of its estate in line with statutory guidelines. SCTS has a target of a 2.5% year-on-year reduction in carbon output, using 2016-17 total carbon output as the current baseline. In recent years we have managed to exceed this baseline – but it becomes more challenging (and costly) over time as the more straightforward adaptations are utilised.

The digital estate – comprises of over 100 distinct systems required to manage the business of Scotland's courts, devolved tribunals and the Office of the Public Guardian. Capital investment to ensure all services have reliable and fit for purpose digital infrastructure, hardware and software is essential to run operations. Investment in digital reform is increasingly revenue based in nature, as we develop new systems that are low/no code in nature. However the majority of our core case

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management systems, including the current criminal and civil case management systems are code-based and require continued capital investment, to ensure compliance with legislative changes in particular. We have an appetite to invest in improved digital services to benefit service users and realise efficiencies in the longer term, but this can only be achieved through up-front investment. Such investment is now increasingly revenue focused but remains vital. For example, work to deliver a new juror management process has the potential to transform the service provided but we were only able to commence this work on successful receipt of a bid for “invest to save” funding from the Scottish Government earlier this year.

The need to keep pace with new legislation and policy creates pressures on the capital budget. Even small changes in the law can require quite significant system upgrades to older code-based systems. Should budgets be constrained we will be compelled to focus on maintenance – at the expense of development and reform.

As mentioned in the response to question 2 the need for sustained cross-system investment to deliver a new and radically improved digital system for managing criminal business is the key priority, opportunity and risk facing the sector. It will likely require a combination of revenue and capital funding to address. SCTS believes this is the priority that we should collectively focus on. It has the potential to mitigate many of the risks presented by current systems and processes. It also has the potential to improve long-term outcomes and efficiency, rather than treating symptoms in isolation. In the absence of being able to make a step-change in this area a gradual deterioration in the performance, security and efficiency of the systems managing a crucial area of public policy (and safety) in Scotland is a very real risk.

Opportunities for further efficiency savings and/or further investment on a ‘spend to save’ basis

Work already under way – SCTS has a long and successful record of improving public services and demonstrating best value in a resource constrained context. Our contribution to public service reform and simplifying the delivery landscape is long-standing – we became a single national service through court unification, absorbed the delivery functions of tribunals from the Scottish Government and support a number of smaller independent bodies to reduce duplication and corporate overheads. Much work is under way in this area already. An example of this is the summary case management project, which is now being rolled-out nationally after a successful pilot. It has the potential for significant sectoral savings, particularly for the Crown and Police. National rollout is projected to reduce the number of summary trials fixed by over 3,200 per year and reduce the annual level of police witness citations by over 50,000. During the pilot the volume of outstanding scheduled trials reduced by 31% in pilot courts, contrasted by a 10% rise in the non-pilot courts. In the course of this year our work to roll out summary case management, support police and expert witnesses to give evidence remotely, expand the use of evidence by commission, allow solicitors to submit cases online, modernise the OPG case management system and provide enhanced Wi-Fi to all professional courts users are

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just a few examples of steps we are taking to improve service and create savings – often for our partners. To the extent that we have the capacity and resource to continue work of this nature in the coming years we are eager to do so.

Future efficiencies and investment – SCTS will continue to lead and support a number of initiatives in addition to those outlined above. The development of the sexual offences court, as proposed by the Victims Witnesses and Justice Reform Bill, presents an opportunity to improve the service provided in cases of this nature in addition to supporting a more flexible model that may help manage some of the growing caseload in serious. We would again reiterate the critical importance of further investment being made on a ‘spend to save’ basis – to fundamentally modernise the case management systems and processes underpinning the work of the criminal justice system – as set out in more detail in the response to question 2.

Other issues

The role of the justice system – and the courts in particular – has been drawn into sharp focus of late, due to a number of recent and continuing challenges to the rule of law. In his recent speech at the “Scotland 2050” event the First Minister spoke of “a growing risk to our democracy because of mis- and dis-information, with trust in institutions falling”. The Lord President’s focus on open justice is central to combatting these challenges – by making the processes of our courts and tribunals open, accessible and understandable the public can have confidence that they are supporting a well-functioning democracy. SCTS is supporting work to increase transparency and understanding of the system through a range of activities, including revised guidance, improved information and increased live streaming significant appeal business. This work is essential but does come at a cost.

Public Service Reform Delivery – SCTS understands the wider fiscal position faced by the public sector in Scotland – and continues to work on a range of reforms and improvements in order to increase efficiency and improve service. SCTS would observe that, where efficiency targets are considered necessary, it would be preferable to set organisations the targets they need to achieve and use existing governance structures to oversee that process. Over the course of the past year there has been a significant increase in the number of requests for detailed operational and management information from the Scottish Government, sought in order to measure or monitor particular and isolated aspects of performance. There is a risk that an approach of this nature creates inefficiencies of its own through high levels of administration. There is a further risk that such targets may drive perverse incentives or behaviours at a time when we all need to work together to meet the challenge faced.

SCTS would further observe that universal targets to prospectively reduce workforce or budget levels by a certain amount in future years fail to take account of the differential investment and growth that has taken place in to date. To give an example in the 10 years between 2014-15 and 2024-25 the headcount of core Scottish Government directly employed staff grew by 72.5% (from 5,382 to 9,290).

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Over the same period – which included SCTS taking on the staff to administer devolved tribunals from the Scottish Government – the headcount of the SCTS grew by 28.5% (from 1,603 to 2,062) . The staffing of SCTS has also grown less than a number of its other key partners over the same period. SCTS would contend that a degree of proportionality ought to be considered in the application of restrictions or targets, if their intention is to address prior growth and ensure that front line services are prioritised.

SCTS hopes to be able to provide further evidence to the Committee as its scrutiny of the 2026-27 budget progresses and would be happy to provide a more detailed breakdown of financial requirements, pressures and opportunities as part of that process.

ADDITIONAL WRITTEN MATERIAL SUBMITTED BY MALCOLM GRAHAM, CHIEF EXECUTIVE OF THE SCOTTISH COURTS AND TRIBUNAL SERVICE [5 NOVEMBER 2025]

Thank you for inviting the Scottish Courts and Tribunals Service (SCTS) to submit evidence as part of the Committee's pre-budget scrutiny for 2026-27. I look forward to giving evidence to the Committee on 12 November. Ahead of that session I wanted to provide some additional detail on the SCTS budget in particular – building on the remarks submitted on 9 September in response to the Committee's call for evidence in relation to the criminal justice sector as a whole.

As you are aware the Scottish Government has – for the first time in a number of years – commissioned a three-year spending review as part of this year's process. Whilst I appreciate the Committee will focus principally on 2026/27, I have attached tables providing an assessment for the coming three financial years, in order to give the Committee full context as to the profile of our budget requirements.

By way of overview, I would like to stress to the Committee that I am deeply concerned about the impact of a highly unfortunate combination of critical pressures. Taken together these pose a significant threat to Scotland's Courts and Tribunals. The pressures relate to:

- A sharp increase in complex demands and cases;
- Indications from the Scottish Government as to the level of future budget restraint; and
- A structural deficit in the investment required to provide modern, accessible, efficient and digitally enabled services across the justice system.

I will address these in more detail below. In order to assist the Committee this letter is broken into three sections:

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1. Resource budget – requirements for the coming period;
2. Capital budget – requirements for the coming period;
3. Financial outlook and public service reform.

1. Resource budget – requirements for the coming period

(i) Current Financial Year

SCTS exists to support the efficient and effective administration of justice in Scotland. It does this by providing the property, services, officers and other staff required to administer Scotland's courts, devolved tribunals, the Office of the Public Guardian and Accountant of Court.

In 2025-26 SCTS received baseline fiscal resource of £123.2m. As I have noted to the Committee previously the baseline budget awarded to the SCTS in recent Budget Bills falls significantly short of what is required to run the organisation. Part of the gap relates to fine and fee income collected and retained by SCTS which – whilst generally predictable – can fluctuate from year to year. The remainder relates to in-year funding awarded to SCTS via budget revisions.

In 2025/26 our baseline fiscal resource of £123.2m is supplemented by an estimated £57m in income, relating primarily to fees for civil court business. This provides a resource budget of just over £180m, ahead of any in-year budget transfers. This budget is allocated to a range of expenditure areas that are essential to provide our services. The vast majority of this expenditure is subject to fluctuations which are not within our control such as inflation, demand-led increases in business or external frameworks such as the public sector pay policy. Collectively these factors build in year-on-year upward pressures.

Total resource expenditure for SCTS in 2025/26 is likely to be in the region of £220m – with approximately £40m of specific in-year funding supplementing the baseline resource budget. Some elements of this relate to genuinely unpredictable and demand-led expenditure that should rightly be funded through budget revisions, mainly relating to the work of the tribunals. Other elements relate to expenditure which is now well-defined and should be provided as part of our baseline allocation, a point I will address below

(ii) Summary of Resource Budget Requirements 2026-27 to 2028-29

Table 1 (annexed) sets out our baseline resource budget estimate for each of the coming 3 financial years. The table narrates the changes required from the 2025-26 baseline resource allocation in order to maintain a sustainable service. The baseline resource level sought for 2026- 27 is £164.9m. The figures presented for the following two years assume that the prior year baseline will match the stated request for that year – giving an indication of any further budget movements required in years 2 and 3. Table 1a provides an estimate of the levels of in-year budget revision

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likely to be required in order to supplement baseline funding – although these figures remain provisional until the level of tribunal business each year is confirmed.

The baseline budget projection gives a realistic assessment of the resource funding required to maintain essential services and deliver a level of reform that will mitigate against serious delivery risks to those services, whilst preserving some of the potential to reduce future operating costs – in line with public service reform ambitions. Members will note that the requested uplift is significant in year 1 (2026-27) but much more modest in years 2 and 3. This reflects two principal points:

- As a consequence of recent budget settlements being lower than requested SCTS starts from a position of deficit – in addition to budget pressures arising in the current financial year.
- The estimate for 2026-27 assumes that an appropriate figure for RRT funding (which, to date, has been awarded to SCTS in-year) will be baselined into the core SCTS budget from 2026-27 onward.

Commentary on each of these areas is provided below.

(iii) Budget Pressures

Operational Pressures – Growing levels of serious criminal business

The higher level of serious criminal case registrations, apparent since prior to COVID, has continued to accelerate. SCTS has no control over the level of business registered in the criminal courts. The growth is driven to some degree by normal fluctuations in case volume and – to a larger degree – by policy changes introduced by both the Scottish Government and the Crown. These have increased the supply of such cases. An increased focus by police and prosecutors on proactive investigation of historical sexual and domestic abuse cases has increased confidence in the system, leading to greater numbers of victims choosing to take action in both historic and current cases. Changes in the law on corroboration are also likely to increase the number of prosecutions for serious sexual offences in particular. While this is to be welcomed, SCTS is duty bound to accept these cases. Their administration is expensive and managing them within a reasonable timeframe is essential.

Our recently published [modelling](#) indicates that solemn business levels will increase further in the coming years – acutely so in the High Court. The modelling demonstrates that additional trial courts will be required in the High Court from next year in order to alleviate pressure and to prevent a situation whereby periods of delay become intolerable. The Crown secured additional investment to support the prosecution of these cases in its 2025-26 budget – that is bearing fruit in terms of increased case registrations. In the absence of equivalent investment in the courts, business will be delayed, waiting periods will grow significantly and the reputation of the system, including its ability to demonstrate a trauma-informed or victim-centred approach, will be eroded.

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Whilst we remain hopeful that the roll-out of the summary case management pilot will create capacity against which some of these pressures can be offset, the majority of the savings produced by that initiative will accrue to the Police and Crown through reduced trial preparation and attendance at court. The administrative overhead for resolving summary cases is reduced only modestly for SCTS through the initiative. Progress has been slowed by the recent legal aid dispute, which highlights the extent to which SCTS is dependent on the behaviour of the many parties using its services.

The introduction of the Sexual Offences Court will support the more efficient distribution and administration of sexual offence cases. There will be costs associated with its development and implementation – some of these were captured in the Financial Memorandum to the Victims, Witnesses and Justice Reform (Scotland) Bill, although that made clear that the exact costs associated with setting up and running the court would be subject to a number of factors, in particular the caseload. Given that the implementation date is currently uncertain (and potentially dependent on the views of a new administration) we have not sought to project its financial impact in the figures provided – but may need to revisit this in-year, alongside any other new legislative developments that have a financial impact.

Operational Pressures – Growing levels of tribunal and OPG business

Continued growth in the business of the devolved tribunals and the Office of the Public Guardian is also placing significant pressures on SCTS. Once more these are welcome developments – as they represent successful realisation of the government's strategy to make increased use of specialised jurisdictions and to ensure that people across Scotland are planning for the future and are well-protected by the state. Again, they do come at a cost.

OPG's caseloads have soared, with Power of Attorney applications up by 38% in the past four years, to around 100,000 a year. Significant case growth is apparent across almost all devolved tribunal jurisdictions – social security in particular. Once more SCTS is duty bound to accept these registrations. Unlike in the civil courts, fees are not chargeable in tribunal cases. That encourages cases to be registered but adds considerably to SCTS administrative costs (and associated members' fees) without any associated revenue stream to offset a proportion of those costs. Every step will be taken to manage this work within our existing staffing profile but the growth in business creates inescapable additional costs in relation to members' fees and curator costs.

Maintenance and development of supporting case management systems across the tribunals is also critical, as some of these are end of life, or struggling to function effectively as case volumes continue to grow. Should it not be possible to secure the funding sought this will lead to a reduction in processing capacity, significant delays and higher costs due to complaints, additional scrutiny and aborted cases. There is a risk to the credibility of the system if it takes years for remedies to be achieved.

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Pay and workforce pressures

SCTS understands that workforce growth is not deemed viable in the coming years and has projected on the basis of a static front-line workforce, whilst building in a 0.5% per year non-frontline workforce reduction as envisaged by the government's Public Service Reform Strategy. Future year pay awards are modelled at a rate of 3.5%, 2% and 2% for each of the coming 3 years.

In view of the operational pressures faced we do not consider that any further reduction would be achievable without there being an impact on essential service delivery. We would note that, in spite of taking on additional functions – particularly in tribunals – the workforce of the SCTS has grown at a lower rate than some of our partners over recent years. For example – in the 10 years between 2014-15 and 2024-25 the headcount of core Scottish Government directly employed staff grew by 72.5% (from 5,382 to 9,290). Over the same period the headcount of the SCTS grew by 28.5% (from 1,603 to 2,062)¹ During that 10-year period SCTS took over responsibility for the administration of the devolved tribunals from the Scottish Government (reducing the headcount of SG while growing the headcount of SCTS). Staffing levels to support the vital work of the tribunals now number in excess of 250, accounting for over half of the SCTS workforce growth in that 10- year period.

Throughout the coming period we will operate a vacancy factor of 6.49% (i.e. our pay budget will only cover 93.5% of our total payroll bill in an effort to make it affordable). While the organisation has historically applied a vacancy factor this level exceeds previously achieved levels in an effort to drive efficiency in our workforce management.

Pressures on the SCTS Estate

One measure taken to balance the shortfall in our 2025/26 allocation was to significantly reduce the budget available for planned estates maintenance. We do not consider this to be a sustainable option in the long term however, as we must maintain facilities to a minimum standard, meeting health and safety legislation. Reactive maintenance costs are likely to grow if planned maintenance continues to be frozen. Reactive maintenance often ends up costlier in the long term as there will be damage to remediate due to asset failures in addition to the upgrades required.

Degradation of our assets will be the inevitable consequence of a lack of funding in this area – an approach that will be tolerable for a period but will ultimately lead to higher recovery costs, the potential closure of facilities on grounds of health and safety and the risk of a major incident. Moreover, if the physical court estate is allowed to decline to a degree where disrepair is widespread this may serve to undermine respect for the system to the detriment of all. Court buildings are where justice is seen to be done – if cases need to be adjourned or discharged due to

¹ Scottish Government figures taken from table TC1 of June 2025 [Scottish Government workforce information bulletin](#) SCTS Figures taken from published SCTS Annual Report and Accounts.

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estate failures that will be seen too. It will have a demoralising effect on everyone involved – and on the credibility of the system as a whole.

Digital and Cyber Security pressures

As digital service provision moves increasingly to “software as a service” we are moving from a position where large scale capital upgrades were required every few years to a position where revenue service contracts provide a continually updated product, but with contractual cost increases every year. As mentioned above digital cost inflation has been significantly above RPI and CPI in recent years, with this trend set to continue. SCTS is likely to incur substantial costs over the coming year due to the Scottish Government’s decision to close a data centre that currently hosts a high proportion of SCTS digital systems, with no additional support to facilitate the migration of essential services that will be required

In relation to cyber security the threat picture continues to grow and SCTS is determined to provide the most resilient possible service, which comes at an increasing cost. Should we be unable to meet resource requirements in this area the likely impact will be a less efficient service as we scale back on core digital tools and an increased risk of service failure – be that through inadequate maintenance or malicious attack. Should SCTS lose access to one of its principal case management systems in such a manner this could significantly disrupt the operation of the entire criminal or civil justice system – potentially for a period of months depending on the nature of the incident. The cost and impact of such an incident to the justice system is potentially very significant – underscoring the importance of supporting and updating our core digital systems and security.

Inflation and in-year pressures

In addition to there being an £8m deficit in the level of funding sought for 2025-26, which has led to a number of challenges in the current year, inflation has remained persistently above expectations, meaning that settlements secured ahead of the financial year have been devalued as the year progressed, giving a weaker baseline position. Sector specific inflation in areas such as construction and digital has been running at a higher rate than inflation generally, increasing the impact on an organisation such as SCTS, which manages an estate disproportionate to its workforce in view of the service we provide. We have also been introducing digital improvements in both civil justice and OPG – essential for system stability and improved service. Continuation of this work into the criminal justice sphere will be essential to prevent significant impacts on essential service delivery and to achieve longer-term efficiency.

As a consequence of the settlement provided by the UK Government the Scottish Government has not been able to fully support the impact of new pressures imposed in-year, including the increased real living wage and employers’ national insurance

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contribution rates. This requires further in-year efficiencies to be made in order to simply break-even.

(iv) RRT Funding

As a consequence of many of the pressures generated during (and since) the pandemic a number of justice organisations secured additional funding to support recovery, renewal and transformation activity. This “RRT” funding has since been converted to additional baseline funding for a number of our partner organisations – including the Police and the Crown. SCTS is the only justice organisation still subject to temporary financing to support a required level of function that now represents the norm – albeit with a shift from lower level to more serious criminal cases.

Our request for the coming period seeks to incorporate this funding into the baseline. If more of our total annual spending requirements can be secured through the Budget Bill this will allow us to plan and invest with more certainty – rather than running at risk for a large part of the year, awaiting certainty on both in-year budget allocations and revenue streams. Baseline funding would allow us to move towards permanent appointments for some roles that continue to be covered on a temporary basis, or by contractors, even though it is clear that they now form an essential part of our service. This would allow the organisation to maintain experience and build for the longer term. The funding is vital to maintain organisational function at anywhere near the level required to meet existing demand. It supports two key areas of activity that developed during the COVID pandemic and have persisted:

- the need for a greater administrative capacity to deal with a higher court workload. That capacity has successfully addressed challenges in summary trial levels but the challenge has moved to more serious business, with the need for resource to tackle it as crucial as before;
- providing the capability to manage a greater proportion of business remotely and virtually – particularly in relation to civil and tribunal business. SCTS now has to run both a digital and physical operation in a manner that its pre-COVID resourcing did not account for. The benefits that this choice provides to a range of partners, including the police, the legal profession and our service users are considerable, but they come with an additional administrative overhead. RRT funding is now essential to maintain both the in-person and digital services on which court and tribunal users rely every day (and elements of the underpinning infrastructure and services that allow these essential services to function).

2. Capital budget – requirements for the coming period;

Our capital budget allocation for the current financial year totals £19.6m. Projections indicate that SCTS will require the following levels of capital funding in the coming 3 years:

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- 2026-17 – £18.7m capital funding;
- 2027-28 – £27.6m capital funding;
- 2028-29 – £18.7m capital funding.

The significantly higher figure for 2027-28 is due to a major lease liability (Glasgow Tribunals Centre) reaching a review point. As the lease liability and asset are re-measured this is likely to trigger a significant capital charge. The final charge will not be known until reassessment takes place – the approx. £9m budgeted in 2027-28, represents the upper limit of the potential increase.

The £18.7m of core capital expenditure will continue to be balanced between:

- maintaining a built environment that is safe, secure, sustainable and supports effective operations; and
- investment in digital developments and cyber security.

We recognise that investment in capital programmes may be challenging in the years ahead, given the Government's commitment to deliver new prisons – however, maintaining our buildings and systems is essential to deliver our core service. This level of capital budget represents the minimum at which operations can safely and effectively function. Pressures exist in both areas, as summarised below.

Capital Pressures – Estate Costs

The SCTS built estate comprises of 71 buildings including courts, vulnerable witness suites, tribunals and offices. We manage an important and historic estate. This requires a strategic approach to investment, modernisation and review – subject to the funding we have available. An ageing estate requires significant investment both to maintain and enhance service potential. At this point in time we are able to meet all health and safety requirements and keep the buildings wind and water tight from within the allocated capital budget – but any further investment to improve services (e.g. for vulnerable court users) depends on additional and specific funding for projects above the core capital allocation. An inability to invest proactively creates a risk that we are managing a gradual decline in the quality of our building stock.

We remain committed to the journey to net zero. SCTS has a target of a 2.5% year-on-year reduction in carbon output, which has been exceeded in recent years. This becomes more challenging (and costly) over time as the more straightforward adaptations are utilised.

Capital Pressures – Digital

Our digital estate comprises of over 100 distinct systems required to manage the business of Scotland's courts, devolved tribunals and the Office of the Public Guardian. Capital investment to ensure all services have reliable and fit for purpose digital infrastructure, hardware and software is essential to run operations – and to

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support all those using the courts with facilities such as reliable Wi-Fi access. Investment in digital reform is increasingly revenue based in nature, as we develop new systems. However the majority of our core case management systems, including the current criminal and civil case management systems are code-based and require continued capital investment, to maintain security and ensure compliance with legislative changes in particular. We have an appetite to invest in improved digital services to benefit service users and realise efficiencies in the longer term, but this can only be achieved through up-front investment.

The need to keep pace with new legislation and policy creates pressures on the capital budget. Even small changes in the law can require quite significant system upgrades. Should budgets be constrained we will be compelled to focus on maintenance – at the expense of development and reform

I believe that significant future investment in digital systems presents the only sustainable solution to improve service and reduce longer term cost – and will address this point in the final section of this submission.

3. Financial Outlook and Public Service Reform

SCTS understands that public sector finances are under considerable stress and is aware of the challenges set out by the Scottish Government in its Medium-Term Financial Strategy, Fiscal Sustainability Delivery Plan and Public Service Reform Strategy. The organisation has a range of reform activity under way; further activity planned should it be possible to support it; and is seeking to lead a collaborative effort to modernise the digital systems that support the criminal justice system – as these are end of life and capable of significant improvement. An overview of these 3 areas is provided below. We believe that effort and investment to realise these reforms presents the only viable route to maintain services whilst making changes to reduce the size and cost of operations in the longer term.

Current Reform Activity

SCTS has a long and successful record of improving public services and demonstrating best value. Our contribution to public service reform and simplifying the delivery landscape is long-standing – we became a single national service through court unification, absorbed the delivery functions of tribunals from the Scottish Government and support a number of smaller independent bodies to reduce duplication and corporate overheads.

The introduction of the Digital Evidence Sharing Capability now means that digital evidence can be shared from crime scene to court room. The use of Remote Provision of Evidence in the High Court is saving both police and professional witnesses from having to attend court. The growth of the pre-recording of evidence through evidence by commissioner suites supports a more trauma informed approach for witnesses and complainers, and the introduction of the Integrated Case

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Management System (ICMS) in civil justice is improving services, increasing access and realising efficiencies.

We have also seen significant progress through the summary case management project, which is in the process of scaling from promising pilot to national norm. It has the potential for significant service benefits and sectoral gains, particularly for the Crown and Police. National rollout is projected to reduce the number of summary trials fixed by over 3,200 per year and reduce the annual level of police witness citations by over 50,000.

SCTS continues to take forward a number of other reforms, to the extent that resources allow. Examples include further expansion of the facility to allow police and expert witnesses to give evidence remotely in all High Court cases, expansion of evidence by commission facilities to improve the experience of child and vulnerable witnesses, continuing development of our civil case management system, allowing solicitors to submit cases online, and the continued enhancement of Wi-Fi for all professional service users so they can access their own digital systems and services while using SCTS premises. Work to develop the trauma-informed domestic abuse model has been delayed due to the action taken by defence solicitors in dispute over current legal aid provision. Further development of the virtual custody project has been delayed, as the budget allocation provided in 2025-26 was not sufficient to support this activity

Future Reform and Transformation Activity

SCTS is in the process of developing its next 3-year Corporate Plan, covering the period from 2026-29. While the detailed outcomes are yet to be determined – and will be influenced by the resources available, we remain committed to making significant progress.

Initial development work, taken forward with the SCTS Board, has identified an appetite for further reform and transformation activity, in areas including:

- Exploring the replacement of the criminal justice case management system, which is now around 20 years old;
- Continued modernisation of civil justice and the commissary system – to provide greater self-service and realise efficiencies;
- Completion of the OPG case management project, facilitating service re-design, tackling Power of attorney backlogs and enhancing the protections afforded to those involved in the guardianship process;
- Further exploration and ethical use of AI to streamline administrative processes and improve our service offering;

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- Ongoing improvement in our back-office functions – in pursuit of our long-term goal to become a cash-free, paper-free, carbon neutral organisation;
- Investment in our web estate (a range of distinct web presences for the organisations and jurisdictions SCTS supports) in order to standardise, modernise and explore the opportunities to provide services digitally. This work has the potential to improve service quality and accessibility whilst building longer-term efficiency; and
- Further work to promote open justice – ensuring that access to proceedings, decisions and information about courts and tribunals is maintained and improved, as new ways of doing business and communicating develop.

The resource and capital budget requirements set out in the annex to this submission represent the minimum level of funding required to maintain progress on this transformational work – which will improve service delivery and reduce longer-term operating costs.

Criminal Justice Digital Vision

In recent speeches on public service reform the First Minister has spoken of the need to ensure that our public realm is “digitally transformed” to meet the challenges of the future. A number of positive digital developments (mentioned above) have progressed across the criminal justice system in recent years, through which meaningful changes have been realised from modest expenditure. However, investment in the technological backbone that supports the criminal justice system – the operational case management systems that hold data, organise business and provide the information that allows the system to run – has been limited. The absence of investment in this area makes it challenging to deliver the transformation (and efficiencies) there is potential for – as the systems of one agency are unable to work fluently with those of another; struggle to provide public-facing, “self-service” information and are difficult to update as they are based on outdated technology. We have fallen behind our UK (and other) counterparts in this area, who have invested significantly to develop modern, flexible systems.

There is an opportunity to work together – introducing newer technology that could design out many of the legacy risks and issues faced by current systems whilst providing transformed services, freeing up staff time, offering improved information sharing, analytics and more tailored public-facing services. Most critically an approach of this nature is the only one that will unlock the potential to improve services alongside the reduction in headcount and budgets that is anticipated by the Scottish Government in their recently published approach to public service reform.

We are working collectively to assess the progress that could be made in this area, under the auspices of the Criminal Justice Board. Taking forward an initiative to modernise and potentially consolidate the criminal justice digital landscape is beyond the capability of a single justice partner to deliver. It will need a strong and enduring

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coalition of leadership and a dedicated function to deliver a multi-year programme with impact. This must include the expertise and backing of the Scottish Government.

There is experience in Scotland of delivering high profile and priority projects of this nature which go beyond case management into re-conceived digital service delivery. Examples include the new system for Social Security Scotland and the system supporting input, analysis and presentation of the findings from the 2022 census. The most recent [update](#) on project delivery to the Public Audit Committee gives a sense of the investment required to achieve change on this scale, with the Social Security system having an estimated whole-life cost of £277m and the census project of £140m. These are levels of investment significantly beyond what the justice system has received, but represent the level required to create a forward-looking criminal justice system, capable of supporting service transformation and longer-term efficiency.

Such a common platform would, in turn, support further innovations, including the ability to provide services in a more interactive and public-facing way, benefitting those who need help from the criminal justice system with improved access to information, transactions and tailored support. Whilst we need to respect the independent accountabilities of the agencies making up the criminal justice system we must also accept that a vastly enhanced level of integration, collaboration and investment in digitisation will be required if we are to avoid a situation where services gradually degrade in response to declining budgets – inevitably leading to declining legitimacy and a vicious cycle of reducing public trust.

Conclusion

I am grateful to the Committee for considering this submission and would be happy to expand on any of the points it covers in evidence. As an organisation SCTS supports the Government's ambition to invest in change – particularly digital change – in order to achieve public service reform. It is only by doing so that we can realise the potential to transform services whilst becoming a smaller and more efficient organisation in future. The reform journey is well under way, but requires sustained support to achieve that goal.

The First Minister has spoken of “a growing risk to our democracy because of mis- and disinformation, with trust in institutions falling”. The Lord President's focus on open justice is central to combatting these challenges – by making the processes of our courts and tribunals open, accessible and understandable the public can have confidence that they are supporting a wellfunctioning democracy. SCTS is supporting work to increase transparency and understanding of the justice system through a range of activities, including revised guidance, improved information and increased live streaming of significant appeal business.

Our courts and tribunals underpin peace and security in the personal lives of citizens. They promote stability in the commercial world, discourage and punish

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unacceptable conduct and provide balance in the affairs and operation of governments. The daily activities of independent courts reinforce commonly held values and deepen social cohesion. In short the courts matter – they are different to anything else in public service terms. Providing timely access to the courts and tribunals so that laws may be challenged and disputes resolved is more than just a public service: it is an essential aspect of the machinery of a democratic society, which must be maintained if confidence in the rule of law is to be upheld.

Yours sincerely

Malcolm Graham
Chief Executive

Table 1 - SCTS Resource Budget Assessment - FY 2026/27 to FY 2028/29



SCTS Baseline Budget	FY 2026/27 £m	FY 2027/28 £m	FY 2028/29 £m
Prior Year Baseline (Budget Bill) Est	123.2	164.9	169.5
Itemised Year on Year Net Movements:			
Recover, Renew Transform funding (RRT) to be baselined - ABR FY 2025/26 = £20.3m	23.2	0.8	(0.2)
Permanent Salaried Staff (pay pressures)	5.7	1.8	1.9
Built Estate Pressures	5.0	0.5	1.2
Tribunal Pressures & Newly Baselined Jurisdictions	3.8	1.9	1.8
Judicial Costs	2.3	0.8	0.8
Evidence by Commissioner suites and staffing	1.4	0.1	0.1
IT /Digital Pressures (Software licences etc.)	1.3	0.2	0.2
Cyber Security	1.2	0.0	0.0
SG Corporate running costs (new charges for Oracle & Internal Audit services)	0.3	0.0	0.0
Office & Other pressures	0.3	0.0	0.0
Retained Fines - changes to income	0.2	0.0	0.0
Civil Fees - changes to income	(3.0)	(1.5)	(1.5)
Total Movement	41.7	4.6	4.3
Total Baseline Budget Estimate	164.9	169.5	173.8

Table 1a - Estimated in-year transfers FY 2026/27 to FY 2028/29

Justice Portfolio Budget Impacts Related to SCTS: Assumed ABR/SBR	FY 2026/27 £m	FY 2027/28 £m	FY 2028/29 £m
In Year Funding – Justice Portfolio Donor Tribunals			
Local Taxation	0.5	0.6	0.6
Holiday Pay for in-year funded jurisdictions	0.8	1.0	1.1
New Integrated Tribunal Rostering and Fee Payment System	0.5	0.0	0.0
Social Security Chamber (Tribunal Set-up/Running Costs)	6.9	7.2	7.4
HPC - Private Rented Sector	5.4	5.5	5.6
HPC - Housing Reform	2.1	5.0	5.8
GRC Expansion (Transport Appeals)	0.3	0.3	0.3
Tax Chamber - Aggregates Tax	0.0	0.1	0.1
Digital Evidence Sharing Capability (DESC)-TBC	0.2	0.2	0.2
Pilot - transcriptions High Court cases -TBC	0.2	0.2	0.2
Total	16.9	20.1	21.3
SCTS Total Fiscal Resource Budget Including In Year Funding	181.8	189.6	195.1

Capital Budget (see commentary in attached submission)	18.7	27.6	18.7
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