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Public Audit Committee
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Your ref:
Our ref: Section 23 Report Sheriff Courts

20 November 2015

Dear Mr Martin,

AUDITOR GENERAL FOR SCOTLAND (AGS) SECTION 23 REPORT – “EFFICIENCY OF PROSECUTING CRIMINAL CASES THROUGH THE SHERIFF COURTS”

Thank you for your letter of 22 October about the Auditor General for Scotland’s Section 23 report “*Efficiency of Prosecuting Criminal Cases through the Sheriff Courts*”. I am grateful for the opportunity to provide comment on the report’s findings and recommendations.

The Scottish Government has welcomed the Auditor General’s report. There was positive engagement between Audit Scotland staff, Scottish Government officials and justice agencies throughout the audit process. The report provides a helpful summary of the challenges facing our sheriff courts, but also positive developments in engagement and in dealing more effectively with certain types of crime. I confirm that we accept all of the recommendations made in the report directed to the Scottish Government and have agreed the other recommendations collectively with other justice organisations through the Justice Board for Scotland.

The report recognises the complexity of the sheriff court system, with the prosecution of cases depending on the actions of a wide number of individuals and organisations, most of whom are, by design and necessity, independent of one another. It also recognises that good progress has been made since the previous audit of the wider criminal justice system in 2011, in particular through the collaborative impact of the Justice Board.

The report does however recommend that more could be done to improve the management and performance of, and reporting on, the sheriff courts as part of an integrated justice system. Work is already in hand to address the key recommendations made in the report.

Through the Justice Board, we have taken steps to speed-up access to justice within the sheriff courts. The report acknowledges that, despite overall reductions in crime, increases in the prosecution of more complex cases involving domestic abuse and sexual offenses have caused additional pressures on courts and the wider justice system. In response,

during 2014/15, Scottish Ministers committed £1.47 million in additional funding, as acknowledged in the report, to the Crown Office and Courts for additional fiscals, judiciary and administrative staff to address delays and speed-up access to justice for victims and witnesses. During the current financial year, Ministers have provided a further £2.4 million on top of baseline allocations to ensure the efficient progress of cases involving domestic abuse and sexual offenses. This funding will continue in 2016/17 and 2017/18, from the £20 million identified by the First Minister earlier this year for tackling and reducing sexual offences and domestic abuse.

The Scottish Courts and Tribunals Service has confirmed that trial diets are now being made available across courts in-line with optimum timescales. Trials are now being set within the 16-week optimum in the vast majority of courts, and domestic abuse cases will have trial dates made available within 8 to 12 weeks in all courts by the end of this year, and 8 to 10 weeks during 2016/17.

The Audit Scotland report recommends that more should be done to model future changes in demand on the sheriff court system. During 2014-15, the Justice Systems Planning Group was established as a sub-group of the Justice Board, replacing the previous corporate planning sub-group. A key role of the Group is to share information which can assist in modelling, over a limited time period, how changes in business volumes and policy could impact across the summary criminal system. In line with the recommendations in the Audit Scotland report, the Group is also looking at additional performance indicators which could be published, to supplement the current 26 week performance indicator.

The report also recommends improvements in the sharing of good practice across court locations and in how justice organisations work together at local level. Local Criminal Justice Boards bring together key agencies to monitor and improve joint working and efficiency at local level. There were previously eleven such Boards across Scotland. During the current year, these are being rationalised to six local Boards to coincide with the six sheriffdom boundaries. The Boards will be chaired by the Sheriff Principal for each location and will include representatives of the Police, Crown Office and Courts. The Boards will operate using common governance arrangements and will be provided with consistent performance data to allow them to compare local performance against national indicators and in comparison with other sheriffdoms.

On a final point on the report, I would like to clarify an observation made about budgets. The suggestion that the Scottish Court Service (SCS) budget reduced by 28% between 2010/11 and 2014/15 does not provide a like-for-like comparison. The total funding allocation to the SCS in 2010/11 included a substantial capital allocation towards the phased £58 million redevelopment of the Parliament House Court complex in Edinburgh. Work on the refurbishment was completed in 2013 and is not, therefore, reflected in the 2014/15 figures. It is acknowledged, however, that, like other public bodies, revenue budgets for the operational costs of most of the key justice agencies have reduced in real terms since 2010/11 in response to the real terms reduction in both the DEL and Capital budgets received by Scottish Government from HM Treasury. Significant positive efforts have been made by justice agencies, working together, which have enabled them to reduce costs and improve efficiency, whilst maintain access to justice.

Looking ahead, justice agencies, through the Justice Board and its sub-groups, will continue to work together to monitor and seek to improve the efficiency of how cases are prosecuted through our sheriff courts. We will look to build on the excellent collaborative work which is

on-going across justice and continue our collective commitment to improve, innovate and transform how we provide the justice services on which people rely.

Yours sincerely



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