



Lewis MacDonald MSP  
The Scottish Parliament  
Edinburgh  
EH99 1SP

Chief Executive's Office  
1A Parliament Square  
Edinburgh  
EH1 1RF  
DX 549306  
LP1 Edinburgh 10

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Dear Mr MacDonald

**SCOTTISH PARLIAMENTARY QUESTIONS S4W-04804; S4W-04807; S4W-04808; S4W-04809**

The Cabinet Secretary in his response to the above PQs indicated that they related to operational matters within the responsibility of the Scottish Court Service corporate body. I am now writing to you in response to the matters you have raised.

**S4W-04804** asks: *what the real-terms reduction in the Scottish Court Service (a) revenue and (b) capital budget will be in (i) 2011-12, (ii) 2012-13, (iii) 2013-14 and (iv) 2014-15.*

The table below shows the actual budget allocations to the Scottish Court Service in 2010/11 and 2011/12 and indicative allocations within Scottish Ministers' *Spending Review 2011 and Draft Budget 2012/13* document for 2012/13 to 2014/15. The figures are shown in cash and real terms based on 2010/11 prices.

**Table 1: Scottish Court Service Draft Budget Allocations 2012/15**  
Budgets set in 2011 Spending Review

	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
Revenue	73.6	69.9	68.5	67.4	65.4
<i>Revenue Real Terms (2010/11 prices)</i>	73.6	68.2	65.1	62.5	59.1
Capital	20.3	10.4	8.5	6.0	4.0
<i>Capital Real Terms (2010/11 prices)</i>	20.3	10.1	8.1	5.6	3.6

Notes

1. A discount rate of 2.5% has been used in line with HM Treasury's GDP deflator tables.

**S4W-04807** asks: how many (a) High Court, (b) Sheriff Court and (c) Justice of the Peace Court trials have been delayed in 2011-12 and were delayed in (i) 2010-11, (ii) 2009-10, (iii) 2008-09, (iv) 2007-08 and (v) 2006-07.

I should clarify that there is no fixed timescale over which any individual trial should proceed. The conduct of a trial in court is a matter for the presiding member of the judiciary, subject to the circumstances of each case.

Table 2 below shows the total number of criminal trial diets in each year from 2006-07 within the High Court, Sheriff Court and Justice of the Peace Court, where data is available, which did not proceed on the day on which they were scheduled, but were delayed to a further trial diet.

**Table 2: Trials with no evidence led and adjourned to a further trial diet**

	High Court	Sheriff Court		Justice of the Peace Courts
		Solemn	Summary	
2006-07 <sup>1</sup>	-	-	18,441	-
2007-08 <sup>1</sup>	-	-	17,646	-
2008-09	46	1,328	17,254	-
2009-10	55	1,243	18,363	-
2010-11 <sup>2</sup>	53	1,234	17,087	8,028
2011-12 (Apr Dec 2011)	49	1,139	11,603	4,749

Notes

1. Information on trials adjourned with no evidence led is not available for the High Court or Sheriff Court solemn cases prior to 2008-09.
2. 2010-11 is the first year following Court Unification for which information is available for all Justice of the Peace Courts.
3. Information from SCS management information system

Audit Scotland's recent *Overview of Criminal Justice in Scotland*<sup>1</sup> report (September 2011), identified the complex range of factors which lead to delays, or so-called "churn", in the progress of trials. The most frequent factors causing delay in trials include non-attendance by witnesses and accused, key evidence not being available or lack of preparation by parties. Only around 3-5% of trials within sheriff courts each year are delayed to a further trial diet because of lack of court time, i.e. the sheriff considers that there is insufficient time left in the day to commence the case.

The Lord President has stated previously that all those involved in the justice system - judiciary, prosecutors, legal professions, police and other justice bodies - have a role in addressing waste and inefficiency in the use of court time caused by churn. Work is being taken forward by justice bodies to seek to address this issue and is being co-ordinated through the cross-Justice Making Justice Work programme. This includes activity to improve the attendance at court by witnesses and accused; to facilitate early communication between prosecutors and defence solicitors and to ensure that key evidence is available when cases

<sup>1</sup> Audit Scotland, *Overview of Criminal Justice in Scotland*, September 2011

are brought to court. Part of the work of the Making Justice Work programme will be to monitor the impact of these actions in improving the efficient use of court time.

The Audit Scotland report noted the impact of churn within the overall context of improvements in the time taken to progress criminal cases through the justice system. Between 2007 and 2011, Scottish Ministers set an overall Justice system target to increase by 3% the percentage of summary criminal cases progressed from caution or charge to verdict within 26 weeks, compared with the 2005-06 baseline. Table 3 below shows the progress against this target.

**Table 3: % of Summary Criminal Cases Progressed from Charge to Verdict within 26 Weeks**

Year	Percentage
2005-06	65%
2006-07	66%
2007-08	68%
2008-09	74%
2009-10	77%
2010-11	74%

Notes

1. Information from COPFS

**S4W-04808** asks: *how many defendants have changed their preliminary hearing plea from not guilty to guilty prior to trial in each of the last five years.*

The information we hold is in respect of cases, not individual accused persons, and commences with the business year 2008/09.

The figures provided are in relation to pleas accepted at the trial diet, prior to evidence being led, that dispose of all the charges against all of the accused persons on the indictment. The figures are expressed as a percentage of the number of trials scheduled.

Pleas accepted at trial diet - prior to evidence being led - that dispose of case			
2008/09	2009/10	2010/11	*2011/12
73	70	58	52
15%	15%	14%	15%

\*April to December

**S4W-04809** asks: *how the Scottish Court Service assists (a) witnesses and (b) victims of crime attending trials away from home.*

Specialist support for victims and witnesses, including those having to travel some distance, is generally provided through the Crown Office and Procurator Fiscal Service (COPFS) and I have set out below what form that assistance may take.



The assistance provided to witnesses and victims by the Scottish Court Service (SCS) relates more to the provision of suitable accommodation at court on the day or facilities from which the witness may give evidence more effectively, for example, by means of a live CCTV link. SCS also works closely with Victim Support Scotland Witness Service and Victim Information and Advice (part of COPFS) in making practical arrangements to minimise contact between witnesses and the accused in cases where there are known concerns. This may involve accessing the court building by way of a separate entrance. Where witnesses are required to wait for their case to begin, court officials relay any available information regarding the expected wait or the progress of the case in question. On the instruction of the Procurator Fiscal, they also advise witnesses when they are free to go.

All witnesses cited to attend court are entitled to reasonable travel expenses. Where a witness or victim has to attend a trial some distance from home, COPFS will provide travel expenses for the return journey between the witness' home address and the Court (including flights, hotel accommodation and rail warrants if applicable). Financial assistance to cover loss of wages and reasonable child minding expenses is also provided where appropriate.

In relation to bereaved relatives, a bereaved relatives fund, managed by COPFS, is available to the nearest relatives of homicide and road death victims to help with expenses incurred when attending court.

Court familiarisation visits are generally provided in conjunction with SCS and the Victim Support Scotland Witness Service and allow a witness to see a courtroom and other facilities prior to attending at court. These are most commonly offered to children and vulnerable witnesses.

As part of the Scottish Government Making Justice Work programme, a cross-justice project is currently examining ways of improving witness attendance at court. Part of that work will include examining the services and support provided to victims and witnesses both prior to and during their attendance at court. We are also working with justice partners on the developing themes emerging from the forthcoming Directive of the European Parliament which seeks to establish minimum standards on the rights, support and protection of victims and also the Scottish Government's proposed bill on victim's rights.

A copy of this letter will be placed in the Scottish Parliament Information Centre and published on the Scottish Court Service website.

Yours sincerely



Eleanor Emberson  
Chief Executive  
0131 444 3301  
[eemberson@scotcourts.gov.uk](mailto:eemberson@scotcourts.gov.uk)