

HIGH COURT REFORM PROGRAMME BOARD
TRAINING AND COMMUNICATIONS PLANNING GROUP
NOTE OF MEETING HELD AT ST. ANDREW'S HOUSE

ON THURSDAY, 25 MARCH 2004

Present:

Ian Walford, JD
Bill Moore, JD
Tom Fyffe, JD

Ruaraidh Macniven, LPPO
Amber Galbraith, COPFS
Peter Gray, Faculty of Advocates
Allan Finlayson, SCS

Apologies were received from Derek Ogg, Chairman of the Criminal Bar Association, and Alex Prentice, Law Society.

Overview of Implementation Plans

Ian gave an outline of work on the reform programme to date. It is currently approaching the end of the legislative phase, although a procedural Act of Adjournal and a Statutory Instrument dealing with transitional provisions have still to be drafted and agreed. The changes in culture that the Criminal Procedure (Amendment)(Scotland) Bill and the Vulnerable Witness Bill will promote will require the promulgation of quite detailed training and guidance. The Justice Department will consider how it can best add value to the work of staff and practitioners in COPFS, SCS and elsewhere.

A Programme Board, consisting of senior officials from the various government Departments and Agencies with an interest, had been set up to oversee the implementation of the reform programme. Its remit includes responsibility for the development of the necessary training and guidance in connection with the reform programme flowing from the recommendations made by Lord Bonomy. The provisions of the Vulnerable Witness Bill will be phased in and separate training on these will be required.

A sub group of this Board has been constituted to monitor and evaluate the effectiveness of the changes. A web site will be launched in April to give information on the programme's progress.

Current Plans for Training

COPFS – Planning is still at an early stage, with nothing scheduled to take place before September. A practice note on disclosure of evidence will be developed. Guidance will be created for Procurators' Fiscal and their staff on the reform programme and detailed training provided for management of the pre preliminary diet meeting and the preliminary diet itself. The final format for the in house training programme had not yet been decided.

LPPO – The Judicial Studies board will provide the necessary training for the Judges. A recent meeting between the Judges and Supreme Courts Senior Managers has raised awareness levels. Another meeting before September to keep the Judges informed of progress might be useful.

Faculty of Advocates – The Criminal Bar Association have introduced a programme for Continuous Professional Development (CPD). They will probably be running a day event sometime in the Autumn on the ‘Bonomy’ reforms.

SCS – The matter of training and guidance will be discussed at the next meeting of the SCS Bonomy Implementation Group in April. Items noted so far for consideration include: procedural guidance for judiciary office staff, managers, sheriff clerks and the clerks of court, training for the clerks on the new electronic diary system, training on the use of new IT equipment in connection with the vulnerable and other witness provisions and training on the collection and analysis of the management information that will be provided by the High Court computer management system that will go live in April of this year.

Action:

- ◆ **Peter to write to the Bar Association to highlight the need for training seminars.**
- ◆ **Allan to discuss local training strategies with the SCS Implementation Group**

Launch Event

Various options for the format of this were considered. The group was in favour of an event taking place on a day (preferably a Monday), probably in late September/early October when the Judges, the Faculty and the Law Society would be simultaneously holding a training event of their own. Members from each of these groups, and also the Executive, might consider sending a representative to attend each of the other training events to give an overview of how they saw the reform programme as it would affect their interests. It would not be possible at this stage to provide detailed training, but it would be an opportunity to flag up the key issues, spell out what further training was coming over the horizon, and seek feedback from colleagues.

To facilitate this would require close communication and co-operation between the various bodies involved. The Lord Justice General would have to be approached to see if this event could be accommodated on a date in the Autumn that would also be scheduled for Judges’ training. To help swell the numbers of Faculty members attending the events, it would be helpful if a direction could be issued for High Court Criminal sittings to start on the Tuesday of the chosen week. It was suggested that the Sheriffs Principal be contacted to see if they would be prepared to keep sheriff court business light on the day in question, in order to allow as many members of the Law Society as possible to attend the training event and also the launch conference.

The conference itself might be best programmed to start around 3pm, to enable those who had travelled from some distance away to get home at a reasonable time. The Lord Justice General, the Minister for Justice, the Lord Advocate and representatives from the Faculty and the Law Society could be invited to deliver some high level messages about the reform programme, which would principally be aimed at Advocates, Solicitors and vulnerable witness groups. The conference could also be used to put over some similar messages in regard to the Vulnerable Witness Bill.

The venue would probably be at a hotel in central Edinburgh and some light refreshments would be provided. The date should be fixed as soon as possible, in order to alleviate any problems with finding suitable hotel accommodation. The event could be filmed, so that extracts of it could be shown elsewhere – e.g., at regional road shows.

Action:

- ◆ **Ruaraidh to discuss the ideas outlined above with the Lord Justice General and suggest a suitable date for the event.**
- ◆ **Peter to discuss similarly with the Bar Association.**
- ◆ **Ian to brief the Law Society on today's discussion and discuss with Ministers.**
- ◆ **Allan to discuss the idea of contacting the Sheriffs Principal with SCS colleagues.**
- ◆ **All to confer as regards the event date and aim to agree this by mid April.**

Road Shows

These would follow on from the launch conference and should be completed before Christmas. Their purpose would be to take the implementation process out around the country and give more detailed information on the reform programme to local groups. The best way of doing this might be for a team of speakers to be formed from the Justice Department, Crown Office/Procurator Fiscal Service, the Scottish Court Service, the Faculty and the Law Society as appropriate to give out information and engage in a two way dialogue with attendees. Four events might be held, perhaps in Edinburgh, Glasgow, Aberdeen and Inverness, on separate, but closely related days. Further separate events would have to be held for the Vulnerable Witness provisions, so care would have to be taken in planning the respective programmes.

It was noted that it would be essential for a draft of the Act of Adjournal to be circulated to the Faculty and Law Society sometime in advance of these events taking place.

Action:

- ◆ **Allan to investigate the planning and organisation techniques used for the 'Coulsfield' road shows.**
- ◆ **All to consider their input into the programme and also suitable dates, times and locations for the events.**

Other Training Events

It had been noted that a desire for joint events to be held had been expressed, particularly as between prosecutors and defence counsel and solicitors. Joint training might usefully be given on areas such as the provisions for disclosure of evidence and managed meetings. The Judges might benefit from specific training on management of preliminary diets. Mock preliminary diets might be held, in order to give a more practical slant to the training.

It was felt that events of this type would achieve their maximum effect if held after the road shows and relatively near to the implementation date of April 2005. January or February 2005 might be the optimum time for this.

Action:

- ◆ **Amber to discuss with the Crown Agent and the COPFS dedicated training officer whether and how such events might be taken forward and how the training might best be delivered.**
- ◆ **Peter to discuss similarly with Maggie Scott of the Faculty and also the Law Society.**
- ◆ **Ian the same with Lord Wheatley, Judicial Studies Board.**
- ◆ **Amber and Peter to liaise on their respective ideas and provide the group with feedback at its next meeting.**

Date of Next meeting.

Will be sometime in late April/early May.

ALLAN FINLAYSON

JD Secretariat

30 March 2004.