



**Sheriffdom of
Grampian, Highland & Islands**



**Delivering a Unified Sheriff
and
Justice of the Peace Courts
Administration**

**Scottish Court Service
June 2007**

INDEX

INDEX.....	2
1 INTRODUCTION	3
2 FUNCTIONS AND STRUCTURE	4
3 LOCATION OF JP COURTS AND OFFICE SERVICES.....	7
4 JP COURT SITTING ARRANGEMENTS	16
5 PROVISION OF LEGAL SUPPORT TO JP COURTS AND JUSTICES.....	17
6 NON LEGAL DISTRICT COURT STAFF.....	20
7 FINES COLLECTION AND ENFORCEMENT	21
8 SUPPORT TO JUSTICES' COMMITTEES	21
9 SUMMARY OF PROPOSALS	22

DELIVERING A UNIFIED SHERIFF AND JUSTICE OF THE PEACE COURTS ADMINISTRATION

1 INTRODUCTION

This Consultation Paper provides details of the Scottish Court Service (SCS) proposals and plans for the future configuration of Sheriff and Justice of the Peace Courts, and the arrangements for delivery of court related services within Grampian, Highland & Islands.

In formulating this plan, SCS has been guided by the conclusion outlined in the *Next Steps* paper that summary criminal courts will work most effectively under a unified administration, providing:

- Effective service integration
- Consistency of standards
- Greater simplicity and accountability
- Unitary management of the court estate

In the *Next Steps* paper it was recognised that delivery of a unified service would require detailed work and careful planning in liaison with stakeholders, partners and organisations involved in the summary criminal courts. SCS has established effective communication links at all levels from Area Management level to court management level and has established Court User Groups covering the 5 Local Authority commission areas in Grampian, Highland & Islands - the City of Aberdeen, Aberdeenshire, Moray, Highland and Comhairle nan Eilean Siar.

These groups have been established specifically for the unification process and include representatives of local Criminal Justice partners and stakeholders. In addition a series of meetings and road shows have been held for District and Sheriff Court staff to provide them with information about SCS and the planned changes.

SCS looks forward to developing this plan as court unification in Grampian, Highland & Islands moves into the implementation phase. This will involve continuing dialogue with the Judiciary, stakeholders, partners, staff and community interests. We also invite written comments on this consultation paper and these should be sent by **30 September 2007** to:

Lora Crabtree.
Grampian, Highland & Islands Sherifffdom,
Court Unification Project Manager,
Sheriff Court House,
Castle Street,
Aberdeen,
AB10 1WP.
Telephone 01224 657232
E-mail: lcrabtree@scotcourts.gov.uk

2 FUNCTIONS AND STRUCTURE

2.1 Functions

Following unification of the administration of the summary criminal courts in Grampian, Highland & Islands, SCS will be responsible for –

- Supporting the Judiciary in Sheriff and Justice of the Peace summary criminal courts;
- Administering court services in all summary criminal courts, and managing and providing legal and administrative staff;
- Legal support in court to Justices in the JP courts;
- Providing legal and administrative support to the new Justices' Committees;
- Collecting and enforcing all fines and financial penalties.

SCS is adopting Cabinet Office guidance on public sector staff transfers and is working on the basis that those District Court staff who work for 50% or more of their time on District Court work will transfer to the SCS. SCS will ensure that all staff transferring to SCS are managed and supported in a way that enables them to give of their best and that they are provided with the skills needed to meet the increased expectations of those who use our services.

Staff transferring to the SCS will be provided with a Personal Development Plan and training, which will include induction and job skills training. Staff will also be provided with opportunities to undertake new areas of work within the unified administration as well as increased career opportunities.

Further details of where administrative staff will be located are contained in Part 3 of this paper, and legal staff at Part 5.

2.2 Commission Areas and District Courts

There are 16 District Courts sitting in the 5 Local Authority Commission Areas within Grampian, Highland & Islands – the City of Aberdeen, Aberdeenshire, Moray, Highland and Comhairle nan Eilean Siar. In 13 of these locations there is also a Sheriff Court, and in 10 of these 13 locations the District Court uses the Sheriff Court accommodation for court sittings.

2.3 Sheriff Courts

There are 16 Sheriff Courts sitting within Grampian, Highland and Islands. In 3 Sheriff Court Districts – Kirkwall, Lerwick and Lochmaddy - there is no District Court. All summary criminal business in these courts is dealt with in the Sheriff Court.

Details of the current District and Sheriff Court locations within Grampian, Highland and Islands are set out in the table below.

Current Locations of Sheriff and District Courts

Local Authority Commission Area	District Court Sitting Location	Sheriff Court Sitting Location	District Court Sits in Sheriff Court Premises
Aberdeen City	Aberdeen City	Aberdeen City	No
Aberdeenshire	Banff	Banff	Yes
	Peterhead	Peterhead	Yes
	Stonehaven	Stonehaven	Yes
	Inverurie	No Sheriff Court	No
Moray	Elgin	Elgin	No
Highland	Inverness	Inverness	No
	Kingussie	No Sheriff Court	No
	Nairn	No Sheriff Court	No
	Fort William	Fort William	Yes
	Portree	Portree	Yes
	Dingwall	Dingwall	Yes
	Dornoch	Dornoch	Yes
	Tain	Tain	Yes
	Wick	Wick	Yes
	No District Court	Lochmaddy	N/a
Comhairle Nan Eilean Siar	Stornoway	Stornoway	Yes
Orkney	No District Court	Kirkwall	N/a
Shetland	No District Court	Lerwick	N/a

2.4 Future arrangements for Courts and Services

SCS proposes that Sheriff and JP Courts and supporting services will be based in Sheriff Court houses where there is suitable available accommodation, where Sheriff and District Courts are in the same town or city, and where there is a Sheriff Court within reasonable travelling distance of the current District Court location.

SCS believes that this is the most efficient and cost effective way to provide the service, but more importantly it will benefit court users by providing -

- Modern secure court facilities and accommodation
- Improved service integration - a single service and contact point for court enquiries and services
- Greater clarity in terms of management and accountability

This arrangement will also provide benefits for staff, and facilitate their integration into the wider court service.

2.5 Location of the new JP Courts

The future configuration of courts which SCS proposes in Grampian, Highland & Islands is set out in the table below. Details of specific court arrangements are set out in Part 3 of this paper.

SCS is of the view that there is insufficient business to establish a JP court in Kirkwall, Lerwick and Lochmaddy and therefore recommends that the present arrangements whereby all summary criminal business is dealt with in the Sheriff Court should continue.

Court Locations following Court Unification

Sheriff Court District	Present District Court Location	Post Unification JP Court Location
Aberdeen	Aberdeen City	Aberdeen (in former District Court)
	Inverurie	
Kirkwall	None	No JP Court
Lerwick	None	No JP Court
Banff	Banff	Banff
Peterhead	Peterhead	Peterhead Sheriff Court
Stonehaven	Stonehaven	Stonehaven Sheriff Court
Elgin	Elgin	Elgin (in the former District Court)
Inverness	Inverness	Inverness (North Tower)
	Kingussie	
	Nairn	
Dingwall	Dingwall	Dingwall Sheriff Court
Dornoch	Dornoch	Dornoch Sheriff Court
Tain	Tain	Tain Sheriff Court
Wick	Wick	Wick Sheriff Court
Fort William	Fort William	Fort William Sheriff Court
Portree	Portree	Portree Sheriff Court
Lochmaddy	None	No JP Court
Stornoway	Stornoway	Stornoway Sheriff Court

3 LOCATION OF JP COURTS AND OFFICE SERVICES

3.1 ABERDEEN CITY

Aberdeen District Court sits in Local Authority premises at Queen Street, Aberdeen. SCS proposes to acquire this accommodation for use as an additional court, primarily for JP Court business. The District Court currently sits on 5 days per week, although Tuesday is generally reserved for custody business only.

At paragraph 3.2.3 SCS proposes that a single JP Court be established in the Sheriff Court District of Aberdeen combining Aberdeen City and Inverurie District Courts. Inverurie court business can be accommodated in the new JP Court to be established there.

Inverurie District Court currently sits on an average of 3 days per 4 week period, although in the light of the most recently issued court programme, the sitting days will be reduced this year to an average of one day per fortnight.

All administrative and enforcement functions connected with court support, and the collection and recovery of all fines and financial penalties, will be located in the Sheriff Court House at Castle Street, Aberdeen. Local Authority administrative staff transferring to the SCS from Aberdeen and Inverurie will be based there, and will come under the management of the Sheriff Clerk at Aberdeen.

3.2 ABERDEENSHIRE

3.2.1 Peterhead & Banff

Peterhead Sheriff Court accommodates sittings of Peterhead District Court, and Banff Sheriff Court accommodates sittings of Banff District Court. SCS proposes that the current arrangements for sittings of the JP Courts will continue as at present. All administrative and enforcement functions will be located in the Sheriff Court houses at Peterhead and Banff respectively.

Any Local Authority administration staff transferring to the SCS will be based at Banff.

3.2.2 Stonehaven

Stonehaven District Court sits in the Sheriff Court, and SCS proposes that this arrangement will continue post unification, with the frequency of court sittings continuing as at present. All administrative and enforcement functions will be based there, as will staff transferring to SCS.

3.2.3 Inverurie

There is no Sheriff Court in Inverurie.

Inverurie District Court is located on the first floor of a Community Hall close to the town centre. This provides a minimum level of accommodation comprising a courtroom, chambers, 2 witness rooms, a solicitors' room and public toilets. The court facility has a number of deficiencies, however, and these are detailed at paragraph 3.2.3.4 below.

SCS is unable to recommend that a JP Court be established in Inverurie, and has reached this view taking account of the factors set out in the following paragraphs, including the low level of court business, the deficiencies of the court facility, the availability to court users of regular public transport to and from Aberdeen, and the benefits that will be available to the Judiciary, staff, customers, partners and stakeholders in a modern secure court complex at Aberdeen.

For these reasons, SCS proposes that a single JP Court be established in the Sheriff Court District of Aberdeen, incorporating the former Aberdeen City and Inverurie District Courts.

3.2.3.1 Inverurie Court Business

Inverurie District Court has scheduled court sitting days on 3 – 4 days per month, including 1 day each period to deal with Fines Enquiry business. In previous years as the table below indicates the court sat more frequently. In 2007/08, however, the frequency of court sittings will be reduced to one day per fortnight.

As can be seen from the table below the number of summary criminal cases initiated averages 468 per year, an average of 9 trials proceed each year. The court sits on average for just under 3 hours per court sitting day.

3.2.3.2 Inverurie District Court Business Volumes

Year	No of Complaints Initiated	Total No of Sitting days	Total No of Sitting hours	Trials Fixed	Trials Proceeding
2002-2003	469	54	148	52	10
2003-2004	477	54	150	165	13
2004-2005	385	54	122	96	6
2005-2006	539	44	145	101	6

As part of the research of District Court business carried out by the GH&I project team a sample of 222 cases was examined. The project team found that 175 of the cases sampled originated from Road Traffic offences (74% of the sample) and that 112 of the cases sampled originated from speeding offences (48% of the sample). In only 34 of the cases sampled (14% of the sample) did the accused attend personally at the pleading diet.

3.2.3.3 Inverurie Public Counter Attendance

In order to ascertain the level of counter traffic the team carried out a survey over a 10 day sample period. They found that 75 customers attended at the public counter, all wishing to pay financial penalties. This averages out at just over 7 people per day attending personally at the District Court counter.

3.2.3.4 Inverurie Accommodation Survey

The District Court is located on the first floor of a Community Hall. This is not a purpose-built or permanent court facility. It is used mainly by community groups throughout the week, including days when the court is sitting.

SCS in surveying District Court accommodation across Scotland identified the following key deficiencies with the Inverurie property:

- **Public Access** – is via a narrow alley to the right hand side of the building
- **Disabled Access** – is not available to the first floor where the court is located
- **Circulation Routes** – Custodies, members of the public, witnesses and JPs require to use the one set of stairs and corridor increasing the opportunities for intimidation
- **Overcrowding** – Narrow corridors, stairs and entranceway will force crowding
- **Custody Separation** – only 1 holding room. No provision for male/female separation
- **Noise** from the adjacent public hall may cause disruption to court sittings
- **Tenants** – The balance of the first floor is rented out, which may disrupt services.

3.2.3.5 Costs of Providing a Court Hearing Facility that meets Modern Standards

The community hall at Inverurie is not capable of being converted to bring it up to an acceptable standard and to address the deficiencies outlined above. The alternatives open to SCS are either to find a property suitable for conversion or to build a new court facility.

If a suitable building could be found, SCS estimates that it would cost £800,000 to convert for occasional use as a court hearing centre. This work would include providing secure accommodation for the justices, court users and witnesses, and cell accommodation. This, however, would provide the bare minimum facility for a JP court hearing centre, and does not include the cost of accommodation required to provide an office for permanent staff and other ancillary accommodation.

The cost of building a new one-court complex with offices for staff and other ancillary accommodation is estimated to be in the region of £1.5m.

SCS does not believe that this cost is justifiable for a court that will in the future sit for only one day per fortnight and where the JP court and related business can be accommodated within the Aberdeen Court complex.

Moving the business to Aberdeen would not only be less costly but it would have a number of benefits for court users with all services being provided within a modern, secure court complex, and with a range of services provided by court staff and by other organisations such as the Witness Service, Victims Information and Advice Service, and the In Court Advice Service

3.2.3.6 Inverurie Travel Information

The road journey from Inverurie to Aberdeen is 16 miles. Public transport options are detailed in the table below.

Public Transport between Inverurie and Aberdeen.

	BUS	TRAIN
Journey time	1 hour	25 mins
Single	£3.25	£3.80
Return	£5.90	£7.20

3.3 MORAY

3.3.1 Elgin

Elgin District Court administrative and legal staff are based in Local Authority premises adjacent to the existing Sheriff Court building, which is used to accommodate Elgin District Court sittings.

In the short term, SCS proposes leasing the existing District Court accommodation from the Local Authority to provide sufficient accommodation to process JP Court work in Elgin post unification. In the longer term SCS is considering extending the Sheriff Court house to provide a second courtroom to enable JP Court business to be held there. However, it is not anticipated that this will be available by the target implementation date of 7th April 2008.

SCS proposes that all administrative staff and services will be based in the Sheriff Court house. On court days legal and administrative staff will attend the JP Court. The frequency of Elgin JP Court sittings will continue as at present.

3.4 HIGHLAND

3.4.1 Inverness

Inverness District Court sits in accommodation which forms part of a Local Authority building adjacent to Inverness Sheriff Court, known as The North Tower. SCS proposes to lease or acquire this accommodation for JP Court sittings.

Paragraphs 3.4.2 and 3.4.3 outline proposals relating to Kingussie and Nairn District Courts. For the reasons outlined there SCS does not recommend the establishment of JP Courts in these locations. Both courts sit on only one day per month, and this business can be accommodated in the new JP Court to be established in Inverness.

Inverness District Court administrative staff are currently based in Local Authority premises located in the Town House some distance from the existing Sheriff Court building. SCS proposes that all staff, administrative functions and fines collection and enforcement services, will be managed by the sheriff clerk at Inverness.

3.4.2 Kingussie

There is no Sheriff Court in Kingussie. The District Court sits on one day every month, in a former church, which is now a community centre. Up to 3 additional sitting days each year can be allocated with the agreement of the Procurator Fiscal. The building is approximately 10 minutes walk from the District Court offices, and on sitting days, Council Technical Services staff set up a temporary court. The accommodation does not meet the requirements of a modern secure court complex for the reasons set out at paragraph 3.4.2.4 below.

SCS proposes that a JP Court should not be established in Kingussie. Instead SCS proposes that a single Justice of the Peace Court be established in the Sheriff Court District of Inverness, comprising the jurisdictions of the former Inverness, Kingussie and Nairn District Courts.

SCS has reached this view taking account of the factors detailed below. In particular the deficiencies in the current court accommodation, the cost of providing suitable alternative accommodation taking into account the low volume of court business, and the low numbers of accused persons appearing in person at court.

3.4.2.1 Kingussie Court Business

As can be seen from the table below the volume of business flowing through Kingussie has fluctuated widely. It is understood that the reduction in complaints in 2005-06 is attributable to the increasing number of Road Traffic cases being dealt with by Fixed Penalty Notice.

3.4.2.2 Kingussie District Court Business Volumes

Year	No of Complaints Initiated	Total No of Sitting days	Total No of Sitting hours	Trials Fixed	Trials Proceeding
2002-2003	170	15	133	27	15
2003-2004	592	15	104	66	29
2004-2005	704	15	90	70	2
2005-2006	359	15	N/A	N/A	24

The GH&I team in carrying research into District Court business volumes sampled over 232 cases. The project team found that 210 cases (88% of the cases sampled) related to Road Traffic offences committed by offenders travelling through the jurisdiction. 202 (85% of the cases sampled) related to speeding offences, and only 15 accused (6% of the cases sampled) appeared personally at the pleading diet. Court sitting days were lengthy with a number of courts finishing late in the afternoon.

3.4.2.3 Kingussie Public Counter Attendance

There is no public counter at Kingussie District Court. Highland Council operates a system of Service Point locations throughout the Council area where customers can attend to access a wide variety of Council services, including payment of all types of financial penalty. The number of people paying financial penalties at Kingussie is very low. It was found that only 3 customers attended personally to make payments during a sample period of 8 days.

3.4.2.4 Kingussie Accommodation Survey

The SCS survey team found that Kingussie District Court accommodation did not meet minimum acceptable standards for a modern court hearing facility. In particular the team found that the Kingussie property fell below the standard in the following respects -

- The facility cannot provide secure and separate accommodation for witnesses
- The confined layout will not help minimise intimidation of witnesses
- There are no reception facilities or waiting areas for the public
- There is no Justices' Room or Agents' room
- There are no holding cells or secure accommodation for custodies. As result accused persons in custody are held in a Reliance van outside the court.

3.4.2.5 Costs of Bringing the Accommodation up to Standard

The Kingussie community centre is not capable of being converted to bring it up to an acceptable standard and to address the deficiencies outlined above. As with Inverurie, the alternatives open to SCS are to find a property suitable for conversion or to build a new court facility.

The costs of providing such a facility, against the benefits of moving the court to Inverness, are similar to those outlined in paragraph 3.2.3.5 in relation to Inverurie.

3.4.2.6 Kingussie Travel Information

It is 43 miles by road from Kingussie to Inverness. The Table below provides information on public transport availability between Kingussie and Inverness along with information about travel costs.

Travel Information from Kingussie to Inverness.

	BUS	TRAIN
Duration	1 hour	1 hour 5 mins
Single	£8.00	£8.70
Day Return	£11.10	£9.70

3.4.3 Nairn

There is no Sheriff Court in Nairn. The District Court sits on one day every 4 weeks in a Local Authority property, which was formerly the Sheriff Court.

SCS proposes that a JP Court should not be established in Nairn. Instead SCS proposes that a single Justice of the Peace Court be established in the Sheriff Court District of Inverness, comprising the jurisdictions of the former Inverness, Kingussie and Nairn District Courts.

SCS has reached this view taking account of the factors detailed below. In particular the lack of suitable court accommodation, the cost of finding an alternative property to provide a secure court hearing facility, the low volume of court business, the availability of regular public transport to Inverness, and the benefits that are available there for the Judiciary, staff, court users, partners and stakeholders in a modern secure court complex.

3.4.3.1 Nairn Court Business

As can be seen from the table below the number of summary criminal cases initiated in Nairn District Court averages 155 per year. On average 7 trials proceed each year. The court sits for an average of 3.5 hours per sitting day.

3.4.3.2 Nairn District Court Business Volumes.

Year	No of Complaints Initiated	Total No of Sitting days	Total No of Sitting hours	Trials Fixed	Trials Proceeding
2002-2003	152	13	38	43	6
2003-2004	172	13	46	43	7
2004-2005	168	13	53	35	5
2005-2006	126	13	N/A	41	10

As part of the research of District Court business carried out by the GH&I project team a sample of 224 cases was examined. The project team found that 143 of cases were for non Road Traffic offences (61% of the sample). Non Road Traffic violations amounted to 92 cases (39% of the cases sampled). In only 35 (15%) of the cases examined did the accused appear personally at the pleading diet.

3.4.3.3 Nairn Public Counter Attendance

There is no public counter at Nairn District Court. As indicated above Highland Council operate a system of Service Points where customers can attend to access a wide variety of Council services, including payment of all types of financial penalty.

The number of people paying financial penalties at Nairn is relatively low. During a sample period it was found that on average 4 customers per day attended in person to make payments.

3.4.3.4 Nairn Accommodation Survey

We recognise that refurbishment of the building is almost complete, including lift provision for disabled access, but this refurbishment does not bring the building up to the standard that we would consider acceptable as a modern court facility, especially as the intention in future is to have the JP court handle some business which would currently go to the Sheriff Court. In particular we found that the property fell below the standard in the following respects -

- Witness Separation – With only 1 witness room separation of witnesses cannot be achieved
- Circulation Routes – All court users use the one entrance and set of stairs which increases the opportunity for intimidation of court users
- Overcrowding – Using the first floor landing as a waiting area creates overcrowding issues
- Custody Separation – There is no holding room so we cannot keep custodies secure or provide male / female separation

3.4.3.5 Costs of Bringing the Accommodation up to Standard

The Nairn District Court facility is not capable of being converted to address the issues outlined above. As with Inverurie and Kingussie, the alternatives open to SCS are to find a property suitable for conversion or to build a new court facility.

The costs of providing such a facility against the benefits of transferring the business to Inverness are as outlined in paragraph 3.2.3.5.

3.4.3.6 Nairn Travel Information

It is 17 miles by road from Nairn to Inverness. Information about public transport is detailed in the table below.

Travel information from Nairn to Inverness

	Bus (Stagecoach)	Train (Scotrail)
Duration	35 mins	18 mins
Single	£4.40	£4.30
Return	£4.40	£6.00

3.4.4 Fort William, Portree, Dingwall, Tain, Dornoch and Wick

SCS proposes that the existing arrangements whereby the District Court sits in the Sheriff Court at these locations will continue, with the frequency of court sittings continuing as at present.

All administrative and enforcement functions relating to the Sheriff and Justice of the Peace Court will be based in the appropriate local Sheriff Court house, as will those staff transferring to SCS.

3.5 COMHAIRLE NAN EILEAN SIAR

3.5.1 Stornoway

Stornoway Sheriff Court building is used to accommodate Stornoway District Court sittings and SCS proposes that Stornoway JP Court will continue to sit there with the frequency of court sittings continuing as at present. All administrative and enforcement functions will be based at Stornoway, as will staff transferring to SCS.

4 JP COURT SITTING ARRANGEMENTS

4.1 Current Arrangements

The current planned GH&I District Court programme is as detailed in the table below.

District Court	Frequency	Planned Sitting Days per Year	Unplanned Business (Custodies)
Aberdeen	Each day	250	Each day
Inverurie	2 days per fortnight plus Means Enquiry Court – 1 day per month	39	As required
Stonehaven	Every 3 weeks	20	As required
Banff	2 days per month plus MEC every 2 months	30	As required
Peterhead	4 days per month including MEC twice per month	36	As required
Elgin	6 days per 8 weeks plus MEC every 8 weeks	42	As required
Inverness	2 days per week including MEC	100	As required
Nairn	Every 4 weeks	13	No custodies
Kingussie	Every 4 weeks plus additional 3 days per year	16	No custodies
Dingwall	Every 4 weeks plus MEC 1 day per month	26	As required
Dornoch	Every 6 weeks	9	No custodies
Tain	Every 4 weeks	14	No custodies
Fort William	1 day per month plus additional Trials date every 2 months	18	As required
Wick	Every 4 weeks plus MEC 1 day per quarter	17	As required
Portree	Every 4 weeks	13	As required
Stornoway	Every 4 weeks	13	As required
TOTAL PLANNED SITTING DAYS		656	

4.2 Future Arrangements

The integration of Aberdeen and Inverurie into a single JP Court, and the similar integration of Inverness, Kingussie and Nairn, provides scope for an integrated court programme and thereby to realise some efficiencies in terms of the number of planned sitting days. At this point in time it is not proposed to reduce the number of planned sitting days for the other JP Courts. SCS will review and monitor both Sheriff and Justice of the Peace court programmes to identify changes in business volumes as a

result of the implementation of summary justice reforms, such as Direct Measures and Undertakings.

Any changes in court programmes will require the approval of the Sheriff Principal and be subject to consultation with Criminal Justice partners and stakeholders.

5 PROVISION OF LEGAL SUPPORT TO JP COURTS AND JUSTICES

5.1 Creation of New Posts

SCS has created the post of Sheriffdom Legal Adviser (SLA) to be responsible for managing a team of Legal Advisers in the Sheriffdom. The SLA who took up post on 18 June is based in Aberdeen.

Legal Advisers will provide in court legal and procedural advice to justices. The Sheriffdom Business Manager and the SLA will work together to determine optimal locations for Legal Advisers. This will take account of the current locations of legal staff transferring to SCS, the sitting patterns of JP courts, current and projected future business volumes.

5.2 Legal Job Descriptions

In summary, the Sheriffdom Legal Adviser (SLA) will have the following responsibilities –

- Managing a team of Legal Advisers
- Supporting the accurate and efficient delivery of justice in the JP courts
- Support the justices in the execution of their judicial role
- Oversee the organisation of the Justices rota
- Providing legal advice and support to Sheriffdom justices committees
- Organisation and delivery of training to justices.

Legal Advisers (LAs) will have responsibility for –

- Providing legal and procedural advice to justices in court and in chambers
- Delivery of justices training at their local court or within the Sheriffdom
- Support for justices committees.

5.3 Legal Resources for Grampian, Highland & Islands JP Courts

In addition to one SLA post, SCS estimates that a team of 5 full-time or full-time equivalent Legal Advisers, plus two relief Legal Adviser posts will be required to provide adequate support for JP courts, as shown in the table below.

Existing JP Courts	Planned JP Court Sitting Days Post Unification	Proposed No. of Legal Advisers Post Unification	Present Local Authority Allocation
Aberdeen	289	5	2
Inverurie	Included in Aberdeen		1
Stonehaven	20		0.4
Banff	30		0.65
Peterhead	36		Included in Banff
Elgin	42		0.3
Inverness	129		1.25
Kingussie	Included in Inverness		Included in Inverness
Nairn	Included in Inverness		Included in Inverness
Fort William	18		0.17
Portree	13		0.3
Stornoway	13		Information Not Available
Dingwall	26		0.35
Dornoch	09		Included in Dingwall
Tain	14		Included in Dingwall
Wick	17	0.17	
Relief provision for Sheriffdom		2	
Total Legal Adviser Resource		7	6.59 Full Time Equivalents
Total Planned Sitting Days	656		
Average sitting days per year per Legal Adviser	94		

In calculating these numbers SCS has taken account of the number of planned sitting days. As outlined above, SCS estimates a court commitment per legal advisers of 2 days per week. This, we believe, leaves a more than adequate capacity for unplanned business such as custody court hearings, travelling time between courts, clearing up courts, annual leave, training and other absences.

Given that Legal Advisers will no longer have responsibilities for managing staff, budgets or accommodation, SCS believes that an allocation of 5 Legal Advisers, supported by the SLA plus 2 relief Legal Advisers with administrative support staff working in each court, will be an adequate resource for the JP Courts in Grampian, Highland & Islands.

At present there are currently 3 Legal Assessors who will be eligible for transfer to the SCS on the basis that they work for more than 50% of their time on District Court business.

This will leave a shortfall of 4 Legal Assessors. It is possible, however, that there may be a further shortfall if existing post holders change jobs.

SCS has been aware of this potential shortfall, and has in place plans to ensure that there is an adequate provision of Legal Advisers to support the new JP Courts. The Sherifffdom Legal Adviser is already in post 9 months before the planned unification implementation date in April 2008. One of her first tasks will be to recruit and train suitably qualified and experienced lawyers to meet the anticipated shortfall. In training these new Legal Advisers, SCS will look to the Local Authorities as stakeholders and Criminal Justice partners to provide training opportunities in the District Courts for any new Legal Advisers prior to court unification. We will engage with Local Authorities to reach agreement on this.

In addition to the 2 relief officer posts, SCS proposes putting in place contingency arrangements to cover unexpected absences particularly in the more remote courts, such as Stornoway, Portree and Wick. Contingency arrangements might include a Service Level Agreement with Local Authority to provide cover, or contracting with individuals on a daily fee basis.

6 NON LEGAL DISTRICT COURT STAFF

In Grampian, Highland and Islands there are a number of staff engaged on District Court work for less than 50% of their time, some for as little as 15%. This is in the main due to the working arrangements in multi-purpose council offices where District Court work is often only a small part of their day-to-day responsibility.

SCS will recruit staff to meet any shortfall in good time before the go live date in April 2008.

The table below summarises the numbers of administrative posts, those expected to transfer to SCS on Unification, and the locations where these posts will be based. As can be seen it is estimated that the recruitment gap is 1.5 officers.

District Court	Admin staff currently working in District Courts	TUPE	Recruited
Aberdeen	4	4	0
Stonehaven	2	2	0
Inverurie	2	2	0
Banff	1	1	0
Peterhead	0	0	0
Inverness	2	2	0
Dingwall	1.1	1	0
Dornoch	0.2	0	0
Elgin	0.9	0	1
Tain	0	0	0
Kingussie	1	1	0
Nairn	0.4	0	0
Fort William	1	1	0
Stornoway	1	1	0
Portree	0.3	0	0.5
Wick	1	1	0
TOTAL	17.9	16	1.5

7 FINES COLLECTION AND ENFORCEMENT

By the time that this plan is implemented in 2008, new fines enforcement provisions should be in force under the Criminal Proceedings etc (Reform) (Scotland) Act. These provisions will introduce the new role of Fines Enforcement Officer (FEO) with power to apply a range of sanctions against fines defaulters.

Some FEOs will operate from single courts but others may cover a number of courts depending on business volumes. A Fines Enforcement Manager will be recruited to GH&I in advance of the court unification implementation date. He/she will work with the Sheriffdom Business Manager to establish the resource requirements and locations of other FEOs.

SCS is currently examining a number of alternative methods of paying fines and financial penalties with a view to introducing these before April 2008. These include telephone and electronic methods of payment. This will reduce the need for individuals to attend in person at court offices to pay their fines.

8 SUPPORT TO JUSTICES' COMMITTEES

The Criminal Proceedings etc (Reform) (Scotland) Act provides for the establishment of JP Courts, and a new committee structure for appointment, training and appraisal of JPs.

The Sheriff Principal will be the convener of the Justice of the Peace Advisory Committee, (JPAC) - the committee responsible for appointment of JPs within each Sheriffdom. The JPAC includes JP and 'lay' members; all appointed by a panel chaired by the Sheriff Principal. The Sheriff Principal may also appoint a Sheriff to be a member of the committee.

In addition to the JPAC there are separate Sheriffdom appraisal and training committees – the Justices Appraisal Committee (JAC) and the Justices Training Committee (JTC). Membership of the JAC is restricted to JPs from the Sheriffdom.

Membership of the JTC includes the members of the JAC, a Sheriff nominated by the Sheriff Principal, a Legal Adviser and a person appointed to attend meetings (on behalf of SCS), who is not a member of the committee. It is anticipated that arrangements for meetings of the JAC and JTC will be closely co-ordinated given the link between appraisal and training and the commonality of membership.

The organisation and administration to establish the Justices' Committees within Grampian, Highland & Islands will be led by the Sheriffdom Legal Adviser, who will be in post by the June 2007. The SLA will be available to attend Committee meetings, and will receive secretarial and administrative support from the office of the Sheriffdom Business Manager.

9 SUMMARY OF PROPOSALS

9.1 Co-Location of Courts and Services

SCS will where practicable locate Sheriff and JP Courts and supporting services within existing Sheriff Court buildings. SCS believes this is the most efficient and cost effective way to provide these services. But more importantly, it will deliver an improved service to the public who use the courts and to those who work there by providing –

- Modern secure facilities and accommodation,
- A single service and contact point for enquires and services, and
- Greater clarity in terms of management and accountability.

9.2 Location of JP Courts

SCS proposes that JP Courts be established as set out in Part 2 and 3 of this paper. This configuration of courts represents a continuance of the existing locations for court sittings for the new JP Courts in the majority of locations.

SCS does not, however, recommend establishing JP Courts in Inverurie, Kingussie and Nairn. In the case of Inverurie, SCS recommends that Inverurie JP Court business be combined with that of Aberdeen in the new JP Court to be established there. Similarly, SCS recommends that Kingussie and Nairn court business be combined with that of Inverness in the new Inverness JP court.

9.2.1 Legal Staff

A team of 7 Legal Advisers will provide legal support to the JP Courts. The team will be led by a Sherifffdom Legal Adviser (SLA) who will have overall responsibility for supporting Justices in the execution of their judicial role.

9.2.2 Admin Staff

The majority of administrative staff will transfer to SCS, leaving an anticipated gap of 1.5 admin staff.

9.3 Support to Justices' Committees

The SLA, with secretarial and administrative support, will have lead responsibility for establishing the new JP Committees in Grampian, Highland & Islands.