



Summary Justice Reform

Delivering a Unified Courts Administration in Tayside, Central and Fife Sheriffdom

June 2008

CONTENTS

PAGE

1. Introduction	3
2. Functions and Structure	4
3. Location Justice of the Peace Courts and Offices	6
4. Justice of the Peace Court Sitting Arrangements	9
5. Provision of Legal Support to Justice of the Peace Courts and Justices of the Peace	10
6. Non Legal District Court Staff	11
7. Fines Collection and Enforcement	12
8. Support to Justices' Committees	13
9. Summary of Proposals	14

Delivering a Unified Courts Administration in Tayside, Central and Fife Sheriffdom

1. Introduction

- 1.1 In the *Smarter Justice, Safer Communities, Summary Justice Reform, Next Steps* paper published in March 2005, the Scottish Executive outlined plans to unify the administration of summary criminal courts in Scotland under the management of the Scottish Court Service (SCS).
- 1.2 On 18 January 2007, the enabling legislation in the Criminal Procedure etc (Reform) (Scotland) Act (CPR Act) was passed unanimously by the Scottish Parliament and received Royal Assent on 22 February 2007.
- 1.3 Under the Scottish Executive proposals, Unification of the administration of the courts of summary criminal jurisdiction, Sheriff and Justice of the Peace Courts would be phased in for the six Sheriffdoms in Scotland. The Sheriffdom of Lothian and Borders was successfully implemented in March 2008, followed by the Sheriffdom of Grampian, Highland and Islands on 2 June 2008. The Sheriffdom of Glasgow and Strathkelvin will unify on 8 December 2008, shortly followed by Tayside, Central and Fife on 23 February 2009.
- 1.4 This consultation document provides details of SCS's proposals for the future configuration of Sheriff and Justice of the Peace Courts, and the arrangements for delivery of court related services within a unified courts administration in Tayside, Central and Fife Sheriffdom. 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; and
 - unitary management of the court estate.
- 1.5 In the *Next Steps* paper, it was recognised that successful delivery of a unified courts administration would require detailed work and careful planning in liaison with stakeholders, partners and organisations involved in the summary criminal courts. In taking this work forward, SCS has established court working groups covering nine areas in Tayside, Central and Fife - Arbroath/Forfar, Dundee, Perth, Alloa, Falkirk, Stirling, Cupar, Dunfermline, and Kirkcaldy. Represented on the groups are Sheriffs, Justices of the Peace, District Courts (managers, legal advisers, staff and local Trade Union representatives), local faculties, Sheriff Clerks, Crown Office and Procurator Fiscal Service, Social Work, Witness Service, Reliance, Tayside Police, Central Scotland Police and Fife Constabulary.
- 1.6 At the start of the unification process, a series of meetings and information road shows for staff in the District and Sheriff Courts were held throughout Scotland.
- 1.7 SCS looks forward to developing this plan as court unification in Tayside, Central and Fife moves into the implementation phase. This will involve continuing dialogue with the judiciary, stakeholders, partners, staff and community interests. We have a statutory duty to consult with the Sheriff Principal and also invite written comments on this consultation document, which should be sent by **30 September 2008** to:

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2. Functions and Structure

- 2.1 There are seven Local Authority Commission Areas within Tayside, Central and Fife Sheriffdom – Angus, Dundee City, Perth and Kinross, Clackmannanshire, Falkirk, Stirling and Fife. District Courts sit in Arbroath, Forfar, Dundee, Perth, Alloa, Falkirk, Stirling, Cupar, Dunfermline and Kirkcaldy and there are ten Sheriff Courts located in the same towns. The District Courts and Sheriff Courts in Arbroath, Forfar and Cupar use the same court premises for court hearings.
- 2.2 Following unification of the administration of the summary criminal courts in Tayside, Central and Fife, SCS will be responsible for:
- supporting the judiciary in Sheriff and Justice of the Peace summary criminal courts;
 - administering court services in the summary criminal courts;
 - legal support for Justices of the Peace in the Justice of the Peace Courts;
 - providing legal and administrative support to the new Justices' Committees;
 - collecting all court imposed fines and compensation orders, direct measures (fiscal fines and compensation orders), and certain other financial penalties; and
 - enforcing fines and financial penalties.
- 2.3 SCS recommends that Justice of the Peace Courts should be established in the same locations as District Courts currently within the Sheriffdom of Tayside, Central and Fife. We propose to locate Sheriff and Justice of the Peace Courts and supporting services within Sheriff Courthouses where Sheriff and District Courts are situated within the same town or city, and where suitable accommodation is available or can be made available at a future date. This we believe is the most cost effective and efficient way to provide this service but, more importantly, we believe this will benefit courts users by providing:
- modern secure court facilities and accommodation;
 - service integration for all court enquiries and services;
 - greater clarity in terms of management and accountability.
- 2.4 This arrangement will also provide benefits for staff and facilitate their integration into the wider court service.
- 2.5 The configuration of courts, which SCS proposes for Tayside, Central and Fife Sheriffdom is set out below.

Sheriff Court District	Location of Justice of the Peace Courts	Local Authority Commission Area
Arbroath	Arbroath (in the Sheriff Court building)	Angus
Forfar	Forfar (in the Sheriff Court building)	
Dundee	Dundee (in the former District Court building)	Dundee City
Perth	Perth (in the former District Court building. Longer term plan to move into the Sheriff Court building)	Perth and Kinross
Alloa	Alloa (in the Sheriff Court building)	Clackmannanshire
Falkirk	Falkirk (in the former District Court building. Longer term plan to move into the Sheriff Court building)	Falkirk
Stirling	Stirling (in the former District Court building. Longer term plan to move into the Sheriff Court building)	Stirling
Cupar	Cupar (in the same building as the Sheriff Court)	Fife
Dunfermline	Dunfermline (in the Sheriff Court building)	
Kirkcaldy	Kirkcaldy (in the former District Court building)	

- 2.6 This configuration of courts represents a continuance of the existing locations for court sittings in Arbroath, Forfar, Dundee, Perth, Falkirk, Stirling, Cupar and Kirkcaldy.

- 2.7 In Alloa and Dunfermline the Justice of the Peace Court sittings will move to the Sheriff Court locations on unification.
- 2.8 The long-term SCS proposals for the Justice of the Peace Courts in Perth, Falkirk and Stirling are to relocate the courts to the Sheriff Court buildings. This is not achievable in time for unification in February 2009. SCS therefore proposes that Justice of the Peace staff and courts administration will be based at the Sheriff Court buildings from February 2009 and that staff will attend at these Justice of the Peace Courts only on court sitting days until accommodation changes are complete.
- 2.9 There is provision in the CPR Act for SCS on behalf of Scottish Ministers to enter into arrangements with local authorities for the use of premises and the Act provides for the transfer of properties used for the operation or administration of District Courts from local authorities to SCS.

3. Location of Justice of the Peace Courts and Offices

Tayside

Angus – Arbroath and Forfar

- 3.1 Angus District Court currently sits in the Sheriff Court houses in Arbroath and Forfar. The staff are located in local authority offices in Forfar and attend court when required. Court imposed fines, fixed penalties and conditional offers are collected at the local authority office in Forfar where the staff are based. In addition, court imposed fines are collected in local authority ACCESS offices in Arbroath, Brechin, Carnoustie, Forfar, Kirriemuir, Monifieth and Montrose.
- 3.2 SCS propose that post unification, Arbroath Justice of the Peace Court will sit in Arbroath Sheriff Court. Staff will move into the Sheriff Court building and the Justice of the Peace Court will be fully administered in Arbroath. There will be no property transfer to SCS.
- 3.3 SCS propose that post unification, Forfar Justice of the Peace Court will sit in Forfar Sheriff Court. Staff will move into the Sheriff Court building and the Justice of the Peace court will be fully administered in Forfar. There will be no property transfer to SCS.

Dundee City – Dundee

- 3.4 Dundee District Court sits in a dedicated self-contained court building adjacent to the Sheriff Court. All District Court staff are located in the District Court building.
- 3.5 SCS propose that post unification there will be no change to court locations in Dundee. The District Court building will transfer to the Scottish Court Service and the Justice of the Peace Court will continue to sit in this building. In the longer term it is proposed that all financial penalties will be collected in one location in Dundee. Court staff will be located in the Justice of the Peace Court building. The Sheriff Clerk will make arrangements to fully integrate staff and for job rotation between Sheriff and Justice of the Peace Courts to take place.

Perth and Kinross – Perth

- 3.6 The Sheriff and District Courts are located a short walking distance apart. The District Court sits in a council building spread over three floors and its staff are located in this building.
- 3.7 SCS proposes that in the longer term the Justice of the Peace Court should sit in the Sheriff Court building. However, this would not be achievable in time for February 2009. Until that is possible, it is proposed that the Justice of the Peace Court would continue to sit in the current District Court building. Staff transferring to SCS will relocate to the Sheriff Court building which will be altered to accommodate them. Staff will attend the Justice of the Peace Court building as required. SCS will liaise with Perth and Kinross Council regarding property transfer to SCS.

Central

Clackmannanshire – Alloa

- 3.8 Clackmannanshire District Court is located near Alloa Sheriff Court. One administrative member of staff is located in the District Court accommodation. Legal staff are located in council offices in Alloa. Work is currently in progress to create an additional court room in Alloa Sheriff Court. SCS propose that from February 2009 all Justice of the Peace Court

business will be administered in the Sheriff Court building. There will be no property transfer to SCS.

Falkirk

- 3.9 The District Court sits in a council building in the town centre which is an annex to the main council building. This annex is shared by other council services. District Court staff are located in the District Court section of the main municipal building. The annex houses caretakers and a Council Officer. The Sheriff Court is on the outskirts of the town. The courts are approximately 1.4 miles apart.
- 3.10 The long-term proposal is for the Justice of the Peace Court to move into the Sheriff Court building. The Sheriff Court building requires internal alterations to create an additional court room but this would not be achievable in time for February 2009. SCS therefore propose that the current District Court accommodation will continue to be used for planned business only. On dates where there is unplanned business (i.e. custodies only), these cases would be dealt with in the Sheriff Court building. The Sheriff Court would be altered to accommodate all staff by February 2009.
- 3.11 The Justice of the Peace Court business will be fully administered from the Sheriff Court building from February 2009 and staff will attend the Justice of the Peace court as required.
- 3.12 SCS will liaise with Falkirk Council on the continued use of the current accommodation until such time as the alterations in the Sheriff Court are completed.

Stirling

- 3.13 The District Court sits on the ground floor of a two storey building owned by Stirling Council. District Court staff are located in council offices in another part of the city. The Sheriff and District Courts are approximately 1 mile apart.
- 3.14 The long-term proposal is for the Justice of the Peace Court to move into the Sheriff Court building. The Sheriff Court building requires internal alterations to create an additional court room but this would not be achievable in time for February 2009. SCS therefore propose that the current District Court accommodation will continue to be used for planned business only. On dates where there is unplanned business (i.e. custodies only), these cases would be dealt with in the Sheriff Court building. The Sheriff Court could be altered to accommodate all staff by February 2009.
- 3.15 The Justice of the Peace Court business will be fully administered from the Sheriff Court building from February 2009 and staff will attend the Justice of the Peace Court building as required.
- 3.16 SCS will liaise with Stirling Council on the continued use of the current accommodation until such time as the alterations in the Sheriff Court are completed.

Fife

- 3.17 Fife District Court sits in three locations – Cupar, Dunfermline and Kirkcaldy. The court administration is centralised and all staff are located in council offices in Glenrothes.

Cupar

- 3.18 The District and Sheriff Courts share a municipal council building. Shared/common areas are covered and regulated by a formal Minute of Agreement between Fife Council and SCS.

- 3.19 SCS propose that the current practical arrangements will continue. Staff will relocate from Glenrothes to Cupar Sheriff Court and office accommodation will be altered to accommodate them. SCS will liaise with Fife Council on the continued use of shared/common areas.

Dunfermline

- 3.20 The District Court sits in a council committee room in a local authority building. The Sheriff and District Courts are approximately 0.8 mile apart.
- 3.21 SCS propose that the Justice of the Peace Court will sit in the Sheriff Court building. Plans are underway to create an additional court in Dunfermline which may not be ready in time for unification.
- 3.22 SCS will liaise with Fife Council on the continued use of the current accommodation until such time as the alterations in the Sheriff Court are completed.
- 3.23 SCS also propose that staff will relocate from Glenrothes to Dunfermline Sheriff Court and office accommodation will be altered to accommodate them. The Justice of the Peace Court will be fully administered in the Sheriff Court building. There will be no property transfer to SCS.

Kirkcaldy

- 3.24 The District Court is a large building owned by Fife Council. It has a large extension to the back and an inaccessible and disused first floor level. It is located a short walking distance from the Sheriff Court.
- 3.25 Although the District Court accommodation requires work, SCS propose to acquire ownership of this building as there is no court accommodation available in the Sheriff Court to house the Justice of the Peace Court. The building will require to be brought up to minimum acceptable standards. The Justice of the Peace Court will sit in this building on days where business is programmed. On days where there is unplanned business (i.e. custodies), the proposal is that the court will sit in the Sheriff Court building. SCS estates staff will liaise with Fife Council regarding the property transfer to SCS.
- 3.26 SCS propose that staff will relocate from Glenrothes to Kirkcaldy Sheriff Court and office accommodation will be altered to accommodate them. The Justice of the Peace Court will be fully administered from the Sheriff Court building and staff will attend the Justice of the Peace Court building as required.

4. Justice of the Peace Court Sitting Arrangements

- 4.1 The benefits of summary justice reforms will continue to be monitored to assess the impact on court programmes. It is proposed to maintain the existing number of planned sitting days for the Justice of the Peace Courts at this time.
- 4.2 The current pattern of sittings for District Courts in Tayside, Central and Fife is detailed in Table 2.

Table 2

District Court	No. of courts sitting	Frequency	Approx. no. of planned sitting days per year	Unplanned business (custodies)
Tayside				
Angus at Arbroath	1	Fridays	49	As required
Angus at Forfar	1	Every first and third Wednesday each month	23	As required
Dundee	1	Each day	254	As required
Perth	1	Tuesdays, Wednesdays and Fridays	150	As required
Central				
Clackmannanshire	1	Tuesdays	50	As required
Falkirk	1	Tuesdays and Thursdays	88	As required
Stirling	1	Tuesdays	50	As required
Fife				
Cupar	1	Fortnightly on Fridays	25	As required
Dunfermline	1	Mondays and Tuesdays	100	As required
Kirkcaldy	1	Mondays, Tuesdays and every second Friday	125	As required

5. Provision of Legal Support to Justice of the Peace Courts and Justices of the Peace

Sheriffdom Legal Adviser

5.1 SCS has created the post of Sheriffdom Legal Adviser (SLA). Recruitment has taken place and a successful candidate was identified in May 2008. A start date is to be agreed. In summary, the SLA will have the following responsibilities:

- managing a team of legal advisers;
- supporting the accurate and efficient delivery of justice in the Justice of the Peace Courts;
- supporting the Justices in the execution of their judicial role;
- overseeing the organisation of the Justices rota;
- providing legal advice and support to Sheriffdom Justices' Committees;
- organising and delivering training to Justices.

Legal Advisers

5.2 At present there is potentially one part-time legal adviser who will be eligible to transfer to the SCS on the basis that she works for more than 50% of her time on District Court business. There will be ten Justice of the Peace Courts in the Sheriffdom. A priority task for the new SLA is to identify the number of legal advisers required for the sheriffdom and undertake recruitment and training of suitably qualified lawyers to fully support the Justice of the Peace Court. In addition, the SLA will take steps to put in place contingency arrangements to provide cover.

5.3 In summary, the team of legal advisers will clerk the Justice of the Peace Courts and have responsibility for:

- providing legal and procedural advice to Justices in court and in chambers;
- delivering training to Justices at their local court or within the Sheriffdom;
- supporting Justices' Committees.

6. Non Legal District Court Staff

- 6.1 No court officers, also known as bar officers, are eligible to transfer to SCS. Sheriff Clerks will identify how best to provide this cover for the new Justice of the Peace Courts from February 2009. This may be by varying existing hours and work patterns for part-time court officers or recruitment of additional staff.
- 6.2 There are a number of administrative staff engaged on District Court work. In Angus, these staff are based in local authority offices in Forfar and currently provide administrative support for the court which sits in Arbroath and Forfar. In Fife, the administration for the three District Courts in Cupar, Dunfermline and Kirkcaldy is centralised and all staff are based in local authority offices in Glenrothes. Fife staff do not collect fines and the local authority has estimated that a 0.5 full-time equivalent member of staff is allocated to cover this work.
- 6.3 Table 3 below provides a current estimate of the staff who work 50% or more on District Court work who are eligible to transfer to SCS. SCS will recruit staff where necessary.

Table 3

District Court	Non-legal staff (full-time and part-time)	Approx no. of full-time equivalent (fte) staff	Potential transferees (those working for 50% or more of their time on District Court work)	Estimated Gap (fte staff)
Tayside				
Angus	5	3.45	4	0.3
Dundee	7	6.5	7	Nil
Perth	5	4	5	Nil
Central				
Clackmannanshire	1	1	1	Nil
Falkirk	5	Information not supplied	4	1
Stirling	4	4	4	Nil
Fife				
Cupar	5	4.08	5	0.5 (this is for fines collection in local offices)
Dunfermline				
Kirkcaldy				
Total for Sheriffdom	32	23.03 (does not include Falkirk)	30	1.8

7. Fines Collection and Enforcement

- 7.1 In March 2008, new fines enforcement provisions were brought into force by the Criminal Proceedings etc (Reform) (Scotland) Act. These provisions introduced the new role of Fines Enforcement Officer (FEO) with power to apply a range of sanctions against fines defaulters.
- 7.2 In Tayside, Central and Fife there are four FEOs and a Fines Enforcement Manager. Some FEOs operate from single courts but others cover a number of courts.
- 7.3 In the unified sheriffdoms, all fines and financial penalties can be paid in any court location. When unification is complete in around October 2009, all fines and financial penalties will be payable at any Sheriff or Justice of the Peace Court when that court is open to the public.
- 7.4 In the unified courts administration, all fines and financial penalties can be paid by cash, postal order, cheque, debit card and credit card. Payment by Standing Order is currently being piloted in SCS and it is anticipated that this will be available by February 2009. SCS is also examining additional methods of paying fines and financial penalties.

8. Support to Justices' Committees

- 8.1 The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 provides for the establishment of Justice of the Peace Courts, and a new committee structure for appointment, training and appraisal of Justices of the Peace.
- 8.2 The Sheriff Principal is the convener of the Justice of the Peace Advisory Committee, (JPAC) - the committee responsible for appointment of Justices of the Peace within his Sherifffdom. The JPAC includes Justices of the Peace 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.
- 8.3 In addition to the JPAC, there are separate Sherifffdom appraisal and training committees – the Justices Appraisal Committee (JAC) and the Justices Training Committee (JTC). Membership of the JAC is restricted to Justices of the Peace from the Sherifffdom.
- 8.4 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. Arrangements for meetings of the JAC and JTC are in place.

9. Summary of Proposals

9.1 SCS propose to, where practicable, locate Sheriff and Justice of the Peace Courts and supporting services within Sheriff Courthouses. This, we believe, is the most cost effective and efficient way to provide these services but, more importantly, it delivers an improved service to the public who use the courts and to those who work there.

9.2 SCS proposes that Justice of the Peace Courts be established in the following Sheriff Court districts:

Sheriff Court District	Justice of the Peace Courts	Sitting at
Tayside		
Arbroath	Arbroath	Arbroath
Dundee	Dundee	Dundee
Forfar	Forfar	Forfar
Perth	Perth	Perth
Central		
Alloa	Alloa	Alloa
Falkirk	Falkirk	Falkirk
Stirling	Stirling	Stirling
Fife		
Cupar	Cupar	Cupar
Dunfermline	Dunfermline	Dunfermline
Kirkcaldy	Kirkcaldy	Kirkcaldy

9.3 This configuration of courts represents a continuance of the existing locations for District Court sittings for the new Justice of the Peace Courts in Arbroath, Dundee, Forfar, Perth, Falkirk, Stirling, Cupar and Kirkcaldy.

9.4 Under these proposals, Alloa and Dunfermline Justice of the Peace Court sittings would move to the Sheriff Court locations.

9.5 SCS's long-term proposal for the Justice of the Peace Courts in Perth, Falkirk and Stirling is to relocate these Justice of the Peace Courts to the Sheriff Court buildings. This is not achievable in time for February 2009, however, the staff and courts administration would move to the Sheriff Court buildings from February 2009 and the courts would only be attended on court sitting days.

9.6 Legal support to the Justice of the Peace Courts will be provided by a team of Legal Advisers (LAs) recruited by the Sheriffdom Legal Advisor. The team will be led by a Sheriffdom Legal Adviser (SLA) who will have overall responsibility for supporting Justices of the Peace in the execution of their judicial role. The SLA will ensure that newly recruited LAs will be appointed and fully trained in advance of the go live date in February 2009.

9.7 The SLA, with secretarial and administrative support, will support the recently established Justice of the Peace Committees in Tayside, Central and Fife.

9.8 No court officers (bar officers) will transfer to SCS. Sheriff Clerks will identify how best to provide this cover and recruit additional staff if necessary.

9.9 It is anticipated that the majority of non-legal administrative staff will transfer to the SCS.

9.10 All fines and financial penalties can be paid by cash, postal order, cheque, debit card and credit card at any Sheriff or Justice of the Peace Courts in unified Sheriffdoms.