

Scottish  
Court Service

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**SCOTTISH COURT SERVICE  
CORPORATE PLAN  
2010-11**

**APRIL 2010**

## **Foreword**

### **THE RT. HON LORD HAMILTON, LORD PRESIDENT OF THE COURT OF SESSION AND CHAIR OF THE SCOTTISH COURT SERVICE**

I take great pleasure in providing a foreword for this first Corporate Plan of the Scottish Court Service (the SCS), the new corporate body which has been established by the Judiciary and Courts (Scotland) Act 2008 to provide the services that support the operation of Scotland's courts. This Act of the Scottish Parliament is of significant constitutional importance. By creating an arrangement that gives a corporate body, with a judicial majority, oversight of the administrative arrangements that support the judiciary in the delivery of justice, it strengthens the institutional independence of the judiciary in Scotland. This in turn benefits all those who look to the courts to protect their rights.

This plan covers the first year of the SCS's operations, from 1 April 2010. This is the date when the SCS assumed its full statutory powers and responsibilities. This first year will be a period of learning and development. Time will be needed for the new body to assess its priorities and develop its plans for the future. But the business of the courts and Office of the Public Guardian must not stop, and this plan reflects what will be done, both to deliver the day-to-day business and to build on initiatives already started by the previous SCS Agency.

The establishment of the SCS provides unprecedented opportunities for court staff and officials to work with justices of the peace, sheriffs and judges to improve the conduct of the business of the courts in Scotland and strengthen access to justice. The SCS Board will be able to draw on an experienced body of court staff and judiciary who have strong traditions of knowledge and expertise. The new governance arrangements will build on those traditions and, over time, will strengthen how the judiciary, court staff and other SCS officials work together at both national and local levels.

The plan also acknowledges some of the known and potential operational challenges that the SCS will face over the coming year and beyond. One of the key priorities for the corporate body will be to ensure that we are able to prepare for, and respond positively to, those challenges and can continue to deliver court services and facilities across Scotland to the highest possible standards.

I look forward to reporting on our progress and outlining our plans for the future over the coming year.

THE RT HON LORD HAMILTON

## **INTRODUCTION FROM THE CHIEF EXECUTIVE**

I am very pleased to introduce this Corporate Plan as the first Chief Executive for the new Scottish Court Service and welcome the opportunity to work as a member of the new SCS Board.

In my previous role as Chief Executive of the Scottish Government SCS Agency, I long held the view that the previous Agency arrangements, under which SCS senior managers and staff were accountable to Scottish Ministers, did not best reflect the overarching purpose of the SCS to provide the staff, buildings and technology within courts to support the administration of justice by Scotland's independent judiciary.

The establishment of the new SCS governing body, with judicial members and members with other relevant skills and experience from within and outwith the justice system, strengthens significantly how decisions about the strategic direction and priorities of the court administration are determined.

As the only Executive member of the Board, I will ensure that the Board receives accurate, timely and relevant information to scrutinise the performance of the organisation and that the strategic decisions of the Board are communicated clearly to SCS staff and are implemented with commitment and efficiency. Crucially, during this first year, I will also support the Board to consider its longer-term vision and priorities for the organisation beyond 2010-11.

In taking forward the day-to-day management of court staff, buildings and services and the Office of the Public Guardian and as a member of the new Board, I will ensure that that the SCS can take account of the views and interests of all court users and that we can engage effectively with other organisations to help strengthen confidence in the justice system.

These priorities are reflected in this first Corporate Plan for the new SCS.

**ELEANOR EMBERSON  
CHIEF EXECUTIVE**

# **1. Scottish Court Service 2010-11**

1.1 As required by section 66 of the Judiciary and Courts (Scotland) Act 2008 and in accordance with The Scottish Court Service (Corporate Plan) Order 2010, this plan has been prepared to describe how the Scottish Court Service (SCS) proposes to carry out its functions during the planning period from April 2010 to March 2011. This plan has been approved by Scottish Ministers and laid before the Scottish Parliament.

1.2 This is the first Corporate Plan prepared by the SCS as a new body corporate, independent from Scottish Government. The new SCS Board met for the first time in a 'shadow' capacity on 28 January 2010 and took up its full responsibilities on 1 April 2010. This first Corporate Plan covers, therefore, an initial period during which the new Board will require time to develop and consult on its own vision and priorities as an independent body. This work will inform the preparation of the next Corporate Plan for the SCS to apply from April 2011.

1.3 During its first year, therefore, in addition to fulfilling its statutory functions, the SCS will:

- Establish the new governance arrangements for the SCS on a firm basis, working with court staff, the judiciary, and other organisations within the justice system to ensure that the benefits of the new arrangements are realised and widely understood.
- Develop a clear vision and set of aims and objectives for the new organisation that are widely understood both within and outwith the SCS.
- Support the Lord President in establishing his new responsibilities for the headship of the judiciary in Scotland, in particular through the work of the new Judicial Office for Scotland.
- Work with Scottish Government and other organisations, as appropriate, to take forward major policy initiatives that will deliver further improvement to the efficient and effective delivery of justice.
- Undertake a major programme to review how the SCS manages its responsibilities and to identify and test new approaches.
- Review and, if required, strengthen the performance measures that we use to monitor and improve the delivery of our functions.

1.4 During 2010-11, the SCS will develop and consult on its own purpose, aims and values to establish a set of guiding principles that reflect the vision of the new, independent corporate body and provide the foundation for the

decisions and actions that the SCS will take in meeting its responsibilities and responding to future challenges.

1.5 For this first year, therefore, the SCS will adopt the purpose, aim and values which were developed by the previous SCS Agency following internal consultation with court staff and external consultation with the judiciary, Scottish Government and other organisations in the justice system.

**SCOTTISH COURT SERVICE  
PURPOSE, AIM AND VALUES 2010-11**

**Purpose**

*Access to Justice.*

The SCS delivers this by providing the people, buildings and technology to support the operation of the Courts and the Office of the Public Guardian.

**Aim**

The SCS is committed to the maintenance of high standards with the aim of providing services to the public, professional users and the judiciary that are:

- Consistent and reliable
- Delivered when we promise them
- Making best use of the resources available to us.

**Values**

SCS fulfils its purpose and pursues its aim conscious of its responsibilities to be publicly accountable, respect judicial independence and work with others in improving the performance of the justice system.

In particular the SCS values:

- Commitment and professionalism
- Providing a high quality service
- Integrity and impartiality
- Working to improve the justice system
- Using resources effectively.

## 2. SCS Governance

2.1 From 1 April 2010, the implementation of relevant parts of the Judiciary and Courts (Scotland) Act 2008 (“the 2008 Act”) established the SCS as a body corporate, separate from the Scottish Government.

2.2 The SCS body corporate has statutory responsibility for the provision of the property, services, officers and staff required for the purposes of:

- (a) the courts and the judiciary;
- (b) the Lord President in carrying out his functions as Head of the Scottish Judiciary, and the other non-judicial functions of the office of the Lord President;
- (c) any judicial office holder carrying out functions delegated by the Lord President;
- (d) the Sheriffs Principal in carrying out their statutory functions for ensuring the efficient disposal of business in the sheriff courts;
- (e) the Office of the Public Guardian; and
- (f) the Court of Session, Criminal Courts and Sheriff Court Rules Councils which keep under review the rules of procedure in Scotland’s courts.

### SCS Board

2.3 The body corporate is the SCS governing body and is known as the “SCS Board”. The Board is chaired by the Lord President, Scotland’s most senior judge, and has a majority of members who are judicial office holders: in addition to the Lord President, there is the Lord Justice Clerk, a judge of the Court of Session, a Sheriff Principal, two Sheriffs and a Justice of the Peace. It also includes two members from the legal profession - one advocate and one solicitor.

2.4 Three Board members specifically do not have a judicial or legal background but have experience from other relevant areas. These members provide an external perspective and strengthen the decision making of the Board.

2.5 The other member of the Board is the Chief Executive who is the only Board member with executive responsibilities.

2.6 The full membership of the SCS Board and senior executive team are detailed at **Annex A**.

2.7 The establishment of the new SCS Board ensures that decisions about the provision of administrative support to Scotland's independent judiciary and courts are taken by a body with members who are involved in the day-to-day administration of justice or who have significant relevant experiences from other fields, such as business or administration. The Board will act together to set the strategic direction for the SCS and to scrutinise the performance of the SCS Chief Executive and staff.

### **Judicial Office for Scotland**

2.8 In addition to chairing the SCS Board, the 2008 Act also established on a statutory basis the roles and responsibilities of the Lord President as Head of the Scottish Judiciary.

2.9 As Head of the Scottish Judiciary, the Lord President has responsibility for the efficient disposal of business in the Scottish courts. He also has responsibility for making arrangements for the welfare, training and guidance of judicial officer holders and for investigating complaints about their conduct.

2.10 The SCS has a statutory function to support the Lord President with these responsibilities. The Judicial Office for Scotland has been established as a new directorate within the SCS to support the Lord President and other members of the judiciary with delegated responsibilities in fulfilling his headship role.

2.11 The responsibilities of the Judicial Office include:

- consideration and implementation of judicial welfare issues;
- processing complaints about the conduct of members of the judiciary and advising the Lord President on those complaints;
- providing legal advice to the Lord President in his administrative responsibilities;
- working with the Judicial Studies Committee to ensure access to appropriate training for members of the judiciary;
- private office to the Lord President;
- judicial communications; and,
- other relevant administrative support to the Lord President and members of the judiciary with delegated responsibilities.

2.12 The Judicial Office is led by the Executive Director of the Judicial Office for Scotland.

### 3. Operating Environment

3.1 This section describes briefly the main strategic issues and anticipated business trends that the SCS will face in 2010-11. The SCS Board will undertake strategic planning activity to analyse and respond to these issues and trends in more detail so that it will be better placed to make decisions about its future direction and resource allocation.

#### ***Financial Resources***

3.2 Net revenue and capital allocations for 2010-11 for the SCS have been set by the Scottish Government as part of its overall budget plans and approved by the Scottish Parliament. The allocations reflect transfers of responsibilities from the previous SCS Agency and new responsibilities arising from the 2008 Act, including the establishment of the new Judicial Office for Scotland.

#### **Financial Resources 2010-11**

|                         | <b>£M</b>    |
|-------------------------|--------------|
| Revenue Allocation      | 85.8         |
| Capital Allocation      | 20.3         |
| <b>Total Allocation</b> | <b>106.1</b> |

3.3 This is a challenging financial settlement. Excluding funding for new responsibilities, the net revenue budget is broadly a flat allocation compared with the revenue funding for the SCS Agency in 2009-10. From within this allocation the SCS will need to meet increasing pay and other costs arising from operational business trends. These trends are described in more detail below.

#### ***Operational Business Trends***

3.4 This section provides information on operational trends within the courts and OPG over recent years. SCS will work closely with other organisations in the justice system to better understand and anticipate changes in business trends, strategy and practice that will affect the courts.

#### **High Court**

3.5 While the number of indictments registered in courts continues to decline the number of trials proceeding remains high. A trend is emerging of an increasing average length of trials in the High Court and, as a result, there is a requirement for more judge sitting days to dispose of that business.

3.6 Criminal appeals follow a similar pattern with a number of solemn appeals against conviction requiring many days for hearings. Two criminal appeal courts were programmed for much of 2008-09 to process business which also accounts for the rising figure of High Court judge days.

3.7 There are a number of factors that account for the increasing length of trials and appeals which include the volume and complexity of new legislation, new rules around the disclosure of evidence and the work of the Scottish Criminal Cases Review Commission. During 2010-11, the SCS will undertake more detailed analysis about the demands on the High Court and the way that the pattern of business is changing.

**Table 1: High Court**

|                          | <b>2006-07</b> | <b>2007-08</b> | <b>2008-09</b> |
|--------------------------|----------------|----------------|----------------|
| Indictments Registered   | 1,171          | 1,005          | 920            |
| Trials (Evidence Led)    | 414            | 446            | 382            |
| Solemn Appeals (lodged)  | 954            | 953            | 765            |
| Summary Appeals (lodged) | 1,770          | 1,475          | 1,546          |
| High Court Judge Days    | 3,346          | 3,591          | 3,826          |

### **Court of Session**

3.8 The number of actions being raised in the Court of Session is continuing to increase due mainly to an underlying increase in the number of personal injury cases. The number of civil appeals is also growing, due mainly to an increasing number of statutory appeals in immigration cases. The number of sitting days available to manage this growing business is limited by the overall demands placed on the Court, including managing the demand for more sitting days for criminal business.

3.9 The number of petitions (mainly administrative applications which are relatively undemanding of court time) has reduced because of the transfer of bankruptcy cases to the sheriff court.

**Table 2: Court of Session**

|   | <b>2006-07</b> | <b>2007-08</b> | <b>2008-09</b> |
|---|----------------|----------------|----------------|
| Ordinary Civil Actions Registered                       | 3,166          | 3,264          | 3,737          |
| Civil Petitions (registered)                            | 3,393          | 3,183          | 1,597          |
| Civil Appeals / Reclaiming Motions                      | 312            | 247            | 300            |
| Proofs, Jury Trials and Hearings (JR) (which proceeded) | 182            | 151            | 106            |
| Court of Session Judge Days                             | 2,076          | 1,881          | 1,978          |

## Office of the Public Guardian

3.10 The numbers of powers of attorney registered by the Office of the Public Guardian (OPG) has now peaked and stabilised at around 30-35,000 registrations per year. The access to funds service which was re-developed in 2007-08 has yet to be used as much as was expected but further growth is expected. The OPG will focus on improving the quality of initial applications received from the legal profession and in improving electronic access to its services.

**Table 3 : Office of the Public Guardian**

|                    | 2006-07 | 2007-08 | 2008-09 |
|--------------------|---------|---------|---------|
| Powers of Attorney | 26,468  | 32,066  | 30,737  |
| Access to funds    | 195     | 197     | 378     |
| Interventions      | 245     | 271     | 229     |
| Guardianship       | 1,249   | 1,348   | 1,437   |

## Sheriff Court

3.11 The Summary Justice Reform programme consisted of a range of measures designed to deliver a speedier and more efficient system and included initiatives to ensure that fewer cases come to court needlessly. There has been a drop in complaints registered in the Sheriff Court over the last three years as a consequence of these reforms.

3.12 A substantial increase in the maximum value that can be pursued under summary cause and small claims procedures introduced during 2007-08 has reduced the number of ordinary actions initiated and re-balanced the distribution of general civil business in the Sheriff Court.

**Table 4: Sheriff Court**

|                                      | 2006-07 | 2007-08 | 2008-09 |
|--------------------------------------|---------|---------|---------|
| <b>Criminal (Summary)</b>            |         |         |         |
| Complaints Registered                | 105,905 | 96,059  | 86,965  |
| Trials (Evidence Led)                | 6,619   | 5,772   | 6,922   |
| <b>Criminal (Solemn)</b>             |         |         |         |
| Indictments Registered               | 6,304   | 6,992   | 6,385   |
| Trials (Evidence Led)                | 848     | n/a     | 1,055   |
| <b>Ordinary Civil</b>                |         |         |         |
| Cases Registered                     | 58,868  | 55,987  | 46,477  |
| Proofs And Debates (Which Proceeded) | 1,343   | 1,434   | 1,200   |

|                                     |               |               |               |
|-------------------------------------|---------------|---------------|---------------|
| <b>Summary Cause + Small Claims</b> |               |               |               |
| Cases Registered                    | 64,126        | 60,756        | 79,827        |
| Proofs/Hearings (Evidence Led)      | 434           | 427           | 681           |
| <b>Commissary</b>                   |               |               |               |
| Inventories Recorded                | 29,272        | 26,761        | 25,992        |
|                                     |               |               |               |
| <b>Total Sitting Days</b>           | <b>29,798</b> | <b>30,121</b> | <b>30,929</b> |

### Justice of the Peace Courts

3.13 Justice of the Peace Courts play an important and enhanced role in ensuring effective and efficient access to justice. Under Summary Justice Reform, between 2007-08 and 2009-10 there was a phased transfer of responsibility from local authority run district courts to unified Justice of the Peace Courts. As part of Summary Justice Reform an increasing proportion of summary criminal cases have been directed away from Sheriff Courts and to Justice of the Peace Courts. With the final court unifications completed during 2009-10, along with other justice bodies, the SCS will continue to monitor the flow of cases within justice of the peace courts to ensure that the aims and benefits of the reforms are being maintained.

**Table 5: Summary Cases with District and Justice of the Peace Courts**

|                           | <b>2007-08</b> | <b>2008-09</b> | <b>2009-10<br/>(Projected)</b> |
|---------------------------|----------------|----------------|--------------------------------|
| <b>Criminal (Summary)</b> | 36,618         | 43,803         | 47,500                         |

## **4. Engagement**

### **Judiciary**

4.1 The primary responsibility of the SCS is to support the Lord President and individual members of the judiciary in ensuring the efficient progress of business within the courts. Under the new SCS governance arrangements, SCS staff will continue to support the work of individual members of the judiciary and be subject to direction by Sheriffs Principal.

4.2 As well as individual judicial office holders, the SCS will continue to engage with associations representing the views of members of the judiciary, including the Sheriffs Association, Part-Time Sheriffs Association, Scottish Justices Association, etc.

### **Engagement with Other Organisations**

4.3 In meeting its statutory functions, the SCS aims to play a key role in the delivery of an efficient and fair justice system. The SCS will engage with other organisations directly involved in the justice system as well as those with an interest in it, to fulfil this aim. In 2010-11 the SCS will consider carefully the nature of these engagements so that the constitutional principle of judicial independence is strengthened through the activities of the SCS.

4.4 Engagement with other organisations is varied both in terms of the types of organisations and the nature of the engagement. In the private and voluntary sectors this will include bodies such as bar associations, victim support, consumer organisations, the media as well as a wide range of suppliers. These organisations' purposes may vary from advocating on behalf of a particular professional or court user interest to responding to invitations to tender.

4.5 In the public sector the primary engagements are with the Scottish Government and other major justice organisations, such as the Crown Office and Procurator Fiscal Service, the Scottish Prison Service, Scottish Legal Aid Board, the eight Scottish police forces and local authority criminal justice social work departments. Most of the engagement will be in managing the day-to day business of the courts or working on or monitoring improvements to the justice system.

4.6 For example, SCS will work with members of the judiciary and COPFS to deliver a court programme in the summary courts that progresses the aims of Summary Justice Reform and, in the High Court, to deliver a more efficient inner house programme that reduces the waiting time for appeals.

### **Scottish Government**

4.7 It is crucial that the new SCS has effective engagement with the Scottish Government. This is reflected in the establishment of a Framework

Document agreed jointly by Scottish Ministers and the SCS Board, setting out the principles and practical arrangements for engagement.

4.8 Within the Framework Document both the SCS and Scottish Ministers commit to keeping each other informed of policy developments and other decisions that are relevant to the functions of the SCS or the operation of the wider justice system and to ensure reasonable time for comments to be provided and considered.

4.9 SCS officials will work with Scottish Government to provide data and analysis for the national and local criminal justice boards and the delivery of Scottish Ministers' strategic purpose and objectives (for a Scotland that is wealthier and fairer, smarter, healthier, safer and stronger and greener).

4.10 The SCS will engage with other public sector organisations to generate savings for the public purse through joint procurement projects where it is sensible to do so, including through the use of Scottish Government procurement contracts.

4.11 Information and data that SCS collects through its court operations and corporate support services will be shared where appropriate for use in policy making, research and operational analysis.

4.12 As a new organisation, independent from Scottish Ministers, SCS will need to establish a balance between supporting policy development and working to improve the justice system whilst ensuring an independent voice that is both credible and constructive. SCS officials and court staff will be encouraged to use their experience and knowledge to work on joint initiatives with Scottish Government and other justice organisations.

## **5. Major Change Activity**

5.1 The major change activities that the SCS will pursue or support during 2010-11 are a combination of: managing long term programmes; engaging with externally developed reviews that will impact on the administration of justice within the courts; and undertaking internal reviews of SCS service and delivery arrangements.

5.2 The major change activities that will be pursued in 2010-11 are explained in the remainder of this section.

### ***Parliament House***

5.3 The development of Parliament House in Edinburgh is the single largest part of the SCS Estates Strategy and will dominate capital expenditure during 2010-11. Parliament House is a historic building of national significance as it includes Parliament Hall, the home of the Scottish Parliament before its dissolution in 1707, and comprises a unique collection of historic buildings.

5.4 The vision for Parliament House is to provide court rooms, accommodation and an overall environment that is fit for the purposes of the Court of Session. The definition and letting of the contract to refurbish Parliament House was stretching because of the site's historic nature and the requirement to refurbish it while maintaining the business of the Court of Session at Parliament House. To meet this challenge a three phase development programme was devised that requires an overall investment of £63m.

5.5 Phase 1 of the development was completed in October 2009 on time and within budget. This re-located court users into the administrative wing of the building in order to allow the contractor to partition the site in the second phase. It involved significant work to establish temporary courts and to redistribute business within a historic and complex site, whilst minimising disruption of crucial court business. Phase 2 started in October 2009 and is due to complete in March 2012. This renovates and modernises three courts and two floors of judges' chambers. The plan is to start Phase 3 in April 2012 and finish it in August 2013. This will complete the redevelopment of the remaining historic courts.

### ***Sustainability***

5.6 The SCS is committed to working with the Carbon Trust to initiate a new project which will reinforce our commitment to a greener Scotland. The SCS aspires to be a leader in carbon reduction within the public sector, through integrating carbon reduction into all aspect of it policies and operations, including staff behaviour, procurement, court design, etc.

5.7 The Service has committed itself to reducing its own carbon emissions from its buildings and business operations in line with the Scottish Government's Climate Change Bill targets. This will mean an ambitious new target that we will cut our emissions by at least 25% over 5 years.

5.8 This will be carried out through a number of measures such as education and training, investing in renewable energy, where applicable, and prioritising maintenance and building services equipment replacement to reduce carbon emission wherever possible, all within the finite resources that are available.

### ***Summary Justice Reform***

5.9 The Summary Justice Reform programme (SJR) seeks to deliver an effective summary justice system.

5.10 The SJR programme followed on from a review of the summary justice system led by Sheriff Principal McInnes QC and the subsequent legislation introducing the changes which became law in 2007. Summary justice includes all non-jury criminal prosecutions, which represent around 96% of all prosecutions in Scotland.

5.11 The SCS will work with other organisations in the justice system to monitor and evaluate summary justice reforms to assess whether the expected benefits are being delivered. A management information system has been created to enable the National and Local Criminal Justice Boards to identify and exploit the reforms to provide swift and effective justice. A number of evaluation projects are in progress.

### **Unification of the Administration of the Sheriff and Justice of the Peace Courts**

5.12 The unification of the administration of the sheriff and justice of the peace courts was completed by the previous SCS Agency in 2009-10, with the unification of courts within the two remaining sheriffdoms: North Strathclyde and South Strathclyde, Dumfries and Galloway. The SCS will ensure that the changes that have taken place following the unification of the Sheriff and Justice of the Peace Courts are leading to the improvements in the summary justice system intended by the reforms. In particular SCS will modernise buildings to ensure that the required standards are met and will work with other organisations in the justice system to ensure that the "systems model", which is the blueprint for the delivery of summary justice, is consistently applied.

### **Fines and Financial Penalties**

5.13 New fine enforcement arrangements came into place in March 2008. The objectives of these reforms were to:

- increase confidence in the court system to apply quick and efficient sanctions against those who fail to pay fines;
- increase confidence in the fine as a deterrent;
- free up court time for more serious criminal cases; and,
- free up police time in executing warrants for unpaid fines.

5.14 Historically, the Sheriff Court fine collection rate of the previous SCS Agency was high. Co-ordinated action to increase collection rates for fiscal penalties and Justice of the Peace Court fines with the aim of ensuring that fines are recovered as efficiently as possible using the powers available was also taken. Performance information is now published each quarter to show the progress of fines payment and the activities that are undertaken to enforce payment.

### ***Civil Courts Review and Other Review Activity***

5.15 The Scottish justice system and the courts have been subject to significant review and change activity over recent years to deliver more effective and responsive access to justice. Further major review activity is in progress, for example:

- On 30 September 2009, Lord Gill published the report of his Scottish **Civil Courts Review**. The report set out a range of recommendations that will impact on the conduct of civil and other business within the courts. SCS is committed to considering the detail of the recommendations with members of the judiciary and Scottish Government and will provide analytical support and operational advice to Scottish Government as it considers its response to the Review. SCS is in a position to implement some of the recommendations by changing administrative procedures but will consider the implications carefully before committing to implementing any of the recommendations.
- On 3 November, Lord Cullen published the report of his **Review of Fatal Accident Inquiry Legislation**.
- The independent **Review of Sheriff and Jury Procedures** was commissioned by Scottish Ministers and is being undertaken by Sheriff Principal Bowen. The purpose of the review is to ensure that arrangements for sheriff and jury business are fair, effective and efficient. The review is due to report in Summer 2010.
- Legislative changes, such as the Criminal Justice and Licensing (Scotland) Bill and the Home Owner and Debtor Protection (Scotland) Bill, will have implications for the conduct of business within the courts.

5.16 The SCS will engage with the Scottish Government and other relevant organisations in contributing towards the consideration and implementation of on-going review activity which impacts on the operation of the courts.

## **Reducing Re-offending Programme**

5.17 During 2010-11 the new SCS will engage actively with the Scottish Government's Reducing Re-offending Programme, as it applies to administrative arrangements within the courts. The SCS will:

- support appropriate integrated arrangements for young people who come into contact with the courts;
- ensure the effective and efficient administration of pre-disposal procedures and case handling; and
- provide relevant administrative support for the application and enforcement of an effective framework of community disposals.

These measures, alongside other aspects of the Programme, aim to both reduce re-offending and increase public confidence in community disposals.

5.18 During 2010-11, the SCS will also engage with the Scottish Government and other justice bodies on the implementation of specific statutory requirements arising from the Criminal Justice and Licensing (Scotland) Bill, which is currently before the Scottish Parliament.

## ***Business Model Change Programme***

5.19 In common with all public bodies, the SCS needs not only to deliver its services as efficiently as possible in 2010-11 but also must anticipate how financial constraints in the next budget period from 2011-12 will impact on those services.

5.20 SCS will respond to these pressures by developing a programme called "The Business Model Change Programme" to ensure that it can deliver appropriate and responsive access to justice. This will build on the previous SCS agency approaches to implementing efficiencies and capturing opportunities for enhanced services. However, it will also review in depth the SCS business model to ensure that the most effective use of staff, technologies and estate is being made.

5.21 The Business Model Change Programme will:

- review the purpose and contribution of the SCS and how this fits with its business model;
- engage with the judiciary, court users, stakeholders and other organisations within the justice system to identify opportunities to deliver improvement;
- consider in detail the SCS's operational capacity, skills and assets to identify and test new approaches to service delivery.

5.22 A number of specific improvements have been identified as part of the 2010-11 business planning process. Further individual projects and options are being developed as part of the programme.

5.23 The aim is to have relevant business model proposals developed by summer 2010 to inform the SCS in setting its strategic direction and priorities for the next budget and planning period from 2011-12.

## **6. Corporate Services**

6.1 The SCS will support court staff and the judiciary and ensure a quality service to court users by providing appropriate financial, people, estate and information and communication technology (ICT) resources.

6.2 The following key strategies were developed by the previous SCS Agency:

- People Strategy
- Estates Strategy
- Information and Communications Technology (ICT) Strategy

6.3 During 2010-11, the new SCS Board will establish a committee structure that will allow it to monitor and review the implementation and continuing relevance of these key strategies, ensuring insight and challenge from Board members.

### ***People Strategy***

6.4 The People Strategy recognises the importance of people as SCS's most valuable resource. People must be fully and effectively supported to improve business performance and services to the judiciary and court users.

6.5 The People Strategy will be enhanced by the new Board and its committees which should lead to improved working and understanding between the judiciary and SCS officials and court staff at both national and local levels.

6.6 The approach is to ensure that people are managed and led by their line managers using a framework of corporate policies, procedures and advice to support them. SCS will ensure the consistent implementation of a framework which reflects wider good practice in people management. There are four strategic themes in the People Strategy that are supported by projects which address the gaps that have been identified.

6.7 These strategic themes are:

- employee relations;
- employee resourcing;
- employee reward; and
- employee learning.

6.8 Action under these themes will result in the delivery of a skilled and motivated workforce, able to respond to challenges and opportunities in the years ahead.

## ***Estates Strategy***

6.9 SCS has an over-arching obligation to provide and maintain appropriate court buildings and accommodation. The new SCS has inherited a significant, largely historic, court estate, with associated responsibilities for safety, security and backlog maintenance.

6.10 Each building should be:

- flexible, supporting the developing needs of the SCS;
- located in the right place;
- accessible, secure and comfortable; and
- meeting its statutory obligations.

6.11 The SCS estates plans detail how these obligations and the investments in the estate will be managed over coming years, subject to resources and on-going review.

6.12 In addition to the redevelopment of Parliament House the key priorities in 2010-11 are:

- Undertaking a long term programme to extend the operating life of the estate and respond to inherited backlog maintenance issues by prioritising the replacement of building and mechanical infrastructure such as boilers and insulation to reduce energy consumption and promote a more sustainable environment.
- Generating efficiencies in asset management by increasing the use of buildings and reducing the costs. Opportunities to rationalise the estate, will be investigated with particular emphasis on changes in the volume of court business following business changes such as, summary justice reform and, potentially, changes that may follow from the implementation of any agreed recommendations arising from Lord Gill's review of the civil courts.
- Ensuring compliance with statutory legislation with particular emphasis on legislation relating to custodial accommodation, disability, health and safety and fire.
- Creating a new partnership for the facilities management contract which will be re-tendered in 2010-11, with the aim of delivering a more efficient, sustainable and cost effective service.

### ***Information and Communication Technology (ICT)***

6.13 The successful exploitation of information and communications technology is fundamental to a modern and flexible court system. SCS is committed to developing an ICT Strategy that addresses:

- communications infrastructure;
- utilising new technologies;
- supporting improvements in court processes; and,
- enabling court users to communicate and transact business electronically wherever possible.

6.14 Through the new Board and its Committees the SCS will be able to ensure a co-ordinated approach to its ICT Strategy, drawing on both staff and judicial perspectives.

## 7. Performance Monitoring

7.1 The performance framework which SCS will use to monitor its performance in 2010-11 was developed by the previous Agency for its 2008-11 Corporate Plan. The SCS will adopt this framework for 2010-11 but will undertake to review the performance framework and develop a set of targets and indicators that reflect the priorities of the new organisation and give a clear report on progress to Scottish Government, other justice system organisations, court users and members of the public.

7.2 For 2010-11, the current set of inherited targets and indicators will:

- give managers and Board members a picture of operational performance;
- demonstrate progress against existing objectives;
- minimise the manual data collection burden for staff;
- support best-value benchmarking of SCS support services' efficiency against relevant comparators; and
- monitor SCS's impact on society including sustainability and community activities.

7.3 The following are the high-level indicators for monitoring performance over 2010-11:

- justice system target;
- efficiency target;
- court performance indicators;
- service delivery targets;
- corporate support indicators; and
- community impact indicators.

### ***Justice System Target***

7.4 Scottish Government set a target to increase the percentage of criminal cases dealt with within 26 weeks by 3 percentage points by 2011 in sheriff summary, justice of the peace and district court cases. The baseline for the target was set in 2008 and was that 65% of these cases are disposed of within 26 weeks from caution and charge to verdict. Delivery of the target requires joint action by police, Crown and SCS, predominantly through the local Criminal Justice Boards which sheriffs principal lead. As at January 2010, this shared target had been delivered and exceeded, with around three quarters of criminal cases dealt with within 26 weeks in the sheriff summary, justice of the peace and district courts.

## ***Efficiency Target***

7.5 The Scottish Government set a target of 2% cash releasing efficiency savings for each year of the 2008-11 spending review period relative to the 2007-08 budget baseline. These savings can be deployed in the improvement of front line services. SCS aims to exceed this target by delivering approximately £6m of savings in 2010-11.

## ***Court Performance Indicators***

7.6 SCS has an important role in managing waiting periods because of its responsibility for programming court business and the knowledge and analysis that court staff have and use to support the judiciary and other organisations in the justice system. In 2010-11 SCS will monitor important measures of delay as they demonstrate the timely administration of justice and the pressures on the system and will aim to either maintain them at acceptable levels or improve them.

7.7 The indicators are:

- waiting period for criminal appeals to the High Court;
- waiting period for civil appeals to the Court of Session;
- waiting period for the hearing of civil cases in the sheriff courts;
- waiting period for personal injury cases in the Court of Session;
- High Court case progress to monitor the ongoing effectiveness of the High Court (Bonomy) Reforms:
  - average number of preliminary hearings per case;
  - percentage of cases with time bar extensions; and
  - average number of trial adjournments.
- adjournment rate in solemn trials in sheriff courts;
- measuring our contribution to summary justice reform:
  - effectiveness of fines enforcement.
  - court contribution to the 26 week system target. (Percentage of sheriff court summary criminal cases completed within 20 weeks from caution and charge to disposal and verdict).

## ***Service Delivery Targets***

7.8 Service delivery targets promote efficiency in the delivery of specific activities which affect the quality of service experienced by court users. Service delivery targets are:

- prepare final decrees pursuer undefended in ordinary actions and simplified divorce actions in the sheriff courts within one working day;

- process ordinary divorce cases within five working days;
- process civil actions to the Court of Session within one working day;
- issue extract decrees within three working days;
- complete post-court procedures in sheriff court criminal cases within one working day;
- pay juror expense claims within two working days of claim acceptance;
- issue confirmation within three working days of acceptance of competent commissary inventories; and
- register guardianship orders within 5 working days of the final interlocutor or bond of caution, where this is required, being received. .

### ***Corporate Support Indicators***

7.9 SCS will monitor the efficiency and quality of corporate support services to ensure that support services are delivered to an appropriate standard of quality and economy.

### ***Community Impact Indicators***

7.10 SCS is committed to making as positive an impact as possible on the communities in which it operates and will measure key aspects of its wider engagement with society focusing on the following indicators:

- the number of community facing events undertaken (e.g. ‘open door’ days to enable people to understand what courts do);
- electricity and water consumption; and
- utilisation of vulnerable witness facilities:
  - the frequency of use of remote links by vulnerable witnesses to give evidence; and
  - percentage of remote links requests that are successfully completed.

## **ANNEX: MEMBERSHIP OF THE SCS BOARD AND EXECUTIVE DIRECTORS**

### **SCOTTISH COURT SERVICE BOARD – APRIL 2010**

#### **Lord President**

The Rt. Hon Lord Hamilton, Chair

#### **Lord Justice Clerk**

The Rt. Hon Lord Gill

#### **Judicial Members**

The Rt. Hon Lord Reed

Sheriff Principal R Alastair Dunlop QC

Sheriff Derek Pyle

Sheriff Iona McDonald

Mrs Johan Findlay JP

#### **Advocate Member**

Mr Robert Milligan QC

#### **Solicitor Member**

Mr Mark Higgins

#### **Non-Legal / Non-Judicial Members**

Mrs Deborah Crosbie

Mr Anthony McGrath

Mrs Elizabeth Carmichael CBE

#### **Chief Executive of the Scottish Court Service**

Eleanor Emberson

### **SCS EXECUTIVE DIRECTORS – APRIL 2010**

#### **Executive Director Field Services**

Eric McQueen

#### **Executive Director Corporate Services**

Gordon Wales

#### **Executive Director Policy & Strategy**

Neil Rennick

#### **Executive Director Judicial Office for Scotland**

Steve Humphreys