**Scottish Court Service**



**Equality Impact Assessment Record**

The Equality Impact Assessment (EQIA) is ongoing.

This assessment should be read in conjunction with the [SCS Equality Statement, Outcomes and Guidance](http://www.scotcourts.gov.uk/docs/default-source/reports-data/equality_statement_outcomes_and_guidance.pdf?sfvrsn=2)

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| **Policy/Activity Title** | [Shaping Scotland’s Court Services](http://www.scotcourts.gov.uk/about-the-scottish-court-service/scs-news/2013/04/09/scottish-court-service-publishes-court-structure-proposals) |
| **Lead Responsibility** | Cliff Binning, Chief Operations Officer, SCS |
| **Staff undertaking EQIA Process** | David Lynn, Business Development Manager  Fiona Duncan, Business Development Officer |
| **Date** | 14 May 2013 |
| **Document Version** | 1 |

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| **Step 1: Is an EQIA required for your policy / project / change?** | | |
| Yes. Go to page 3 | | |
| No. If, after reading the EQIA guidance, you consider that you do not need to complete an EQIA, please confirm the following: | | |
| 1. Will individuals have access to, or be denied access to, a service or function as a result of the proposed exercise? | **Yes** | ~~No~~ |
| 1. Will the exercise of the function (e.g. implementing your policy, project or change) directly or indirectly result in: individuals being employed, or a change in staffing levels, terms and conditions, employer or location? | **Yes** | ~~No~~ |
| 1. Will there be a consequential change in the size of a budget and will this change impact on individuals? For example will a service be withdrawn, changed or expanded? | **Yes** | ~~No~~ |
| 1. As a result of this exercise, will there be an impact on any other policy area that affects people? | **Yes** | ~~No~~ |
| If you have answered **YES** to *any* of these questions, then your policy, project or change ***does*** affect people and a full EQIA should be undertaken | | |
| If you have answered **NO** to all these questions and are satisfied that you do not need an EQIA then go to page 3 and complete the ***EQIA not required form*** | | |

**EQUALITY IMPACT ASSESSMENT IS REQUIRED**

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| Policy, Project or Change title | Shaping Scotland’s Court Services |
| Which SCS Policy, project or change outcome(s) does this contribute to? | *Making Justice Work – Delivering efficient and effective court structures* |
| What is the purpose of the policy, project or change? | To review and where appropriate reconfigure the structural arrangements for the courts so that the SCS has a sound platform in place to support both future reforms and the longer term vision of the SCS by:   * Reducing the number of “split-site” court locations where there is more than one court building in a single city or town, reducing running costs and capital commitments, whilst maintaining or improving access to court services in these locations. * Reviewing court structures in anticipation of reforms to civil and criminal justice, to identify opportunities to better allocate business demands across the court estate for example the possible establishment of national Sheriff Appeals Court and Personal Injury Court, specialist civil and Sheriff and Jury centres, the introduction of summary sheriffs and reviewing the High Court circuit. |

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| Name of Court or Business Unit | Field Services Directorate – Business Development Team |
| Lead EQIA Director | David Forrester |

**I confirm that this decision has been authorised by:**

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| *Cliff Binning, Chief Operations Officer* | *Date authorisation given*  *10 May,2013* |

Completed EQIA (not required forms) should be e-mailed to George Malone (gmalone@scotcourts.gov.uk).

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| **Step 2: Describe the assessment process and its scope** | |
| Please describe the process that you plan to follow (or have followed) in order to complete your EQIA (e.g. holding workshops with equality stakeholders, consulting, conducting research, using existing evidence).  Identify the “pool of people” affected by the proposals and their characteristics.  Identify those groups of people affected positively and negatively. | |
| 1. Plan / Research | Consultation has taken place with staff, judiciary and via dialogue events with court users including solicitors, Sheriffs, JPs and other interested parties and representative organisations). Consultation has also taken place with the SCS Equality Advisory Group and was followed by a full public consultation including stakeholders and equalities groups. A further consultation on the draft Parliamentary Orders took place to seek the views of those directly affected by the terms of the orders including the provisions for the transitional arrangements and timings.  Evidence has been and will, in future, be sourced from The Scottish Court Service (SCS) Court User Satisfaction Surveys and, if appropriate, The Scottish Census, Scottish Household Survey, Scottish Crime and Justice Survey and the Scottish Government equality evidence website.  A key method for understanding the equality implications of the shaping Scotland’s Court Services proposals was to include key equality organisations in the list of stakeholders receiving copies of the consultation document and inviting them to contribute to the consultation. SCS commissioned one of Scotland’s leading disability organisations to conduct User Access Consultations and has drawn on this work in forming its EQIAs for this work. |
| 1. “Pool of People” impacted and their characteristics | The introduction of this policy is likely to affect staff, judiciary and court users including persons with particular protected characteristics. The principal impact will be on travel and the facilities of the courts.  The analysis of the public consultation responses provided evidence of negative impact on court users through increased travel times, costs and inconvenience for the protected characteristics covering age and disability. |
| 1. Groups of people affected positively or negatively | It is intended that all court users will benefit in the relocation of business from the closing courts to the receiving courts. Benefits will be realised by improving services and facilities to court users, particularly in regards to disabled access and segregation of parties to cases.  Business improvements will be realised as reforms to the justice system complement the court changes proposed.  Relocating staff and members of the judiciary from courts proposed to close to receiving courts will provide improved resources to support all court users.  We accept that some people may have longer travelling times to take part in and access court facilities and services, particularly those who require using public transport. Technology improvements planned such as greater access to services on line and video conferencing will reduce the need for people to actually attend court and mitigate some of the negative aspects of greater travelling time. |

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| **Step 3: Gathering & Analysing the Evidence** | | |
| We MUST consider relevant evidence relating to people with the protected characteristics, including evidence and information received from people with those protected characteristics. This means that we must be able to demonstrate how we have gathered and considered relevant equality evidence in relation to our policy development and how it might impact – both positively and negatively on equality groups. | | |
|  | **Evidence (research/stats/consultation/ engagement):** What does the evidence tell you about the needs and experience of the different groups | **Effects / Impact:** Describe how the change will affect / impact the different groups - a) positive effects and b) negative effects |
| All | Analysis on travel times and feedback from the dialogue events and the public consultation shows that some people will have longer travel times if using public/private transport as a result of the court closures.  There are some people who may experience shorter journey times as a result of court closures because of the re-configuration of Sheriff court districts. | Impacts will vary depending on the local circumstances and the location for some people to bus and other public transport access at locations of the closing courts. Not all court users will be affected as it may be more convenient for some to travel to the receiving courts.  The volume of business transacted in the Courts recommended for closure is around 5% of the overall Court business. For those courts in remote locations the volume of business is very low, for the close proximity courts the additional travel distance for the majority will be of less than 20 miles.  Greater use of video conference may lead to fewer appearances in person at court, mitigating the negative impact.  In all cases the courts receiving the business will offer better facilities. |

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| Age | Statistical evidence from Transport Scotland shows that younger and older people are greater users of buses. Around a third of bus trips are undertaken by people with concessionary passes  [http://www.transportscotland.gov.uk/strategy-and-research/publications-and-consultations/Bus-Coach-Statistics-2010-11#](http://www.transportscotland.gov.uk/strategy-and-research/publications-and-consultations/Bus-Coach-Statistics-2010-11) | People under 29 and over 60 are likely to be more affected by more complex or lengthy trips to court by public transport. The numbers affected will be small.  Particular arrangements exist for those vulnerable or at risk, including children.  The current definition of a vulnerable witness includes anyone where there is a significant risk that the quality of their evidence may be diminished by reason of fear or distress in connection with giving evidence at the trial.  Provision for vulnerable witnesses will be supported by forthcoming legislation. SCS has plans in place to meet those needs. |
| Disability | Accessibility Reports undertaken by Capability Scotland about three court buildings and more general feedback from the Equality Advisory group highlight access challenges to courts for disabled people. | Fewer buildings will allow SCS to devote more resources to the improvement of facilities for disabled access.  Vulnerable witness facilities, including facilities for children, is available in twenty remote sites across Scotland.  Assistance for those with hearing aids and sound enhancement is available within at least one court room within each court building across the estate. |

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| **Dornoch Sheriff and JP Court business to Tain Sheriff and JP Court** | | |
|  |  | Dornoch allows access for wheelchair users to the ground floor of the building but no access to the court room which is located on the first floor. There are no dedicated vulnerable witness facilities.  A number of improvements would be required to bring Dornoch up to a minimum SCS equality standard.  Tain allows access for wheelchair users to the ground floor of the building but no access to the court room which is located on the first floor. There is a hearing/jury room on the ground floor which provides a reasonable adjustment in-house for wheelchair users and those with mobility impairments access to a court room. There are reasonable vulnerable witness facilities available.  We accept that Tain currently falls short of the desired SCS equality standard. Our capital programme has investment set aside to deal with this. |

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| **Duns Sheriff and JP Court business to Jedburgh Sheriff and JP Court** | | |
|  |  | It is recognised that there are logistical difficulties with public transport and travelling within the Borders. To mitigate this it is possible to arrange alternative hearing times to accommodate travel arrangements such as a later court start time.  Duns Sheriff Court does not meet the SCS equality standards. There are no dedicated vulnerable witness facilities within the court.  The accommodation at Jedburgh Sheriff Court meets the SCS equality standards. There is a ramp, lift, accessible toilets and sound enhancement facilities available. There are vulnerable witness facilities. |
| **Kirkcudbright Sheriff and JP Court business to Dumfries Sheriff and JP Court** | | |
|  |  | Kirkcudbright allows access for wheelchair users to the ground floor at the rear of the building but no access to the court room which is located on the first floor, an accessible toilet is available. There are no dedicated vulnerable witness facilities within the court. A number of improvements would be required to bring Kirkcudbright up to a minimum SCS equality standard.  The accommodation at Dumfries Sheriff Court meets the minimum SCS equality standards. There are accessible toilets, lift and sound enhancement facilities are available. There are good dedicated vulnerable witness facilities within the court. |
| **Peebles Sheriff and JP Court business to Selkirk Sheriff and JP Court** | | |
|  |  | The building at Peebles fully complies with the SCS equality standards. There are no dedicated vulnerable witness facilities within the court at Peebles.  Selkirk meets the SCS equality standards. It has an access ramp, lift, accessible toilets and sound enhancement facilities. There are dedicated vulnerable witness facilities within the court. |
| **Rothesay Sheriff Court business to Greenock Sheriff and JP Court** | | |
|  |  | The building at Rothesay complies with the minimum SCS equality standards but in general terms, customer facilities are limited and poor compared to other SCS buildings. There are no vulnerable witness facilities. There are no custody facilities. A number of improvements would be required to bring Rothesay up to a minimum standard.  Greenock SC meets the minimum SCS equality standard. There is an access ramp to the side of the building but no wheelchair access to the first floor, accessible toilets and sound enhancement facilities are available.  Proposed works to improve wheelchair access to the buildings are scheduled. There are very good dedicated vulnerable witness facilities within the court. |

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| **Cupar Sheriff and JP Court business to Dundee Sheriff and JP Court** | | |
|  |  | Cupar has poor wheelchair access via council accommodation; the lift is also within the council accommodation. Accessible toilets and sound enhancement facilities are available. There are no dedicated vulnerable witness facilities. A number of improvements would be required to bring Cupar up to a minimum SCS equality standard.  Dundee fully meets the SCS equality standard. There is an access ramp; lift, accessible toilets and sound enhancement facilities are available. There are very good dedicated vulnerable witness facilities. |
| **Dingwall Sheriff and JP Court business to Inverness Sheriff and JP Court** | | |
|  |  | Dingwall fully meets the SCS equality standard. There are wheelchair ramps to the front and rear of the building, a lift, accessible toilets and sound enhancement facilities are available. There are no dedicated vulnerable witness facilities.  Inverness is split over two sites and meets the SCS equality standard. Wheelchair access, a lift, accessible toilets and sound enhancement facilities are available. There is no wheelchair access to the floor on which the court room is located within the North Tower. There are very good dedicated vulnerable witness facilities within Inverness. |

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| **Arbroath Sheriff and JP Court business to Forfar Sheriff and JP Court** | | |
|  |  | Arbroath meets the desired SCS equality standards. Wheelchair access is problematic due to the width of the doorways. There is a lift, accessible toilets and sound enhancement facilities available. There are dedicated vulnerable witness facilities at Arbroath.  Forfar meets the minimum SCS equality standard. An access ramp at the rear of the building, accessible toilet, lift and sound enhancement are available. There are dedicated vulnerable witness facilities within the court. Additional accommodation is being sought which would provide improved access for wheelchair users and overall improvement of facilities. |
| **Haddington Sheriff and JP Court business to Edinburgh Sheriff and JP Court** | | |
|  |  | Haddington meets the minimum SCS equality standards. Wheelchair access at Haddington is obtained using the lift and ramp within the council building. Accessible toilets and sound enhancement facilities are available There are no dedicated vulnerable witness facilities within the court. A number of improvements would be required to improve the equality standard.  Edinburgh exceeds the SCS equality standard. Accessible parking is available on the street outside the building. There are excellent dedicated vulnerable witness facilities within the court. |

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| **Stonehaven Sheriff and JP Court business to Aberdeen Sheriff and JP Court** | | |
|  |  | Stonehaven fully meets the SCS equality standards. An access ramp, lift, accessible toilets and sound enhancement facilities are available. Vulnerable witness facilities, although not dedicated, are available within the court.  Aberdeen, the main courthouse and the JP annex meet the SCS equality standard, Mercatgate fully meets the SCS equality standard. However there is an issue with wheelchair access at the front door of the main court building. There are very good dedicated vulnerable witness facilities within the court building and the adjacent Mercatgate building. Additional accommodation may become available however this may not improve the SCS equality standards. |
| **Motherwell JP Court business to Hamilton JP Court** | | |
|  |  | Motherwell JP Court does not meet the SCS equality standards. The configuration of the court room is not capable of achieving compliance with the SCS equality standards.  Hamilton JP Court presently meets the SCS minimum standards for equality. There is an access ramp to the front of the building however wheelchair access to the court room may be restricted depending on the size of wheelchair, there is no accessible toilet. Sound enhancement is available. |

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| **Cumbernauld JP Court business to Coatbridge and JP Court** | | |
|  |  | Cumbernauld JP meets the minimum SCS equality standards. There is an access ramp to the front of the building, lift within the council building; accessible toilets and sound enhancement facilities are available.  Coatbridge JP Court does not currently meet the SCS equality standards; there is no access to the court room for wheelchair users. There is no wheelchair user access, ramp, lift or accessible toilets available. Sound enhancement facilities are available. We recognise limitations here and will do what is practicable to improve. The longer term plan is to locate the business in Airdrie Sheriff Court. |
| **Annan JP Court business to Dumfries Sheriff and JP Court** | | |
|  |  | Annan is generally not fit for purpose and does not meet the SCS equality standards. There is no wheelchair access, ramps, lift, accessible toilets or sound enhancement facilities available.  The accommodation at Dumfries Sheriff Court meets the minimum SCS equality standards. There are accessible toilets, lift and sound enhancement facilities are available. There are good dedicated vulnerable witness facilities within the court. |

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| **Stornoway JP Court business to Stornoway Sheriff Court** | | | |
|  |  | | The JP Court is to be disestablished. All business will be dealt with by the Sheriff Court in the existing building which meets the SCS equality standards. |
| **Wick JP Court business to Wick Sheriff Court** | | | |
|  |  | | The JP Court is to be disestablished. All business will be dealt with by the Sheriff Court in the existing building which meets the SCS equality standards. |
| **Portree JP Court business to Portree Sheriff Court** | | | |
|  | |  | The JP Court is to be disestablished. All business will be dealt with by the Sheriff Court in the existing building which meets the SCS equality standards. |
| Gender | | Statistical evidence from Transport Scotland shows that women are twice as likely as men to use buses.  No specific evidence was encountered in relation to pregnancy and maternity. | Women are likely to be disproportionately affected by more complex or lengthy trips to court by public transport.  Some witnesses will be required to travel further to give evidence in court. COPFS strives to ensure that witnesses whose evidence can be agreed with the defence before the trial is agreed. This prevents many witnesses from having to attend court unnecessarily.  For those witnesses who do have to attend COPFS has practices and procedures in place to ensure that there is a good service to assist those witnesses in their travel. COPFS reimburse crown witnesses when they are required to travel to court. Witnesses who are required to travel a further distances will be reimbursed accordingly. Even within the current court structure there are often witnesses who require to travel throughout the country due to witnessing an alleged crime which did not happen within the area they live. There are a variety of expenses that witnesses may claim as a result of their attendance at court. These include claiming expenses for travelling to and from the court and an allowance for meals. Exceptional costs such as taxi fares, air travel and overnight accommodation can be claimed if they have approval by the procurator fiscal in advance. Claims can be made for loss of earnings for witnesses who are employed and self-employed |
| Gender reassignment | | No specific evidence encountered |  |
| Race | | Analysis undertaken for the project does so far not indicate any effect on particular racial groups.  Local feedback in regard to the relocation of business at all courts does so far not indicate any effect on particular racial groups, nor awareness of significant local minority ethnic populations. |  |
| Religion & Belief | | Different religions have different days for observance and require different facilities to undertake prayer and other religious rites. Feedback from Equality Action Group and recent engagement with the Sikh community illustrates how SCS should aim to accommodate the full range of religious beliefs | An improvement in court facilities and greater scope for more flexible programming where court business is relocated will allow SCS to better accommodate religious rites and observance. |
| Sexual Orientation | | No specific evidence encountered |  |
| Other | |  |  |

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| **Step 4: Shape the policy to ensure it meets equality requirements** | |
| Describe any additional action which has been/will be taken in response to the conclusions reached at step three of this EQIA. Demonstrate how the evidence you have gathered has shaped and informed your policy, project or change. Demonstrate how you have appropriately considered (had due regard to) the need to:   * eliminate discrimination, harassment, victimisation and other conduct that is prohibited under the Equality Act 2010, * advance equality of opportunity between persons who share a relevant protected characteristic and those who don’t share it, * foster good relations between persons who share a relevant protected characteristic and those who don’t share it.   In particular, where the conclusions reached at step three indicate that one or more groups of people who share a protected characteristic are put at a particular disadvantage, you must include an assessment of whether this is a proportionate means of achieving a legitimate aim. | 1. Additional action taken |
| The project board will keep this under ongoing review. We are committed to working with justice partners to provide a video link facility in the vicinity of each Sheriff Court proposed for closure. This will help mitigate any potential impact on those persons with protected characteristics. |
| 1. Any equality issues identified in step 3 which have not been addressed or mitigated? If so, why? |
| No |
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| Does the EQIA analysis in step three impact of your resources and/or how you use them? | Impacts: No |
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| Are there any implications on costs / budgets arising from the EQIA analysis? | Costs/ Budget: It is anticipated that the costs from improvements identified will be prioritised from within existing provision. |

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| **Step 5: Review and /or Monitoring** | |
| Describe how you will review and / or monitor and / or evaluate the effect of your policy, project or change regarding its impact on equality. | The national SCS court user satisfaction survey scheduled to take place in 2013 will provide feedback on what court users think of facilities at local court level.  All Sheriffdoms have now achieved Customer Service Excellence accreditation and are consequently encouraged to conduct local survey exercises that would provide additional feedback on user perceptions of service delivery.  A new complaints management system and web based recording system will provide information and feedback from the court users’ experience. |

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| **Step 6: Sign off** | |
| Policy, Project or Change title  To be completed following the public consultation | |
| Which SCS Policy, project or change outcome(s) does this contribute to? |  |
| What is the purpose of the policy, project or change? |  |
| Name of Court or Business Unit |  |
| Lead EQIA manager |  |

**I confirm that the impact of applying the policy has been sufficiently assessed against the needs of the equality duty:**

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| *Name and job title of a Director, Senior Project Manager or equivalent* | *Date authorisation given* |

For advice on completion please contact Stephen Coulter, Director of Planning and Performance Management. Completed EQIA should be e-mailed to George Malone ([gmalone@scotcourts.gov.uk](mailto:gmalone@scotcourts.gov.uk)).