

SCOTTISH COURT SERVICE

Publication Scheme

Produced as required by the Freedom of Information (Scotland) Act 2002

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SECTION 1: INTRODUCTION TO THE PUBLICATION SCHEME

The Freedom of Information (Scotland) Act 2002 (FOISA) provides individuals with a right of access to all recorded information held by Scotland's public authorities. Anyone can use this right, and information can only be withheld where FOISA expressly permits it.

Section 23 of FOISA also requires that all Scottish public authorities maintain a publication scheme. A publication scheme sets out the types of information that a public authority routinely makes available. This scheme has been approved by the [Scottish Information Commissioner](#), who is responsible for enforcing FOISA. SCS are also obliged to review this scheme from time to time.

The purpose of the scheme is to provide you with details of the range of information that we routinely publish. The scheme also provides details of how you can access this information, and tells you whether it is available free, or if there is a charge for the information.

Alongside FOISA, the Environmental Information (Scotland) Regulations 2004 (the EIRs) provide a separate right of access to the environmental information that we hold. This publication scheme also contains details of the environmental information that we routinely make available.

Where information is not published under this scheme, you can request it from us under FOISA or, in the case of environmental information, the EIRs. For further information on accessing information not covered by this scheme, refer to [Section 10](#) – How to access information not available under the scheme.

This is the Scottish Court Service publication scheme. It covers the administration of the Supreme Courts, High Courts Sheriff Courts, Justice of the Peace Courts and the Office of the Public Guardian.

Please note that Courts, their staff and judges are not designated public authorities for the purpose of the Act.

SECTION 2 : ABOUT THE SCOTTISH COURT SERVICE

The Scottish Court Service (SCS) is responsible for providing the staff, buildings and technology to support Scotland's courts, the work of the independent judiciary, the courts' Rules Councils and the [Office of the Public Guardian](#).

The Courts in Scotland include the [Court of Session](#), the [High Court](#), [Sheriff Courts](#) and [Justice of the Peace Courts](#).

The Scottish Court Service also supports the Lord President as Head of Judiciary through the [Judicial Office for Scotland](#)

The [Judiciary and Courts \(Scotland\) Act 2008](#) introduced these arrangements on 1 April 2010

Purpose:

Access to Justice -by providing the people, buildings and technology to support the operation of the Courts and the Office of the Public Guardian.

Aim:

SCS aims to provide 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 will fulfil our purpose and pursue our aim conscious of our responsibilities to be publicly accountable, respect judicial independence and to work with others in improving the performance of the justice system.

In particular we value:

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

The new [Scottish Court Service Board](#) was appointed by the Lord President on 18 December 2009 and comprises: the Lord President (Chair); the Lord Justice Clerk; a Judge of the Court of Session; a Sheriff Principal; two Sheriffs; a Justice of the Peace; an advocate and a solicitor, both practicing in Scotland; the Chief Executive of SCS; and, three other persons not qualified to hold any of the other posts.

The Board formally took up responsibility on 1 April 2010 and is responsible for developing the strategic direction and operational efficiency of the Service.

The business of the SCS is delivered through three strategic directorates; Field Services, Strategy and Infrastructure and Judicial Office for Scotland.

Field Services Directorate - The Field Services Directorate has responsibility for the development and delivery of front-line business throughout the Scottish Court Service, including the High Court, Court of Session, Sheriff Courts, Justice of the Peace Courts and the Office of the Public Guardian.

Supreme Courts - The Supreme Court is divided into the Court of Session and High Court of Justiciary, and is led by the Principal Clerk of Session and Justiciary. The High Court is permanently based in Edinburgh, Glasgow and Aberdeen, and sits periodically at Dunfermline, Dundee, Inverness, Perth, Paisley and Kilmarnock. The Court of Session sits in Parliament House in Edinburgh.

Sheriff Courts - There are 49 Sheriff Courts organised into six Sheriffdoms each led by a Sheriffdom Business Manager.

Justice of the Peace Courts – There are 50 Justice of the Peace Courts which replaced District courts in Scotland formerly run by local authorities.

Office Of The Public Guardian (OPG) - The OPG is led by the Public Guardian and Accountant of Court. It is based in Falkirk with a small number of Accountant of Court staff based in Edinburgh.

It also has responsibility for :

- Maintaining, developing and improving the performance of front-line services;
- Collaboratively working with justice partners including the Crown Office and Procurator Fiscal Service, Police Forces, Scottish Legal Aid Board and others to improve the operation of the justice system;
- Liaising with the Judiciary nationally on operational issues;
- Ensuring the overall quality of service delivery through the handling of complaints and court user surveys;
- Promoting developing and implementing policy and legislation.
- Developing new operational business practices and processes.

Strategy and Infrastructure - The Strategy and Infrastructure Directorate undertakes strategic planning and infrastructure delivery for the Scottish Court Service. This encompasses estates & property, information and communications technology and finance and procurement, contributing to and supporting the delivery of frontline services.

It has responsibility for :

- Corporate and financial planning.
- Collaborative procurement
- Performance information and advice on key business trends
- Supporting project and risk management.
- Monitoring and managing the impact of legislative developments
- Management of the Service's programme of research and evaluation.
- Managing the SCS estate and property requirements
- Planning, developing and maintaining IT solutions

Judicial Office for Scotland - The Judicial Office for Scotland came into being on the 1 April 2010 as part of the structural changes introduced by the [Judiciary and Courts \(Scotland\) Act 2008](#). It was created to provide support to the Lord President in relation to his new role as Head of the Scottish Judiciary and incorporates the Lord President's Private Office, the staff of the Judicial Studies Committee and judicial communications.

- The Lord President’s Private Office – providing legal and administrative advice and support to the Lord President.
- The Head of Judicial Communications (formerly the Public Information Officer) – providing media and communications advice and support to all judicial office holders.
- The staff of the Judicial Studies Committee – responsible for judicial training.
- The Strategy and Governance branch – providing advice and support to the Lord President on his responsibilities for the welfare, guidance, deployment and conduct of judges.

The Judicial Office will work closely with other directorates of the Scottish Court Service on some issues in order fully to support the Lord President.

SECTION 3: PREPARING THE PUBLICATION SCHEME

When preparing or reviewing our publication scheme, we are obliged by FOISA to have due regard to the public interest in providing access to the information that we hold which relates to:

- the services we provide;
- the costs of those services;
- the standard of those services;
- the facts that inform the important decisions we take; and
- the reasoning that informs our decisions.

In preparing this publication scheme the Scottish Court Service has identified and listed for publication under this scheme all material which would be of public interest as required above.

SECTION 4 : ACCESSING INFORMATION UNDER THE SCHEME

Information available under our publication scheme will normally be available through the routes described below. [Section 11](#) – *Classes of Information* provides more details on the information available under the scheme, along with additional guidance on how the information falling within each “class” may be accessed.

Most information listed in our publication scheme is available to download from our website www.scotcourts.gov.uk. To help you find this information we have included links and signposts in [Section 11](#). For those without access to the web-site or those wishing to make a request for information in another form (where that is available), the Scottish Court Service can be contacted in the following ways:

Email: foi@scotcourts.gov.uk

Enquiry line: 0131 444 3312

Fax: 0131 220 1746

Post: The Freedom of Information Officer
Scottish Court Service

1A Parliament Square
Edinburgh
EH1 1RF

When writing to us to request information, please include your name and address and full details of the information or documents you would like to receive. Please also include a telephone number so we can telephone you to clarify any details, if necessary.

You should also use these contact details if you have any difficulty in identifying the information you want to access and require advice and assistance.

SECTION 5 : INFORMATION THAT WE MAY WITHHOLD

All information covered by our publication scheme can either be accessed through our website, or will be provided promptly following our receipt of your request.

Our aim in maintaining this publication scheme is to be as open as possible. You should note, however, that there may be limited circumstances where information will be withheld from one of the classes of information listed in [Section 11](#) – Classes of Information. Information will only be withheld, however, where FOISA (or, in the case of environmental information, the Environmental Information (Scotland) Regulations 2004) expressly permits it.

Information may be withheld, for example, where we consider that disclosure may seriously prejudice law enforcement, legal proceedings or our regulatory or enforcement activity, or where the disclosure is otherwise prohibited by law. We may also withhold information if its disclosure would breach the law of confidentiality or seriously prejudice the commercial interests or confidentiality of any person or organisation. In addition, we may withhold information, which is personal information under the Data Protection Act 1998.

In addition to information held by the Scottish Court Service, the Service also holds information which forms court records. The Freedom of Information (Scotland) Act 2002 provides an absolute exemption for this information. Court Records are defined in section 37 of the Act.

Please note that Courts, their staff and judges are not designated public authorities for the purpose of the Act.

Please also note that the Freedom of Information (Scotland) Act 2002 does not alter existing arrangements regarding access to information contained in court records.

Whenever information is withheld we will inform you of this, and will set out why that information cannot be released. Even where information is withheld it may, in many cases, be possible to provide copies with the withheld information edited out.

If you wish to complain about any information which has been withheld from you, please refer to [Section 9](#) – Complaints.

SECTION 6 : OUR CHARGING POLICY

All information contained within our scheme is available from us free of charge where it can be downloaded from our website or where it can be sent to you electronically by email. For those without access to the web-site a single print-out as on the web-site or, where available, a hard copy of the document can be requested.

We reserve the right to impose charges for providing information in paper copy or on computer disc. Charges will reflect the actual costs of reproduction and postage to the authority, as set out below.

Reproduction costs:

Where charges are applied, photocopied information will be charged at a standard rate of £5 for each document up to 10 pages and £0.50 for each page thereafter. Computer discs will be charged at the rate of £5.00 per CD rom

SCS charges are based on those prescribed in schedules to [Sheriff Court Fees Amendment Order 2008](#)

and [Court of Session etc. Fees Amendment Order 2008](#)

In the event that a charge is to be levied, you will be advised of the charge and how it has been calculated. Information will not be provided to you until payment has been received.

Postage cost:

We will pass on postage charges to the requester at the cost to the authority of sending the information by first class post.

SECTION 7: OUR COPYRIGHT POLICY

The Scottish Court Service is a Crown body and the information we produce is subject to Crown copyright, which is administered by the Queen's Printer for Scotland. The material listed in this publication scheme is Crown copyright unless stated otherwise. The copyright in some of the material which may be found in this publication scheme has been waived. This means that you can re-use this material freely. Categories of material for which copyright has been waived include: press notices, legislation, and explanatory notes on the legislation, ministerial speeches, consultation documents, documents featured on official websites (except where expressly indicated otherwise), headline statistics and unpublished public records. More details of these and other categories can be found at: <http://www.oqps.gov.uk>

For other types of material, the supply of documents under the Freedom of Information (Scotland) Act 2002 (FOISA) does not give the person or organisation who receives them an automatic right to re-use the documents in a way that would infringe copyright, for example, by making multiple copies, publishing and issuing copies to the public.

Brief extracts of any of the material included in this publication scheme may be reproduced under the fair dealing provisions of the Copyright, Designs and Patent Act 1988 (sections 29 and 30) for the purposes of research and non-commercial purposes, private study, criticism, review and new reporting.

Details of the arrangements for re-using Crown copyright material can be found on the website of the National Archive at <http://www.nationalarchives.gov.uk/information-management/our-services/click-use.htm>

Authorisation to re-use copyright material not owned by the Crown should be sought from the copyright holders concerned.

SECTION 8 : OUR RECORDS MANAGEMENT AND DISPOSAL POLICY

The Scottish Court Service adheres to the records management and disposal policy of the Scottish Government. The guidance and instructions may be accessed on the Scottish Government web site at <http://www.scotland.gov.uk/Publications/2005/08/15152416/24224>

SECTION 9: FEEDBACK AND COMPLAINTS

FOISA requires that we review our publication scheme from time to time. As a result, we welcome feedback on how we can develop our scheme further. If you would like to comment on any aspect of this publication scheme, then please contact us. Details below..

You may, for example wish to tell us about:

- other information that you would like to see included in the scheme;
- whether you found the scheme easy to use;
- whether you found the publication scheme useful;
- whether our staff were helpful;
- other ways in which our publication scheme can be improved.

In addition, it is our aim is to make our publication scheme as user-friendly as possible, and we hope that you can access all the information we publish with ease. If you do wish to complain about any aspect of the publication scheme, however, then please contact us, and we will try and resolve your complaint as quickly as possible.

Please send any comments or suggestions, or address your complaint to:

The Freedom of Information Officer
Scottish Court Service
1A Parliament Square
Edinburgh
EH1 1 RF

Email: foi@scotcourts.gov.uk

If you are making a complaint, we will try and resolve your complaint as quickly as possible. All complaints will be dealt with in accordance with the Scottish Court Service Complaints Procedure, which is available at http://www.scotcourts.gov.uk/you_and_us/docs/complaints.pdf

You have legal rights to access information under this scheme and a right of appeal to the Scottish Information Commissioner if you are dissatisfied with our response. These rights apply only to information requests made in writing* or other recordable format. If you are unhappy with our responses to your request you can ask us to review it and if you are still unhappy, you can make an appeal to the Scottish Information Commissioner.

The [Commissioner's website](#) has a guide to this three step process, and he operates an enquiry service on Monday to Friday from 9:00am to 5:00pm. His office can be contacted as follows:

Scottish Information Commissioner

Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

Tel: 01334 464610
Email: enquiries@itspublicknowledge.info
Website: www.itspublicknowledge.info

*verbal requests for environmental information carry similar rights.

SECTION 10: HOW TO ACCESS INFORMATION WHICH IS NOT AVAILABLE UNDER THIS SCHEME

If the information you are seeking is not available under this publication scheme, then you may wish to request it from us. The Freedom of Information (Scotland) Act 2002 (FOISA) provides you with a right of access to the information we hold, subject to certain exemptions. The Environmental Information (Scotland) Regulations 2004 (EIRs) separately provide a right of access to the environmental information we hold, while the Data Protection Act 1998 (DPA) provides a right of access to any personal information about you that we hold. Again, these rights are subject to certain exceptions or exemptions.

Should you wish to request a copy of any information that we hold that is not available under this scheme, please write to –

The Freedom of Information Officer
Scottish Court Service
1A Parliament Square

Edinburgh
EH1 1 RF

Email: foi@scotcourts.gov.uk

Charges for information which is not available under the scheme:

The charges for information which *is* available under this scheme are set out under [section 6](#) – Our Charging Policy. If you submit a request to us for information which *is not* available under the scheme the charges will be based on the following calculations:

General information requests:

- There will be no charge for information requests which cost us £100 or less to process.
- Where information costs between £100 and £600 to provide you may be asked to pay 10% of the cost. That is, if you were to ask for information that cost us £600 to provide, you would be asked to pay £50, that calculated on the basis of a waiver for the first £100 and 10% of the remaining £500.
- We are not obliged to respond to requests which will cost us over £600 to process.
- In calculating any fee, staff time will be calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour.
- We do not charge for the time to determine whether we hold the information requested, nor for the time it takes to decide whether the information can be released. Charges may be made for locating, retrieving and providing information to you.
- In the event that we decide to impose a charge we will issue you with notification of the charge (a fees notice) and how it has been calculated. You will have three months from the date of issue of the fees notice in which to decide whether to pay the charge. The information will be provided to you on payment of the charge. If you decide not to proceed with the request there will be no charge to you.

Charges for environmental information:

We do not charge for the time to determine whether we hold the information requested, nor for the time it takes to decide whether the information can be released. Charges may be made for locating, retrieving and providing information to you.

In the event that we decide to impose a charge we will issue you with notification of the charge and how it has been calculated. The information will be provided to you on payment of the charge. If you decide not to proceed with the request there will be no charge to you.

Charges are calculated on the basis of the actual cost to the authority of providing the information.

- photocopied information will be charged at a standard rate of 20p per page. Computer discs will be charged at the rate of £3.00 per CD rom.
- Postage is charged at actual rate for first class mail.
- Staff time is calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour.

SECTION 11 : CLASSES OF INFORMATION

Class 1 - Accountability

The SCS is a publicly accountable body and has a range of information which sets out its operating framework and which provides organisational direction and commentary. From April 2010 draft and finalised minutes of scheduled meetings of the SCS Board are published as soon as possible after each scheduled meeting. This class of information is found on the website at www.scotcourts.gov.uk/courtsadmin/scs.asp

Information in this class includes:

- [About SCS](#)
- [SCS Governance](#)
- [SCS Corporate Plan](#)
- [SCS Business Plans](#)
- [SCS Plans Policies and Strategies](#)
- [Annual Report and Accounts](#)
- [Minutes of the SCS Board](#)
- [Contract information](#)
- [Media releases](#)

Class 2 - Key strategies and supporting information

SCS has a number of key operational strategies which support the organisation and its objectives. Other information supports the delivery of these strategies

Information in this class which is available on the website under [SCS Plans, Policies and Strategies](#) includes:

- SCS People Strategy. HR policies, recruitment and selection, equality and diversity, industrial relations, and pay and grading.
- Estates Strategy – The Estates Strategy sets out SCS plans for the future management and development of the court estate.(Published September 2008)
- IT Strategy - The IT strategy outlines the IT priorities and developments required to support SCS objectives.
- Financial information - Financial reports published quarterly from September 2008)

Class 3 – Other policies and procedures

SCS produce a range of policies and strategies which prescribe, guide and advise on operational matters. These can be located at [SCS Plans, Policies and Strategies](#)

Information in this class includes:

- Procurement and Purchasing Policy
- Health and Safety Policy Manual
- Sustainability Policy
- IT Security Policy

Class 4 - Policy Consultations.

From time to time, SCS undertakes consultation activities in relation to its business and business development. This can be found on the [Consultations page of the website](#)

Information in this class includes:

- The consultation documents,
- Responses to consultations (where permission has been given to publish)
- The consultation report

Class 5 - Customer and Service Information

SCS publishes a range of documents and information of interest to court users. This is available from the website and information in this class includes:

- [Court locations](#)
- [Customer satisfaction survey](#)
- [Complaints procedure](#)
- [Court users information](#)
- [Contempt of court orders](#)
- [Details of reimbursement of judicial expenses](#)
- [Information on fine payments](#)
- [Lists of daily court business](#)
- [Searchable judgements database](#)