

# Next Steps



Next Steps, is produced in partnership by staff from the Scottish Court Service and Scotland's District Courts.

KEEPING YOU IN TOUCH WITH THE UNIFICATION PROGRAMME

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## NEW LEGISLATION

**A range of new, improved ways of collecting fines in Scotland - centred around the important new role of Fines Enforcement Officers (FEOs) - are contained in the Criminal Proceedings Reform Bill, which has just completed its various stages through the Scottish Parliament.**

The proposed new system is set to radically up-date fines collection procedures and among other things offer a 24:7 opportunity to pay as well as reducing the burden on courts.

Derek Kilday who heads up the Fines and Financial Penalties Re-design Project for SCS, is responsible for co-ordinating preparations being undertaken by several workstream teams, each focussed on its own specialist area, but meeting together regularly to record progress.

A former Scottish Prison Service (SPS) business efficiency designer and trainer, Derek sees immediate benefits emerging from the legislation, including increased options of disposal and an expected reduction in the number of non-payers.

"Project workstreams are currently examining the present system of fines collection in both the District and Sheriff Courts and looking at more efficient methods to



free up staff for core business court duties.

"These include online and telephone collection payments, both of which come with the advantage of offering an outwith normal working hours service. I believe this will make it easier for people who want to pay to do so.

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## ALL GO IN 2007

**2007 and no let up is forecast in implementation work to deliver court unification in Lothian and Borders sheriffdom by the end of 2007, with detailed work continuing in Grampian Highlands and Islands for implementation in 2008.**

By Spring this year, Sheriffdom Legal Advisers will be recruited and tasked to set up a new Justice Committee structure for both Lothian & Borders and Grampian Highland and Islands sheriffdoms.

The first half of the year will also see the completion of plans for the future structure and delivery of court services within a unified courts administration in both these sheriffdoms.

These plans will be developed in consultation with those involved in the operation of the courts, and with criminal justice partners and stakeholders.

Elsewhere, roadshows are planned for Tayside, Central and Fife, North Strathclyde, South Strathclyde, Dumfries and Galloway and Glasgow in the early part of the year.

Preliminary planning work begins in these areas led by Gillian Prentice in Tayside Central and Fife, and Cliff Binning in the South and West of Scotland.

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David Lynn, Linlithgow; David Fyfe, Les McIntosh, Elaine Walker, Carol McDonald and Gordon McKeand all Edinburgh and David Shand, Sheriffdom Business Manager.

## TAKING THE PLANS FORWARD

**Elaine Walker's work life for almost a year now has focussed on progressing the blueprint for Lothian & Borders' court unification Operational Plan.**

She has worked closely alongside Edinburgh Sheriff Court Sheriff Clerk, David Fyfe who is Business Manager for Lothian & Borders, together with Sheriff Clerks.

The draft plan has now been approved by the SCS Court Unification Project Board and stakeholders' input is expected to be complete by March this year.

This clears the way for Elaine to concentrate on arrangements around the court buildings involved, new IT systems and staffing, as well as job training.

Formerly SCS's Personnel Manager for Area East, Elaine has been deeply immersed in

the complex arrangements setting out the proposed organisation.

This brought her closely in touch with District Court staff when she would often ask herself the key question: 'How would I feel in these circumstances?'

Elaine who volunteered to join the unification project early last year, has been impressed by the very responsive feedback her empathetic approach engendered.

A key figure in drawing up a draft Operational Plan, she says: "I could understand the concerns of District Court staff facing major change.

"I've fully understood their need for answers to crucial questions, even though they were not always available at the time.

"But events have moved a pace throughout 2006 and we are now confident about what the future in Lothian & Borders will look like .

"And there are now answers to the vast majority of the main concerns about job location, terms of employment, training, pension arrangements and future opportunities.

"So 2007 will be a crucial year for the unification programme with Lothian & Borders sheriffdom becoming the forerunner of a major change programme."



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"And the introduction of a single IT system will allow us to track and trace thousands of accounts across Scotland... a big step forward in terms of efficiency."

Derek sees the roll of FEOs as being central to success: "These posts will provide opportunities to Sheriff and District court staff to take on a new

and challenging role. A number of posts will carry managerial responsibility for fines support staff. FEOs will be responsible for the enforcement of fines and are expected to be in place by the end of 2007.

"It is also proposed that they have power to apply sanctions against fines defaulters, including arrestment of wages,

deductions from benefits, and ordering clamping of motor vehicles. The [Bill] outlines these in more detail."

Pulling together under Derek as project co-ordinator are:-

Heather MacLeod, formerly at Edinburgh Sheriff Court, now working on the FEO job profile; David Dunsmuir, from Oban

Sheriff Court now focussed on payment design systems and as workstream leader, supported by Susan Brown.

Tom Fyffe, ex-SCS brings his considerable experience as a former Scottish Executive adviser on the Bill, while consultants Bill McQuade looks after IT and David Murray takes responsibility for training and communications.

## In our Court Unification roadshow tours of the country you asked lots of questions about issues important to you. Here is a selection of your questions and our answers.

### **What plans do SCS have to deal with the different terms and conditions of transferring staff?**

TUPE (Transfer of Undertakings Protection of Employees Regulations) protects the terms and conditions of service of employees whose employment is transferred to another employer. This is fair and seeks to ensure nobody is disadvantaged because of their transfer. There are 32 Local Authorities, 30 of which operate District Courts.

transferring staff for any reason connected with their transfer. We hope many staff transferring to SCS will find our terms and conditions favourable, and opt to switch over soon after transfer. There is however no timescale by which all terms and conditions must be harmonised.

### **Will there be redundancies as a result of Court Unification?**

We are expecting a shortage in some areas in the number of staff who transfer, so recruitment is likely to be the issue, not redundancies. In the occasional and unusual event that there are too many staff at a particular location, we anticipate current levels of staff turnover will deal with this over time, or that staff will accept alternative posts in the SCS.

### **Will there be full integration of work for both sets of staff?**

Yes. All staff will have opportunities to undertake the full range of Sheriff and JP court work. Obviously this will not happen on day one, but we will be working towards this objective as soon as it is practical.

### **Will there be training given on new areas of work?**

Yes. We are developing a training plan for all staff and each person who transfers will have a personal training plan

prepared before they join us. There is also training on JP court work and the new fines enforcement procedures planned for SCS staff.

### **Will there be opportunities for all staff to undertake external training e.g. law degrees, allowing them to advance in the organisation?**

Yes. This opportunity already exists in SCS and will continue to be available after unification.

### **What happens to District Court staff pensions?**

SCS are not allowed to pay into the Local Government Pension Scheme (LGPS). Instead like any new employer we are obliged, under the TUPE scheme to provide a pension scheme of comparable status. We believe the Principal Civil Service Pension Scheme (PCSPS) is a comparable scheme. It is anticipated that transferring staff will have the option to transfer their accrued benefits from the LGPS into the PCSPS, or to leave their accrued benefits in the LGPS until they reach retirement age. Under both options, transferring staff can start paying into the PCSPS after their transfer date. We will consult with the Government Actuaries Dept., to work out the value of individual pensions so that staff transferring over to us,

can make an informed choice.

### **Will there be enough staff transferring to cope with the work?**

Yes. SCS will assess the number of staff required in each location to deal with expected levels of business. If there are insufficient staff coming over to deal with the work, then more will be recruited.

### **Will the SCS IT system (COP2) be ready for unification and able to cope with the fines and fixed penalties currently collected by the District Courts?**

COP2+ will be ready for the first phase of unification in Lothian and Borders in Dec 2007. COP2 will be developed (COP2+) with the additional functionality needed to cope with the various fixed penalties.

### **Who will be responsible for training the justices?**

Responsibility for training the justices will lie with the legal teams in the sheriffdoms and Local Authorities (prior to court unification). They will organise and deliver the training locally. Some training, such as national seminars and induction training will be provided by the Judicial Studies Committee.



They all offer broadly similar terms and conditions to SCS, but each set is unique in its own way, so we are dealing with 30 different sets of terms and conditions coming in because of Court Unification. It is fairly common for large employers such as SCS to manage multiple sets of terms and conditions of service and the rules ensure that employers cannot change the terms and conditions of

# FUND AWARD BOOST FOR IMPROVEMENTS

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**A partnership bid for Scottish Executive funding led by SCS Fines & Financial Penalties Project Manager Derek Kilday, has recently secured a £1.8 million award.**

The Efficiency and Reform Fund cash to introduce Fines Enforcement Officers, is set to help increase the number of fines collected in Scotland and reduce pressure on our courts.

The successful business case - focussed on greater efficiency and improved services - met rigorous and robust criteria and faced

competition from a number of other bids.

Announcing the award, Tom McCabe, Minister for Finance and Public Service Reform said the funding would help SCS deliver "more efficient and effective" public services, improve services and contribute to Efficient Government targets.



He added that the project would lead to substantial long-term benefits and savings for the public sector and the people of Scotland.

**Commenting on the announcement, Minister of Justice, Cathy Jamieson said:**

“Collecting fines reliably and efficiently is essential for an effective criminal justice system.

We have developed the new model using Fines Enforcement Officers as part of the overall reforms of summary justice to ensure that front line police time and court time are not being wasted pursuing late payment of fines.

I am delighted that support from the Efficiency and Reform Fund will allow the Scottish Court Service to introduce the new officers quickly.”

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