

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

Issue 6
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10 MARCH MILESTONE Co-operation is the key to success



L&B Transitional Arrangements Implementation team meet in Edinburgh Sheriff Court.

Lothian & Borders Sherifffdom Business Manager, David Shand, writes...

“The unification of the Sheriff and District Courts on the 10 March this year heralds the start of one of the biggest shake ups of summary criminal business ever.

On that date the Scottish Court Service (SCS) is responsible for ensuring

there is an infrastructure in place to support the collection of all court imposed fines, compensation orders and direct measures (fiscal fines and compensation orders), and the new Justice of the Peace (JP) Courts in Lothian and Borders (L&B).

This is a huge challenge and one that can, in my opinion, only be achieved by co-operating closely with those already working in the system both in court and in the administration.

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ENCOURAGED BY THE GOODWILL

Cliff Binning, Scottish Court Service's Deputy Director of Field Services has taken on additional responsibilities to become Project Director for Court Unification. He follows the original Director for the Project, Billy McCulloch and more recently Bill Savage in the job.

Cliff who has been with SCS for 30 years is based at Glasgow Sheriff Court where he has been active in planning unification for the Sherifffdoms in the South and West of Scotland, scheduled for 2009.

Responding to his new appointment, Cliff comments: "I am looking forward to this role. This is a team effort in the widest sense, involving District Court and SCS colleagues along with other key players in Justice. I am encouraged by the goodwill there is."

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Best wishes to our readers for 2008.

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Those currently employed in the District Court have a wealth of experience and understanding of the current system and if we are to achieve a smooth transition to the new structure, we need to work together to ensure continuity of service to the community we serve.

Summary justice accounts for 97% of criminal court business in L&B and this equates to just under 30,000 cases every year. The vast majority of offenders and offences are therefore dealt with by the summary justice system so we have to ensure our new procedures and systems are as effective as possible.

CHANGES WE WILL SEE

- **Support for the bench:** Unification will ensure a uniform approach to training and administration across all the courts in L&B.
- **Transfer to the SCS** of staff currently employed by local authorities to run the District Courts. This is a huge change for both those transferring to and those currently working for the SCS. I recognise the contribution made by all staff in running the courts and providing court users with the best possible service. Together we are all committed to ensuring that the JP Courts, Sheriff Courts and the summary justice reforms are supported and delivered.
- **Estate modifications:** Unification will ensure that all reasonable steps are taken to provide courthouses of appropriate size and quality. Workstations to cope with the different workstreams and business processes are being created and where necessary, public offices are being extended. Court signage, telephones, reception and waiting areas are also being reviewed and modified.
- **Investment in technology:** There will be benefits in terms of economy of scale, effectiveness and consistency by having all the summary courts, both Sheriff and JP Courts, operating a unified and centrally controlled electronic management system and fines enforcement system. We have just upgraded the SCS IT system – COPII and a further upgrade to process fines enforcement and JP



David Shand in pensive mood.

Court business is well advanced. Our IT helpdesk that has a proven record of supporting our existing systems, will be on call to address all IT related issues.

- **Greater flexibility:** A unified system will make it easier to deal with persistent offenders, with cases calling in a number of differing courts, allowing for transfer of business more easily between the various courts. The current system is clogged at every level from the High Court to the District Court with business that simply should be dealt with outwith the court environment. By using alternative forms of disposal it is hoped a large percentage of business will be removed from the courts through fiscal fines and other direct measures. A L&B Fines Enforcement Team has been established and will be responsible for the recovery of financial penalties. Unification will also allow for better programming of the business across the whole justice system through the L&B Local Criminal Justice Board, and
- **Responsiveness to change:** A unified system will also enable future change to be coordinated by ensuring a consistency of approach and efficiency in dealing with the fast moving level of change within which the criminal justice system in which Scotland operates. ”

This is a huge challenge but with your support we will work together to ensure a smooth and seamless transition on the 10 March.

The future for Grampian Highland & Islands takes shape

Two major steps forward and a series of engagements at court level have enabled a clearer picture of how the Grampian Highland and Islands (GH&I) Sheriffdom will look following Court Unification and changes in fines enforcement.

The first major step was the conclusion of the consultation period on proposals to unify courts and the subsequent ministerial approval of SCS's recommendations.

Before submitting these recommendations in relation to the future administration of summary justice in GH&I to the Cabinet Secretary for Justice, Kenny McAskill, Eleanor Emberson, SCS Chief Executive, and her Management Team carefully contemplated the responses received. Eleanor also thanked those who took the time to give considered and thoughtful views.

Following this consideration of the responses received and the submissions made to SCS, it was confirmed that the new Justice of the Peace Courts will operate in Aberdeen, Banff, Dingwall, Dornoch, Elgin, Fort William, Inverness, Portree, Peterhead, Stonehaven,

Stornoway, Tain and Wick from 2 June 2008.

Business from Inverurie District Court will transfer to the new Aberdeen JP Court and business from Nairn District Court and Kingussie District Court will be heard in the new JP Court in Inverness.

David Fraser Sheriffdom Business Manager advised that we have reached a point where uncertainties have been removed and a new clarity allows us to focus on the next steps of turning the vision of a unified court structure throughout GH&I into a reality.

"I look forward to working with colleagues and justice partners to ensure we deliver a seamless transition," he states.

A copy of the final report and its recommendations is available at http://www.scotcourts.gov.uk/summary_justice_reform/updates.asp.

The second major step was the start of the new Fines Enforcement team members, based in Aberdeen. The team will be responsible for managing the accounts on all fines that fall into default in the 16 Sheriff Courts and following unification the 13 JP Courts in GH&I.

Following an intensive training period the new team, under the leadership of interim manager, Mike McBey, is looking forward to developing new procedures in close collaboration with the court staff to allow for efficient collection of financial penalties.

"It's good to be involved in setting up something that is completely new to the Court Service and we're looking forward to the challenges that come along," says Mike.

Complementing these important steps have been a series of visits to numerous sheriff courts by David Fraser, Kay Polson,

Sheriffdom Legal Advisor and Lora Crabtree, Project Manager. There they engaged Sheriff and District Court staff on the key developments as well as discussing significant issues on forthcoming changes.

These, together with some local visits from District Court staff to Sheriff Courts, have allowed staff to begin building an appreciation and understanding of each others' work and start to build the wider team which will be created on 2 June.

David Fraser adds: "I am confident we can build on the positive partnerships we have developed and will continue to develop in the future."

Many opportunities lie ahead. A good example is the joint briefing at which both Sheriff Court staff and District Court staff attended in December 2007.

TESTING TIMES FOR IT

Susan Renfrew, who is based at St. Andrews House for Scottish Government, started on the Summary Justice Reform (SJR) programme at the end of October last year.

She is currently in the process of introducing a set of test IT industry standards across all agencies involved in testing.

Her role also involves the co-ordination of end-to-end testing prior to implementation date of March 10, 2008. This will be the first time that inter-agency testing has been scheduled across the justice IT systems.

Susan explains: "Scottish Court Services IT systems are an integral part of the SJR programme in that they provide the mechanism for

scheduling of all resources across the justice court process.

This includes the exchange of data with all police divisions, Crown Office Procurator Fiscal systems and the Criminal History system."

SCS are currently undertaking a gruelling schedule of upgrades to a new COPII court administration system for District and Sheriff Courts across Scotland and also involved in implementing changes to their IT systems as part of the Police and

Fiscal Direct Measures processes which allow additional information to be captured and exchanged; and the introduction of Fines Enforcement functionality.

IT Management at SCS supports the view that this programme of change should take account of the SJR Governance procedures in both the testing and implementation of all IT functionality.



JACKIE'S DUAL ROLE

Jackie Cunningham recently joined the Summary Justice Reform team after 14 years in public sector finance, the last three with SCS.

She brings considerable experience to her new role focused primarily on producing enhanced payment options papers.

"Although a great deal of the spade work on the options had already been done with the preferred methods identified when I first arrived, I needed to carry out further strategic analysis and build various scenario plans on how they would fit into our timescales.

"While we want to give as much flexibility as possible to our customers in terms

of choice/ease of payment methods, it is essential that the impact on the courts is kept to a minimum. With this in mind the first new payment method to be introduced will be the acceptance of payment by Credit Card with effect from mid January 2008.

"So currently I am working to ensure that the required changes to present internal processes that need to be introduced, are agreed and at the same time I am managing the creation of desk instructions for the sections affected.

"My other role is centred on the communications workstream responsible for spreading the word about Summary Justice Reform and its impact on those who fail to pay their fines.

"We are looking at the most effective ways to reach out to our stakeholders, not only offenders but also to the general public, so that they are aware of the changes coming into force from the 10 March this year."

PF POWERS INCREASE

Part of the Summary Justice Reform Programme is to make direct measures more widely available, more flexible and more robust.

Direct measures are proportionate non-court penalties used for minor offences. Currently the most common direct measure is a conditional offer of a fixed penalty by the Procurator Fiscal (PF). This is commonly called a 'fiscal fine.'

The PF can also make a conditional offer of a fixed penalty for road traffic offences. Fiscal fines are collected by the District Court.

From 10 March this year the range of fiscal fines will be extended to include fiscal compensation offers and combined offers of a fiscal fine and a fiscal

compensation offer. The collection of fiscal fines becomes the responsibility of SCS for the first time, and staff training will be provided.

Changes too in the legislation relating to fiscal fines. These include an increase in the level of penalty the PF can offer and the switch from an 'opt in' system' to an 'opt out'.

Currently PFs can make a conditional offer of a fixed penalty of up to £100, but this increases to £300 under the new legislation. Also under the present system when a fiscal fine is offered, the recipient must accept.

If no action is taken the offer is treated as rejected. However from 10 March 2008, no action by the recipient equates to the offer having been accepted by them.

PFs will also be able to advise the court that an offender has previously accepted a fiscal fine in respect of an alleged offence.

This supersedes the current position where only fiscal fines accepted within a period of two years from the date of a subsequent conviction could be laid before the court in this way.

The new legislation also gives police the powers to issue fixed penalties for offences of an anti-social nature committed by offenders aged 16 and over.

Offences that may be dealt with in this way include being drunk and incapable in a public place, breach of the peace and vandalism.

These penalties were successfully piloted in the Tayside Police Force area and SCS becomes responsible for the collection and enforcement of these penalties when Sheriffdoms unify.

New staff appointments...



The GH&I fines team on their first day, left to right: Fines Enforcement Manager, Mike McBey, and FEOs Kevin Leith, Douglas Park and David Jervis.



Recently appointed FEOs for L&B are - left to right: Paula Marchant, Gary White, Sam Hendry and Katrina Watkins.

See next issue for more staff appointment photos.

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KEY EVENTS IN THE DELIVERY OF SUMMARY JUSTICE REFORM IN THE NEXT SIX MONTHS

- MARCH Fines Enforcement Officers in place and fully trained
- MARCH National Fines Enforcement Information Campaign
- MARCH COP2+ tested and launched
- MARCH New Direct Measures across all Sheriff Courts
- MARCH Court Unification in Lothian and Borders
- JUNE Unification in Grampian, Highlands & Islands
- JUNE New payment methods in place
- JUNE Plans in place for unification in remaining Sheriffdoms

STOP PRESS!

Fines Information Campaign

The Fines Project Team are developing an information campaign to get underway in March to explain the changes to fines enforcement which come into force that month. Posters and adverts aimed at the general public as well as fines recipients who can't or won't pay their fine, will highlight the new sanctions available to SCS.

Look out for more details in the Spring 'Next Steps'.

The Editorial Contact Team



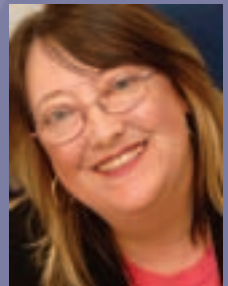
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