

Scottish Courts and Tribunals Service



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Dear Mr Kerr

SCOTTISH PARLIAMENTARY QUESTIONS S5W-30680 and S5W-30683

The Cabinet Secretary in his response to the above PQ indicated that it related to operational matters within the responsibility of the Scottish Courts and Tribunals Service corporate body. I am now writing in response to the matter raised.

S5W-30680 Liam Kerr: To ask the Scottish Government whether it plans to continue with virtual trials and courts as lockdown eases

The court system in Scotland has moved rapidly in a matter months to accommodate new digital ways of working across criminal, civil and tribunal business. In common with jurisdictions across the globe, it is clear that virtual courts should not only be seen as a coronavirus response, but also as core components of our future court system.

The Lord President has been clear that he will not contemplate any measure that might comprise the basic principle of fairness in the justice system. He has also stressed that the cry of "it's aye been" cannot prevail. We need to learn from the progress that has been made and set our sights on a progressive and digitally enabled court system that matches people's expectations in 21st century Scotland.

Our digital strategy published in 2018, <http://www.scotcourts.gov.uk/docs/default-source/aboutscs/reports-and-data/reports-data/scts-digital-strategy---final.pdf?sfvrsn=4>, set out our digital ambitions over a five year period. Yet in 5 short months we have moved beyond that to the point where the Court of Session is operating entirely as a virtual court. The Sheriff Appeal Court, All Scotland Personal Injury Court, Bail Appeals and the vast majority of civil business in the sheriff courts and our tribunals have similarly moved to digital ways of working. In criminal cases we are assessing new approaches to jury trials, while introducing virtual summary trials and virtual appearance in custody cases.

This is remarkable progress. It is entirely in line with legislative direction in recent years which has introduced the pre-recording of evidence in advance of criminal trials

and video links for vulnerable witnesses which are now common place in our criminal courts.

Ensuring that our court system is modernised by making the best use of digital technology to secure the best evidence and to reduce inconvenience to witnesses and others is a priority. It requires everyone to work together with the courts in devising solutions that are right for Scotland. There will be differing views on the shape of justice and debates on this subject must continue as we strive to find those solutions.

S5W-30683 asks: To ask the Scottish Government for what reason it has reportedly not provided additional financial support to the Scottish Courts and Tribunals Service during the first three months of the COVID-19 pandemic.

In an earlier FOI response which asked "*how much money has the Scottish Courts and Tribunals Service received from the Scottish Government ... specifically for coronavirus related expenditure*" the SCTS confirmed that it had not received any funding to date for expenditure related to the Coronavirus outbreak. Whilst the statement was factually correct at the time of the response, it did not reflect the ongoing dialogue and support from the Scottish Government on our response to the pandemic.

As I confirmed to the Justice Committee evidence session on 19 May 2020, significant discussions had taken place with Scottish Government and it was accepted that investment and resources would need to be made available. At no point has funding prevented or limited our response to the COVID-19 pandemic to date.

The Scottish Government has, earlier this month, announced significant additional financial investment of £4.1m to support SCTS. This investment supports our response to COVID-19 through virtual trials, remote hearings, custody links and further scalable audio visual platforms to allow the roll out of digital hearings across criminal, civil and tribunals work. In addition we will invest in strengthening our infrastructure, security and website platforms to underpin our growing digitally enabled services.

We are also in discussion with the Government to secure further investment for solutions that are being developed to deliver an early return to solemn jury trials, while safeguarding jurors and all other court users.

A copy of this letter will be placed in the Scottish Parliament Information Centre and published on the Scottish Courts and Tribunals Service website.

Yours sincerely



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