

Scottish Courts and Tribunals Service



Graeme Pearson MSP
The Scottish Parliament
Edinburgh
EH99 1SP

Chief Executive's Office
Parliament House
Parliament Square
Edinburgh
EH1 1RQ

9 December 2015

DX 549306
LP1 Edinburgh 10

Dear Mr Pearson

SCOTTISH PARLIAMENTARY QUESTION S4W-28413 – COMPENSATION ORDERS

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

S4W-28413: To ask the Scottish Government how many compensation orders have been imposed by court service in each year since 2011, also broken down by the (a) average time between the imposition of an order and payment and (b) number and (c) total value of orders that were (i) paid on time, (ii) paid late and (iii) not paid.

Table 1 provides information on the volume of compensation orders imposed by Scottish courts since March 2011.

Table 1 – Volume

Compensation Orders ¹ (Volume)	Imposed	Paid			Not Paid		
		Total Paid	Paid Without Enforcement	Paid with Enforcement	Discharged ²	On Track	Arrears
2011-12	3,566	2,805	829	1,976	364	176	221
2012-13	2,941	2,226	674	1,552	260	160	275
2013-14	2,965	2,078	720	1,358	200	281	406
2014-15	2,821	1,648	741	907	100	462	611

Table 2 shows the average time in weeks from imposition of a compensation order to completion of payment for fully paid orders.

Table 2 – Average Time to Payment

Compensation Orders ¹ (Imposition to Full Payment)	Average Time (Weeks)
2011-12	48
2012-13	42
2013-14	31
2014-15	19

Table 3 provides information on the value and status of compensation orders imposed by Scottish courts since March 2011.

Table 3 – Value

Compensation Orders ¹ (Value)	Imposed	Paid			Not Paid		
		Total Paid	Paid Without Enforcement	Paid with Enforcement	Discharged ²	On Track	Arrears
2011-12	£1,294,704	£1,000,461	£340,137	£660,324	£94,654	£154,492	£45,097
2012-13	£1,109,836	£854,005	£337,846	£516,159	£98,254	£96,078	£61,499
2013-14	£1,000,105	£670,998	£250,583	£420,415	£36,914	£119,412	£172,780
2014-15	£1,397,190	£705,551	£404,019	£301,532	£27,884	£539,746	£124,010

Notes

1. By its nature a compensation order is a financial penalty which may take some time to recover in full. The period within which financial penalties should be paid is a matter for the judiciary. If an offender defaults in the payment of compensation enforcement will commence.

2. Includes some discharges following part-payment.

The Scottish Courts and Tribunals Service use a live operational case management system for the processing of court business. The information held on the system is structured for these operational needs, rather than for statistical reporting or research purposes. The information provided is based on the best information available from the case management system as at 18/11/2015. Data produced by the SCTS Management Information Analysis Team.

Both tables 1 and 3 distinguish between orders paid in full, depending upon whether or not any enforcement steps were taken. That would include the automatic generation of a warning letter on the first occasion on which a payment became overdue. The "Paid Without Enforcement" column is therefore restricted to orders where every payment occurred on time and no enforcement action was required

In relation to part (c) (iii) of your request, we have split the "not paid" information into three categories to provide you with additional context.

- Cases which are "On track" are those currently within the time allowed) and those in arrears include those where at least one instalment has been missed.
- Penalties can be "discharged" for a variety of reasons including judicial decisions to reduce the penalty due to a change in the financial circumstances of the offender or the imposition of an alternative sentence.
- In many discharge cases, the court will decide that an alternative punishment should be substituted for a fine where there is a problem with ability to pay. Where a case comes back before the court, it will already have been subject to rigorous enforcement action by fines enforcement officers.

The SCTS is committed to rigorously enforcing all Orders. I am pleased to confirm that collection rates continue to improve and we are pursuing data sharing arrangements with other government bodies that will allow us to track a defaulter who moves from benefits into work through DWP information. Accessing DVLA records will let us clamp cars belonging to fine defaulters to secure quick payments.

I hope that this reply is helpful. 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



Eric McQueen
Chief Executive