**EDINBURGH SHERIFF COURT AWI USER GROUP**

Minutes of meeting on Thursday 26 January 20234at 16:15 at Court 18, Edinburgh Sheriff Court, 27 Chambers Street, Edinburgh

**Present:** Sheriff Fife (Chair)

Sheriff Keir

Sheriff Tait

Sheriff O’Carroll

Magda Markow, (Secretary), Civil Department

Mary Hughes, Civil Department

Dave Young, Head of the Civil Department

Alex Young, Civil Department

Cameron Young, Civil Department

Ciara Megarrell, Civil Department

Fiona Brown, on behalf of the Office of the Public Guardian via weblink

Wendy Dalgleish, Scottish Legal Aid Board

Catriona Watt, solicitor, Anderson Strathern

Ellen Bond and Amy Clark, Morton Fraser MacRoberts

Helen McGinty, solicitor and safeguarder

Raymond Fairgrieve, solicitor and safeguarder

Lynn Bryson, solicitor Drummond Miller

Matthew Clarke solicitor on behalf of the City of Edinburgh Council

Scott Archibald, solicitor on behalf of Midlothian Council

Lynne Lind, solicitor TC Young

Sheila Byth, solicitor McKinnon Forbes

Sarah Prentice, safeguarder

Elizabeth Horsfall, safeguarder

Richard Thompson, solicitor, East Lothian Council

* **Welcome and apologies**

Sheriff Fife welcomed everyone.

Apologies were received from Sheriff Stirling, Sheriff Dickson, Sheriff Auchincloss, Donald Campbell, Dianne Millen, Gary Burton, and Karen Conway.

* **Minutes of meeting of 24 August 2023**

The Minutes of the meeting of 24 August 2023 were approved.

* **Matters Arising**

None

* **Stats**

Stats were not circulated in advance due to resources but will be circulated as usual for the next meeting.

According to the stats, the numbers of applications and minutes lodged increased significantly in comparison with last year, with an overall total of around 600 up from around 440 in 2022. That trend is likely to continue for the foreseeable future.

**Mary Hughes**: Courts are overbooked from time to time to manage the increase. Additional courts are being set up where possible (on Tuesday afternoons if the sheriff sitting at morning Civil court is also an AWI sheriff), to accommodate urgent business i.e. interim hearings, increased bookings.

The difficulty with courts being overbooked is the length of time the clerk and the sheriff have to prepare for the court.

* **AWI Practice Note No.1 2024**

The new Practice Note was published on SCTS website on 22 January 2024 and included minor changes suggested by the Public Guardian.

* **AWI Court update**

**Sheriff Fife:** The courts are fully loaded and busy. The AWI sheriffs chat together from time to time. The AWI court is working well.

* **Summary Applications and Renewals**

**Sheriff Fife:** AWI clerks team process AWIs and other areas of civil practice, particularly family cases. In order to streamline the process a pre-registration checklist has been issued to agents to improve consistency.

**Helen McGinty** commented on No. 16 of the checklist, being the requirement to lodge declaration forms, which are required by the OPG. She highlighted that it is not practicable to intimate the forms together with all other documents, as they contain sensitive information of the applicant/s.

**Fiona Brown** responded that the declaration forms are to be lodged in court and intimated only to OPG. FB suggested maybe wording could be amended to make it clearer.

**Sheriff Tait** clarified the position that intimation of the declaration forms is not in question and is not required.

* **OPG update**

Fiona Brown provided an update from OPG for practitioners:

* Outreach with Financial Institutions share information, practice and guidance to help understand AWI better, including terminology and documentation around Scottish orders, to help make the process easier for all. There will be webinars available containing all information about the project.
* Professional Guardians Scheme: e-learning package will be available, if someone wants to join.
* There are internal changes in the way that Powers of Attorney are processed: more details are now required, namely the attorney’s date of birth.
* Fiona welcomed the requirement of lodging declaration forms being included in the Practice Note, and the pre-registration checklist.
* Scott Review: 10 year old work of the Mental Health Tribunal is being continued. Legislation with regards to Human Rights is being reviewed and the Scottish Government is treating this as a priority.
* OPG’s 18 monthly AWI conference to be hosted on 28 and 29 November this year- **save the date**.
* **AOCB**

**Sheriff Fife** mentioned the importance of submitting documents to court in PDF form and grouped into one PDF if possible i.e. intimations together rather than as separate documents, as it is time consuming for the clerks to convert each document to PDF and then to upload it separately; also, sheriffs find it challenging to locate documents on the system, when clogged up with many similar documents.

File management will move on to Civil Online shortly, whereby agents can lodge documents directly on the system.

**The only accepted format for lodging documents will be PDF.**

**Elizabeth Horsfall** asked if safeguarders have access to Civil Online.

**Mary Hughes**: it is not confirmed, but she will follow it up.

**Magda Markow** asked if the agents could slightly edit F22s to advise of the option of returning the completed documents electronically directly to the court, as Royal Mail is unreliable and very often late. The agents were also asked to complete as many details on F22s i.e. case reference number and Adult’s name, as very often we receive forms with date and signature only and it is impossible to match it up with process.

**Sheriff Fife:** including as many relevant details in Minutes i.e. case reference number is very important and helps to streamline the process;

**Sheriff Fife**: final interlocutor style has been reviewed and a pro-forma will be circulated among agents.

**Helen McGinty** raised an issue in respect of our guardianship orders not being recognised by other countries in accordance with Hague convention. Specifically, there is no mention about participation of the Adults in proceedings i.e. a safeguarder being appointed and conveying the Adult’s views to the court prior to order being made.

**Sheriff Fife** will give this some consideration.

**Next meeting**: 22 August 2024 at 4:15 pm at Edinburgh Sheriff Court, 27 Chambers Street, Edinburgh.