



SCOTTISH

CHILDREN'S REPORTER
ADMINISTRATION

**SCRA RESPONSE TO THE CONSULTATION ON PROPOSALS FOR
FURTHER EXTENSION OF THE USE OF INFORMATION TECHNOLOGY
IN CIVIL CASES IN THE SHERIFF COURT**

SCRA is pleased to respond to the consultation on the proposals for further extension of the use of information technology in civil cases in the sheriff court.

1. Children's Hearing court proceedings are proceedings "sui generis". It is not clear from the consultation document whether the intention is to extend the proposed use of IT to these proceedings.
2. Issues of capacity, cost and training would require to be addressed by SCRA.
3. This response is subject to an over-arching concern related to confidentiality and security issues. Children's hearing court proceedings characteristically address matters of the highest sensitivity in relation to children with the greatest vulnerability, and are subject to statutory restrictions on attendance and publication.
4. It is recognised that in some significant ways the proposals make the system more, rather than less, secure.
5. Concerns remain over the ease with which material may be moved around electronically, facilitating accidental transmission or the deliberate theft of information.

Q1. Electronic transmission of applications

Q2. Electronic transmission of interlocutors

There would be efficiency gains as a result of these proposals, including speedier intimation and a greater element of certainty at each stage of the process: entering the required data directly to the target system (form filling on-line) would enhance security as all transmission would be encrypted and not subject to casual interception.

It is assumed that there will be an adequate equivalent to the final check that is currently achieved by the manual signature of the sheriff/sheriff clerk before release of any interlocutor.

A practical difficulty may arise in Children's Hearing court proceedings where the application in terms of s65 of Children (Scotland) Act 1995 comprises the Form 60 application and copy Grounds for referral. The latter will be a SCRA generated document which will require to be transmitted as an attachment.

It is not clear from the proposals how this would be catered for via the secure website. SCRA would need further detail on this point to be assured the process used did not compromise the integrity of its secure systems.

Q3. A website to provide positive confirmation of receipt

SCRA accepts the Committee's conclusion after extensive advice that this feature will be best achieved by a website-based rather than e-mail system, and that the former will better promote uniformity, facilitate the submission of structured information and the easy retrieval of data.

Q4. A short pilot scheme followed by national roll out.

The pilot scheme should last as long as necessary to ensure a successful national roll out.

Q5. After two years the system will be completely electronic except in limited circumstances.

If this is to apply to SCRA there are cost, operational and training implications.

Q6. Secure electronic signature

This would be a necessary protective feature. The EU Electronic Signature Directive (Directive 1999/93/EC) provides a framework for legal recognition of electronic signatures and facilitates their use. The development work required by SCRA to introduce them would be significant.

Q7. Parties viewing the case on line

This proposal again raises issues of security and confidentiality. SCRA 's current procedures are consistent with BS7799 and GSX best practice and should be effective protection against the concerns identified by the Committee in relation to past employees, but general concerns remain about the access of other parties or party litigants. Every security measure would require to be taken before this feature was introduced.

Q8. Centralised virtual court

Not applicable

Q9. Sheriff clerk to serve summary case and small claims actions

Not applicable

Q10. Suggestions on where changes should be made

There would require to be legislation to define the legal requirements to be satisfied before an electronic signature becomes admissible; and clarification of the application of s7&8 of Electronic Communications Act 2000.

Jackie Robeson
Head of Practice
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