

## THE SUMMARY CASE MANAGEMENT (SCM) PILOT

### Final Evaluation

September 2024

## CONTENTS

<b>FOREWORD</b>	<b>3</b>
<b>EXECUTIVE SUMMARY</b>	<b>5</b>
1. Overview of Key Elements	10
2. Performance – Monitoring Framework & Analysis	16
3. System Benefits And Early Challenges	41
4. Opportunities for Future Development	57
5. Dependencies	59
6. Proposal For Roll-Out	60
Annex 1: The SCM Pilot Project Board Members	67
Annex 2: Key Performance Indicators & Technical Notes	68
Annex 3: Key Performance Indicators – Underlying Data	70
Annex 4: Technical Notes By Data Suppliers	81

## FOREWORD by Sheriff Principal Aisha Anwar K.C. (Hon)

Each summary criminal complaint involves at least one complainer, one accused person and several witnesses, all of whom wait anxiously for the progression of the criminal proceedings. All too often, that progression is thwarted leading to unnecessary and repeated churn in the sheriff courts.



The Summary Case Management (SCM) Pilot report, published in September 2022, set out the background to the design and development of a new and improved model for the management of summary criminal business, building upon the lessons learned from the Evidence and Procedure Review Pilots<sup>1</sup>. At its core, SCM involves early disclosure of evidence, early engagement between the defence and the Crown and pro-active judicial case management.

Almost two years to the date of the publication of that report, this final evaluation of the pilot reflects on the outcomes achieved and the future potential of the SCM approach, were it to be rolled out across Scotland:

- *It is estimated that 530 summary trials did not require to be fixed in the pilot courts, directly as a result of early resolution due to SCM;*
- *If SCM had been in place at a national level during the pilot period, it is estimated that 3270 trials would not have been fixed;*
- *SCM mitigated the impact of higher levels of complaints registered in 2023/24; the volume of outstanding scheduled trials reduced by 31% in the pilot courts, in comparison with an increase of 10% in the non-pilot courts;*
- *An estimated 18,000 witnesses were not cited or recited due to SCM. Of this, approximately 11,000 were police witnesses;*
- *If SCM had also been in place in the other sheriff courts, it is estimated that a further 89,000 witnesses (of which an estimated 50,000 are police witnesses) would not have required to be cited or recited<sup>2</sup>.*

With digital improvements and continued learning, development and cultural changes, there is cause to be optimistic that these figures will improve.

Successful change involves planning, preparation, engagement, communication and evaluation. Most importantly, it involves taking those affected by change on the

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<sup>1</sup> Scottish Court Service, [Evidence and Procedure Review Report](#), March 2015

<sup>2</sup> The underlying methodologies for these statistics can be found throughout this report.

journey as willing participants who understand the benefits of change, embrace it with enthusiasm and commitment and readily address the obstacles along the way. As the Lord Justice General noted in his foreword to the SCM Pilot report in August 2022, “the success or failure of these pilots, and their eventual part in the remodelling and modernisation of our summary criminal justice system, are contingent on the willing participation of all those involved”.

The SCM Project Board<sup>3</sup> (the Board) consists of representatives from the judiciary, the Scottish Courts and Tribunals Service, the Crown Office and Procurator Fiscal Service, Police Scotland, the Law Society of Scotland, the Scottish Solicitors Bar Association, the Public Defence Solicitors Office, the Scottish Legal Aid Board and the Scottish Government. I am very grateful to the Board members for their collaborative approach, their commitment to the ambition of SCM, their wide ranging knowledge and experience of the summary criminal justice system and their desire to recognise, understand and find solutions to the challenges faced during the implementation of the pilot.

I would also like to commend the work of all of those involved at a local level in each of the Pilot courts – Dundee, Hamilton and Paisley and more recently Glasgow and Perth. Over the past 18 months, the Local Implementation Groups (LIGs), chaired by the Lead Sheriffs with representation from Sheriff Clerk’s staff, Procurator Fiscal Deputes, Police Scotland and local criminal defence solicitors, embraced SCM and provided invaluable insight and feedback which has been used by the Board to develop the model and anchor the changes.

There are key individuals who are worthy of particular mention; Aileen Horner (Operational Lead, Criminal Justice Reform, SCTS), Janette Purbrick (Statistician, SCTS), John Logue (Crown Agent), Jim Brisbane (Director of Strategy, COPFS), Ruairaidh Ferguson (former Principal PF Depute, COPFS), Chief Superintendent Barry Blair and Temp Chief Inspector Eddie Seery (Police Scotland) and Peter Lockhart (solicitor) each made very significant contributions to early discussions on the design of the SCM pilot and have remained its most steadfast supporters.

At the outset of the Pilot, we set out to deliver a system which would benefit all those involved in the summary criminal justice process, particularly complainers, witnesses and accused persons. SCM has delivered that system in the pilot courts. It has also secured significant and transformational benefits for defence practitioners and criminal justice agencies; that is clear from the testimonials set out in this report. It has provided the foundation for a modern, effective and efficient summary criminal justice system. Rolling out SCM across Scotland will be no easy feat, however, by continued collaboration, the full potential of this new approach to the management of summary criminal business can be realised.

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<sup>3</sup> See Annex 1 for The SCM Pilot Project Board members

## EXECUTIVE SUMMARY

The Summary Case Management (SCM) Pilot commenced at Dundee, Hamilton & Paisley Sheriff Courts on 5 September 2022. The Pilot is judicially led by Sheriff Principal Aisha Anwar who also chairs the SCM Pilot Project Board (the Board).

[Practice Note No.2 of 2022](#) governs the operation of the pilot and sets out the expectations of respective justice partners. On 29 January 2024, the pilot was extended to domestic abuse cases in Glasgow Sheriff Court and more recently, on 13 May 2024, to domestic abuse cases in Perth Sheriff Court<sup>4</sup>.

The key objectives of the pilot are to achieve:

- An increase in the percentage of cases resolved at the initial stage (first calling and continued without plea (CWP));
- A decrease in the number of witness citations issued;
- A reduction in the number of scheduled trials in which no evidence is ultimately led.

The Scottish Courts and Tribunals Service (SCTS) [report](#) introducing the SCM Pilot was published in September 2022. The report set out the background to the design and development of the SCM model, its key features and the arrangements put in place to monitor, measure and report on progress over its 18 month duration. The evaluation outcomes would be used to inform decisions on developments and future pilot roll-out. The report fully recognised that the success of the pilot was contingent on the willing participation of all of those involved, working together to achieve the desired outcome.

An Interim Evaluation [report](#), published in November 2023, reflected on the performance of the pilot over its first 12 months with a view to ascertaining if the model was effective and suitable for deployment across the country. It was clear from this evaluation that the pilot was having a positive impact on summary criminal business at the pilot courts with key outcomes achieved including:

- *At least 250 summary trials did not require to be assigned in the pilot courts, directly as a result of early resolution due to SCM;*
- *A 25% reduction in the first citation of civilian witnesses in domestic abuse cases in the aggregated pilot courts; and*
- *A 34% reduction in the first citation of police witnesses in domestic abuse cases in the aggregated pilot courts.*

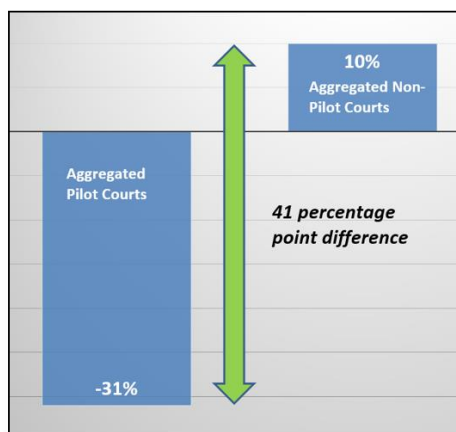
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<sup>4</sup> See Practice Notes 1 of 2024 (Glasgow & Strathkelvin) and (Tayside, Central & Fife)

In the 19 months of the pilot<sup>5</sup>, the following trial outcomes have been achieved:

- *It is estimated<sup>6</sup> that 530 summary trials did not require to be fixed<sup>7</sup> in the pilot courts, directly as a result of early resolution due to SCM<sup>8</sup>.*
- *If SCM had been in place at a national level during the pilot period, it is estimated that at least 3270 trials would not have been fixed, a potential 5% reduction in fixed trials;*
- *SCM mitigated the impact of higher levels of complaints registered in 2023/24 so that the volume of outstanding scheduled trials reduced by 31% in the pilot courts, in comparison with an increase of 10% in the non-pilot courts.*

**Figure 1: Change in sheriff summary trial backlogs (Scheduled trials) between Pilot and Non-Pilot Courts between end of March 2023 and end of March 2024.**



Data Source: SCTS

The interim report only focused on first witness citations in domestic abuse cases. This full evaluation has expanded the analysis of witness citations to all sheriff summary cases and covers both first and recite witness citations. In the 19 months of the pilot, the data suggested the following key witness citation outcomes;

<sup>5</sup> Although the Pilot was planned to run for 18 months, the final evaluation is based on 19 months of data in order to use data up to and including the financial year end point of March 2024.

<sup>6</sup> Estimated figures are produced using a robust methodology but there is always a degree of inherent uncertainty in any methodology that cannot be eliminated.

<sup>7</sup> The methodology for estimating 'saved trials' is based on the trend in early resolution. Cases resolved early do not require a trial to be fixed. The methodology compares the resolution levels in the pre-pilot period with the pilot period then adjusts for any differences that occurred in the non-Pilot courts in order to estimate the level of early resolution that is likely to be directly as a result of SCM.

<sup>8</sup> From September 2022 to March 2023, there were an estimated additional 11 trials saved per month due to SCM and this has risen to 40 trials saved per month from April 2023 to March 2024, reflecting the improving impact of SCM once bedded in.

It is estimated<sup>9</sup> that:

- 18,000 (net<sup>10</sup>) witnesses were not cited or recited<sup>11</sup> due to SCM. Of this, approximately 11,000 were police witnesses;
- If SCM had also been in place in the other sheriff courts, a further 89,000 witnesses (of which an estimated 50,000 are police witnesses) would not have required to be cited or recited, a 17% reduction in the overall volume of witnesses and the volume of police witnesses cited.

With digital improvements and continued learning, development and cultural changes, there is reason for optimism that these figures will improve. Over the course of the Pilot, key benefits secured from SCM include:

- Increases in the early resolution of cases and number of evidence led trials, minimising trauma, inconvenience and delay for complainers, witnesses and accused;
- Early engagement with complainers in domestic abuse cases leading to increased confidence in the criminal justice system;
- A positive impact on criminal justice journey times;
- Reductions in citations of police witnesses with savings being reinvested in front-line operational policing duties and in supporting officer wellbeing.

The benefits of these outcomes are being realised by all of those involved.

*“Police Scotland are also seeing a reduction of **first issue citations for domestic cases** by up to **34%** in all pilot courts which equates to around **5000 citations** not being served on operational officers. This reduction is welcomed by Police Scotland as more officers are available to deliver a policing service in local communities. It also ensures that officers can be rested appropriately, ensuring that they remain fit and well to continue to deliver an effective service”.*

*Assistant Chief Constable Wendy Middleton*

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<sup>9</sup> See page 6, footnote 6.

<sup>10</sup> These are net calculations to adjust for the aggregated non-pilot court downward trend in witness citation. By taking the aggregated pilot court reduction percentage and deducting the aggregated non-pilot court reduction percentage, this creates a net percentage which is likely due to SCM impact.

<sup>11</sup> Witnesses cited for an adjourned trial

*“This is not the first attempt to improve the efficiency of summary business, but it is the one that has demonstrated that early case management can not only increase efficiency, it can also radically improve the experience of the participants, including victims and witnesses. The Crown Office and Procurator Fiscal Service recognise the importance of the SCM initiative and prosecutors will continue to support its judicial leadership as the pilot model is refined and extended across Scotland.”*

*Jennifer Harrower, Deputy Crown Agent, Local Court, COPFS*

*“Building on the early work of the Evidence and Procedure Review, strong judicial leadership, supported by effective collaboration amongst justice partners, has delivered and tested a model which has demonstrated its potential to secure the much needed transformation of the summary criminal system. SCTS is fully committed to the expansion and ongoing development of SCM throughout the sheriff courts in Scotland and we look forward to supporting the judiciary and working closely with our justice partners to deliver that”.*

*David Fraser, Executive Director, Court Operations*

*“Perhaps the greatest success of the SCM pilot has been the collaborative nature of its implementation. At both a local and national level, defence lawyers have been treated as problem solvers rather than as problems to be solved. Sheriff Principal Anwar should be commended for adopting this innovative approach and the SCM pilot has proven that when the defence are treated with respect, the administration of justice improves..... My Firm now works on the principle that any trials in the diary are likely to proceed to trial as we have largely resolved all other appropriate cases at an earlier stage of proceedings. The SCM pilot has demonstrated significant advantages for both my clients and my business”.*

*Matthew McGovern, Defence Agent, Hamilton*

*“Dundee ASSIST feel that the pilot has been really positive for victims of domestic abuse. ASSIST hadn’t been running long before the pilot started so we are much more familiar now with this way of working than before. It has been clear to see that the timescales for cases coming to conclusion is shorter than before, which is a huge positive for our clients given the emotional and mental strain the process can cause”.*

*Lynn MacDonald, Head of Dundee ASSIST*

*“.... for what it’s worth most of my time practicing has been with the Hamilton one [Pilot] in place and I think it’s been to the benefit of all parties involved. Our firms’ cases are resolved earlier, we are in funds earlier and discourse is coming faster also. Egress for cctv is a*



*particularly good feature with it always being on our file and easily accessible compared with the old fashioned and at times difficult to unlock pen drives. There are some drawbacks in terms of working a bit harder for funding but the efficient practice is how our firm wants to proceed so it's ultimately a significant net benefit".*

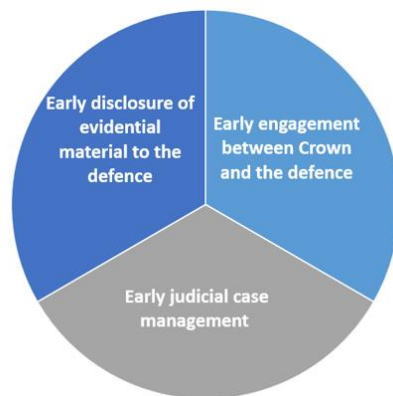
*Anon. (Defence Agent)*

## 1. OVERVIEW OF KEY ELEMENTS

1.1 The key elements of the SCM Pilot, as illustrated in **Figure 2** below, are:

- (i) early disclosure of evidential material to the defence;
- (ii) early engagement between Crown and the defence; and
- (iii) early judicial case management.

**Figure 2: Key Elements of SCM Model**



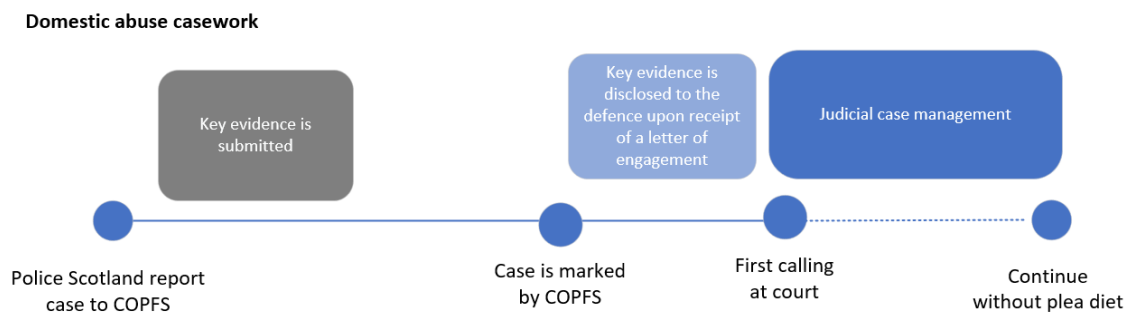
### *Early Disclosure*

1.2 The process for the provision of early disclosure for cases involving domestic abuse is different from the process for cases which do not include allegations of domestic abuse.

#### **Domestic abuse cases**

1.3 In cases involving domestic abuse charges, the early disclosure is of the 'key evidence' in the case. Key evidence is the evidence required for proof of the offence such as a statement from the complainer or other eyewitnesses, photographs, video evidence and any available forensic evidence. The Practice Notes require Police Scotland to identify the key evidence and to provide it when the case is reported to the prosecution service, the Crown Office and Procurator Fiscal Service (COPFS). COPFS thereafter disclose this material to the defence upon receipt of a letter of engagement, potentially in advance of the first calling. This optimum process is illustrated in **Figure 3** below.

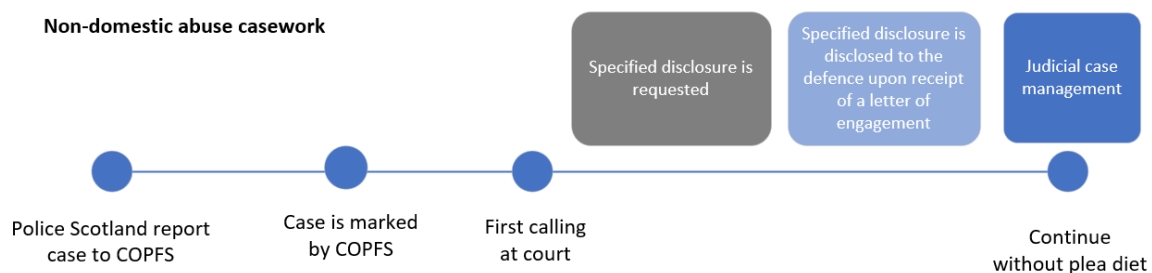
**Figure 3: Domestic Abuse Disclosure Timeline**



### Non-domestic abuse cases

1.4 In cases that do not involve domestic abuse charges, the early disclosure is classified as ‘specified disclosure’. This process applies where the parties, or the sheriff in exercising his or her judicial case management function, identify that the receipt of specific pieces of evidence, e.g. CCTV footage, may assist the early resolution of the case, or enable evidence to be agreed before trial. The process will not be required in every case but the benefit of securing specified material at an early stage should always be considered. Specified material can be requested from Police Scotland at any stage, but usually follows engagement between the parties, before or at the first calling of the case. Police Scotland should provide the specified disclosure within two weeks of the request being issued. COPFS will then disclose this material to the defence, provided they have received a letter of engagement. The process is illustrated in **Figure 4** below.

**Figure 4: Non-Domestic Abuse Disclosure Timeline**



1.5 The implementation of early disclosure has required a new and demanding approach for the police, involving the submission of material at a much earlier stage in the process. To facilitate this, Police Scotland, with the assistance of COPFS, developed a digital transfer system that allows them to submit PDF files directly into the COPFS case management system, and send multimedia files to COPFS through a

cloud-based solution, “Egress”. This digital process enables the Crown to share evidential material with the defence electronically, eliminating the need for physical disks. In Dundee, a similar system for uploading and sharing digital evidence, the Digital Evidence Sharing Capability (DESC), has been piloted alongside the use of Egress, streamlining the process of evidence disclosure and sharing.

1.6 Outwith the pilot, the key evidential material would have typically been provided to COPFS after a not guilty plea had been entered and a trial date had been set. The shift to providing this material at an earlier stage represents a significant adjustment in the disclosure timeline. While this early disclosure can facilitate more efficient case resolution, it also imposes additional demands on Police Scotland, as they now must gather and submit this evidence within a much earlier and tighter time frame.

1.7 Over the course of the pilot, Police Scotland have made ongoing efforts to refine and improve their performance in delivering key evidence promptly. In the first year, compliance with submitting key evidence alongside the standard prosecution report was 79%. This compliance rate improved in the second year, reaching 86% of all domestic abuse cases. Efforts to further increase this percentage are being actively pursued through collaboration with the respective Divisions and Local Implementation Groups<sup>12</sup> (LIGs).

### *Early Engagement*

1.8 In non-pilot courts, discussions between the parties about the resolution of the case, or agreement of evidence, typically take place after a trial has been fixed, often as late as the trial diet itself. In the pilot courts, earlier engagement between the parties, at a point before the trial is fixed, is intended to ensure that those discussions are brought forward and fewer trials are fixed unnecessarily. The disclosure of key or specified evidence allows the defence to engage meaningfully with the Crown. It facilitates early pleas of guilty or the discontinuation of proceedings, failing which, it prevents the unnecessary citation of witnesses where their evidence is capable of agreement.

1.9 Whilst the advantages and benefits of the pilot approach were recognised by the defence faculties in Dundee, Hamilton and Paisley, national issues over legal aid impacted on engagement levels during the first five months of the pilot.

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<sup>12</sup> A Local Implementation Group was established in each of the pilot courts, comprising representation from the Judiciary, SCTS, COPFS, Police Scotland and Defence agents. The purpose of the Group is to support the Sheriff Principal in the preparation for and implementation of the pilot. The Group works collaboratively to resolve any local operational barriers that may arise, monitor the effectiveness of the pilot once it is operational and support its roll-out and continued administration as it progresses. It is accountable to the Sheriff Principal.

1.10 In the specific context of the pilots, defence agents had concerns over whether they would be remunerated appropriately if they engaged with the Crown before their legal aid position was fully assured. That uncertainty arose over the scope and timing of cover under the Assistance by Way of Representation (ABWOR) scheme. Cases which could be resolved at the early stages without a court appearance would not qualify for the standard summary fixed fee under the scheme.

1.11 In the lead up to the commencement of the pilot, a judicially led workshop attended by representatives from each of the justice partners was convened and provided an opportunity to discuss the issue. The Scottish Government were invited by the Scottish Legal Aid Board (SLAB) to consider extending the scope of the Advice and Assistance/ABWOR regulations. This would allow the fixed fee to be paid prior to the first court appearance, once the complaint had been issued, or where the Crown had decided to prosecute the case, before the complaint was formally issued. That change was achieved by Scottish Statutory Instrument. The Regulations applied to all cases across the country, so solicitors in other areas could also benefit from being able to claim the fixed fee in cases which could be resolved in these early stages.

1.12 It was also agreed that in cases where ABWOR could not be provided due to its less flexible financial eligibility test, provision would be made for the case management stage to be deferred, pending the making of a full Legal Aid application. This is achieved through the fixing of notional trial diets<sup>13</sup> which serve as the case management forum. Their usage, however, has been very low.

1.13 While resolution of these issues was pending, there was a reluctance by practitioners to fully engage with the pilot. In some courts, Dundee in particular, despite the non-engagement position, there were instances of engagement with agents taking advantage of early disclosure. This, and a pro-active approach to decision making by the Crown meant earlier resolution of cases where possible.

1.14 A key feature at Dundee was the presence of the Public Defence Solicitor's Office (PDSO). Their engagement was extremely useful in further demonstrating the utility of the pilot. Dundee also benefited from being a smaller court with a smaller group of sheriffs, defence agents and Procurator Fiscal (PF) Deputes. This helped to secure greater consistency of judicial case management and facilitate a consistent approach to systemic change, at pace. The introduction of the DESC Pilot there, shortly after the commencement of the SCM Pilot, was also recognised as a benefit. The impact of SCM at Dundee is covered in more detail at paragraphs 2.37 and 2.38.

1.15 Throughout its development and implementation, extensive consultation and collaboration with defence agents was key to addressing the specific concerns raised in relation to the pilot, including logistics at court. Following resolution of the wider

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<sup>13</sup> A diet fixed on a plea of not guilty at which no witnesses are required to attend

national Legal Aid dispute, defence agents, through their nominated representatives, committed to fully engage with the pilot with effect from 23 January 2023.

1.16 Since then, defence engagement has steadily improved. Timeous provision of letters of engagement is being supported through (i) the provision of hard copy pro forma letters in each court for completion at the first calling, (ii) COPFS proactively seeking a letter of engagement in advance of the case management hearing and (iii) judicial consideration of the position at first calling. Defence participation in the LIGs also allows them to identify issues regarding engagement.

1.17 In order to support the engagement process, the Crown is identifying the scope for resolution at marking stage and ensuring that the defence have opportunities to engage with them through local arrangements. Local deputes are able to consider and accept pleas and, where appropriate to review marking decisions in the light of any new information supplied.

1.18 The extension of the pilot to Glasgow in January 2024 introduced another facet to legal aid provision through the grants of automatic legal aid for domestic abuse cases introduced for the Glasgow Domestic Abuse Court Pilot in 2004. These provisions remain in place as noted in paragraph 6.9.

### *Early Judicial Case Management*

1.19 Effective judicial case management is key to ensuring the progress of cases in a manner consistent with the aims of the pilot. Efforts are reflected in case resolution, the number and length of trials fixed and the number of cases proceeding to trial at the trial diet. The Practice Notes governing the operation of the pilot create an expectation that the court will proactively scrutinise cases at all stages. In the early course of procedure, a trial diet will not be assigned until the court is satisfied that the Crown and defence have fully explored the possibility of resolution of the case without the need for a trial. Even where a case is not resolved, if a plea of not guilty is tendered, the sheriff will take a proactive approach to case managing the proceedings. The sheriff will have the benefit of a copy of the summary of evidence to assist their considerations.

1.20 To support effective and consistent case management, a pro forma case management note is completed by sheriffs in every case where a trial diet is assigned. The case management note covers key areas of preparation including, disclosure, agreement of evidence, issues in dispute and practical issues such as vulnerable witnesses, audio/visual equipment required at trial and dates to avoid. The note reflects the positions adopted by the parties on those matters and the judicial consideration of such positions. The note is retained with the complaint and minutes

and is available as a reference point on the parties' stated positions, if that is required at a later stage in proceedings.

1.21 The application of judicial case management requires an investment of time and focus during the early stages of the court process and court programmes have been adjusted to facilitate that. A key point of note is that, at the outset of the pilot, additional capacity for case management was secured through a reduction in the number of cases calling for intermediate diet following the pre-intermediate diet meeting (PIDM) procedure<sup>14</sup> rather than through the deployment of additional resource. As the pilot progressed, the capacity created by the early resolution of cases provided an opportunity to review the programming arrangements for case management hearings. Efforts have been made in each of the pilot courts to identify the optimum arrangement, in consultation with the range of local stakeholders. At Dundee, effective judicial case management at the pleading diet has provided an opportunity for intermediate diet and PIDMs to be dispensed with and cases continued directly to trial, further increasing the capacity for early case management. Indicators are that this is likely to be considered more widely in the other pilot courts and there is a specific presumption to this effect in the Practice Notes for Glasgow and Perth.

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<sup>14</sup> Under the Evidence and Procedure Review (EPR) Pilot, additional courts were required for case management. Under the SCM Pilot, the introduction and increased use of PIDMs has reduced the number of cases requiring to call at intermediate diets and provided capacity in court programming.

## 2. PERFORMANCE – MONITORING FRAMEWORK AND ANALYSIS

### *Key Performance Indicators*

2.1 Key Performance Indicators (KPIs) to measure the success of the pilot were developed by justice partners and approved by the Board. The indicators focus on performance in relation to key and specified disclosure, volume of witness citations (first issue), rate of early case resolution at pleading diets (first calling and CWP), callings at intermediate diet and effective trial outcomes<sup>15</sup>. An additional indicator was thereafter added to indicate performance in relation to the submission of letters of engagement. This was in recognition of the related dependency on the release of early disclosure. Disclosure cannot take place without a letter of engagement from the defence. KPI 2 was also revised in recognition of this dependency. The range of indicators are set out in **Figure 5** below and at **Annex 2**, which also sets out the detailed methodology applied to their calculation.

**Figure 5: SCM Pilot - Key Performance Indicators**

KPI	KPI Description	Why is this important to the Pilot?
1	Percentage of first disclosures available, within 3 days of receipt of a letter of engagement from the defence, in all domestic abuse cases at the first calling (custody, undertaking, cited).	KPI 1 measures the rate at which key evidence is disclosed by COPFS to the defence. The target is for 90% of key evidence to be disclosed within 3 days of receipt of a letter of engagement. Receipt of key evidence allows the defence to take a more informed position and engage with COPFS.
2	Percentage of disclosures, where requested in non-domestic cases, is provided to the defence at least one week in advance of a CWP diet, where the rescheduled reason for the CWP is case management related and where a Letter of Engagement is in place.	KPI 2 measures the rate at which specified disclosure is disclosed by COPFS to the defence. The target is for 90% of specified evidence to be disclosed at least 7 days in advance of the case management hearing, provided a letter of engagement is in place. This measures the effectiveness of the disclosure process for specified evidence.
3	The number of witness citations issued in domestic cases.	As the pilot aims to resolve a larger number of cases without a trial being assigned, the number of witness citations being issued should reduce. Reducing unnecessary witness citations removes unnecessary stress and inconvenience for victims and witnesses. It also minimises the resource implications associated with the citation of police officers for Police Scotland, in addition to reducing the number of documents officers require to serve.

<sup>15</sup> Effective trials are trials that proceed on the scheduled day with evidence being led.



KPI	KPI Description	Why is this important to the Pilot?
4	The percentage of cases resolved at the first appearance increases.	An increase in the number of cases resolving at first appearance reduces the number of trials being assigned and improves case conclusion timescales for the victim and the accused.
5	Percentage of cases resolved at the CWP diet.	An increase in the number of cases resolving at the CWP diet also reduces the number of trials being assigned and improves case conclusion timescales.
6	Percentage of domestic cases requiring to call at an intermediate diet.	Effective case management at first calling or CWP, combined with effective Pre-Intermediate Diet Meetings (PIDMs) should result in fewer cases requiring to call for intermediate diet (ID). A reduction in the number of cases calling for ID means that court time, which would ordinarily have been occupied by IDs, can be used more effectively for other business such as early case management. It also removes the requirement for the parties to schedule, prepare for and attend these diets.
7	Percentage of domestic abuse trials at which evidence is led.	Increasing the number of domestic abuse trials in which evidence is led would mean that fewer cases are being adjourned, not called, deserted, or are resolving by way of plea at a late stage. An increase in this figure would result in a greater likelihood that victims and witnesses who are cited to attend at court will be called to give evidence.
8	Percentage of sheriff summary domestic abuse cases where number of days between first calling for accused and letter of engagement is less than 15.	This measures the percentage of domestic abuse cases where a letter of engagement is received relative to the first calling. Without a letter of engagement being received, COPFS is unable to disclose any evidential material to the defence. Ideally, the letter of engagement should be received before the case calls but that is often impractical, especially in custody cases.

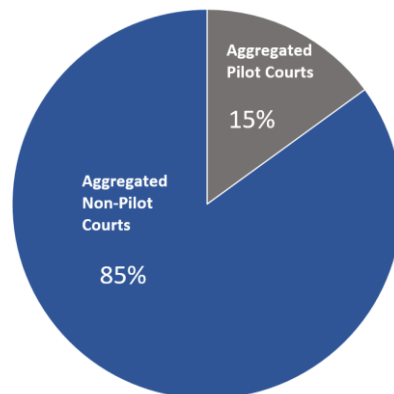
### *Performance Management Information*

2.2 The SCTS and COPFS have developed management information reports which are being used to report to the Board and LIGs on performance against KPIs. Police Scotland and SLAB have also developed management information for use in this pilot evaluation.

2.3 To evaluate the overall impact of the pilot, provision has also been made for progress to be assessed by comparison of the aggregate pilot courts (i.e. Dundee, Hamilton and Paisley Sheriff Courts) and aggregate non-pilot courts position (i.e. all other sheriff courts in Scotland) where that comparison can be made. In addition to

analysis at pilot period level i.e. September 2022 to March 2024, the measures have been split into a Year 1 and Year 2 view. This allows evaluation of the more mature stage of the pilot (Year 2) compared to Year 1 when the pilot was embedding. These approaches are statistically robust. The proportion of sheriff summary business covered by the pilot is shown in **Figure 6** below:

**Figure 6: Proportion of sheriff summary business covered by pilot.**



Data Source: SCTS

Note: The split for “all cases” and “DA” cases is similar at 15% pilot/85% non-pilot

2.4 Performance in relation to KPIs 1 to 8 on an aggregated basis is set out in **Figures 7a** and **7b** below. **Figure 7a** reflects performance over the full evaluation period, whilst **Figure 7b** provides comparison between the first and second year of the pilot. The individual pilot court position is reflected in **Figures 8a** and **8b**.

2.5 To assist in monitoring progress, a Red and Green system was applied to the data with the thresholds being set by the Board. This allowed changes from the baseline since the commencement of the pilot (where that data was available), to be highlighted in a concise visual manner. Details of the measure and threshold for each of the KPIs can be found in **Annex 2**. The underlying data to support the KPIs can be found in **Annex 3**. At the end of the pilot period (Year 2) Dundee showed 7 out of the 8 KPIs as green, compared to Paisley and Hamilton with 5 green KPIs each (**Figure 8b**). Although the aggregated non-pilot courts also show some green KPIs, the magnitude of the change is far stronger in the pilot courts (**Figure 7b**).

Figure 7a: KPI Data – Aggregate Level (full pilot period)

	Aggregated Pilot Courts			Aggregated Non-Pilot Courts		
	Pre-Pilot	Pilot	Percentage Point Difference	Pre-Pilot	Pilot	Percentage Point Difference
	Apr-22 to Aug-22	Sep-22 to Mar-24		Apr-22 to Aug-22	Sep-22 to Mar-24	
KPI 1	N/A	78.7%	N/A	N/A	N/A	N/A
KPI 2	N/A	64.6%	N/A	N/A	N/A	N/A
KPI 3	636	453	-29%	3517	3193	-9%
KPI 4	24.4%	26.9%	2.5	24.2%	24.3%	0.1
KPI 5	14.0%	17.5%	3.6	19.3%	19.3%	0.0
KPI 6	168.3%	124.3%	-44.0	179.7%	159.7%	-20.0
KPI 7	13.4%	15.0%	1.6	12.7%	12.6%	-0.1
KPI 8	N/A	66.0%	N/A	N/A	N/A	N/A

Data Source: SCTS

Figure 7b: KPI Data – Aggregate Level (second year of pilot)

	Aggregated Pilot Courts					Aggregated Non-Pilot Courts				
	Pre-Pilot	Pilot		Percentage Point Difference		Pre-Pilot	Pilot		Percentage Point Difference	
	Apr-22 to Aug-22	Sep-22 to Aug-23	Sep-23 to Mar-24	Pre-Pilot to Pilot Year 1	Pre-Pilot to Pilot Year 2	Apr-22 to Aug-22	Sep-22 to Aug-23	Sep-23 to Mar-24	Pre-Pilot to Pilot Year 1	Pre-Pilot to Pilot Year 2
KPI 1	N/A	77.2%	85.9%	N/A	N/A	N/A	N/A	N/A	N/A	N/A
KPI 2	N/A	59.7%	68.8%	N/A	N/A	N/A	N/A	N/A	N/A	N/A
KPI 3	636	448	462	-30%	-27%	3517	3207	3169	-9%	-10%
KPI 4	24.4%	26.2%	28.0%	1.8	3.6	24.2%	24.7%	23.7%	0.5	-0.5
KPI 5	14.0%	16.6%	19.0%	2.6	5.0	19.3%	19.5%	18.9%	0.3	-0.4
KPI 6	168.3%	140.7%	98.7%	-27.6	-69.6	179.7%	161.2%	157.1%	-18.5	-22.6
KPI 7	13.4%	14.3%	16.3%	0.9	2.9	12.7%	12.5%	12.8%	-0.2	0.1
KPI 8	N/A	57.6%	76.2%	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Data Source: SCTS

Figure 8a: KPI Data – Pilot court level (full pilot period)

	Dundee			Paisley			Hamilton		
	Pre-Pilot	Pilot		Pre-Pilot	Pilot		Pre-Pilot	Pilot	
	Apr-22 to Aug-22	Sep-22 to Mar-24	Percentage Point Difference	Apr-22 to Aug-22	Sep-22 to Mar-24	Percentage Point Difference	Apr-22 to Aug-22	Sep-22 to Mar-24	Percentage Point Difference
KPI 1	N/A	95.1%	N/A	N/A	75.7%	N/A	N/A	73.4%	N/A
KPI 2	N/A	85.0%	N/A	N/A	25.9%	N/A	N/A	68.2%	N/A
KPI 3	189	128	-32%	164	127	-22%	283	198	-30%
KPI 4	22.9%	25.3%	2.4	21.0%	21.7%	0.7	26.9%	30.6%	3.8
KPI 5	13.6%	21.1%	7.5	11.5%	13.8%	2.4	16.1%	17.0%	0.8
KPI 6	173.7%	82.5%	-91.2	196.5%	151.2%	-45.2	148.0%	137.4%	-10.7
KPI 7	10.2%	14.6%	4.4	14.7%	19.9%	5.3	14.4%	10.6%	-3.7
KPI 8	N/A	71.5%	N/A	N/A	54.0%	N/A	N/A	70.5%	N/A

Data Source: SCTS

Figure 8b: KPI Data – Pilot court level (second year of pilot)

	Dundee					Paisley					Hamilton							
	Pre-Pilot	Pilot			Pre-Pilot to Pilot Year 1	Pre-Pilot to Pilot Year 2	Pre-Pilot	Pilot			Pre-Pilot to Pilot Year 1	Pre-Pilot to Pilot Year 2	Pre-Pilot	Pilot			Pre-Pilot to Pilot Year 1	Pre-Pilot to Pilot Year 2
	Apr-22 to Aug-22	Sep-22 to Aug-23	Sep-23 to Mar-24	Percentage Point Difference			Apr-22 to Aug-22	Sep-22 to Aug-23	Sep-23 to Mar-24	Percentage Point Difference			Apr-22 to Aug-22	Sep-22 to Aug-23	Sep-23 to Mar-24	Percentage Point Difference		
KPI 1	N/A	92.6%	99.1%	N/A	N/A	N/A	73.8%	78.1%	N/A	N/A	N/A	67.4%	82.4%	N/A	N/A			
KPI 2	N/A	83.7%	86.5%	N/A	N/A	N/A	19.3%	32.2%	N/A	N/A	N/A	59.4%	73.9%	N/A	N/A			
KPI 3	189	128	129	-32%	-32%	164	126	130	-23%	-21%	283	194	203	-31%	-28%			
KPI 4	22.9%	24.2%	26.9%	1.3	4.0	21.0%	21.1%	22.7%	0.1	1.7	26.9%	30.0%	31.8%	3.1	4.9			
KPI 5	13.6%	19.4%	23.9%	5.8	10.2	11.5%	12.0%	16.2%	0.6	4.8	16.1%	17.1%	16.8%	1.0	0.6			
KPI 6	173.7%	98.1%	56.4%	-75.7	-117.3	196.5%	170.8%	122.9%	-25.7	-73.6	148.0%	153.9%	111.7%	5.9	-36.3			
KPI 7	10.2%	13.8%	16.1%	3.5	5.9	14.7%	19.3%	21.1%	4.6	6.5	14.4%	10.1%	11.6%	-4.2	-2.7			
KPI 8	N/A	65.5%	81.5%	N/A	N/A	N/A	43.5%	64.3%	N/A	N/A	N/A	61.5%	81.9%	N/A	N/A			

Data Source: SCTS

## Key Outcomes

### (i) Early Disclosure & Letters of Engagement (KPI 1, KPI 2 and KPI 8)

2.6 KPIs 1 and 2 represent disclosure of key evidence and specified disclosure respectively. **Figure 9** below details the percentage of domestic abuse cases in which Police Scotland have provided the key evidence material to COPFS prior to the case calling. **Figure 10** details the volume of requests sent to Police Scotland for specified disclosure in non-domestic abuse cases, along with the timing of requests and compliance rates.

**Figure 9: Key Evidence Material Provided to COPFS Prior to First Hearing (Sept 22 to Mar 24)**

	Percentage of Key Evidence submitted to COPFS
Dundee	87%
Paisley	88%
Hamilton	82%

Data Source: Police Scotland

**Figure 10: Specified Disclosure Provided to COPFS (Sept 22 to Mar 24)**

	Dundee	Paisley	Hamilton
12 or more days to comply	680	508	552
On time	408	212	448
Percentage	60%	42%	81%
Between 7 & 11 Days to comply	61	90	155
On Time	39	29	107
Percentage	64%	27%	69%
Less than 7 days to comply	18	93	83
On Time	11	25	57
Percentage	61%	27%	69%
Total Number of Requests	<b>759</b>	<b>691</b>	<b>790</b>
Total Requests on Time	458	266	612
Total Percentage	60%	38%	77%

Data Source: Police Scotland

2.7 Timely disclosure of key and specified evidence is essential to facilitate early engagement and judicial case management. The outcomes for the first twelve and final six months of the pilot as shown in **Figures 7a** and **7b above** reflect the progress made since the commencement of the pilot. It should be noted that the KPIs do not

take account of cases where (i) partial disclosure has successfully been provided, (ii) full or partial disclosure has been provided after the due date but before the case calling date or (iii) there are added complexities. In some circumstances, these features will explain or mitigate the apparent non-compliance.

2.8 KPI 1 measures the disclosure of key evidence within three days of receipt of a letter of engagement and, for the overall period of the pilot, is 79% of all domestic abuse cases in the aggregated pilot courts. In year 2, performance is 86% (**Figures 7a and 7b**). **Figure 8a** shows that throughout the pilot, the strongest performance has been at Dundee (95.1%), followed by Paisley (75.7%) and then Hamilton (73.4%). It should be noted that Hamilton performance increased from 67.4% in year 1 to 82.4% in year 2, a 15 percentage point improvement (**Figure 8b**). COPFS ability to meet KPI 1 is dependent on two factors; timely receipt of material from Police Scotland and timely receipt of a letter of engagement from the defence. KPI 1 only reflects the latter although Police Scotland can negatively impact the KPI by failing to supply key evidence to COPFS in time for them to disclose it to the defence within the three day window. Notably, this KPI is less achievable for custody cases because the defence typically provides a hard copy letter of engagement to COPFS within the custody court, making it more challenging for COPFS to meet the three day disclosure requirement. However, as noted at paragraph 1.7, Police Scotland continue to focus on securing improvement and consistency in performance. Their efforts have achieved an increase in compliance, thereby supporting the KPI.

2.9 KPI 2 measures the disclosure of specified evidence in non-domestic cases to the defence at least one week in advance of a case management hearing. For the overall pilot period, specified disclosure was provided timeously in almost 65% of cases in the aggregated pilot courts, with performance in year 2 alone reaching 69% (**Figures 7a and 7b**). The position in relation to KPI 2 is similar in that Dundee has performed better (85%) than Hamilton (68.2%) and Paisley trailing behind (25.9%). It should be noted that Hamilton performance increased from 59.4% in year 1 to 73.9% in year 2, a 14.5 percentage point improvement. Whilst Paisley improved by 12.9 percentage points between year 1 and year 2, at 32.2% (year 2) it remains significantly lower than Dundee and Hamilton (**Figures 8a and 8b**).

2.10 The ability to meet KPI 2 is subject to the same dependencies as KPI 1. Police Scotland can negatively impact the KPI by failing to supply the specified evidence within the required timeframe. But the conduct of the defence also impacts as COPFS require to receive a letter of engagement at least 7 days before the case management hearing. However, to contextualise performance and secure improvement in the defence adherence to this KPI, COPFS is also monitoring the rate of compliance where disclosure is made three days and one day before the CWP hearing. This has been helpful in providing insight to the volume of requests completed prior to the CWP hearing.

2.11 In the interim report, it was recognised that KPI 2 did not specify the requirement for a letter of engagement to be in place. Accordingly, KPI 2 was amended to take account of this dependency. There is therefore a direct link between letters of engagement being provided to COPFS and performance in terms of KPI 2. The strengthening of the KPI highlights that performance in relation to the provision of both specified disclosure and letters of engagement at Paisley requires to be improved. Police Scotland and COPFS have focused on understanding the issues impacting on performance and developing solutions to address them. Efforts made by local policing divisions and marking deputes at COPFS have secured improvements as reflected in **Figure 11** below which illustrates the most recent performance.

**Figure 11 Specified Disclosure Oct 23 – Mar 24**

	Total Number Requested	Total Percentage Complete Before CWP Date
Dundee	329	86%
Paisley	269	51%
Hamilton	293	92%

Data Source: Police Scotland

2.12 The timing of the release of early disclosure to the defence is key to facilitating early engagement and judicial case management. However, in line with established practice, the Crown requires a letter of engagement to be submitted by the instructed agent before disclosure can be made. This ensures compliance with data protection principles in relation to the provision of information. As noted above, KPIs 1 and 2 have been designed to take account of that.

2.13 KPI 8 illustrates performance in relation to the timely receipt of letters of engagement in each of the pilot courts. Over the course of the pilot, letters of engagement were provided timeously in 66% of cases when the pilot courts are aggregated, with performance in year 2 reaching 76% (**Figures 7a and 7b**). At pilot court level (**Figures 8a and 8b**), overall, Dundee (71.5%) is marginally ahead of Hamilton at (70.5%) whilst Paisley is significantly lower (54%). In Year 2, Dundee improved by 16 percentage points to (81.5%) whilst Hamilton improved by 20.4 percentage points to (81.9%). Paisley shows the biggest improvement between Year 1 and Year 2 at 20.8 percentage points but at 64.3% is still significantly lower than Dundee and Hamilton.

## **(ii) Case Resolution at Pleading Diet (KPI 4 and KPI 5)**

2.14 KPIs 4 and 5 represent the rate of conclusion at first appearance and CWP respectively. These are the critical stages in the pilot as resolution, which includes cases resolved by way of plea or discontinuation, will avoid the unnecessary citation

of witnesses. The outcomes for the first twelve and final six months of the pilot as shown in **Figures 7a and 7b** above, demonstrate the significant increase in case resolution at pleading diet for the aggregated pilot courts, in comparison with the aggregated non-pilot courts. In Year 2 of the pilot alone, case resolution at pleading diet in the pilot courts increased by almost 9 percentage points when compared to the pre-pilot period. In contrast there was a decrease of almost 1 percentage point in the non-pilot courts.

2.15 For the pilot period, KPI 4 (conclusion at first appearance) shows a 2.5 percentage point improvement compared to the pre-pilot period for the aggregated pilot courts. The aggregated non-pilot courts show a minimal increase of 0.1 percentage point (**Figure 7a**). In year 2 of the pilot, the KPI 4 improvement at aggregated pilot court level is even stronger compared to the pre-pilot period at 3.6 percentage points (**Figure 7b**). KPI 4 at pilot court level showed the most improvement at Hamilton. When compared to the pre-pilot period, there was a 3.8 percentage point increase during the pilot period and a 4.9 percentage point increase in year 2. Dundee saw 2.4 and 4.0 percentage point improvement (pre-pilot compared to pilot period and Year 2 of the pilot respectively) while Paisley saw a more modest 0.7 and 1.7 percentage point improvement (**Figures 8a and 8b**).

2.16 For the pilot period, KPI 5 (conclusion at CWP) shows a 3.6 percentage point improvement compared to the pre-pilot period for the aggregated pilot courts while the aggregated non-pilot courts show no change (**Figure 7a**). In year 2 of the pilot, the KPI 5 improvement at aggregated pilot court level is even stronger compared to the pre-pilot period at 5.0 percentage points, while the aggregated non-pilot courts reduced by 0.4 percentage points (**Figure 7b**). KPI 5 at pilot court level showed the most improvement at Dundee. When compared to the pre-pilot period, there was a 7.5 percentage point increase during the pilot period and a 10.2 percentage point increase in year 2. Paisley improved by 2.4 and 4.8 percentage points (pre-pilot compared to pilot period and Year 2 of pilot respectively) while Hamilton had a less pronounced improvement of 0.8 and 0.6 percentage points (**Figures 8a and 8b**).

2.17 The impact is further highlighted in **Figures 12 and 13** below which illustrate the shift in the not guilty plea ratio (contest rate) at pleading diet (first calling and CWP). This measure is the ratio of not guilty pleas to guilty pleas at pleading diet. Hypothetically, if the contest rate was say 61%, that means that for every 100 guilty and not guilty pleas tendered, 61 of them would be not guilty. The desire is a low contest rate as that would mean greater balance of guilty to not guilty pleas at pleading diet. Additionally, the significance of this is that the contest rate is an indicator of the percentage of cases where a trial diet is assigned. Again, the data is shown for the full pilot period and the first and second years of the pilot.



**Figure 12a: Not Guilty Plea (contest rate) Pleading Diet – Aggregate Level (full pilot period)**

Not Guilty plea ratio at pleading diet	Aggregated Pilot Courts				Aggregated Non-Pilot Courts			
	Pre-Pandemic	Pre-Pilot	Pilot	Difference pre-Pilot & Pilot	Pre-Pandemic	Pre-Pilot	Pilot	Difference pre-Pilot & Pilot
	2019-20	Apr-22 to Aug-22	Sep-22 to Mar-24		2019-20	Apr-22 to Aug-22	Sep-22 to Mar-24	
All Sheriff Summary	65%	70%	59%	-11 pp	67%	70%	69%	-1 pp
Domestic Abuse	73%	70%	58%	-12 pp	73%	72%	72%	0 pp

Data Source: SCTS

**Figure 12b: Not Guilty Plea (contest rate) Pleading Diet – Aggregate Level (second year of pilot)**

Not Guilty plea ratio at pleading diet	Aggregated Pilot Courts						Aggregated Non-Pilot Courts					
	Pre-Pandemic	Pre-Pilot	Pilot		Percentage Point Difference		Pre-Pandemic	Pre-Pilot	Pilot		Percentage Point Difference	
	2019-20	Apr-22 to Aug-22	Sep-22 to Aug-23	Sep-23 to Mar-24	Pre-Pilot & Pilot year 1	Pre-Pilot & Pilot year 2	2019-20	Apr-22 to Aug-22	Sep-22 to Aug-23	Sep-23 to Mar-24	Pre-Pilot & Pilot year 1	Pre-Pilot & Pilot year 2
All Sheriff Summary	65%	70%	61%	57%	-9 pp	-13 pp	67%	70%	69%	69%	-1 pp	-1 pp
Domestic Abuse	73%	70%	59%	56%	-11 pp	-14 pp	73%	72%	73%	71%	1 pp	-1 pp

Data Source: SCTS

**Figure 13a: Not Guilty Plea (contest rate) Pleading Diet – Pilot Court Level (full pilot period)**

Not Guilty plea ratio at pleading diet	Dundee				Paisley				Hamilton			
	Pre-Pandemic	Pre-Pilot	Pilot	Difference pre-Pilot & Pilot	Pre-Pandemic	Pre-Pilot	Pilot	Difference pre-Pilot & Pilot	Pre-Pandemic	Pre-Pilot	Pilot	Difference pre-Pilot & Pilot
	2019-20	Apr-22 to Aug-22	Sep-22 to Mar-24		2019-20	Apr-22 to Aug-22	Sep-22 to Mar-24		2019-20	Apr-22 to Aug-22	Sep-22 to Mar-24	
All Sheriff Summary	64%	69%	54%	-15 pp	71%	74%	66%	-8 pp	63%	68%	59%	-9 pp
Domestic Abuse	76%	70%	53%	-17 pp	74%	73%	64%	-9 pp	70%	68%	58%	-10 pp

Data Source: SCTS

**Figure 13b: Not Guilty Plea (contest rate) Pleading Diet – Pilot Court Level (second year of pilot)**

Not Guilty plea ratio at pleading diet	Dundee						Paisley						Hamilton					
	Pre-Pandemic	Pre-Pilot	Pilot		Percentage Point Difference		Pre-Pandemic	Pre-Pilot	Pilot		Percentage Point Difference		Pre-Pandemic	Pre-Pilot	Pilot		Percentage Point Difference	
	2019-20	Apr-22 to Aug-22	Sep-22 to Aug-23	Sep-23 to Mar-24	Pre-Pilot & Pilot year 1	Pre-Pilot & Pilot year 2	2019-20	Apr-22 to Aug-22	Sep-22 to Aug-23	Sep-23 to Mar-24	Pre-Pilot & Pilot year 1	Pre-Pilot & Pilot year 2	2019-20	Apr-22 to Aug-22	Sep-22 to Aug-23	Sep-23 to Mar-24	Pre-Pilot & Pilot year 1	Pre-Pilot & Pilot year 2
All Sheriff Summary	64%	69%	56%	50%	-13 pp	-19 pp	71%	74%	69%	61%	-5 pp	-13 pp	63%	68%	59%	58%	-9 pp	-10 pp
Domestic Abuse	76%	70%	53%	53%	-17 pp	-17 pp	74%	73%	67%	59%	-6 pp	-14 pp	70%	68%	58%	57%	-10 pp	-11 pp

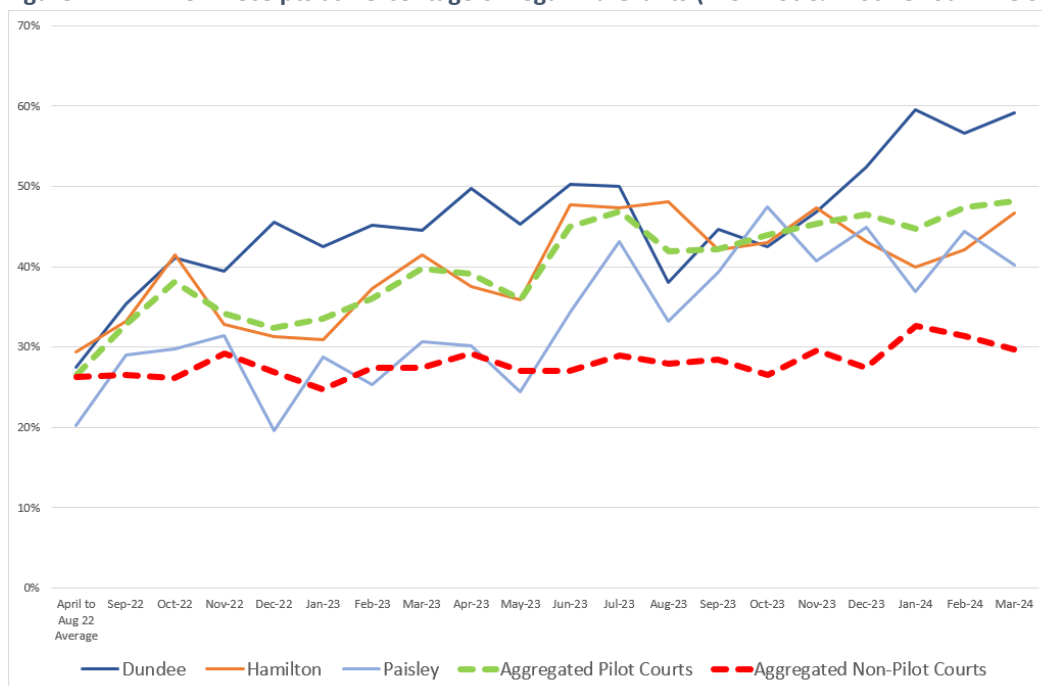
Data Source: SCTS

2.18 **Figures 12** and **13** further complement the increased rate of early resolution as demonstrated in KPIs 4 and 5. The not guilty plea rate at pleading diet (contest rate) in the aggregated pilot courts compared to aggregated non-pilot courts is significantly improved when compared to both the pre-pilot and pre-pandemic periods. Aggregated pilot courts improved by 11 percentage points when pilot and pre-pilot periods are compared for all sheriff summary business and 12 percentage points for domestic abuse cases. In sharp contrast, the aggregated non-pilot courts showed a 1 percentage point increase (all summary) and no change for domestic abuse business, clearly demonstrating the impact of the pilot. When Year 2 of the pilot is compared to the pre-pilot period, the balance of not guilty to guilty pleas improved even more to 13 percentage points for all summary business and 14 percentage points for domestic abuse cases. This illustrates the effect of the pilot has matured positively in terms of impact at pleading diets, reflecting the increased focus on early disclosure, engagement, and resolution, in accordance with the pilot’s aims. There was minor change at non-pilot courts (**Figures 12a and 12b**).

2.19 At pilot court level (**Figures 13a and 13b**), the highest level of change, when compared with the pre-pilot position, has been at Dundee. The 13 percentage point improvement, as evidenced in the interim evaluation report, has shown further improvement. It sits at a 19 percentage point change as at the end of March 2024 for all summary business whilst the domestic abuse change has remained consistent at 17 percentage points. The comparison to the pre-pandemic position is important as the Dundee domestic abuse contest rate was 76% in 2019-20 and this has improved by 23 percentage points to 53%. This means that there has been a seismic shift in how the accused plead at domestic abuse pleading diets in Dundee. Also worth noting is that the contest rate for all summary business at Dundee was 50% in Year 2 of the pilot and although this is not as steep a reduction compared to domestic abuse, at 50% it is the lowest contest rate seen and reflects the effectiveness of specified disclosure. Paisley and Hamilton saw improvements of between 8 and 10 percentage points between the pilot period and pre-pilot with Paisley domestic abuse seeing a 14 percentage point improvement in year 2 (**Figure 13a and 13b**).

2.20 The shift in position is confirmed in the statistics produced by the SLAB. These show the change in the percentage of grants of legal aid for guilty pleas and CWP diets (ABWOR) in comparison with summary criminal legal aid for not guilty pleas (**see Figure 14**). There is a marked difference between the aggregated pilot (rising trend) and aggregated non-pilot position (static position). The March 2024 figures are likely to change due to a natural lag in this data provision due to cases granted at the end of the month not being included until later months.

**Figure 14: ABWOR Receipts as Percentage of Legal Aid Grants (Pre-Pilot & Pilot Period Time Series)**



Data Source: SLAB

2.21 The appropriate exercise of prosecutorial discretion is an important factor in securing early resolution of cases, including cases involving domestic abuse. The ability for the defence to have discussions with a PF depute who has authority to discuss the details of a case has been an important feature of the pilot. When engagement with the defence or the complainer leads to the receipt of new information, prosecutors will review whether the decision to raise proceedings remains in the public interest.

2.22 The pilot has led to engagement taking place whereby the decision to raise proceedings in some cases, including cases involving allegations of domestic abuse, has been reviewed following engagement with the defence or the complainer. In some cases, this has led to the discontinuation of court proceedings and the accused being referred for social work diversion or the imposition of another direct measure. Prosecutors in Dundee have been particularly proactive in reviewing prosecutorial decisions following the receipt of new information. PF Deputes are encouraged to seek agreement of evidence and to cite fewer witnesses in any event, in all summary cases. The impact is clearly not as consistent or extensive as where there is routine early disclosure and a formal case management process.

2.23 Increased levels of early resolution results in fewer trials being fixed. By comparing pre-pilot resolution against resolution in the pilot period, it is estimated that around 530 trials did not have to be fixed<sup>16</sup> in the pilot courts directly as a result of early resolution due to SCM. Further, if SCM had been in place for the non-pilot courts, it is estimated that there could have been at least an additional 2740 trials not fixed. Therefore had SCM been in place at a national level, potentially at least 3270 trials would not have been fixed during the pilot period. Once fully bedded in, it is estimated that there is potential for 2900 trials to be saved per annum. However, in the recognition that changes to culture and practice take time, it could reasonably be expected that this figure is likely to increase. This is a compelling argument for SCM to be rolled out more widely.

### **Impact on the Volume of Scheduled Trials**

2.24 The volume of scheduled summary trials increased significantly because of the COVID-19 pandemic. Summary recovery courts were instituted to address the trial backlog created by the pandemic until the end of March 2023. The recovery programme switched its focus from summary to solemn on [1 April 2023](#). **Figure 15** below details the change in volume of sheriff summary scheduled trials for the aggregate pilot and aggregate non-pilot courts since 1 April 2023; it demonstrates a 41

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<sup>16</sup> See page 6, footnotes 6 and 7

percentage point difference in the change in summary trials backlogs between the aggregate pilot and aggregate non-pilot courts.

**Figure 15: Aggregate sheriff summary scheduled trial change**

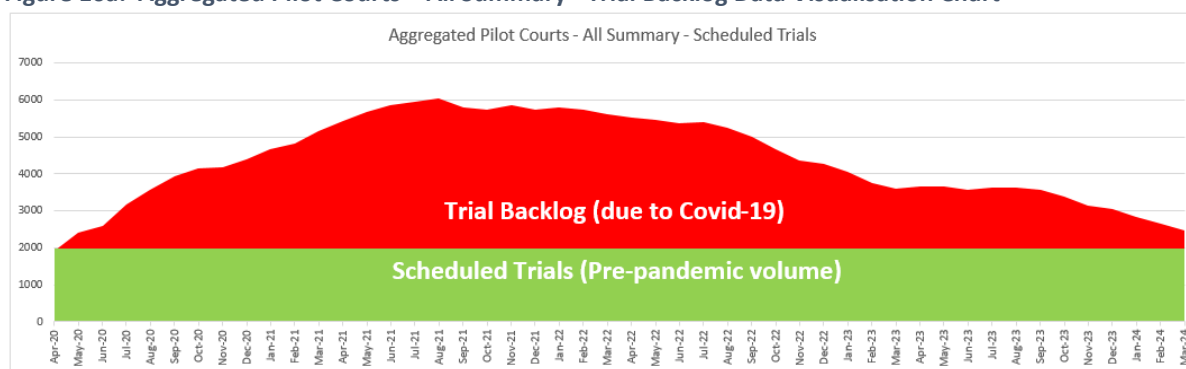
	All case summary scheduled trial change between April 2023 – March 2024	Domestic abuse summary scheduled trial change between April 2023 – March 2024
Aggregated pilot courts	-31%	-26%
Aggregated non-pilot courts	+10%	-10%*

*\*Impacted positively by the successful introduction of the pilot in Glasgow (29<sup>th</sup> January 2024)*

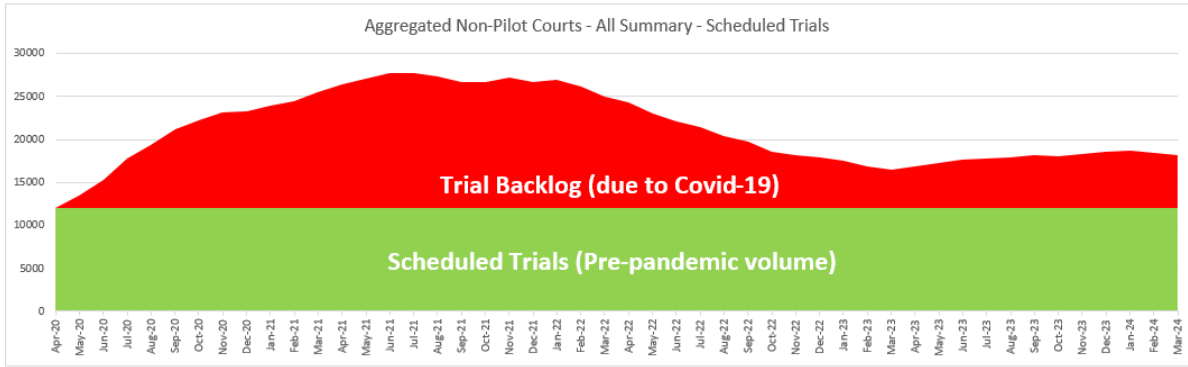
**Data Source: SCTS**

2.25 As highlighted in **Figure 15** above, the general and domestic abuse scheduled trial volumes decreased by 31 and 26 percentage points respectively in the aggregated pilot courts. In the aggregate non-pilot courts general scheduled trials increased by 10 percentage points and domestic abuse scheduled trials decreased by 10 percentage points. Unexpectedly high levels of new business caused scheduled trials to rise except for the pilot courts where SCM mitigated the impact of the surge in new business. It is likely that the rate of early resolution within the pilot courts has not only mitigated the impact of any rise in cases, but it has also ensured that fewer cases are added to the outstanding trial backlog. This can be seen in the contest rate (see paragraphs 2.17 - 2.19). **Figures 16** and **17** below, emulate the national recovery charts published by SCTS, to show the impact that the pilot has had on the summary trial backlogs caused by the COVID-19 pandemic, with the aggregated pilot courts reaching the pre-pandemic position.

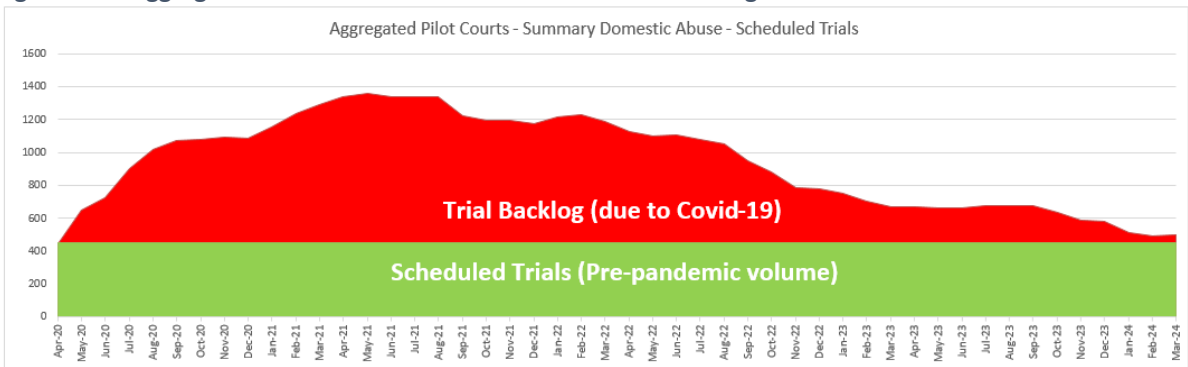
**Figure 16a: Aggregated Pilot Courts – All Summary - Trial Backlog Data Visualisation Chart**



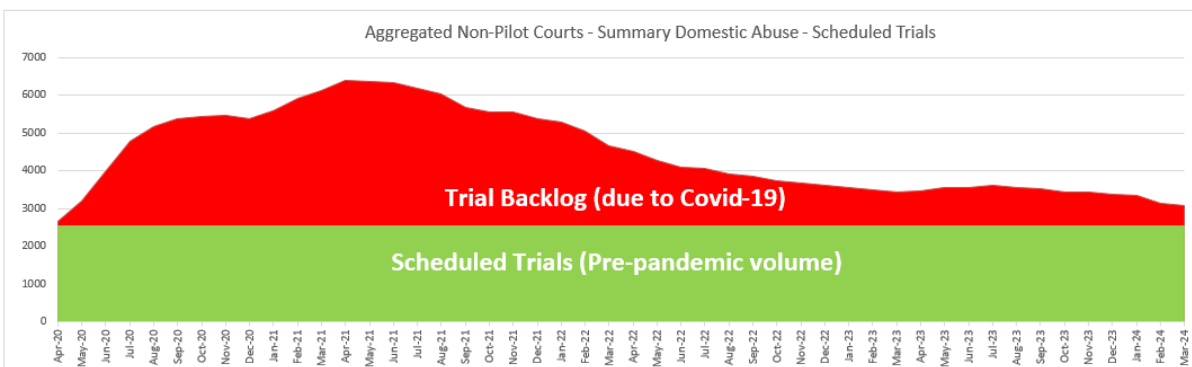
**Figure 16b: Aggregated Non-Pilot Courts – All Summary - Trial Backlog Data Visualisation Chart**



**Figure 17a: Aggregated Pilot Courts – Domestic Abuse - Trial Backlog Data Visualisation Chart**



**Figure 17b: Aggregated Non-Pilot Courts – Domestic Abuse - Trial Backlog Data Visualisation Chart**



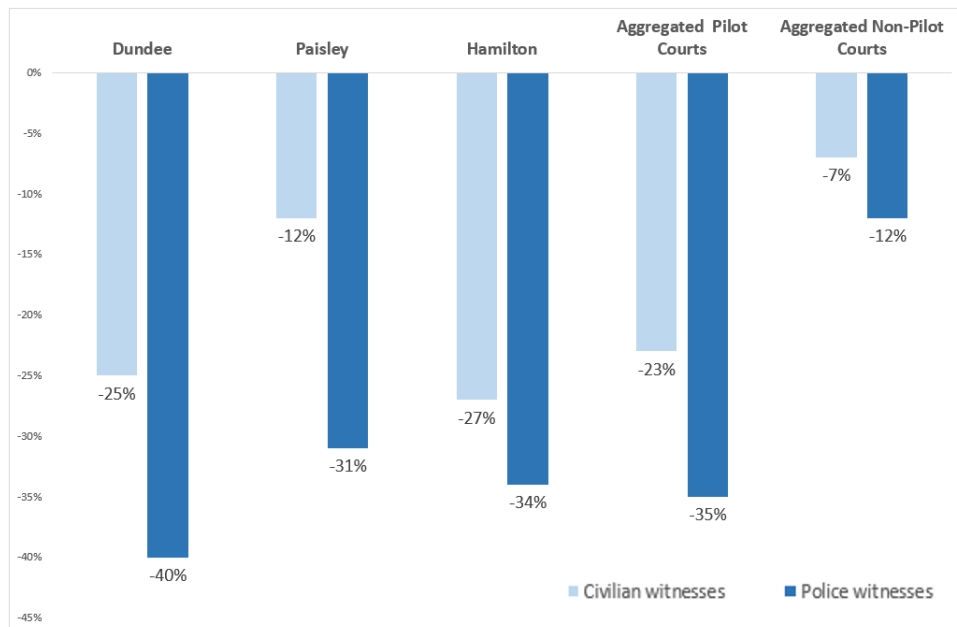
**Data Source: SCTS**

**(iii) Witness Citations (KPI 3)**

2.26 KPI 3 measures the number of witness citations issued in domestic abuse cases. The interim report highlighted that over the first 12 months of the pilot, there was a 30% reduction in the first citation data in the aggregated pilot courts in comparison with a 9% reduction in the aggregated non-pilot courts. Over the 19 month period, the position has remained relatively stable. Clearly, SCM is having a positive impact on witnesses in the pilot courts. There are also benefits in the non-pilot courts as a result of the Crown’s renewed focus on potential agreement of their evidence wherever possible. **Figures 18 to 23** below reflect the position in relation to changes

to first citation and recitation in domestic abuse cases. A point of note is the decrease in the average monthly percentage of police witness citations issued across the pilot courts but particularly in Dundee.

**Figure 18: Average Monthly Domestic Abuse Witness Citation Changes First Citation (Percentages) - Pre-Pilot and Pilot to Mar 24**



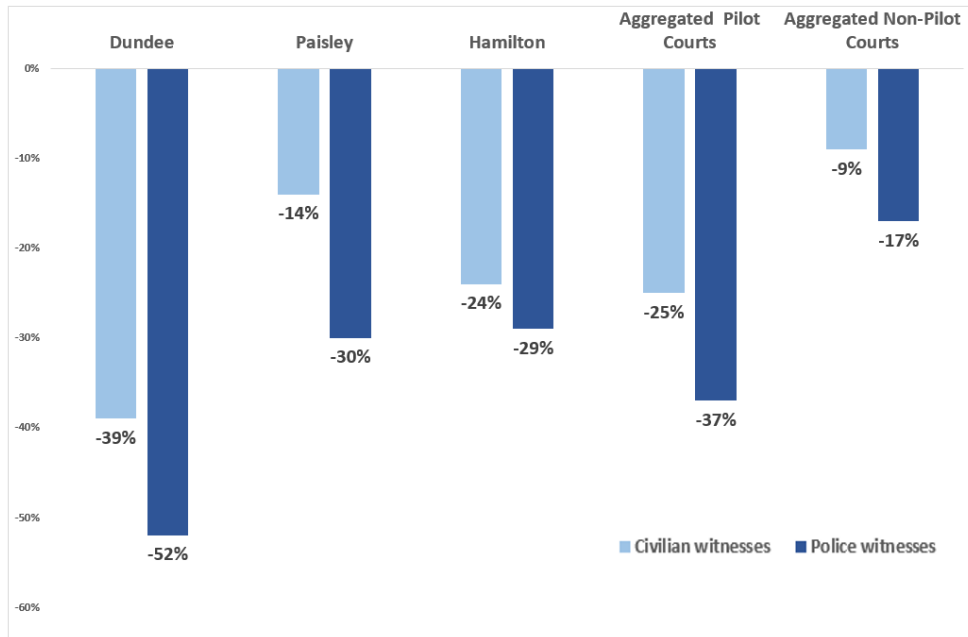
Data Source: COPFS

**Figure 19: Average Monthly Domestic Abuse Witness Citation Changes First Citation (Actual Volumes) - Pre-Pilot and Pilot to Mar 24**

Domestic Abuse: Reduction in monthly average witness <b>First Citation</b> volumes when comparing pre-Pilot to Pilot as at March 2024	Witness type			
	Civilian		Police	
	Volume	Percentage	Volume	Percentage
Dundee	24	25%	38	40%
Paisley	9	12%	27	31%
Hamilton	36	27%	50	34%
Aggregated Pilot Courts	69	23%	115	35%
Aggregated Non-Pilot Courts	116	7%	205	12%

Data Source: COPFS

**Figure 20: Average Monthly Domestic Abuse Witness Citation Changes Recitation (Percentages) - Pre-Pilot and Pilot to Mar 24**



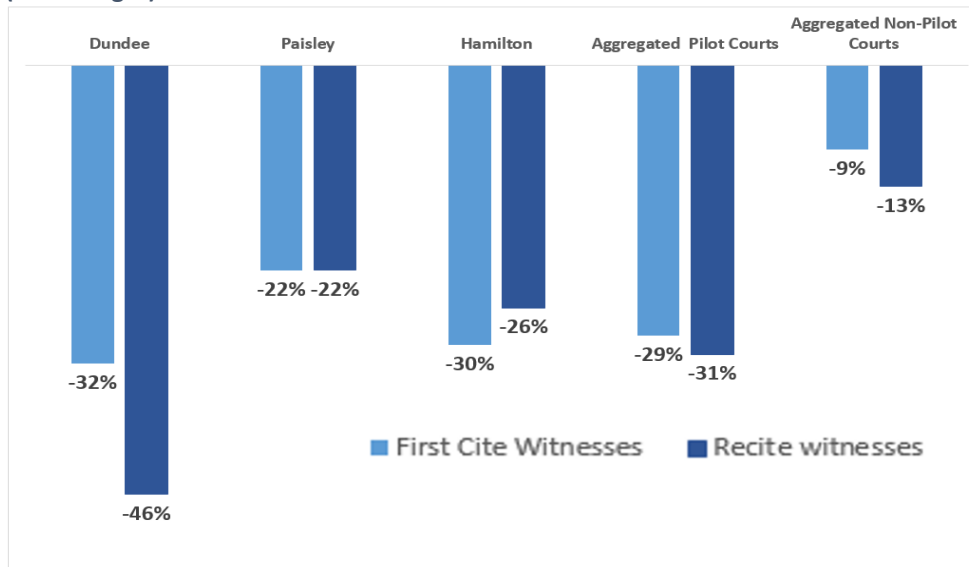
Data Source: COPFS

**Figure 21: Average Monthly Domestic Abuse Witness Citation Changes Recitation (Actual Volumes) - Pre-Pilot and Pilot to Mar 24**

Domestic Abuse: Reduction in monthly average witness Recite volumes when comparing pre-Pilot to Pilot as at March 2024	Witness type				
	Civilian		Police		
	Volume	Percentage	Volume	Percentage	
Dundee	64	39%	85	52%	
Paisley	24	14%	49	30%	
Hamilton	47	24%	53	29%	
Aggregated Pilot Courts	135	25%	187	37%	
Aggregated Non-Pilot Courts	238	9%	390	17%	

Data Source: COPFS

Figure 22: Average Monthly Domestic Abuse Witness Citation Changes First Citation and Recitation (Percentages) - Pre-Pilot and Pilot to Mar 24



Data Source: COPFS

Figure 23: Average Monthly Domestic Abuse Witness Citation Changes First Citation and Recitation (Actual Volumes) - Pre-Pilot and Pilot to Mar 24

Domestic Abuse: Reduction in monthly average witness volumes when comparing pre-Pilot to Pilot as at March 2024	Witness Citation type			
	First Cite		Recite	
	Volume	Percentage	Volume	Percentage
Dundee	61	32%	150	46%
Paisley	37	22%	74	22%
Hamilton	85	30%	100	26%
Aggregated Pilot Courts	183	29%	324	31%
Aggregated Non-Pilot Courts	324	9%	641	13%

Data Source: COPFS

2.27 The reduction in the volume of witnesses being cited is the result of a combination of factors. Though there has been a national reduction in the number of trials being assigned, the volume of citations (first cite and recite) being issued in the pilot courts has reduced far more significantly than the non-pilot court average. This net difference is due to SCM, specifically:

- increased rates of early resolution;
- an increased focus upon the agreement of evidence through judicial case management leading to witnesses being removed from the list of witnesses;



- a more discerning approach taken at the stage of case marking whereby fewer witnesses are marked for citation and more evidence is listed as potentially capable of agreement.

2.28 Increased levels of early resolution result in fewer witnesses being cited. KPI 3 is focussed on the reduction in witness citations in domestic abuse cases. For the 19 months of the pilot, approximately 6,000 (net<sup>17</sup>) domestic abuse witnesses were not cited or recited due to the impact of SCM in the pilot courts. Of this, approximately 3,500 were police witnesses. However, at the pilot courts, SCM applied to all sheriff summary business and it is estimated<sup>18</sup> that in the 19 months of the pilot, 18,000 (net) witnesses were not cited or recited due to SCM. Of these, approximately 11,000 were police witnesses.

2.29 It is estimated that if SCM had also been in place in the other sheriff courts for the 19 months pilot period, a further 89,000 witnesses, of which an estimated 50,000 are police witnesses, would not have required to be cited or recited out of an estimated 627,000 witnesses cited to attend court. The expectation is that the number of witnesses not cited or recited is likely to increase as SCM continues to embed and further impact on the number of new and adjourned trials being fixed and the number of witnesses that require to be cited for cases proceeding to trial, following the early agreement of evidence. This is compelling evidence for roll out.

#### (iv) Intermediate & Trial Diets (KPI 6 and KPI 7)

2.30 KPI 6 focuses on the percentage change of domestic abuse cases registered that call for intermediate diet. For the pilot period, KPI 6 shows a 44 percentage point improvement compared to the pre-pilot period for the aggregated pilot courts, while the aggregated non-pilot courts shows a 20 percentage point improvement (**Figure 7a**). In year 2 of the pilot, the KPI 6 improvement at aggregated pilot court level is even stronger compared to the pre-pilot period at nearly 70 percentage points (**Figure 7b**). KPI 6 at pilot court level showed the most improvement at Dundee with a 91.2 percentage point improvement when the pilot period is compared to the pre-pilot period and a 117.3 percentage point improvement when year 2 of the pilot is compared to the pre-pilot position. Paisley saw a 45.2 and 73.6 percentage point improvement (pre-pilot compared to pilot period and Year 2 of pilot respectively) while Hamilton saw a more modest 10.7 and 36.3 percentage point improvement (**Figures 8a and 8b**).

2.31 The key point of note at pilot court level is the extent of the reduction at Dundee (see **Figures 8a and 8b**). This has been influenced by the approach now being taken at pleading diet. Here, effective case management in cases where a not guilty plea is

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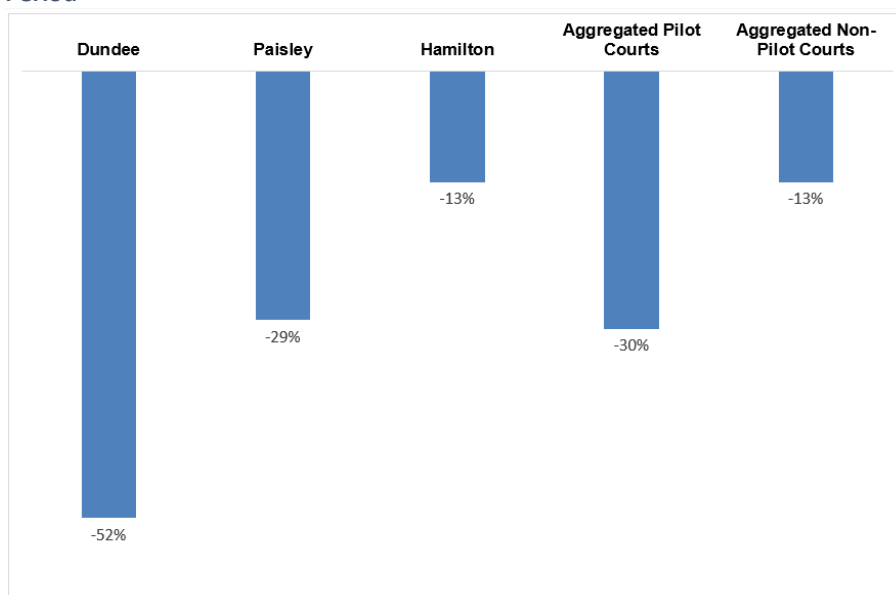
<sup>17</sup> See page 7, footnote 10.

<sup>18</sup> See page 6, footnote 6.

tendered, is resulting in cases being continued straight to trial diet. In the event that parties' positions thereafter change prior to the trial diet, there is an expectation that acceleration will be facilitated to ensure the case calls in advance of the trial for the issue to be raised.

2.32 As KPI 6 can be influenced by the volume of new case registrations, **Figure 24** below illustrates the percentage change in monthly average intermediate diet callings. This further complements the trend being seen in KPI 6.

**Figure 24: Percentage Change in Average Monthly Domestic Abuse ID Callings Comparing Pre-Pilot and Pilot Period**



Data Source: SCTS

2.33 The focus of KPI 7 is on the trial stage. The pilot aims to increase the proportion of scheduled trials in which evidence is led rather than cases resolving at the trial stage, by a plea being offered and accepted, being discontinued or by the case being adjourned to another date. For the pilot period, KPI 7 shows a 1.6 percentage point improvement compared to the pre-pilot period for the aggregated pilot courts while the aggregated non-pilot courts show a slight deterioration 0.1 percentage points (**Figure 7a**). In year 2 of the pilot, KPI 7's improvement at aggregated pilot court level is even stronger compared to the pre-pilot period at 2.9 percentage points (**Figure 7b**). KPI 7 at pilot court level showed the most improvement at Paisley with a 5.3 percentage point improvement when the pilot period is compared to the pre-pilot period and a 6.5 percentage point increase when year 2 of the pilot is compared to the pre-pilot position. Dundee saw 4.4 and 5.9 percentage point improvement (pre-pilot compared to pilot period and Year 2 of pilot respectively) while Hamilton deteriorated by 3.7 and 2.7 percentage points (pre-pilot compared to pilot period and Year 2 of pilot respectively) (**Figures 8a and 8b**) with the Year 2 position possibly indicating a move towards a more positive KPI 7.

2.34 The pilot's impact upon trial outcomes is subject to an element of lag due to the period of time between the trial being scheduled and the case calling for trial. Additionally, all three courts continue to deal with a significant volume of pre-pilot trial business.

2.35 On an aggregate basis, the proportion of domestic abuse trials in which evidence is led has increased. At pilot court level, this is particularly evident in Dundee and Paisley and it is interesting to note that following the successful pilot at Dundee, it is now on a par with the pre-pilot position at Hamilton and Paisley.

### *Performance Analysis*

2.36 As illustrated in the data, the impact of the pilot has varied across the three pilot courts. The SCM model has operated effectively in Dundee since the early stages of the pilot, with the early disclosure and early engagement efforts there facilitating effective case management. The strong performance across the three key elements has provided the opportunity to maximise the potential of the approach with outcomes across the KPIs readily evidenced in the data. Whilst progress at Hamilton and Paisley has been slower in comparison, efforts to secure improvement in performance across the three key elements are realising benefits as reflected in the Year 2 data. The following paragraphs summarise the key points of note at each of the courts.

### **Dundee**

2.37 Dundee has enjoyed the strongest general performance which reflects the strong cohesion between all justice partners there, including enthusiastic engagement by the defence and strong disclosure performance. The commitment to the pilot model has supported the deployment of comprehensive and consistent judicial case management whereby the prospect of resolution and agreement of evidence is thoroughly addressed before a trial is fixed. This has facilitated the dispensation of pre-trial procedure as the case management process effectively ascertained parties' readiness for trial, negating the requirement for a PIDM or ID. This was subject to the expectation that parties would seek to accelerate the case should an issue arise. As the pilot progressed and focus shifted to the trial diet, effective case management secured a decrease in the trial adjournment rate and an increase in evidence led trials. The benefits of the court having access to the case management note from the pleading diet, to inform discussions in relation to motions to adjourn or issues identified as impacting on the progress of the trial, were highlighted.

2.38 The shift away from pre-trial hearings enabled the court programme to be recalibrated, transferring capacity that was previously directed towards intermediate

diets to dedicated case management courts at the outset. In recognition of the time and space required for effective case management, as demand increased, this was reflected in the court programme. The reduction in new cases proceeding to trial increased the capacity for evidence led trials in the trial courts albeit this was impacted by the outstanding volume of pre-pilot trial business. Since January 2023, the DESC pilot has been active in Dundee, providing Police Scotland and COPFS with an additional mechanism through which digital evidence can be transmitted and disclosed. As there are still restrictions on the type of evidence which can be provided via DESC, the other digital platform, Egress, remains an essential element of the SCM model.

## **Paisley**

2.39 Paisley has secured the most significant uplift in the proportion of trials involving domestic abuse in which evidence is led. Additionally, the overall proportion of evidence led trials is considerably higher in Paisley than in Hamilton and also exceeds Dundee, reflecting the more efficient use of trial diets. Disclosure performance at Paisley has not been as strong as at Dundee and this has been particularly noticeable in respect of specified disclosure. It has been recognised that defence engagement with the pilot took longer to secure at Paisley than at both Dundee and Hamilton and this has been reflected in the performance in relation to letters of engagement, which is notably lower than the other pilot courts. Since the early stages of the pilot, issues impacting on defence engagement and disclosure performance were raised at the LIG and efforts made to secure an improvement. This is reflected in the Year 2 data. In response to concerns raised that court programming was an influencing factor in maximising the effectiveness of case management hearings, dedicated case management capacity was identified within the court programme. In addition, efforts to facilitate engagement were supported by COPFS providing access to a dedicated PF Depute, prior to case management hearings and the benefits of this were readily recognised by the local bar. This approach also helped to respond to concerns raised by defence agents regarding a lack of clarity in relation to the scope of the pilot. As the pilot progressed, early resolution of cases, particularly at the CWP diet, improved.

## **Hamilton**

2.40 Hamilton has demonstrated a strong approach to the early resolution of cases. While, overall, Hamilton resolved the highest proportion of cases at first calling, resolution at CWP was significantly lower than Dundee and Paisley. Disclosure performance at Hamilton has been similar to Paisley in terms of key evidence although much stronger in relation to specified disclosure. Effective engagement at the LIG facilitated discussion on issues impacting on timely and effective disclosure and led to a noticeable improvement as reflected in the Year 2 figures. It was recognised that court programming was an influencing factor in maximising the

effectiveness of case management hearings and over the course of the pilot, efforts were made to identify the optimum solution to accommodate the volume of cases assigned, whilst meeting the needs of all justice partners. This reflects the pragmatic approach adopted by the defence and COPFS, and the strong engagement taking place between parties, including via a dedicated plea surgery, which was introduced prior to the commencement of the pilot. Whilst performance in terms of evidence led trials at Hamilton has been consistently lower than both Dundee and Paisley, application of judicial case management at the trial diet, informed by the approach at Dundee, is now securing improvements.

### *Areas of Best Practice*

2.41 During the pilot, areas of best practice have emerged that may be useful in informing the approach in future roll-out of the model. Areas of particular note are described below.

#### **Engagement with Victims of Domestic Abuse**

2.42 In order to enhance engagement with victims of domestic abuse, and the identification of any barriers to their participation in the criminal justice process, COPFS have trialled a new approach in the pilot. This involves domestic abuse complainers being contacted by legal staff at an early stage in the case, complementing the support already provided by Victim Information & Advice (VIA). The enhanced engagement aims to de-mystify the criminal justice process for domestic abuse complainers, ensure that they have appropriate support, and increase their confidence in both the Crown and the wider criminal justice system.

2.43 The new arrangements involve domestic abuse complainers being contacted by telephone by a member of legal staff approximately two weeks following the pleading diet. Where the case has been CWP, this will take place as part of the preparation for the CWP hearing. If a plea of not guilty has been tendered, the engagement will take place roughly two weeks thereafter.

2.44 Where the allegations involve a contravention of Section 1 of the Domestic Abuse (Scotland) Act 2018 (DASA), in addition to the telephone contact applicable in all cases of domestic abuse, complainers are offered the opportunity of a face-to-face meeting with the trial depute in advance of the date of the trial, usually two weeks beforehand.

2.45 The importance of victim engagement is widely understood across the pilot sites. It is acknowledged that engagement with victims is an essential part of case preparation and can deliver many benefits including increased confidence in the

criminal justice system; better understanding of victim's specific needs; enhanced decision making; and an increased prospect of victims engaging with the trial process. This new approach has encouraged closer working relationships with ASSIST and other support agencies across all the pilot sites, improving the service provided to victims.

2.46 Deputes have become increasingly familiar with the process and more confident in the way they interact with victims of domestic abuse. They feel that engagement with victims is not only professionally fulfilling but also enables them to prepare cases more effectively. Claire Rowan, PPF, reflects on how the approach to victim engagement has developed:

*"[The] opportunity to engage with victims and witnesses at an earlier stage in the process has been one of the most rewarding changes to the way that we do business. Initial apprehension about this approach quickly dissipated in Hamilton and we have seen many examples of enhanced support and quicker resolution of cases. It has certainly helped to promote a better and more meaningful relationship between prosecutor and witnesses."*

*Claire Rowan, PPF, Hamilton*

2.47 Feedback from witnesses has been substantially positive, regardless of their attitude towards the prosecution. The telephone calls and meetings have provided an opportunity for victims to express their views and feel that their voice is heard.

*"The complainers that I have spoken to so far have always been grateful to hear from a legal member of staff, they welcome the opportunity to let us know about their views on measures, likely NHO imposition and relevant family dynamics. What has been interesting to me is that this positive engagement is present even if they are not supportive of the decision to prosecute - they still appreciate the call in advance and guidance re procedure, etc."*

*Lora Apostalova, PPF Dundee*

### **Transition from PIDMs and IDs**

2.48 At Dundee, effective judicial case management at the pleading diet when a plea of not guilty was tendered, led to intermediate diets and PIDMs being dispensed with and cases continued straight to trial diet. This approach realised additional capacity within the court programme which facilitated an increase in case management hearings. Close monitoring of performance at the trial diet highlighted that there was no impact on trial outcomes as a result of the change. The benefits of this approach were used to inform the design of the Practice Notes for the extension of the pilot to

Glasgow and Perth and there is potential for the transition from PIDMs and IDs to be considered more widely in the other pilot courts.

### **Post-Case Management Expectations**

2.49 Whilst there is an expectation that trials will proceed in cases which have been subject to early case management, it is recognised that circumstances may change after the trial diet has been fixed and in such cases, parties have been encouraged to make an application in terms of sections 134 or 137 of the Criminal Procedure (Scotland) Act 1995 to bring this to the attention of the court. The aim is to ensure that cases do not call at a trial diet unnecessarily (minimising churn) and witnesses are not inconvenienced. The potential impact of a robust application of this approach on the effective utilisation of trial court capacity was readily recognised and, again, became a feature of the Practice Notes for Glasgow and Perth. It is expected that effective case management at the trial diet, explained in more detail in the following paragraph, will result in an increase in use of this procedure.

### **Case Management at Trial**

2.50 The pilot has also provided opportunities for reviewing other aspects of case management practice in summary trials. For example, as the case management cases came to trial in Dundee, there was a wider assessment of the approach at the end point of the process. Greater scrutiny was brought to bear on motions made to adjourn trials (especially those cases that had gone through the case management process). The case management note provided the Sheriff presiding at the trial with a clearer basis for testing submissions made and facilitated discussions on steps to be taken to remove obstacles to the trial proceeding during the course of the court day. The benefits secured by this approach have been realised across the system at Dundee with a substantial reduction in outstanding cases and a more structured approach to case management at the trial diet. This was shared with the SCM Project Board for local consultation and comment with a view to informing the development of a strategy document for wider application. Key principles of the approach have been adopted in the management of summary trial business at Hamilton and Paisley.

### **Engagement Surgeries**

2.51 Meaningful engagement between COPFS and the defence at an early stage is an integral feature of the SCM Pilot. Arrangements to facilitate this engagement have continued to evolve throughout the period of the pilot through collaborative discussions at the LIGs.



2.52 Across the pilot sites, engagement now typically takes place during face-to-face drop-in “surgeries” which are held within the court building. The engagement surgeries are well attended by the defence and have proved to be a key factor in achieving meaningful dialogue at an early stage.

2.53 The format and timing of the surgeries varies across the pilot sites to suit local practices and court programming, allowing flexibility for the defence to attend around other court commitments. In Dundee and Paisley, the surgeries are held prior to the court commencing on the day of the case management hearings. In Hamilton they take place each Monday and are further utilised as a point of contact for deposes who may require support to maximise the effectiveness of their trials courts.

2.54 To complement the surgeries, local arrangements, such as dedicated SCM phone lines and mailboxes, are in place to facilitate virtual engagement, further enhancing the opportunities for engagement. These can be arranged for the convenience of both parties.

2.55 The engagement arrangements are now embedded across the pilot sites. It has become increasingly apparent that a collaborative and flexible approach encourages more meaningful engagement between parties, resulting in greater resolution of cases and more focussed trials. This is exemplified by the maturing position in Dundee where parties have fully embraced this new approach to engagement. Kate Scarborough, PFD highlights her experience of early engagement.

*“The pilot could not have reached the success it has in Dundee without the co-operation and working partnership of our defence agents. The bar in Dundee have embraced the changes brought by the SCM pilot and now actively seek to have cases included into the CMH court as they see the benefit of early disclosure and discussion of evidence. Engagement with the agents usually happens in person at court before the case management hearing calls. As the pilot has progressed, we are increasingly finding that agents will get in touch in advance of the hearings by email or phone call. My experience has been that agents are more than happy to discuss it if you give them a phone call while on our prep days. The ability to discuss and agree evidence in advance of a trial or to resolve cases at the CMH stage reduces the number of witnesses being cited to trial and avoids unnecessary evidence having to be led.”*

*Kate Scarborough, PFD, Dundee*



### 3. SYSTEM BENEFITS AND EARLY CHALLENGES

#### *Police Scotland*

*“Throughout the duration of the Summary Case Management (SCM) pilot, Police Scotland, in collaboration with Criminal Justice partners, has remained fully committed to the development and delivery of SCM in Scotland. Through the continued effort of all partners, SCM has progressed, resulting in significant benefits across the whole criminal justice system.*

*Launched in September 2022 in Dundee, Paisley & Hamilton Sheriff Courts, Police Scotland, COPFS and SCTS worked collaboratively to introduce an ambitious and innovative approach to the early disclosure of evidence. As the final evaluation has highlighted, this change in approach was always going to be challenging for operational officers across the pilot areas. Whilst SCM did not introduce additional crime types or layers of bureaucracy, it did ask individual investigating officers to carry out most of their investigation at the first point of contact. The significance of the identification and seizure of all available key evidence at this initial stage is crucial in identifying the accused and connecting them to the offence under investigation. Police Scotland’s responsibility to share key evidence at the outset with COPFS facilitates early disclosure to the Defence and allows for earlier resolution of cases as well as focusing on the areas of contention at any subsequent trial.*

*SCM is primarily concerned with improving the victim and witness experience within the Justice System and reducing the ‘journey times’ for all persons involved. This approach ensures that justice is delivered more efficiently but also in a more supportive way for victims. The re-traumatisation of victims and witnesses who are particularly vulnerable (for example in domestic abuse cases) caused by attending court to provide evidence near their abuser, may be avoided.*

*Police Scotland are also seeing a reduction of first issue citations for domestic cases by up to 34% in all pilot courts which equates to around 5000 citations not being served on operational officers. This reduction is welcomed by Police Scotland as more officers are available to deliver a policing service in local communities. It also ensures that officers can be rested appropriately, ensuring that they remain fit and well to continue to deliver an effective service.*

*As the final evaluation report has highlighted, in addition to the benefits to victims, this innovative approach has brought with it benefits for all criminal justice partners at a time of significant transformation and change. The challenge now is to ensure that SCM can be delivered nationally in a consistent manner and that parallel change programmes complement it, to bring about positive whole system change. Police Scotland is committed to engaging fully in this process”.*

*Assistant Chief Constable Wendy Middleton*

3.1 Since the inception of the pilot in September 2022, Police Scotland have reported a total of 4,059 domestic abuse cases across the three pilot court areas at Dundee, Paisley and Hamilton. In addition to providing the key evidence for new domestic abuse cases, they have responded to a significant number of requests for specified disclosure in non-domestic abuse cases.

3.2 Over the same period, first issue and recitations for Police witnesses in domestic abuse cases have reduced across the three pilot courts, as outlined in the report. These savings, which are attributed to the early resolution of cases or the agreement of evidence, are being reinvested in front-line operational policing duties and in supporting officer wellbeing.

3.3 Close liaison between Police Scotland and COPFS, directly attributable to the pilot, helped to ensure clarity in the concept of key evidence as distinct from all evidence for domestic cases. It also supported the development of an increased understanding of key investigation, marking and reporting processes.

3.4 The pilot has enabled Police Scotland to address several challenges faced by divisions in editing and managing digital evidence. A review of procedures now allows frontline officers to download, edit and format CCTV and digital evidence, then share it directly with the Crown. This change eliminates the need to transfer this type of evidence onto costly discs and reduces the need for these discs to be transported between evidence stores and courts. Additionally, it allows the Cyber Crime Unit to concentrate on more serious digital investigations.

3.5 Since the start of the pilot, officer compliance in submitting key evidence for all domestic cases has risen significantly. However, specified evidence requests remain a challenge. The Crown at times issue these requests outside the 14 day completion window and asks for all evidence instead of the agreed specified evidence which is crucial for evidence agreement or case resolution. Police Scotland and COPFS have identified this issue and are working diligently to address it.

3.6 If SCM was to be implemented nationally, it is anticipated that compliance rates and the benefits referred to above, would continue to increase. Should the national roll-out of SCM achieve a similar reduction in citations issued, the improvements in work-life balance and officer wellbeing would be widely appreciated. Targeting cases, particularly domestic abuse cases, is already leading to a significant decrease in initial citations for civilian witnesses. This approach also fosters a supportive environment for victims and witnesses who are especially vulnerable to the trauma of attending court to give live evidence in the presence of their abuser and their supporters.

## COPFS

*“COPFS strongly endorses the principles of Summary Case Management (SCM) that have been piloted in Hamilton, Dundee, and Paisley sheriff courts. This has involved a fundamental change to the conventional approach of cases being set down for trial without the opportunity to consider whether a trial is actually required or, if it is, how it should proceed. These issues are typically considered far too late in the process, often at the trial diet itself. The vast majority of trials that are fixed never take place.*

*The essence of SCM can be expressed in simple terms. It requires more work to be undertaken by all parties at the start of the case rather than at the end. That change has practical consequences for the police, the parties, and the court, but critically, it has impacted positively on the interests of victims and witnesses and on wider public confidence.*

*The effectiveness of the core elements of SCM – earlier disclosure, early engagement, and effective case management – can be seen increasingly in the data. The volume of cases requiring a trial has continued to decrease in all the pilot courts. That, in turn, has reduced the number of witnesses that we ask to attend court, including police officers. It has also reduced the volume of late stage procedural hearings (intermediate diets) because case management has been undertaken at the outset. The level of outstanding trials that require to be managed is also significantly lower.*

*This is not the first attempt to improve the efficiency of summary business, but it is the one that has demonstrated that early case management can not only increase efficiency, it can also radically improve the experience of the participants, including victims and witnesses. The Crown Office and Procurator Fiscal Service recognise the importance of the SCM initiative and prosecutors will continue to support its judicial leadership as the pilot model is refined and extended across Scotland.”*

*Jennifer Harrower, Deputy Crown Agent, Local Court, COPFS*

3.7 The earlier receipt of evidence has enhanced the overall quality of marking. It has helped marking depute to take more informed decisions about forum, charges, and pleas. It reduces the need for further enquiries at marking stage as the position may become more obvious from the key evidence. From the court depute’s perspective, it facilitates early engagement and resolution, especially where there is a visual record of an aspect of the alleged offence.

3.8 The absence of key evidence can sometimes delay the marking process. Pursuing further inquiries and missing key evidence may also delay proceedings and disclosure. Whilst the challenges in custody cases are more understandable, the use of undertakings should make the need for further inquiry or material exceptional. The

transfer of multi-media evidence, such as CCTV, is simpler for the police where DESC is available and that will be the default position in due course. The timely supply of “specified evidence” in non-domestic cases can be challenging as the deadlines are tight. These are cases where the request cannot be routinely anticipated. Work is ongoing with the police to determine how this issue can be addressed, including whether some offences should have a presumption that material may be required. COPFS and Police Scotland continue to work closely to improve all aspects of the initial disclosure process, including the introduction of a clearer and more robust escalation policy.

3.9 Although familiarity with the concept of key evidence has grown, the police, the defence, and the court do not always apply the relevant criteria set out in the Practice Note,<sup>19</sup> leading to either missing material, or incorrect assumptions as to what material requires to be disclosed at that point. Sometimes the absence of an item should not delay discussion on resolution, nor the assignment of a trial diet, as it may not be a central element in the case. Where any missing material does not impact on the prospect of resolution, a time limited direction could be made for its supply. In other cases, a continuation would be justified to enable the material to be disclosed and considered before a trial diet is assigned. It will be important that all parties have a clear understanding of the scope of key evidence, and the approach to be taken if any element is missing, at the start of any further roll-out

3.10 The shift in focus and activity to the start of the case has not been without practical and cultural challenges because it is so different from the usual summary process. COPFS staff have had to mark and prepare cases against a more demanding set of expectations and new programming challenges.

3.11 It has been necessary to temper the early expectations, partly driven by the KPIs, that every case would involve perfect disclosure compliance from the start. The high level of novel, logistical challenges faced by the police when transferring digital material, especially in custody cases, make that nigh impossible. COPFS and Police Scotland have, however, been able to demonstrate that compliance can be improved to the point where it is substantial and effective. The focus on domestic abuse cases has also allowed COPFS to enhance its engagement with complainers by offering them the opportunity to have a discussion with a lawyer at an early stage in the case. There are real benefits in doing so, and COPFS staff have found the approach more fulfilling on a daily basis.

3.12 From the COPFS perspective, it has taken time for the defence confidence in the pilot to be secured. Their use of digital platforms was initially inconsistent but,

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<sup>19</sup> Practice Note No 2 of 2022 para 6 - “Key evidence is the evidence required for proof of the offence such as a statement from the complainer or other eye witnesses, photographs, video evidence and any available forensic evidence.”

with technical support from COPFS and prompting by the court, this has improved. The practical arrangements for deposes to engage with the defence have also taken time to mature but are now increasingly utilised and effective across all pilot courts. The constructive engagement in the pilot by the defence is both recognised and appreciated by COPFS.

3.13 COPFS also recognises the positive impact of judicial leadership, without which the pilot could not have been initiated or succeeded in the way that it has. The court has faced many of the same challenges as COPFS with the procedure being largely novel to sheriffs and clerks. From a COPFS perspective, there has been a degree of inconsistency and variation in the approach taken across the pilot courts, particularly with visiting sheriffs, but that has been mitigated wherever possible. Court programming has, however, been a regular rubbing point, especially around the scheduling of case management hearings which require significant time to prepare and conduct. Although the total volume of scheduled trial business has continued to reduce, that has yet to impact on the level of trial preparation that is still required of deposes due to the volume of cases listed in each individual trial court. Close liaison on this very practical issue will be an important part of future roll-out.

## SCTS

*"It is clear that SCM has delivered benefits across the criminal justice system, most importantly for the victims, witnesses and accused who are directly involved in the process. The increase in early case resolution has concluded the court process for those involved at a much earlier stage, whilst effective judicial case management has increased certainty in relation to cases proceeding to trial.*

*The system changes being realised by SCM are creating the opportunity to review the programming of summary criminal business and we will continue to support the Sheriffs Principal in that, with a key focus on reinvesting the capacity created to support effective judicial case management and the efficient disposal of cases proceeding to trial.*

*Building on the early work of the Evidence and Procedure Review<sup>20</sup>, strong judicial leadership, supported by effective collaboration amongst justice partners, has delivered and tested a model which has demonstrated its potential to secure the much needed transformation of the summary criminal system. SCTS is fully committed to the expansion and ongoing development of SCM throughout the sheriff courts in Scotland and we look forward to supporting the judiciary and working closely with our justice partners to deliver that".*

*David Fraser, Executive Director, Court Operations*

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<sup>20</sup> Scottish Court Service, [Evidence and Procedure Review Report](#), March 2015

3.14 The pilot has evidenced the potential to review the programming of summary criminal business, with a greater emphasis on case management provision at the pleading diet. The favourable outcomes being secured by the early sharing of material, engagement between the parties and judicial case management are delivering programme efficiencies, creating capacity to support the change from within existing resources. Whilst early indicators suggest that the pilot is also creating the opportunity to rationalise and plan summary trial business on the basis that evidence will be led in those cases that proceed to trial, progress has been impacted by the volume of pre-pilot trial business in the system. At Dundee, the impact of the early resolution of domestic abuse cases along with a marked reduction in outstanding trials has supported the re-profiling of summary trial courts. At Hamilton and Paisley, increased rates of early resolution are also having a positive impact in terms of the number of new trial diets assigned and consequently the volume of scheduled trials. However, the high number of outstanding trials in the system, along with increased rates of churn at the trial diet at both courts have impacted on the potential to reduce trial court loadings.

3.15 In the short term, it is recognised that court programmes will provide for a hybrid arrangement as historical cases work through the system. However, in the longer term, the expectation is that the balance will shift to the front end of the process. Capacity will be available to support early judicial case management which, in turn, will negate the need for an intermediate diet. Trial court loadings will be based on the expectation that evidence will be led in those trials listed to call.

3.16 One issue that has been raised in the course of the pilot is the two week CWP timescale in domestic abuse cases. Feedback from some defence agents has suggested that the timescale is too short and that some extra time at the beginning of the process to support resolution, may be beneficial. As the availability of early disclosure and the early engagement between the parties continues to improve, the expectation is that parties will adjust their business model to align with the pilot timescales rather than adjusting the pilot. However, on the basis of the feedback received, arrangements were made for the timescale to be extended to three weeks in both Glasgow and Perth (paragraph 6.5).

3.17 As noted at paragraphs 2.24 - 2.25, the increase in the rate of early resolution at the pilot courts has had a positive impact on the volume of scheduled trials at those courts. The summary trial backlog caused by the COVID-19 pandemic is reaching the pre-pandemic position in the aggregated pilot courts.

3.18 As the pilot continues to embed, there is an expectation that there will be a positive impact on the case conclusion timescales, with improved journey times for those involved in the summary criminal process. Scottish Government has published

[criminal justice system journey times](#) at national level. Although, at this stage, it is not possible to show the journey times split into aggregate pilot and aggregated non-pilot courts, the 25% reduction in sheriff summary journey time (2023/24 compared to 2022/23) is most certainly due to SCM in the pilot courts affecting the national journey time.

### *Defence Agents*

*“I am conscious that my view of matters, as PDSO solicitor, may be somewhat different than a solicitor in private practice in that our business models may be different, however I believe that both myself and my defence colleagues share the same goal, to properly and swiftly provide a robust and thorough representation of our clients.*

*I have been able to share with [colleagues] the clear benefits of the pilot scheme’s operation, which have positively impacted my organisation and can do for all participants”.*

*David Sinclair, PDSO, Dundee*

3.19. In the design of the SCM model, it was recognised that the automatic provision of key evidence in domestic abuse cases and “specified disclosure” of material in any other case where that may assist in discussion, should put the defence in a significantly different position from the early stage of the case. It would allow the defence to engage more meaningfully with the Crown on both plea and resolution, failing which, on the agreement of evidence. The expectation was that the model would lead to efficiencies for defence agents and, for accused persons, there would be the opportunity for matters to be resolved at the earliest possible stage in the process.

3.20 Defence representation on the Project Board was key to ensuring that the views of defence agents were taken account of in the design and development of the model and that there was effective communication with defence agents, at national level, on progress and any key areas of note. On securing the commitment of defence agents to fully engage with the pilot at the end of January 2023, defence representation on the Board was extended to include a defence solicitor from one of the pilot courts (Dundee). This aimed to ensure defence input to the development of the approach, particularly from a pilot court perspective, as the model embedded. Throughout their involvement, the defence members of the Board have provided an essential communication link between the Board and profession.

3.21 Following the commitment to fully engage with the pilot, the positive uptake of the pilot measures was evidenced in the Legal Aid statistics produced by SLAB (paragraph 2.20). This was readily acknowledged by the defence members of the Project Board.

3.22 Anika Jethwa, defence agent, Dundee, David Sinclair, PDSO, Dundee and Matthew McGovern, defence agent, Hamilton, members of the SCM Project Board, reflect on how the system is working and the benefits and opportunities for defence agents arising from the SCM approach:

*“Change is a difficult thing for everyone but particularly for those of us who are perhaps set in our ways. We are used to the Court conducting its business in a particular fashion. New ways of doing things can often be met with a great deal of resistance and scepticism.*

*I am happy to report on behalf of the Defence Bar that many Defence Agents who had fallen firmly in the category of “naysayers” have come round and have embraced and do appreciate the benefits of the Pilot Scheme.*

*In terms of a business model, clearly the efficacy of being able to finish cases as quickly as possible is something that we all strive to achieve in terms of managing a busy court practice and also in terms of management of business within the Courts.*

*In years gone by, the first chance the Defence were able to have a proper discussion with the Crown, and vitally, with someone familiar with the case and who was aware of the witnesses views was not until the date of trial. PIDM’s only go so far in my experience and, even when the Defence have clear information regarding the complainers views, the Crown’s hands are somewhat tied and they are unable to take a view without continuing to trial “to see who turns up and what their views are”. Intermediate diet courts are busy and bulked up and again the Crown have not had the opportunity of speaking to “witnesses”.*

*The clear benefits of the Case Management hearing in my opinion are:-*

- 1. The ability to access DESC footage.*
- 2. The Crown being able to speak to witnesses prior to discussing pleas.*

*Many agents are now asking for cases to be put into the Case Management Pilot if they believe there is a possibility of resolution. I had a case recently where a client appeared for a domestic assault. He was granted bail on standard conditions without any special conditions being imposed in light of the view of the complainer at that time. He returned home. Subsequently the Crown spoke to the complainer who was fully supportive of the prosecution continuing and was anxious for the accused to be removed from her home address. Had this case gone through the normal route, a plea of not guilty would have been tendered as the accused’s position was that he had reconciled with the complainer. The complainer’s views would not have been elicited until the date of trial. The client was able to get this information first hand and despite his protestations that everything was “fine” in the relationship, he accepted the views put forward by his wife. He pled guilty and as part of the sentencing a non-harassment order was imposed (again due to the views of the complainer). Client had to make arrangements to find alternative accommodation as a consequence.*



*Previously obtaining CCTV from the Crown was, (and I am not clear exactly why), the last thing that was produced by way of evidence from the Crown (no criticism levelled at the Crown here!). Often CCTV not becoming available until the day of the trial or very close to the trial date. This significantly hampered resolution of cases both in terms of the Crown deciding to take a view and in terms of the Defence tendering a plea to the full charges or part of the charge. Having this evidence to hand at an early stage has meant pleas are tendered at a very early stage or on the flip side, cases are no longer proceeded with.*

*It is difficult to continue with the defence of "it wasnae me" when faced with actual CCTV evidence. Equally, many cases have not been proceeded with by the Crown because of the poor quality of CCTV or difficulty in identification of the "accused".*

*All in all, the Defence Bar in Dundee have seen the benefits of the pilot scheme and are engaged and fully supportive of the pilot".*

*Anika Jethwa, Defence Agent, Dundee*

*"I am conscious that my view of matters, as PDSO solicitor, may be somewhat different than a solicitor in private practice in that our business models may be different, however I believe that both myself and my defence colleagues share the same goal, to properly and swiftly provide a robust and thorough representation of our clients.*

*I have been a keen follower and participant in the scheme's progress since its inception at Dundee Sheriff Court in October 2022. It has been clear to see from the outset that the ability to resolve cases at an early stage has significantly reduced unnecessary entries in our court diary, and the obvious benefit this brings. I have spoken with colleagues across Scotland (both PDSO and private practice) who have expressed skepticism about what some may see as minor adjustments to a summary procedure that has been in need of updating for a number of years. However, I have been able to share with them the clear benefits of the pilot scheme's operation, which have positively impacted my organisation and can do for all participants.*

*The clearest example is a client who, having been released on an undertaking to appear in court, consulted with me prior to his appearance regarding a domestic offence allegation. After instructing me, I approached the PF to discuss the case. As a pilot scheme case, the PF had already received key evidence in advance from the Police. After reviewing this evidence and hearing my representations, the PF decided to take no further proceedings. This, I feel, illustrates the pilot scheme working at its optimal level: an instructed agent and a PF with key evidence reaching a resolution without using court time.*

*While not all cases will fit this model, early disclosure of evidence and the ability to take instruction from clients benefits all parties. As evidenced in a recent example which involved a complex DASA allegation, heavily reliant on audio recordings made by the complainer. Dundee's DESC facilitated early digital evidence disclosure, dovetailing well*

*with the pilot scheme. In this case, playing the audio recordings to the accused before a plea focused the client's mind and led to a negotiated plea. This was a particularly sensitive case; the complainer's engagement with Dundee Assist (a specialist domestic abuse advocacy and support network) highlighted the express gratitude of witnesses that a trial was avoided.*

*In short, the pilot scheme works best when parties are able to have meaningful discussions regarding the progress of cases. This has been achieved in Dundee thanks to the willing engagement of the defence bar and to the availability of the PF deputies to have those meaningful discussions based on informed client instruction and proper consideration of key evidence. It is telling that I will positively invite cases to call within the pilot scheme as the 'front loading' of preparation assists my organisation in the management of case files, and ensures that the curse of 'churn' is avoided".*

*David Sinclair, PDSO, Dundee*

*"Perhaps the greatest success of the SCM pilot has been the collaborative nature of its implementation. At both a local and national level, defence lawyers have been treated as problem solvers rather than as problems to be solved. Sheriff Principal Anwar should be commended for adopting this innovative approach and the SCM pilot has proven that when the defence are treated with respect, the administration of justice improves. The onus is now on the Scottish Government to adopt a similar approach and ensure appropriate funding-including of Legal Aid - to maximise the benefits that the SCM pilot offers the entire justice system.*

*The Scottish Legal Aid Board have worked hard to ensure Legal Aid applications are considered timeously, however it is clear that we are trying to introduce a digital justice system with an analogue Legal Aid system. This is unsustainable and we are fortunate that Sheriff Principal Anwar engaged constructively with the defence to ensure that anomalies in the Legal Aid system did not undermine the aims of the SCM pilot.*

*The early disclosure of key evidence has helped resolve appropriate cases at an earlier stage and prosecutors have adopted a pragmatic approach to resolving these cases throughout the pilot.*

*The SCM has reduced churn of summary cases with fewer trials requiring to be adjourned on the morning of the trial because of a lack of disclosure. This provides business benefits for criminal defence firms as the Legal Aid fixed fee is divided between fewer hearings as well as making a busy court trial easier to manage. My Firm now works on the principle that any trials in the diary are likely to proceed to trial as we have largely resolved all other appropriate cases at an earlier stage of proceedings. The SCM pilot has demonstrated significant advantages for both my clients and my business".*

*Matthew McGovern, Defence Agent, Hamilton*

## *SLAB & Scottish Government*

3.23 In preparing for the SCM Pilot in 2022, SLAB recommended changes to the Advice and Assistance (A&A), and Assistance by Way of Representation (ABWOR) regulations to make the Summary Criminal fixed fee available to solicitors in cases which could be resolved at the early stages without a court appearance. The fixed fees could not cover cases resolved in this way.

3.24 The Advice and Assistance (Summary Criminal Proceedings) (Miscellaneous Amendment) (Scotland) Regulations 2022 came into force on 4 November 2022. These changes allowed SLAB to pay the Sheriff Court fixed fee (currently £572.00) under Advice and Assistance or ABWOR prior to the first court appearance, once the complaint has been issued, or where the Procurator Fiscal has decided to prosecute the case and the solicitor has confirmed they are acting in the case, before the complaint is formally issued.

3.25 These changes helped to support the pilots in Dundee, Hamilton and Paisley where more information is being disclosed to the defence at the start of cases to help facilitate earlier resolution. The regulations also applied to all cases across the country, so solicitors in other areas could also benefit from being able to claim the fixed fees in cases which can be resolved at these early stages.

3.26 These changes brought the following benefits:

- No need for solicitors to submit A&A applications or increases in expenditure at these early stages.
- Solicitors know that they will be paid the fixed fee at these early stages, and any add on payments, which may be appropriate as the case progresses.
- The fixed fee payment system is simpler for solicitors than the time and line arrangements under A&A.
- Payment for the work done can be made under fixed fee ABWOR if the case is dropped before a first court appearance.
- Any fee disincentive to resolving the case without calling after the pleading diet, was removed.

3.27 Since November 2022, there have been no claims for the fixed fee under Advice and Assistance for very early resolution before the complaint is issued, but SLAB have seen an increase in the number of fixed fee claims for early resolution cases under

ABWOR once the complaint has been issued. In the three pilot areas, claims for ABWOR cases with case outcomes of “No further Prosecution or Case not called” increased from 3% to 12%, compared to 2% to 7% in all other areas.

3.28 As part of the pilot, SLAB monitored the receipts of the main types of Criminal Legal Assistance, which are used for summary procedure cases, in both the three pilot areas and the rest of the country. Assistance by Way of Representation (ABWOR) is used for cases where a guilty plea is tendered, or where cases are continued without plea. Summary Criminal Legal Aid is used after pleas of Not Guilty have been tendered.

3.29 The early disclosure and case management arrangements in the pilot courts were designed to facilitate earlier resolution of cases. SLAB monitored the percentage of ABWOR grants against the combined total of ABWOR and Summary Criminal cases in the three areas compared to the non-pilot courts. This was to see if the new procedures in the pilots brought any shift from Summary Criminal Legal aid cases to ABWOR because of earlier case resolutions.

3.30 Before the pilots started, ABWOR cases accounted for 25% of the combined total in the three aggregated pilot courts and for 26% in the aggregated non-pilot courts. During the pilot, SLAB saw the ABWOR percentage figure rising in all three pilot areas, while it remained much more static in the non-pilot courts. In the pilot courts the aggregated percentage split for ABWOR cases rose from 25% before the pilots started, to 43% in January 2024 (prior to the commencement of the pilot at Glasgow). For the non-pilot courts, the figure changed from 26% to 32%. Interestingly in Edinburgh, where there was no case management, the figure was 26% before the pilot commenced and had reduced to 25% in January 2024.

3.31 These changes seem to be suggesting that the new procedures in the pilot areas are having an early impact on the types of legal aid being used, but it should be noted that cases which are CWP can still result in Not Guilty pleas being tendered at a later stage, where Summary Criminal Legal aid will be needed to cover the trial.

3.32 There has been a slight increase in the number of ABWOR cases matched to a later application for Summary Criminal Legal Aid following a subsequent plea of not guilty. In December 2022, 13% of ABWOR applications in the pilot areas were matched in this way, compared to 17% in January 2024. However, the proportion of ABWOR cases in January 2024 was much higher (paragraph 3.30).

3.33 The different financial eligibility tests for Criminal ABWOR (Keycard) and Summary Criminal (Undue Hardship) meant that there might be some clients who would not qualify for ABWOR (or would qualify with a contribution), but would qualify for Summary Criminal Legal Aid, which has no client contributions.

3.34 In the pilot courts, where the defence indicate that the client does not qualify for ABWOR, a plea of not guilty can be tendered, but rather than set an intermediate diet and trial diet, a Notional Trial Diet (NTD) will be fixed in 2 weeks' time for domestic cases, and after 4 weeks for non-domestic cases. Witnesses will not be cited at this stage, but this allows an application for summary criminal legal aid to be submitted to SLAB. At the NTD, the case will initially follow the same process as a case which has been CWP.

3.35 This is a useful safety net to ensure that all clients can get the benefit of criminal legal assistance, to assist with the early stages of the case. SLAB have not been able to see any figures on how often this has been used, but the indications are that it is only been used a small number of times during the pilot.

3.36 SLAB has been considering a number of further changes to the system of Criminal Legal Assistance, aimed at simplifying the process for applicants and solicitors, as well as standardising the eligibility tests where possible. They are discussing with the Scottish Government ways of simplifying the system of summary criminal legal assistance, which could also include a standard financial eligibility test which will help the way the cases are dealt with in the pilots (and everywhere else too). This will remove the anomalies brought about by different types of legal aid with different eligibility tests for the summary procedure cases in the pilots.

3.37 SLAB are also considering ways of reviewing the Duty Solicitors arrangements, to ensure that duty solicitors can deal with custody and undertaking cases more effectively, which will help the cases in the pilot courts too.

3.38 The potential changes SLAB have identified at this stage sit alongside a range of other potential reforms to legal aid. They understand that Scottish Government intends to engage with stakeholders on its reform agenda later this year. Decisions on regulation change in legal aid are for Scottish Ministers and subject to approval by the Scottish Parliament. Any reforms requiring regulations would be dependent on Ministers' priorities, Scottish Government's judgement as to legislative competence, capacity within Scottish Government to develop and consult on proposals and draft regulations, the response of stakeholders to proposals and space being found in the Scottish Parliament's business programme.

## **ASSIST**

*"When I talked to the PF she really listened to me. I'd been trying to tell Police about the other stuff going on but this lady took it seriously. She instructed Police to carry out further investigations for the other stuff which meant that finally, something was being done. If I hadn't spoken to that lady, I don't believe anyone would have taken me seriously about the entire pattern of abuse."*

*A client of Dundee ASSIST*

3.39 Lynn MacDonald, Head of Dundee ASSIST, reflects on the benefits of the pilot and highlights how it has improved the quality of service provided to victims of domestic abuse.

*“Dundee ASSIST feel that the pilot has been really positive for victims of domestic abuse. ASSIST hadn’t been running long before the pilot started so we are much more familiar now with this way of working than before. It has been clear to see that the timescales for cases coming to conclusion is shorter than before, which is a huge positive for our clients given the emotional and mental strain the process can cause. The court process is often completely alien to victims, and they often report that they feel anxious and disempowered because they don’t always understand everything going on around them regarding the case. The opportunity to talk to a prosecutor can be hugely positive for victims in making them feel empowered, informed and ‘seen’. We can’t stress enough how important it is to add a more personal aspect to this process and the positive impact that can have for victims”.*

*Lynn MacDonald, Head of Service, Dundee ASSIST*

### *Efficiency Benefits*

#### **Police Scotland**

3.40 Police Scotland's involvement with SCM is seeing a reduction in officer citations resulting in officers' attendance at court being reduced. These savings encompass a variety of factors, including an improved well-being for officers, reduced overtime costs, decreased administrative expenses associated with court appearances, and efficiencies gained in case management processes. By implementing streamlined procedures Police Scotland has not only optimised resource allocation but also enhanced the overall effectiveness of its operations. While precise figures on the savings accrued may vary, the impact of SCM if scaled up nationally, would be profound.

3.41 Extrapolating these savings across Police Scotland's Force area would result in a significant reduction in financial expenditure. Moreover, the reallocation of resources from administrative tasks and court attendance to frontline policing activities would bolster community engagement efforts and enhance public safety outcomes. Furthermore, the ripple effects of these cost-saving measures extend beyond immediate financial gains. By minimising officers' involvement in time-consuming court attendance, Police Scotland can better allocate personnel to proactive crime prevention initiatives and community engagement programs. This proactive approach not only fosters stronger relationships between Local Policing Divisions and the communities they serve but also contributes to long-term crime reduction strategies.

3.42 In essence, the savings achieved by Police Scotland through SCM represent more than just fiscal gains; they signify a shift towards a more efficient, responsive, and community-oriented approach to policing that holds considerable promise for enhancing public safety and well-being across the country.

## COPFS

3.43 The organisational benefits arising from the SCM Pilot have become clearer for COPFS the longer the arrangements have been in place. Some of those benefits are not necessarily quantifiable, but they are important. In particular, COPFS staff in the pilot courts find their work to be much more fulfilling. This can be seen in several ways.

3.44 Firstly, when working within the structured SCM arrangements (disclosure, early engagement, case management) deposes can make an immediate difference to the progress of a case. This contrasts with the typical role of taking summary cases through various procedural stages up to trial before discussions on resolution eventually take place. Administrative staff are also seeing more cases being finalised without having to initiate trial preparation, and even when that is necessary, there are increasingly fewer PIDMs and intermediate diets requiring preparation. More recently, early case management has also facilitated the focused approach to trial court management at Dundee, making it much more likely that cases will not be adjourned. All of that has made preparation for early case management and trial preparation much more purposeful.

3.45 Secondly, the SCM arrangements have gradually promoted closer working relationships with the defence. This is a natural consequence of the greater contact that is required for SCM, and the need to make sure local arrangements for disclosure and engagement are effective. There is also an expectation that those discussions will be productive, with a more transparent approach being adopted from the outset. That has improved the local culture and has been seen most clearly at Dundee across all casework.

3.46 Thirdly, the enhanced engagement with domestic abuse victims has been personally fulfilling for those deposes who have been speaking to victims across all the pilot sites, knowing that this added service can make a difference to the victim's experience. Whilst the positive impact for victims and witnesses themselves is a major outcome from the pilot, and is noted elsewhere, this direct engagement has increased deposes awareness of the victim's perspective and the role they can play in supporting them. This is also a demonstration of COPFS's strategic commitment to improve its service in this area.

3.47 One of the other benefits has been the rapid and sustained reduction in the level of cases awaiting trial, the so-called backlog. Although the volume of cases requiring trial preparation by deposes has not changed significantly as the trial court loadings are substantially the same for the moment, the amount of trial work that is carried within the system, and therefore requires ongoing monitoring and review, is now far less. The impact of that is not easily measurable but, were the outstanding cases in paper form, rather than digital, the shelves would look visibly different.

3.48 Efficiency gains are difficult to quantify, even where they may be seemingly obvious, because some of the positive outcomes are a result of additional input at a different stage of proceedings and reflect a redeployment of resources. Such changes themselves take time to put in place and evaluate. It can be safely said, however, that citing fewer witnesses (because fewer trials are necessary) will eventually produce direct financial savings in the amount of payments made to witnesses, the cost of printing and posting citations, etc. If scaled up nationally, the combined impact of direct and indirect savings would be significant.



## 4. OPPORTUNITIES FOR FUTURE DEVELOPMENT

### *Wider Criminal Justice System Developments*

4.1 SCM has the potential to transform the criminal justice system. The evidence is set out in this report. Over the course of its design, development and implementation, wider system developments have been progressed which, when combined with SCM, further enhance its potential and present a real opportunity for the criminal system model of the future.

### **Digital Evidence Sharing Capability (DESC)**

4.2 DESC is a Police Scotland led project to facilitate the collection, editing and sharing of digital evidence throughout the lifetime of a criminal investigation and prosecution. It delivers a digital pathway from crime scene to court room.

4.3 DESC allows the police to securely gather and store multimedia evidence within the programme and digitally share it with COPFS. COPFS can therefore disclose evidence to the defence and present evidence digitally at court without the need for discs or USBs.

4.4 DESC brings significant benefits for all criminal justice partners and will improve the user experience for victims, witnesses, jurors and accused persons. It can manage and play almost all digital files without the need for reformatting meaning digital evidence is instantly available. It integrates with COPFS case management systems and allows prosecutors to access the evidence from the outset, aiding case marking and plea discussions. COPFS can disclose more efficiently to the defence. The defence will be able to access evidence earlier, encouraging earlier resolution of cases.

4.5 DESC has also improved image quality and has added playback features including freeze frame, rewind and zoom, which can aid during plea negotiations and presentation of a trial. Prosecutors can also clip, bookmark and redact parts of digital evidence.

4.6 DESC was successfully piloted in Dundee between January 2023 and April 2024, focusing on summary cases and collecting public and private space digital evidence such as CCTV, digital images and Ring doorbell footage. During the pilot, over 9,000 digital files were successfully ingested into DESC, over 1,000 cases were shared with COPFS by the police, 29 defence agents were able to receive digital disclosure via DESC, and evidence was also displayed to the court via DESC.

4.7 As demonstrated in Dundee, DESC is closely aligned with the aims of SCM and can enhance the potential benefits of SCM by facilitating more effective investigations, informing case marking, and enabling faster resolution of cases.

4.8 Following the successful Pilot at Dundee, DESC is now being rolled out on a division-by-division basis across Scotland. It has now been introduced to the remainder of Tayside and further roll-out is scheduled for Central, the north of Scotland, then elsewhere in the east before concluding in the west.

### **Body Worn Video (BWV)**

4.9 Looking forward, summary case management courts will provide an early opportunity, for Police Scotland to demonstrate the value of its new Body Worn Video (BWV) capability. The BWV National project will outfit all front-line officers with body cameras, aligning the force with UK standards. BWV enhances evidence quality by providing clear audio-visual documentation of officers' interactions, crucial for statements, scene context, and injuries.

4.10 Utilising DESC, BWV will facilitate the efficient and early sharing of footage with COPFS who will be able to share such material with the defence and display it in court from the start of the case. Within the context of SCM, BWV aims to further streamline processes, support early case management, and minimise victim and witness involvement in the criminal justice sector. BWV is scheduled to roll-out nationally from spring 2025.

### **Defence Agents Service (DAS)**

4.11 COPFS intend to further support DESC by the introduction of a new online Defence Agent Service (DAS) which will provide the defence with secure and efficient access on a digital platform to all relevant case information, including disclosure.

### **Specified Disclosure**

4.12 The early disclosure of specified material has been a successful feature of the pilot. That has been increasingly reflected in the higher resolution rates for non-domestic cases, especially in Dundee. COPFS and Police Scotland are currently analysing both the offences types and the type of material where specified evidence is likely to have been requested and has led to resolution. The identification of such instances will help to inform whether a presumption of early availability may be appropriate, rather than awaiting a request.

## **5. DEPENDENCIES**

5.1 Effective operation of the pilot requires parties to be able to share and receive early disclosure material efficiently, and to engage with one another in a manner which is convenient, including virtually and in-person. The following emerging dependencies have been identified relative to these requirements:

### **Network Connectivity**

5.2 Access to Wi-Fi at court is essential for prosecutors and the defence. Establishing consistent and reliable network connectivity would enable parties to access and download early disclosure material while at court. This would inform and assist the progression of engagement between the Crown and the defence and would enable the defence to take detailed instructions from the accused.

5.3 At present, there is a varying landscape across the courts that needs to be resolved. SCTS are committed to providing high quality digital access in all courts and tribunals and work is currently underway on improving network connectivity across the estate.

### **Spaces to Engage**

5.4 Effective engagement between prosecutors and the defence relies upon the availability of spaces to engage within the court building. While engagement often takes place within the courtroom, engagement in court is often pressurised by time and other business. It is therefore helpful to have the option of utilising other private spaces, which can also serve as sites for engagement or resolution surgeries. Discussions at LIGs have helped to raise awareness of local needs and facilitate the identification of solutions.

### **Police Scotland IT Infrastructure**

5.5 Digital dependency and supplementary infrastructure are essential for effectively supporting SCM. The ongoing reliance upon and availability of digital tools and platforms, such as Egress, is vital until the complete implementation of the Digital Evidence Sharing Capability (DESC).

## 6. PROPOSAL FOR ROLL-OUT

### *Pilot Expansion*

6.1 The pilot has been subject to ongoing monitoring and review since its commencement in September 2022. The intention was that regular interim evaluations would allow consideration to be given to whether SCM be rolled out to other courts and other cases before a full final evaluation.

### **Additional Case Types**

6.2 In light of the positive outcomes being secured and the learning from the pilot over its first 12 months, agreement was given to the inclusion of cases involving dogs that are being kept in secure kennels and cases which have been reduced to summary complaint from solemn petition. The rationale for selecting these particular case types is set out below.

#### Dog Kennelling Cases

6.3 The inclusion of cases which have a kennelled dog, should result in efficiencies for Police Scotland, COPFS and SCTS given the costs involved for each of the agencies as these cases progress through the system. At present, approximately 200 cases involving a kennelled dog come through the court each year, with each agency paying the costs of kennelling fees at the respective stages of the process. The changes to the XL Bully regulations have the potential to significantly impact on both case numbers and the associated costs. At Dundee, Hamilton and Paisley, PF Deputes have been instructed to ask the court to deal with cases which have a kennelled dog as a SCM case and request a case management hearing to facilitate early resolution or the agreement of evidence.

#### Cases Reduced to Summary

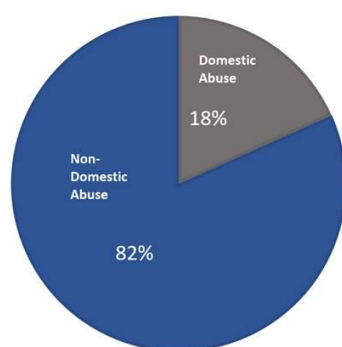
6.4 Cases which have been reduced from solemn petition to summary complaint should already have evidence disclosed thus are capable of being managed through the SCM. SCTS projections are that around 2000 petition cases will be reduced to summary complaint in 2024-25, highlighting the benefit of these cases being included in SCM.

## Glasgow

6.5 The Board also agreed to the pilot's expansion to domestic abuse cases in Glasgow Sheriff Court on 29 January 2024. This was, in effect, the commencement of the pilot roll-out. The arrangements, which are governed by Practice Note 1 of 2024 (Glasgow and Strathkelvin), are consistent with those in place in the original pilot courts. However, the Practice Note also recognised the progress made since the commencement of the pilot in September 2022, in particular, the provisions made in relation to the expectations of the parties, the presumption against PIDMs and IDs, accelerated diets for cases not proceeding to trial and the utilisation of the case management note as a reference point when adjournments are being considered. The CWP period was also extended to three weeks.

6.6 The proportion of the sheriff summary business being covered by the pilot at Glasgow is shown in **Figure 25** below:

**Figure 25: Glasgow Sheriff Court summary complaint registration split 2023-24.**



**Data Source:** SCTS

6.7 The extension to Glasgow was planned and managed in an approach consistent with the introduction of the pilot at Dundee, Hamilton and Paisley. Early engagement and collaboration with sheriffs, staff, COPFS, Police Scotland and the local faculty were key to securing their commitment to the approach. The LIG, chaired by the lead sheriff and comprising cross justice representation was established to oversee the implementation and development of the pilot. A local workshop, facilitated by the Sheriff Principal with contributions from the local judiciary, Police Scotland, COPFS and SLAB was held to communicate the aims and objectives of the pilot and outline how it would operate and be evaluated. This provided an opportunity for all involved to clarify any issues of concern or seek further detail.

6.8 The management information developed for the Board was extended to Glasgow to provide visibility on early progress. Since the commencement of the pilot, discussions at the LIG have supported the resolution of issues in relation to early disclosure of key evidence and the submission of letters of engagement. The collaborative and inclusive approach at Glasgow has been readily recognised:

“ASSIST has welcomed that victim’s experiences have been viewed as central to the successful operation of the SCMP within Glasgow Sheriff Court. Our participation in the local implementation group meetings has allowed partnership working and communication around victim engagement to be more effective. It has enhanced our understanding of how the processes are being applied which in turn allows us to keep victims and witnesses informed and engaged around the pilot. One of ASSIST’s central priorities is to ensure victim’s voices are heard within the criminal justice system – our inclusion in the implementation process demonstrates that the criminal justice system recognises the importance of supporting this priority.”

Fiona McMullen, ASSIST

6.9 It was noted that the dedicated legal aid arrangements put in place for the commencement of the Domestic Abuse Court Pilot in October 2004 remained in place. The practical implication of that was that it allowed for solicitors to choose between ABWOR and the automatic legal aid for Guilty pleas and CWP cases.

### Early Analysis of Performance

6.10 Although SCM has only been in place for six months at Glasgow, data is available to give an early indication of performance (**Figure 26**)<sup>21</sup>. For the original pilot courts, KPI 4 and 5 focussed on all summary business and as Glasgow is only concerned with domestic abuse cases, KPIs 4b and 5b were created to allow a Glasgow measure to be calculated.

Figure 26: Early Indication of Performance at Glasgow

		Glasgow			Aggregated Non-Pilot Courts		
		Pre-Pilot	Pilot	PP	Pre-Pilot	Pilot	PP
		Apr-23 to Jan-24	Feb-24 to May-24	Difference	Apr-22 to Aug-22	Sep-22 to May-24	Difference
<b>KPI 1</b>	Percentage of first disclosures available, within 3 days of receipt of a letter of engagement from the defence, in all domestic abuse cases at the first calling (custody, undertaking, cited)	N/A	60.8%	N/A	N/A	N/A	N/A
<b>KPI 2</b>	Percentage of disclosures, where requested in non-domestic cases, is provided to the defence at least one week in advance of a CWP diet, where the rescheduled reason for the CWP is case management related and where a Letter of Engagement is in place.	N/A	N/A	N/A	N/A	N/A	N/A
<b>KPI 3</b>	The number of witness citations issued in domestic cases.	671	394	-41%	3517	3184	-9%
<b>KPI 4b</b>	Percentage of Sheriff Summary domestic abuse cases resolved at first appearance	21.3%	21.6%	0.3	25.6%	24.9%	-0.7
<b>KPI 5b</b>	Percentage of Sheriff Summary domestic abuse cases resolved at CWP	18.7%	9.0%	-9.6	18.8%	17.8%	-1.0
<b>KPI 6</b>	Percentage of Sheriff Summary domestic cases requiring to call at an intermediate diet	144.9%	103.8%	-41.1	179.7%	157.9%	-21.8
<b>KPI 7</b>	Percentage of Sheriff Summary domestic abuse trials at which evidence is led	15.0%	18.3%	3.3	12.7%	12.7%	0.0
<b>KPI 8</b>	Percentage of sheriff summary domestic abuse cases where number of days between first calling for accused and letter of engagement is less than 21 (Glasgow only - all else 15 days).	N/A	88.7%	N/A	N/A	N/A	N/A

Data Source: COPFS & SCTS

<sup>21</sup> KPI 8 at Glasgow is based on 21 days in light of the extended CWP period referred to at paragraph 6.5.

6.11 Although it is still very early days in terms of the impact of SCM, Glasgow already has 5 out of the 8 KPIs categorised as 'Green' which is reassuring. KPI 3 and KPI 6 are showing significant improvement. KPI 7 shows 18.3% for the first four months of the pilot roll-out and this is already better than any pilot court, apart from Paisley (21.1%).

6.12 The contest rate for Glasgow domestic abuse cases during the period April 2023 to January 2024 (this is the period deemed as a useful pre-SCM comparator period) is 76% while the period February 2024 to May 2024 is 62% so there has been a decrease of 14 percentage points during the first four months of SCM. This is reassuring and shows that for every 100 pleas at pleading diet there were 76 not guilty pleas (in which a trial diet is fixed) but that is now 62 not guilty pleas per 100 pleas. The pilot courts featured this trend too. In its first four months, SCM has already encouraged around 40 additional guilty pleas, which is around 40 trials which did not have to be fixed, around 40 sets of witnesses that did not need to be cited/recited to attend court and around 40 victims that have been able to move forward. As the pilot matures in Glasgow the expectation is that this figure will increase significantly. The positive impact of the pilot on domestic abuse victims has been noted:

*"An ASSIST advocacy worker was pleased to hear from a client she is supporting that she had received a call from the procurator fiscal as part of the case management pilot and how she really appreciated it, it made her feel part of the process. The advocacy worker previously supported her with a case that ended in summer last year however, there has been a repeat incident and a new case is progressing through court. She told the advocacy worker she could distinguish the difference in the court process and feels this has made a difference to how she feels about the case."*

*Extract from ASSIST Weekly bulletin (April 2024)*

6.13 In the interim evaluation report, it was estimated that if the pilot was rolled out to all summary business at Glasgow, assuming the same level of engagement as Dundee, around 180 trials would not have required to be fixed at Glasgow per annum. The savings that have been secured in its very early stages in respect of domestic abuse cases only, which is around a fifth of Glasgow's summary business, further highlight its future potential.

6.14 The impact on witness citations is illustrated in **Figure 27** below:

**Figure 27: Average Monthly Domestic Abuse Witness Citation Changes First Citation and Recitation (Actual Volumes) - Pre-Pilot Roll Out to Pilot Roll Out to May 24**

Domestic Abuse: Reduction in monthly average witness volumes when comparing Pre-Pilot Roll Out to Pilot Roll Out as at May 2024	Witness Citation type			
	First Cite		Recite	
	Volume	Percentage	Volume	Percentage
Glasgow	276	41%	108	11%

Pre-Pilot Roll Out is Apr 23 to Jan 24  
Pilot Roll Out is Feb 24 to May 24

Data Source: COPFS

## Perth

6.15 The pilot was extended to domestic abuse cases at Perth Sheriff Court in May 2024. This next phase in the pilot roll-out was planned and managed in line with the approach taken at the other pilot courts. Practice Note 1 of 2024 (Tayside, Central and Fife) governs the arrangements which are consistent with those in place at Glasgow. Although it is too early to provide a statistically robust analysis of progress there, the feedback from Perth is that the pilot is embedding well and is already securing an increase in early resolution/case conclusion. The data below provides an early insight only and should be used with caution as there are only 2 complete months of SCM for comparison purposes, therefore these KPIs could change in due course. KPI 1, 3 and 8 are not yet available. KPI 2 is not applicable to domestic abuse cases

**Figure 28: Early KPI Perth DA Insights**

Summary Case Management Metrics: Perth - Domestic Abuse		Baseline	SCM Analytical Period	Percentage Point difference
SCM Metric		Apr-23 - Mar-24	Jun-24 - Jul-24	
KPI 4	Percentage of cases resolved at first appearance	25.9%	18.6%	-7.3pp
KPI 5	Percentage of cases resolved at CWP	22.5%	36.5%	+14pp
KPI 6	Percentage of cases requiring to call at ID	148.2%	94.4%	-53.8pp
KPI 7	Percentage of trials at which evidence is led	17.3%	24.1%	+6.8pp
Contest Rate	Not Guilty plea ratio at pleading diet	73%	39%	-34pp

Data Source: SCTS

## Future Roll-Out Proposal

6.16 Subject to the Board's endorsement of the evaluation report, it is anticipated that the SCM approach will be adopted more widely across Scotland's sheriff



summary courts. There are a number of factors which will affect the timing, form, and locations of the future implementation process.

6.17 The primary consideration for roll-out will be the capacity and capability of each of the local agencies, Police Scotland in particular, to implement the arrangements locally. Based on the experience of the current pilot courts, that will involve a mix of resourcing, training, and logistical issues. With careful planning and the correct timing, each of these issues can be addressed.

6.18 The police preference is that the geographical roll-out should follow that of DESC, now that it is moving towards national roll-out following its successful pilot in Dundee. This would mean the initial extension would be in the remaining courts in Tayside, Central and Fife this autumn, followed by the north, then elsewhere in the east, before concluding in the west. The police preference, along with the views of other justice partners, will be considered by the Board.

6.19 A further factor will be the scope of the pilot as it rolls out to each court. The original pilot courts in Dundee, Hamilton, and Paisley have all operated on what is sometimes called the “twin-track” approach of (i) the disclosure of key evidence in all domestic abuse cases and (ii) the provision of specified evidence in any other cases where that would assist resolution of the case or any of the issues in the case, such as the agreement of evidence.

6.20 The more recent pilot courts in Glasgow and Perth have focused only on the disclosure of key evidence in domestic abuse cases. They also operate under a different Practice Note with more substantial presumptions on aspects of procedure. Consideration will have to be given as to whether a consistent national approach should now be adopted, including the form of any future Practice Note. There is scope for that to reflect the learning from all of the pilot areas.

6.21 There are two further matters which should be essential features of any future SCM court, whatever its scope. Firstly, that it is clearly and robustly judicially led. Secondly, that SCM implementation will be overseen by a LIG with the defence as active participants. These features have been contributory factors in the pilot’s success so far and should be replicated. The key essentials for a national roll-out are covered in more detail in the following paragraphs.

### **Essentials for National Roll-Out**

6.22 The learning from the approach taken to the design, development, implementation and extension of SCM over the Pilot period has identified a number of essential requirements to support its future roll-out on a national basis. A

prerequisite is that every court must adopt the same model; local practices should be avoided.

The key areas of note are set out below.

- ***National Practice Note*** – consistency in approach across courts will be essential. A national Practice Note, based on the Practice Notes for Glasgow and Perth and reflecting the learning and further developments since then, will govern how SCM will operate across Scotland;
- ***Reconstituted Board*** – comprising all Sheriffs Principal, senior representatives from Police Scotland, COPFS, SCTS, SLAB and Scottish Government and defence agent representation at national level from each of the Law Society, Scottish Solicitors Bar Association and PDSO. The Board will have oversight of the timing and location of roll-out;
- ***Steering Group*** – with representation agreed by the Board, to oversee the roll-out;
- ***Mandatory Training*** – for Police, PF Deputes and Sheriffs;
- ***Key Performance Indicators (KPIs)*** – the current KPIs will be reviewed, with a revised set of key metrics agreed by the Board to support effective monitoring of progress at sheriffdom and court level;
- ***Local Workshops*** – to be arranged in advance of the commencement of SCM, judicially led and attended by the range of local interests, with an emphasis on ensuring awareness of the pilot among defence solicitors;
- ***Local Implementation Group (LIG)*** - to be established at each court to support the Sheriff Principal in the preparation for and implementation of SCM, work collaboratively to resolve any local operational barriers and monitor its effectiveness.
- ***Engagement Surgery*** – to be established to facilitate engagement and the early resolution of cases or issues.

## **Annex 1: The Summary Case Management (SCM) Pilot Project Board Members**

Sheriff Principal Anwar (Chair)  
Sheriff Principal Murray (*to February 2022*)  
Sheriff Principal Lewis (*to July 2023*)  
Sheriff Principal Murphy (*from July 2022*)  
Sheriff Principal Dowdalls (*from June 2023*)  
Sheriff Principal Wade (*from August 2023*)  
David Fraser, SCTS  
Aileen Horner, SCTS  
John Logue, COPFS  
Jim Brisbane, COPFS  
Jennifer Harrower, COPFS  
Assistant Chief Constable Wendy Middleton (*from October 2023*)  
Chief Superintendent Barry Blair, Police Scotland (*to January 2023*)  
Chief Superintendent Rob Hay, Police Scotland (*from January to September 2023*)  
Chief Superintendent Pat Campbell, Police Scotland (*from September 2023*)  
T/Chief Inspector Eddie Seery, Police Scotland  
Kingsley Thomas, Scottish Legal Aid Board  
Marie-Louise Fox, Scottish Legal Aid Board  
Peter Lockhart, Defence Agent (*to October 2023*)  
Anika Jethwa, Defence Agent (*from March 2023*)  
Matthew McGovern, Defence Agent (*from January 2024*)  
David Sinclair, PDSO Dundee (*from January 2024*)  
Fiona Cameron, Scottish Government (*from June 2022*)  
Jeff Gibbons, Scottish Government (*to February 2022*)

### **Additional Attendees:**

Sheriff Paul Brown, Dundee  
Sheriff Liam Murphy/Sheriff Louise Gallacher, Hamilton  
Sheriff Eoin McGinty/Sheriff Brian Mohan, Paisley  
Sheriff Andrew McIntyre, Glasgow

## Annex 2: Key Performance Indicators & Technical Notes

KPI	
1	<p><b>That disclosure of the key material is available, within 3 days of receipt of a letter of engagement from the defence, in all domestic abuse cases at the first calling (custody, undertaking, cited).</b></p> <p>The number of times first disclosure of material is provided for Domestic Abuse cases within 3 working days of the date the letter of engagement is recorded as being received, expressed as a percentage of the total number of letters of engagement received then apply the RAG status using conditional formatting in Excel. <i>(Data Source: COPFS)</i></p>
2	<p><b>That targeted disclosure, where requested in non-domestic cases is provided to the defence at least one week in advance of a CWP, where the rescheduled reason for the CWP is case management related and where a Letter of Engagement is in place.</b></p> <p>For non-Domestic Abuse cases where the Continued Without Plea diet (CWP) has been re-scheduled for case management related reasons: the number of times disclosure of material is at least seven days before the CWP date, expressed as a percentage of all disclosures of material then apply the RAG status using conditional formatting in Excel. <i>(Data Source: COPFS)</i></p>
3	<p><b>That the number of witness citations issued decreases.</b></p> <p>The percentage change in the average monthly number of witnesses cited in the Pilot period compared to the average monthly number cited in the pre-Pilot period then apply the RAG status using conditional formatting in Excel. <i>(Data Source: COPFS)</i></p>
4	<p><b>That the percentage of cases resolved at the first appearance increases.</b></p> <p>The monthly average volume of Sheriff Summary cases resolved at first appearance divided by the monthly average volume of Sheriff Summary cases that called at first calling expressed as a percentage. Construct for the pre-Pilot period and the Pilot period and calculate the percentage point difference then apply the RAG status using conditional formatting in Excel. <i>(Data Source: SCTS)</i></p>
5	<p><b>That the percentage of cases resolved at the CWP diet increases.</b></p> <p>The monthly average volume of Sheriff Summary cases resolved at continued without plea diet divided by the monthly average volume of Sheriff Summary cases that called at continued without plea diet expressed as a percentage. Construct for the pre-Pilot period and the Pilot period and calculate the percentage point difference then apply the RAG status using conditional formatting in Excel. <i>(Data Source: SCTS)</i></p>
6	<p><b>That the percentage of domestic cases requiring to call at an intermediate diet reduces.</b></p>

	The monthly average volume of Sheriff Summary Domestic Abuse cases that call at Intermediate Diet divided by the monthly average volume of Sheriff Summary Domestic Abuse cases registered expressed as a percentage. Construct for the pre-Pilot period and the Pilot period and calculate the percentage point difference then apply the RAG status using conditional formatting in Excel. ( <i>Data Source: SCTS</i> )
7	<b>That the percentage of domestic abuse trials in which evidence is led at the trial diet increases.</b>
	The monthly average volume of Sheriff Summary Domestic Abuse Evidence Led trials divided by the monthly average volume of Sheriff Summary Domestic Abuse cases that called for trial expressed as a percentage. Construct for the pre-Pilot period and the Pilot period and calculate the percentage point difference then apply the RAG status using conditional formatting in Excel. ( <i>Data Source: SCTS</i> )
8	<b>That the percentage of domestic abuse cases where number of days between First Calling for accused and Letter of Engagement is less than 15 increases.</b>
	The number of letters of engagement for Domestic Abuse cases received 14 days or sooner after the date of First Calling divided by the total number of letters of engagement received expressed as a percentage then apply the RAG status using conditional formatting in Excel. ( <i>Data Source: COPFS</i> )

KPI 'RAG' status for Red or Green

KPI 1 - G (90% or above) R (below 90%)

KPI 2 - G (90% or above) R (below 90%)

KPI 3 - G (decrease from baseline) R (no change or increase)

KPI 4 - G (increase from baseline) R (no change or decrease)

KPI 5 - G (increase from baseline) R (no change or decrease)

KPI 6 - G (decrease from baseline) R (no change or increase)

KPI 7 - G (increase from baseline) R (no change or decrease)

KPI 8 - G (75% or above) R (below 75%)

### Annex 3: Key Performance Indicators – Underlying Data

<b>KPI 1: Volume of first disclosures available within 3 days of receipt of a letter of engagement from the defence, in all domestic abuse cases at the first calling</b>	<b>Pre-Pilot</b>	<b>Pilot</b>	<b>Pilot Year 1</b>	<b>Pilot Year 2</b>	<b>Change Pilot to Pre-Pilot</b>	<b>Change Pilot Year 2 to Pre-Pilot</b>
<b>Dundee</b>						
Volume of first disclosures available within 3 days of receipt of a letter of engagement	N/A	525	315	210	N/A	N/A
Volume of first disclosures available in all domestic abuse cases at the first calling	N/A	552	340	212	N/A	N/A
Percentage of first disclosures available within 3 days of receipt of a letter of engagement	N/A	95.1%	92.6%	99.1%	N/A	N/A
<b>Paisley</b>						
Volume of first disclosures available within 3 days of receipt of a letter of engagement	N/A	398	220	178	N/A	N/A
Volume of first disclosures available in all domestic abuse cases at the first calling	N/A	526	298	228	N/A	N/A
Percentage of first disclosures available within 3 days of receipt of a letter of engagement	N/A	75.7%	73.8%	78.1%	N/A	N/A
<b>Hamilton</b>						
Volume of first disclosures available within 3 days of receipt of a letter of engagement	N/A	532	293	239	N/A	N/A

Volume of first disclosures available in all domestic abuse cases at the first calling	N/A	725	435	290	N/A	N/A
Percentage of first disclosures available within 3 days of receipt of a letter of engagement	N/A	73.4%	67.4%	82.4%	N/A	N/A
<b>Aggregated Pilot Courts</b>						
Volume of first disclosures available within 3 days of receipt of a letter of engagement	N/A	1455	828	627	N/A	N/A
Volume of first disclosures available in all domestic abuse cases at the first calling	N/A	1803	1073	730	N/A	N/A
Percentage of first disclosures available within 3 days of receipt of a letter of engagement	N/A	78.7%	77.2%	85.9%	N/A	N/A
<b>Aggregated Non-Pilot Courts</b>						
Volume of first disclosures available within 3 days of receipt of a letter of engagement	N/A	N/A	N/A	N/A	N/A	N/A
Volume of first disclosures available in all domestic abuse cases at the first calling	N/A	N/A	N/A	N/A	N/A	N/A
Percentage of first disclosures available within 3 days of receipt of a letter of engagement	N/A	N/A	N/A	N/A	N/A	N/A

<b>KPI 2: Volume of disclosures in non-domestic cases, which are requested to be provided to the defence at least one week in advance of a continue without plea hearing</b>	<b>Pre-Pilot</b>	<b>Pilot</b>	<b>Pilot Year 1</b>	<b>Pilot Year 2</b>	<b>Change Pilot to Pre-Pilot</b>	<b>Change Pilot Year 2 to Pre-Pilot</b>
<b>Dundee</b>						
Volume of disclosures in non-domestic cases, provided to the defence at least one week in advance	N/A	233	118	115	N/A	N/A
Volume of disclosures, where requested in non-domestic cases	N/A	274	141	133	N/A	N/A
Percentage of disclosures in non-domestic cases, provided to the defence at least one week in advance	N/A	85.0%	83.7%	86.5%	N/A	N/A
<b>Paisley</b>						
Volume of disclosures in non-domestic cases, provided to the defence at least one week in advance	N/A	44	16	28	N/A	N/A
Volume of disclosures, where requested in non-domestic cases	N/A	170	83	87	N/A	N/A
Percentage of disclosures in non-domestic cases, provided to the defence at least one week in advance	N/A	25.9%	19.3%	32.2%	N/A	N/A
<b>Hamilton</b>						
Volume of disclosures in non-domestic cases, provided to the defence at least one week in advance	N/A	182	63	119	N/A	N/A
Volume of disclosures, where requested in non-domestic cases	N/A	267	106	161	N/A	N/A
Percentage of disclosures in non-domestic cases,	N/A	68.2%	59.4%	73.9%	N/A	N/A



provided to the defence at least one week in advance						
<b>Aggregated Pilot Courts</b>						
Volume of disclosures in non-domestic cases, provided to the defence at least one week in advance	N/A	459	197	262	N/A	N/A
Volume of disclosures, where requested in non-domestic cases	N/A	711	330	381	N/A	N/A
Percentage of disclosures in non-domestic cases, provided to the defence at least one week in advance	N/A	64.6%	59.7%	68.8%	N/A	N/A
<b>Aggregated Non-Pilot Courts</b>						
Volume of disclosures in non-domestic cases, provided to the defence at least one week in advance	N/A	N/A	N/A	N/A	N/A	N/A
Volume of disclosures, where requested in non-domestic cases	N/A	N/A	N/A	N/A	N/A	N/A
Percentage of disclosures in non-domestic cases, provided to the defence at least one week in advance	N/A	N/A	N/A	N/A	N/A	N/A

<b>KPI 3: Monthly average witness first citations in Sheriff Summary Domestic Abuse cases</b>	<b>Pre-Pilot</b>	<b>Pilot</b>	<b>Pilot Year 1</b>	<b>Pilot Year 2</b>	<b>Percentage Change Pilot to Pre-Pilot</b>	<b>Percentage Change Pilot Year 2 to Pre-Pilot</b>
Dundee	189	128	128	129	-32%	-32%
Paisley	164	127	126	130	-22%	-21%
Hamilton	283	198	194	203	-30%	-28%
Aggregated Pilot Courts	636	453	448	462	-29%	-27%
Aggregated Non-Pilot Courts	3517	3193	3207	3169	-9%	-10%

<b>KPI 4: Monthly average resolutions in Sheriff Summary first appearances</b>	<b>Pre-Pilot</b>	<b>Pilot</b>	<b>Pilot Year 1</b>	<b>Pilot Year 2</b>	<b>Volume or Percentage Points (pp) Change Pilot to Pre-Pilot</b>	<b>Volume or Percentage Points (pp) Change Pilot Year 2 to Pre-Pilot</b>
<b>Dundee</b>						
Volume resolved at first calling	46	50	45	58	4	12
Volume called at first calling	201	197	185	217	-4	16
Percentage resolved at first calling	22.9%	25.3%	24.2%	26.9%	2.4pp	4.0pp
<b>Paisley</b>						
Volume resolved at first calling	39	41	39	44	2	5
Volume called at first calling	185	186	182	194	1	9
Percentage resolved at first calling	21.0%	21.7%	21.1%	22.7%	0.7pp	1.7pp
<b>Hamilton</b>						
Volume resolved at first calling	99	102	100	104	3	5
Volume called at first calling	367	331	334	328	-36	-39
Percentage resolved at first calling	26.9%	30.6%	30.0%	31.8%	3.8pp	4.9pp
<b>Aggregated Pilot Courts</b>						
Volume resolved at first calling	184	192	183	206	8	22
Volume called at first calling	753	715	701	738	-38	-15
Percentage resolved at first calling	24.4%	26.9%	26.2%	28.0%	2.5pp	3.6pp
<b>Aggregated Non-Pilot Courts</b>						
Volume resolved at first calling	917	1020	1001	1051	103	134
Volume called at first calling	3783	4197	4057	4437	414	654
Percentage resolved at first calling	24.2%	24.3%	24.7%	23.7%	0.1pp	-0.5pp

<b>KPI 5: Monthly average resolutions in Sheriff Summary continue without plea hearings</b>	<b>Pre-Pilot</b>	<b>Pilot</b>	<b>Pilot Year 1</b>	<b>Pilot Year 2</b>	<b>Volume or Percentage Points (pp) Change Pilot to Pre-Pilot</b>	<b>Volume or Percentage Points (pp) Change Pilot Year 2 to Pre-Pilot</b>
<b>Dundee</b>						
Volume resolved at continue without plea hearing	17	40	35	47	23	30
Volume called at continue without plea hearing	125	187	181	198	62	73
Percentage resolved at continue without plea hearing	13.6%	21.1%	19.4%	23.9%	7.5pp	10.2pp
<b>Paisley</b>						
Volume resolved at continue without plea hearing	10	21	17	29	11	19
Volume called at continue without plea hearing	85	152	137	177	67	92
Percentage resolved at continue without plea hearing	11.5%	13.8%	12.0%	16.2%	2.4pp	4.8pp
<b>Hamilton</b>						
Volume resolved at continue without plea hearing	19	34	33	35	15	16
Volume called at continue without plea hearing	117	200	194	211	83	94
Percentage resolved at continue without plea hearing	16.1%	17.0%	17.1%	16.8%	0.8pp	0.6pp
<b>Aggregated Pilot Courts</b>						
Volume resolved at continue without plea hearing	46	95	85	111	49	65
Volume called at continue without plea hearing	327	539	512	586	212	259

Percentage resolved at continue without plea hearing	14.0%	17.5%	16.6%	19.0%	3.6pp	5.0pp
<b>Aggregated Non-Pilot Courts</b>						
Volume resolved at continue without plea hearing	299	318	297	356	19	331
Volume called at continue without plea hearing	1552	1652	1517	1883	100	57
Percentage resolved at continue without plea hearing	19.3%	19.3%	19.5%	18.9%	0.0pp	-0.4pp

<b>KPI 6: Monthly average Sheriff Summary domestic cases requiring to call at an intermediate diet</b>	<b>Pre-Pilot</b>	<b>Pilot</b>	<b>Pilot Year 1</b>	<b>Pilot Year 2</b>	<b>Volume or Percentage Points (pp) Change Pilot to Pre-Pilot</b>	<b>Volume or Percentage Points (pp) Change Pilot Year 2 to Pre-Pilot</b>
<b>Dundee</b>						
Volume required to call at an intermediate diet	95	46	55	32	-49	-63
Volume registered	55	56	56	57	1	2
Percentage required to call at an intermediate diet	173.7%	82.5%	98.1%	56.4%	-91.2pp	-117.3pp
<b>Paisley</b>						
Volume required to call at an intermediate diet	100	71	76	64	-29	-36
Volume registered	51	47	44	52	-4	1
Percentage required to call at an intermediate diet	196.5%	151.2%	170.8%	122.9%	-45.2pp	-73.6pp
<b>Hamilton</b>						
Volume required to call at an intermediate diet	127	111	120	97	-16	-30
Volume registered	86	81	78	86	-5	0

Percentage required to call at an intermediate diet	148.0%	137.4%	153.9%	111.7%	-10.7pp	-36.3pp
<b>Aggregated Pilot Courts</b>						
Volume required to call at an intermediate diet	322	229	250	193	-93	-129
Volume registered	192	184	178	196	-8	4
Percentage required to call at an intermediate diet	168.3%	124.3%	140.7%	98.7%	-44.0pp	-69.6pp
<b>Aggregated Non-Pilot Courts</b>						
Volume required to call at an intermediate diet	1772	1550	1561	1530	-222	-242
Volume registered	986	970	968	974	-16	-12
Percentage required to call at an intermediate diet	179.7%	159.7%	161.2%	157.1%	-20.0pp	-22.6pp

<b>KPI 7: Monthly average Sheriff Summary domestic abuse trials at which evidence is led</b>	<b>Pre-Pilot</b>	<b>Pilot</b>	<b>Pilot Year 1</b>	<b>Pilot Year 2</b>	<b>Volume or Percentage Points (pp) Change Pilot to Pre-Pilot</b>	<b>Volume or Percentage Points (pp) Change Pilot Year 2 to Pre-Pilot</b>
<b>Dundee</b>						
Volume of domestic abuse trials at which evidence led	6	8	7	8	2	2
Volume of domestic abuse trials called	61	52	53	50	-9	-11
Percentage of domestic abuse trials at which evidence led	10.2%	14.6%	13.8%	16.1%	4.4pp	5.9pp
<b>Paisley</b>						
Volume of domestic abuse trials at which evidence led	12	14	14	15	2	3
Volume of domestic abuse trials called	85	72	73	69	-13	-16

Percentage of domestic abuse trials at which evidence led	14.7%	19.9%	19.3%	21.1%	5.3pp	6.5pp
Hamilton						
Volume of domestic abuse trials at which evidence led	14	8	8	8	-6	-6
Volume of domestic abuse trials called	100	76	81	69	-24	-31
Percentage of domestic abuse trials at which evidence led	14.4%	10.6%	10.1%	11.6%	-3.7pp	-2.7pp
Aggregated Pilot Courts						
Volume of domestic abuse trials at which evidence led	33	30	30	31	-3	-2
Volume of domestic abuse trials called	245	200	207	188	-45	-57
Percentage of domestic abuse trials at which evidence led	13.4%	15.0%	14.3%	16.3%	1.6pp	2.9pp
Aggregated Non-Pilot Courts						
Volume of domestic abuse trials at which evidence led	156	132	132	133	-24	-23
Volume of domestic abuse trials called	1232	1049	1053	1043	-183	-189
Percentage of domestic abuse trials at which evidence led	12.7%	12.6%	12.5%	12.8%	-0.1pp	0.1pp

<b>KPI 8: Monthly average Sheriff Summary domestic abuse cases where the number of days between First Calling for subject and Letter of Engagement is less than 15</b>	<b>Pre-Pilot</b>	<b>Pilot</b>	<b>Pilot Year 1</b>	<b>Pilot Year 2</b>	<b>Change Pilot to Pre-Pilot</b>	<b>Change Pilot Year 2 to Pre-Pilot</b>
<b>Dundee</b>						
Volume of domestic abuse cases where the number of days is less than 15	N/A	334	237	97	N/A	N/A
Volume of domestic abuse cases with a Letter of Engagement	N/A	481	362	119	N/A	N/A
Percentage of domestic abuse cases where the number of days is less than 15	N/A	69.4%	65.6%	81.5%	N/A	N/A
<b>Paisley</b>						
Volume of domestic abuse cases where the number of days is less than 15	N/A	228	145	83	N/A	N/A
Volume of domestic abuse cases with a Letter of Engagement	N/A	462	333	129	N/A	N/A
Percentage of domestic abuse cases where the number of days is less than 15	N/A	49.4%	43.5%	64.3%	N/A	N/A
<b>Hamilton</b>						
Volume of domestic abuse cases where the number of days is less than 15	N/A	412	281	131	N/A	N/A
Volume of domestic abuse cases with a Letter of Engagement	N/A	617	457	160	N/A	N/A
Percentage of domestic abuse cases where the number of days is less than 15	N/A	66.8%	61.5%	81.9%	N/A	N/A

Aggregated Pilot Courts						
Volume of domestic abuse cases where the number of days is less than 15	N/A	974	663	311	N/A	N/A
Volume of domestic abuse cases with a Letter of Engagement	N/A	1560	1152	408	N/A	N/A
Percentage of domestic abuse cases where the number of days is less than 15	N/A	62.4%	57.6%	76.2%	N/A	N/A
Aggregated Non-Pilot Courts						
Volume of domestic abuse cases where the number of days is less than 15	N/A	N/A	N/A	N/A	N/A	N/A
Volume of domestic abuse cases with a Letter of Engagement	N/A	N/A	N/A	N/A	N/A	N/A
Percentage of domestic abuse cases where the number of days is less than 15	N/A	N/A	N/A	N/A	N/A	N/A

Data Source:

KPI 1-3 and 8: COPFS

KPI 4-7: SCTS

Measurement periods are defined as follows:

'Pre-Pilot' is April 2022 to August 2022

'Pilot' is September 2022 to March 2024

'Pilot Year 1' is September 2022 to August 2023

'Pilot Year 2' is September 2023 to March 2024

Groupings are defined as follows:

'Aggregated Pilot Courts' is Dundee, Paisley and Hamilton Sheriff Court summary counts combined

'Aggregated Non-Pilot Courts' is National Sheriff Court summary counts minus Dundee, Paisley and Hamilton Sheriff Courts counts



## **Annex 4: Technical Notes By Data Suppliers**

### **Scottish Courts and Tribunals Service (SCTS) Data**

The SCTS statistical information contained in this interim evaluation report is derived from a long-established series of internal monthly management information reports that are populated from a monthly data extract from COPII – the live operational case management system (an administrative database) used by the SCTS to record activity on criminal court cases. The internal management information reports that underpin this bulletin undergo robust quality assurance during the production process.

Court cases are held in public and may be reported on by the media unless the court orders otherwise, for example where children are involved. While the aim is for the statistics in this report to be sufficiently detailed to allow a high level of practical utility, care has been taken to ensure that it is not possible to identify an individual or organisation and obtain any private information relating to them. We have assessed the risk of individuals being identified in the SCTS data in this report and have established that no private information can be identified.

All counts are aggregated during the data extract process which ensures anonymity. No personal details relating to individuals or companies are seen by the producer team at SCTS.

COPII is not designed for statistical purposes. If data anomalies are discovered that require a revision or correction, the SCTS, will comply with Scotland's Chief Statistician's current revisions policy.

### **Crown Office and Procurator Fiscal (COPFS) Data**

The information in this interim evaluation report is taken from the live COPFS operational database used to manage the processing of reports submitted to Procurators Fiscal by the police and other reporting agencies throughout Scotland. It is designed to meet business needs in the processing of criminal cases, rather than for statistical analysis, and the information within it is structured accordingly.

Information on each case is added or amended on the database as the case progresses. The information provided in this report reflects what was recorded at the date it was extracted.

### **Police Scotland Data**

Information in this interim evaluation report is taken from manual data returns submitted to a central point within Police Scotland where the data is then collated. This process is primarily designed to meet business needs rather than statistical analysis.

### **Scottish Legal Aid Board (SLAB) Data**

Information in this interim evaluation report is taken from monthly management information reports derived from an administrative data base that receives online legal aid submissions from solicitors. This process is primarily designed to meet business needs rather than statistical analysis.