**EDINBURGH SHERIFF COURT AWI USER GROUP**

Minutes of meeting on Thursday 22 August 2024 at 16:15 at Court 17, Edinburgh Sheriff Court, 27 Chambers Street, Edinburgh

**Present:** Sheriff Fife (Chair)

Sheriff Keir

Sheriff Sharp

Sheriff Auchincloss

Sheriff Dickson

Sheriff Walls

Magda Markow, (Secretary), Civil Department

Mary Hughes, Civil Department

Dave Young, Head of the Civil Department

Alex Young, Civil Department

Cameron Young, Civil Department

Danielle Rose, on behalf of the Office of the Public Guardian

Wendy Dalgleish, Scottish Legal Aid Board

Catriona Watt, solicitor, Anderson Strathern

Ellen Bond and Charlotte Dempster, Morton Fraser MacRoberts

Helen McGinty, solicitor and safeguarder

Raymond Fairgrieve, solicitor and safeguarder

Scott Archibald, solicitor on behalf of Midlothian Council

Lynne Lind, solicitor, TC Young

Sheila Byth, solicitor, McKinnon Forbes

Elizabeth Horsfall, safeguarder

Richard Thompson, solicitor, East Lothian Council

* **Welcome (1) and apologies (2)**

Sheriff Fife welcomed everyone.

Apologies were received from Sheriff Stirling, Sheriff O’Carroll, Fiona Brown, Sarah Prentice, Gary Burton, Jacqueline Tainsh, Lynn Bryson, Lucia Clark, Keren Conway, Donald Campbell, Suzanne Ross and Guy Couper.

Sheriff Fife announced that Sheriff Tait had been appointed as a High Court judge. Sheriffs Sharp and Walls had been appointed as AWI sheriffs. There are now 8 AWI sheriffs.

Sh. Fife thanked the entire team for their contribution and hard work.

Sh. Fife: Ms Faqir from CEC was invited to join the group.

* **Minutes of meeting of 26 January 2024**

Approved without any amendments.

* **Stats overview (4)**

Mary Hughes: slight difference from last year, as 204 new applications registered and 136 minutes lodged, from January to August 2024, and 228 new applications registered and 116 minutes lodged in 2023. The numbers may be affected if there are outstanding MHO appointments.

Helen McGinty added that MHO allocation is now stretched to 2 years in City of Edinburgh Council, while other local authorities within our jurisdiction have significantly shorter waiting period.

Sheriff Fife: the wait for MHO allocation is so long and frustrating, there is currently at least one application before the court to ordain City of Edinburgh Council to allocate MHO.

Helen McGinty: MHOs are being tried to be brought back from retirement, but there are formal obstacles and problems as it affects their pension.

Sheriff Fife: Between January and August 2023 there were 46 safeguarder appointments in relation to the new applications and 11 in relation to minutes. Between January and August 2024 there have been 83 appointments in respect of new applications and 25 in respect of minutes. This increase is likely to continue.

* **AWI Practice Note No1, 2024 (6)**

Sheriff Fife: There are similarities between various Practice Notes; L&B refresh will take place early 2025, minor changes and more user-friendly layout.

* **AWI Court update (7)**

Sheriff Fife: extra slots were arranged where possible, after civil court on Tuesday, but not used as traffic was lower than usual. Early hearings can be arranged if needed. We are trying to be flexible taking account of urgency.

Style draft interlocutor is available on our AWI website, however, following an upgrade there is a problem with website’s visibility, it’s difficult to navigate from the main page.

Helen McGinty: She couldn’t find the website and had to google it to find the link, as it was impossible to find it on SCTS website.

Sheriff Fife: we will action this as a priority and liaise with website team, as it is not the only problem; practice notes are mixed up and content has not been updated. Also, additional style of interlocutor will be uploaded.

Mary Hughes sent out an email to users reminding the importance of draft interlocutors. Styles are available if necessary.

* **Summary applications and renewals (8)**

Sheriff Fife: with ECHR directive coming into force, young adults may require safeguarders to be appointed so that they can participate in proceedings and get their voice heard; We wish to encourage more safeguarders to apply to be added to the list of safeguarders.

The AWI Sheriffs had a meeting to discuss the United Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 and whether an MHO report is sufficient to convey the adult’s views or whether a safeguarder should be appointed; general feeling is to appoint safeguarders until there is clarification of the 2024 Act.

Helen McGinty pointed out that if a child expressed their views to MHO, it might be disrespectful to take their views again; depends on capacity of the child/young adult;

Sheriff Fife: consultation with Scottish Government ongoing and update will follow.

* **Public Guardian update (9)**

Danielle Rose: New IT system will roll out in November 2024. All business will be migrated to new system in two phases.

OPG observed increase in new applications and minutes raised.

Ongoing problem with non-intimation of applications- mainly problem with other courts, rather than Edinburgh.

AWI consultation is now live, suggestions are open and they will close mid-September.

Four Jurisdictions Conference is being organised by the OPG in November and Sheriff Fife will be contributing.

Mutual visits 2024- Edinburgh was visiting OPG on 12 June. There will be another visit from the OPG team to Edinburgh in the future.

Mary Hughes: The offer is open for any visits from OPG or links to hearings by WebEx to observe the court process.

* **AOCB (10)**

No.

* **Date of next meeting (11)**

Next meeting will take place in-person on 6 February 2025 at 4:15pm at Edinburgh Sheriff Court, 27 Chambers Street, Edinburgh.