

Scottish Courts and Tribunals Service



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Dear Mr Griffin

SCOTTISH PARLIAMENTARY QUESTION S6W-13395 COST TO SCTS OF NON-ATTENDANCE AT COURT HEARINGS

The Cabinet Secretary in his response to the above PQ indicated that it related to operational matters within the responsibility of the Scottish Courts and Tribunals Service (SCTS). I am now writing in response to the matter raised.

S6W-13395 asks: *To ask the Scottish Government what the cost to the Scottish Courts and Tribunal Service has been of non-attendance at court hearings by all parties, in each year since 2016-17.*

SCTS provides the people, premises and systems to support the administration of Scotland's courts and devolved tribunals. SCTS does not record the costs of administering each individual case, as cases can vary significantly depending on a range of factors – including the number of parties involved, the complexity of the case and the level of court in which it is heard. There is no single recognised unit of cost that can be assigned to an adjournment due to non-attendance. This would need to be assessed and logged in detail for each individual case – something which would, of itself, be costly and challenging to administer. To give an example, in a situation where other business can be attended to immediately by the court it may be that there is no financial cost to the SCTS as a consequence of an adjournment, as the court will move on to the administration of other available business.

Having said that we are acutely aware of the impact that non-attendance can have on complainers, witnesses and the accused. Minimising case “churn” and making the best use of justice system resources is a challenge that has been recognised for some time – and is one that a range of organisations across the justice system, including SCTS, are committed to addressing so far as possible. There are a number of initiatives currently under way which seek to resolve cases at the earliest opportunity and expand the use of both the pre-recording and remote provision of evidence in criminal trials. These include:

- The summary case management pilot – The overall aim of the pilot is to reduce the number of cases that are set down for trial unnecessarily and reduce the volume of late pleas of guilty and late decisions on discontinuation. The key aspects of the pilot are facilitating early disclosure of evidence to the defence prior to or at the first calling in all domestic abuse cases and early judicial case management. The pilots are currently underway in Dundee, Hamilton and Paisley.
- The remote provision of evidence by Police and Expert Witnesses – this initiative, launched at the beginning of 2022, allows police and expert witnesses in High Court trials to give their evidence remotely from their place of work. This minimises the travel and waiting time associated with physically attending a court building.
- The increased use of evidence on commission enables a complainer’s evidence, including cross examination, to be captured and pre-recorded at the earliest stage possible. This diminishes much of the trauma from the trial process, as the timescale for the complainer’s direct involvement is compressed. SCTS is expanding facilities for the taking of evidence on commission, with a new evidence suite opened in Edinburgh last year.
- Virtual summary trials, enable trials to take place without any of the participants being physically present in the courtroom. These were piloted during the pandemic and plans are currently being developed to expand their use.

A copy of this letter will be placed in the Scottish Parliament Information Centre and published on the Scottish Courts and Tribunals Service website.

Yours sincerely



Eric McQueen
Chief Executive