

SCTS Publication Scheme 2019

Updated February 2019

Guide to information available through the Scottish Courts and Tribunals Service (SCTS) publication scheme

The Freedom of Information (Scotland) Act 2002 (the Act) requires Scottish public authorities to produce and maintain a publication scheme. Authorities are under a legal obligation to:

- publish the classes of information that they make routinely available
- tell the public how to access the information and what it might cost.

We have adopted the Model Publication Scheme 2018 produced by the Scottish Information Commissioner. The SCTS undertakes to maintain and continue to publish a Guide to Information under the Model Publication Scheme and to keep it up to date.

The purpose of this Guide to Information is to:

- allow you to see what information is available (and what is not available) in relation to each class.
- state what charges may be applied.
- explain how you can find the information easily.
- provide contact details for enquiries and to get help with accessing the information.
- explain how to request information we hold that has not been published.

The Guide is split into the following six sections:

- [Availability and formats](#)
- [Exempt information](#)
- [Copyright](#)
- [Charges](#)
- [Contact us](#)
- [The classes of information that we publish](#)

Availability and formats

The information we publish through the scheme is, wherever possible, available on our website. We offer alternative arrangements for people who do not want to, or cannot, access the information online or by inspection at our public offices. For example, we can usually arrange to send information to you in paper copy (although there may be a charge seeking to recover costs incurred for this).

Exempt information

We will publish the information we hold that falls within the classes of information below. If a document contains information that is exempt under Scotland's freedom of information laws (for example sensitive personal information), we may remove or redact the information before publication but we will explain why.

Copyright

Where the SCTS holds the copyright in its published information, the information may be copied or reproduced without formal permission, provided that:

- it is copied or reproduced accurately
- it is not used in a misleading context
- the source of the material is identified.

Where the SCTS does not hold the copyright in information we publish, we will make this clear.

Charges

All information contained within our scheme is available from us free of charge where it can be downloaded from our website or where it can be sent to you electronically by email. For those without access to the website a single print-out as on the website or, where available, a hard copy of the document can be requested.

We reserve the right to impose charges for providing information in paper copy or on computer disc. Charges will reflect the actual costs of reproduction and postage to the authority, as set out below.

Reproduction costs

Where charges are applied, photocopied information will be charged at a standard rate of £7 for each document up to 10 pages and £0.50 for each page thereafter. Computer disks will be charged at the rate of £7.00 per CD ROM.

The SCTS charges are based on those prescribed in schedules to [The Sheriff Court Fees Amendment Order 2018 No. 194 \(with effect from the 28th September 2018\)](#) and [The Court of Session etc. Fees Order 2018 No. 83](#)

In the event that a charge is to be levied, you will be advised of the charge and how it has been calculated. Information will not be provided to you until payment has been received.

Postage cost

We will pass on postage charges to the requester at the cost to the authority of sending the information by first class post.

Publications may be available in other formats on request.

Contact us

You can contact us for assistance with any aspect of this publication scheme or for advice on how to make a complaint if you are dissatisfied with any aspect of this publication scheme:

Scottish Courts and Tribunals Service

Saughton House

Broomhouse Drive

Edinburgh

EH11 3XD

Tel: 0131 444 3335

Email: foi@scotcourts.gov.uk

You can also contact us using [text relay – please follow the guidance at this link – The Next Generation Text Service](#)

We will also be pleased to advise you how to ask for information that we do not routinely publish. Please contact as above.

The classes of information that we publish

We publish information that we hold within the following classes. Once information is published under a class we will continue to make it available for the current and previous two financial years.

There are 9 classes of information in the 2019 Publication Scheme;

- Class 1: About the authority provides information about the SCTS, who we are, where to find us, how to contact us, how we are managed and our external relations.
- Class 2: How we deliver our functions and services provides information about our work, our strategy and policies for delivering functions and services and information for our service users.
- Class 3: How the authority takes decisions and what it has decided provides information about the decisions we take, how we make decisions and how we involve others.
- Class 4: What the authority spends and how it spends it provides information about our strategy for and management of financial resources (in sufficient detail to explain how we plan to spend public money and what has actually been spent).
- Class 5: How the authority manages its human, physical and information resources provides information about how we manage the human, physical and information resources of the authority.
- Class 6: How the authority procures goods and services from external providers provides information about how we procure goods and services, and our contracts with external providers.
- Class 7: How our authority is performing contains information about how the authority performs as an organisation and how well it delivers its functions and services.
- Class 8: Our commercial publications We do not hold or publish any information under this class.

- Class 9: Our open data provides open data made available by the authority as described by the Scottish Government Open Data Strategy and Resource Pack, available under an open license.

Where information has been updated or superseded, only the current version will be available. If you would like to see previous versions, please ask us for that information.

If you have difficulty in finding information, please contact the **FOI Officer** on 0131 444 3335 or by emailing foi@scotcourts.gov.uk.

Class 1 - About the authority

Description - Information about the SCTS, who we are, where to find us, how to contact us, how we are managed and our external relations.

Our enabling legislation

[Judiciary and Courts \(Scotland\) Act 2008](#) (see also the [Tribunals \(Scotland\) Act 2014](#) and the [Courts Reform \(Scotland\) Act 2014](#)).

An introduction

[About the SCTS](#)

[SCTS website front page](#)

[SCTS Board](#)

[Executive Team](#)

[Judicial Office for Scotland](#) - Please note that courts, tribunals and the Scottish judiciary are not public authorities for the purposes of FOISA. The SCTS is however covered by FOISA, by way of its responsibility for providing administrative support – in the form of property, services, officers and other staff required for the purposes of:

- the Scottish courts and the judiciary of those courts; and
- the Scottish tribunals, and to the members of those Tribunals.

For more information see the [Judiciary of Scotland](#) website and the Office of the Scottish Information Commissioner [Guidance on Court Records](#).

[Office of the Public Guardian](#)

[Accountant of Court](#)

[Scottish Courts](#)

[Scottish Tribunals](#) - The Tribunals (Scotland) Act 2014 created a new, simplified statutory framework for tribunals in Scotland, bringing existing jurisdictions together and providing a structure for new ones. The Act created two new tribunals, the First-tier Tribunal for Scotland and the Upper Tribunal for Scotland

The Upper Tribunal for Scotland

The Upper Tribunal hears appeals on decisions of the chambers of the First-tier Tribunal.

The First-tier Tribunal for Scotland

The First-tier Tribunal is organised into a series of chambers which may have specialist jurisdictions.

General Regulatory Chamber (Charity Appeals)

Health and Education Chamber (Additional Support Needs)

Housing and Property Chamber

Social Security Chamber

Tax Chamber

The following Tribunals are administered by the Scottish Courts and Tribunals Service:

The Mental Health Tribunal for Scotland

The Council Tax Reduction Review Panel

The Pensions Appeals Tribunal

The Lands Tribunal for Scotland

Each Tribunal website provides information about membership, types of cases before that tribunal, outcomes or decisions and contact details. Decisions are not published for either the Council Tax Reduction Review Panel or The Pensions Appeals Tribunal due to the personal nature of the hearings. That material would be highly likely to be covered by the absolute exemption for personal data under section 38(1)(b) of FOISA.

Governance and accountability

[SCTS Board - Standing Orders](#)

[SCTS Framework Document](#)

Minutes of the SCTS Board

[Audit Committee](#)

[People Committee](#)

[Estates, Health and Safety, Fire and Security Committee](#)

Privacy Statement

External Relations/working with others

The SCTS works closely with many public and private sector partners. Amongst others, it has extensive interaction with:

[The Crown Office and Procurator Fiscal Service](#)

[Scottish Government](#)

[Police Scotland](#)

[Scottish Prison Service](#)

Contacts

[SCTS Complaints procedure](#)

[SCTS Media Team](#)

[Scottish Tribunals](#)

[The Judicial Office for Scotland](#)

Keeping others informed

[SCTS News](#)

[Consultations](#)

[Parliamentary Questions](#) - Where a Parliamentary Question relates to operational matters which are the responsibility of the Scottish Courts and Tribunals Service Corporate Body

[Guide to information in our publication scheme](#)

[Court Judgments and Opinions](#) - As a rule, opinions where there is a significant point of law or particular public interest, will generally be published on the SCTS website.

Where appropriate, e.g. to protect the identity of a child, such a case may be anonymised, or details redacted. For most other cases, a judgement will not have been transcribed. It is also probable that absolute exemptions would apply in relation to a FOISA request for the relevant material under section 37 (court records – for a period of 15 years) and 38 (personal data). Please contact foi@scotcourts.gov.uk if you have a query about an unpublished case.

All determinations made in terms of the Inquires into [Fatal Accident and Sudden Deaths Act 2016](#) from 15th June 2017 are published.

[Court rolls](#) - providing notice of cases calling in court. This information is published at the time of a hearing in the interests of open justice, and to assist litigants attending court for those cases, as well as others having an interest. It is not permanently displayed as once that purpose has ceased it is likely that absolute

exemptions would apply to the relevant material under section 37 (court records) and 38 (personal data). Please contact foi@scotcourts.gov.uk if you have a query.

[Contempt of Court Orders](#) - We publish orders made by courts imposing restrictions on the reporting of court proceedings. These include Orders made under section 46(1) of the Children and Young Persons (Scotland) Act 1937 and section 4(2) and Section 11 of the Contempt of Court Act 1981.

[Freedom of Information and Data Protection](#) - We provide information about how to make an FOI request to the SCTS.

[Court Fees](#) - We provide details of fees payable for submitting applications to the court and for lodging documents at different stages of court procedure.

[Rules of Court, Guidance and practice notes](#) - We publish rules of court, and other information on procedures and practices governing Scottish courts, to assist enquirers.

[Frequently Asked Questions](#) - We provide material in the form of 'Frequently Asked Questions' to assist litigants

[Records Management Plan](#) – We publish information on records keeping arrangements for SCTS

Publications

Our publications – including statistical data - are available on the Scottish Courts and Tribunals Service website at [Reports and Data](#).

Class 2 - How we deliver our functions and services

Description: Information about our work, our strategy and policies for delivering functions and services and information for our service users.

The information we publish under this class

The majority of information that we publish under this class can be found in the [reports and data](#) section of our website.

This includes information specific to the following documents:

[Corporate Plan](#)

[SCTS Business Plan](#)

[SCTS Annual Report and Accounts](#) (including an archive of Scottish Court Service Reports and Accounts)

[People Strategy](#)

[Public Sector Reform Information](#)

[Publications Archive](#)

[HR People Scorecard](#)

[SCTS Framework Document](#)

[Mainstreaming Equality Report 2017](#)

[Complaints Procedure](#)

[Unacceptable Actions Policy](#)

[Court Users' Charter](#)

[Standards of Service for victims and witnesses 2018-19](#)

[Equal Pay Policy Statement 2015](#)

[Gender Pay Gap Narrative 2018](#)

[Information on types of court action](#) (information and support available for persons with a specific purpose for coming to the court either as a pursuer of an action or a defender)

Information on coming to court (for [jurors](#), [witnesses](#) and [victims](#))

Class 3 - How the authority takes decisions and what it has decided

Description: information about the decisions we take, how we make decisions and how we involve others.

The information we publish under this class

[SCTS Audit and Risk Committee \(including remit and minutes\)](#)

[People Committee](#)

[Estates, Health & Safety, Fire & Security Committee](#)

[Minutes of the SCTS Board](#)

[Consultations](#)

[Evidence and Procedure Review](#)

[UK Judicial Attitude Survey 2016](#)

Class 4 - What the authority spends and how it spends it

Description: information about our strategy for and management of financial resources (in sufficient detail to explain how we plan to spend public money and what has actually been spent).

The information we publish under this class

[Annual Report and Accounts 2017-18](#)

[SCTS Business Plan 2018-19](#)

Public Services Reform Information - Part 3 of the [Public Services Reform \(Scotland\) Act 2010](#) imposes new duties to publish information as soon as is reasonably practicable after the end of each financial year. These duties came into force on 1 October 2010.

The reports listed below can be viewed by clicking [here](#).

- Payments with a value over £25
- Hospitality
- Overseas Travel
- Consultancy Expenditure
- Public Relations Expenditure

Class 5 - How the authority manages its human physical and information resources

Description: information about how we manage the human, physical and information resources of the authority.

The information we publish under this class

[People Strategy](#)

[Annual People Scorecard Report 2017-18](#)

[Mainstreaming Equality Report 2017](#)

[SCTS Digital Strategy](#)

[Staff Survey Results 2018](#)

Not all of the SCTS staff and information policies are currently published on our website, but copies may be made available on request. Examples would be:

Induction

Staff Handbook

Conduct and Discipline Policy

Grievance Policy

Attendance Management Policy

Flexible Working Hours Policy

Carers Policy

Dignity at Work Policy

Travel & Subsistence Policy

Class 6 - How the authority procures goods and services from external providers

Description: information about how we procure goods and services, and our contracts with external providers.

The information we publish under this class

In line with all other Scottish public authorities, the Scottish Courts and Tribunals Service uses the Public Contracts Scotland website. This makes it easy to find contract opportunities from across the public sector in Scotland.

All Local Authorities, NHS Scotland, the Scottish Government, Agencies and NDPBs, Higher and Further Education and the Emergency Services all use Public Contracts Scotland.

Public Contracts Scotland is the national advertising website where Scottish public sector organisations:

- post Official Journal of the European Union (OJEU) contract notices (contracts over the [EU thresholds](#))
- post below-threshold contract notices
- invite suppliers to submit quotations for very low value/risk goods and services through the online 'Quick Quote' system
- publish contract award notices
- can reserve suitable contracts for supported businesses (businesses where 50% or more of the workforce has a disability)

All of the Scottish Courts and Tribunals Service published documents (including terms and conditions) can be found by clicking the web link below. Information on past, future and current tenders along with Contract Awards from March 2009 are also published in this portal.

Public Contracts Scotland Portal

[Additional information on contracts beyond that set out on the Public Contracts Scotland Portal](#)

Please note that in some instances specific charging information such as an hourly or per unit rate under a particular contract has not been published. This is where it is considered that disclosure of the information could be substantially prejudicial to the contractor's commercial interests, in line with section 33(1)(b) of the Freedom of Information (Scotland) Act 2002. It is where we have assessed the public interest in release as being outweighed by the public interest in allowing contractors the confidence that information which they consider to be sensitive cannot be used by competitors to their disadvantage (e.g. to undercut them in a subsequent procurement exercise).

Class 7 - How we deliver our functions and services

Description: Information about how the authority performs as an organisation, and how well it delivers its functions and services.

The information we publish under this class

[Annual Report and Accounts 2017-18](#)

[Court User Satisfaction Survey 2017](#)

[UK Judicial Attitude Survey 2016](#)

[Quarterly Fines Report](#)

[Quarterly Criminal Court Statistics](#)

Other criminal justice system statistical information is routinely published by the [Scottish Government Justice Analytical Services](#)

Class 8 - Our commercial publication

Description: Information packaged and made available for sale on a commercial basis and sold at market value through a retail outlet e.g. bookshop, museum or research journal

We do not hold or publish any information under this class. However, we do pass information on [Money judgments](#) to the Registry Trust for use in the context of credit reference checks. We also pass information to National Records of Scotland in relation to [divorce](#) cases.

Class 9 – Our open data

The SCTS does not currently hold data in a format suitable for open data publication but this position will be reviewed regularly by the Authority's Statistician, with reference to the [Scottish Government Open Data Strategy and Resource Pack](#).