

New case management initiative to roll out to all courts in Scotland

A case management initiative introduced at several courts has the potential to transform summary justice across Scotland, bringing early resolution for victims and witnesses, a reduction in police officers attending court, and a substantial decrease in case backlogs, a report has found.

The Summary Case Management (SCM) Pilot was launched in September 2022 at Dundee, Hamilton and Paisley Sheriff Courts, before being expanded to Glasgow and Perth earlier this year. Following its success, the decision has been taken to roll it out to all courts in Scotland.

An evaluation of the pilot, published today reveals that cases within the pilot courts are resolving more quickly, improving the experience of victims and witnesses, particularly in domestic abuse proceedings.

More than 500 summary (non-jury) trials did not require to be fixed in the pilot courts over the 19 month period directly as a result of SCM.

During the same period, an estimated 18,000 witnesses,

including approximately 11,000 police officers, were not cited or recited to attend court unnecessarily.

Police Scotland Assistant Chief Constable Wendy Middleton said: "In addition to the obvious benefits to victims, Police Scotland is seeing a reduction of first issue citations for domestic abuse 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."

Had the scheme been in place at a national level over the same period, it is estimated that almost 3,300 trials would not have been fixed and a further 50,000 police officer citations would not have been issued.

Sheriff Principal Aisha Anwar, who led the pilot, said: "The findings from this final evaluation are very encouraging and provide good cause for optimism. The success of the pilot is attributable to the commitment of justice partners – including Police Scotland, the Crown and defence practitioners – who have worked with the judiciary to achieve a common goal.

"The initiative encourages early disclosure of evidence and prompt engagement between the Crown and the defence to allow solicitors and accused persons to assess and discuss the evidence from the outset of proceedings.

"Where appropriate, this results in early resolution avoiding the need for complainers and witnesses to attend court. Where trials are necessary, these have been closely case managed by the judiciary; the evidence is focused and trials are shorter helping to minimise the trauma, inconvenience and delay for complainers, witnesses and accused persons.

“As the report shows, summary case management has the potential to transform the summary criminal justice system and we are committed to expanding the programme nationwide so that court users across the country can benefit.”

The evaluation report found that the pilot has had a positive impact on criminal justice journey times and helped to reduce the backlog of summary trials in the courts taking part.

Despite a higher than expected number of new cases registered with Sheriff courts between 2023 and 2024, the number of scheduled summary trials at the pilot courts has reduced by 31%, compared to non-pilot courts which rose by 10%.

Cabinet Secretary for Justice and Home Affairs, Angela Constance, said: “It is pleasing to see that this has been a very positive project and one worth rolling out. Alongside other projects, such as the world-leading government initiative Digital Evidence Sharing Capability (DESC) which allows evidence to be collected, stored, processed and managed digitally, this will make a significant contribution to increasing the efficiency of the justice system and improving the experience of victims and witnesses.

“I look forward to working with justice partners to deliver the roll out of summary case management nationally, which is a key commitment in our Programme for Government.”

Malcolm Graham, chief executive of the Scottish Courts and Tribunals Service, added: “The success of the summary case management pilot has been driven by strong collaboration among justice partners, and it is important that we continue that partnership working as we look to expand the initiative across Scotland.

“The report is clear that victims and witnesses are benefiting from an improved experience and early resolution of cases, while justice partners are seeing significant efficiencies both in the justice system overall and their individual

operations.

“SCTS is committed to providing an effective and efficient court and tribunal system for all, and summary case management is just one example within our programme of reforms designed to improve the experience of those who use the justice system.”

The roll out of the initiative has also been widely welcomed by other justice partners, with several crediting it with creating significant improvements in their own fields.

Lynn MacDonald, of domestic abuse advocacy service ASSIST, said: “Dundee ASSIST feel that the pilot has been really positive for victims of domestic abuse. 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.”

COPFS Deputy Crown Agent Jennifer Harrower added: “The SCM initiative radically improves the experience of victims and witnesses of crime and introduces a new approach to how we communicate with victims of domestic abuse. Providing more confidence, promoting greater understanding of the justice system and giving them a voice at an early stage. The feedback is that victims feel listened to and empowered.

“COPFS is committed to continuing to work collaboratively with our justice partners to improve the efficiency of summary business and the experience of the public as the pilot model is refined and extended across Scotland.”

Defence solicitor Matthew McGovern said: “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.”