



Karen Adam MSP

Via email:

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Dear Ms Adam

Equalities, Human Rights and Civil Justice Committee - Development of new Hearing Suites

Thank you for your letter of 24 February 2025, seeking an update on the use of the sensory hearing facilities at the Glasgow Tribunals Centre. At present these facilities are used by the Health and Education Chamber (HEC) of the First-tier Tribunal for Scotland and by the High Court for Evidence by Commissioner Hearings.

Sensory Hearings in the HEC (Additional Support Needs)

The sensory hearing suites in the Glasgow Tribunals Centre are operating very well and with a rise in in-person and hybrid hearings, they are being used regularly. From May 2025 the sensory hearing suites are being located to the ground floor of the Glasgow Tribunals Centre, with a dedicated entrance on one level. This will improve 'street to hearing' access and reduce the journey to the waiting area for the child or young person. In addition to the current features a new larger waiting area is being developed which will have a break-out space and access to a small sensory area (in addition to the waiting areas attached to the hearing rooms). This will assist children and young people who may need a mixed type of sensory support during waiting periods.

Following the incorporation of the United Nations Convention on the Rights of the Child (UNCRC) into Scots law in 2024, the Chamber President began a further series of child consultations with primary and secondary school children to identify ways in which the preparation for the hearing and their participation in the hearing could be improved. These responses have been used to develop training for the HEC judiciary and will inform new President's Guidance on the UNCRC in HEC proceedings. Once this is completed the President will publish this on the HEC website for parties to access.

Since the visit of the Parliamentary Committee to the GTC in March 2023, new hearing innovations have been introduced which include the introduction of a Child Engagement Plan for the hearing clerk. This is to ensure that the clerk has information to support the child on arrival. The clerk will also be able to identify if there are any

sensory concerns which may need addressed in advance (e.g. lighting, touch, sound, particular sensory toys).

Child parties continue to raise actions with the HEC and those which proceed to an in-person or hybrid hearing take place in the GTC. Sensory principles are part of the HEC child centred approach and these include how sensory hearings are used and how the hearing process is adapted to suit the needs of the child. For example, one child party explained that the process of using an agreed list of questions with one questioner was “much easier and less stressful”. The child’s parents said “We could not fault the child centred approach throughout the tribunal....it was nothing short of incredible and made what can only be described as a very stressful process, so much more bearable...”

In the future, given the success of the sensory hearings in the GTC, a new sensory hearing venue is being developed in Edinburgh (with two hearing rooms), which will be available for use in 2025, and we are planning our return to our Inverness facility.

In addition to this, SCTS is working with the Chamber President to develop mobile sensory hearings that can be set up on a temporary basis in other venues across Scotland.

Evidence by Commissioner Hearings

In the past few years, that has been considerable progress in relation to facilities for young and vulnerable participants in courts and tribunals process. The Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 Act means that the numbers of witnesses in criminal trials requiring to give Evidence by Commissioner – where their evidence and examination is pre-recorded ahead of the trial – has increased substantially and will continue to do so. We are therefore increasing our capacity to conduct Evidence by Commissioner hearings.

We currently have 5 bespoke facilities that support the pre-recording of evidence for vulnerable users including children across our estate. They are located in Glasgow, Edinburgh, Inverness, Aberdeen and Dundee. After securing an additional £2m funding from the Scottish Government we are in the process of identifying and ultimately constructing a further two sites which are expected to be available in 2025/26. One will be located within the geographical reach of the sheriffdom of South Strathclyde, Dumfries and Galloway and based at Hamilton and other will be located within the geographical reach of North Strathclyde. Following conclusion of these works we will then have at least one dedicated facility within the geographical reach of each of our 6 sheriffdoms. We are committed to extending our provision much further than this, subject to further resource, to ensure we can provide dedicated trauma informed spaces that allow the earlier capture of best evidence. With the creation of new space for the First-tier Tribunal on the ground floor of the Glasgow Tribunals Centre, we can also increase our capacity there for Commissioner hearings.

This work is being undertaken to support a planned extension of a statutory presumption for the pre-recording of the evidence of under 16 witnesses in the sheriff solemn cases, which is currently planned to come in to force by April 2026.

To further support the expansion of trauma centre facilities for children and young people engaged in the justice system, we have worked with Scotland’s first Bairns Hoose and supported, via the provision of the latest technology kit, the creation of a

dedicated link to court facilities within it. We are also working closely with the other 10 Bairns Hoose partnerships across the country to support further ambitions in this area.

The benefits of this approach are well known. Young and vulnerable witnesses give their evidence and are examined in a less intimidating setting than a court, which is designed and run according to trauma-informed principles. This occurs at a fixed time in advance of trial, thereby reducing uncertainty. Research has shown that this kind of approach supports the provision of more complete and reliable evidence.

The numbers of witnesses participating in this process have increased substantially over the last few years. In the financial year 2019/20 around 70 commissions took place in the High Court. During the current financial year 2024/25 the figures for the ten months to the end of January are that more than 690 witnesses have benefited from the evidence by commissioner process, allowing their evidence to be captured earlier and in more trauma environments which support the capture of 'best evidence'.

I do hope this update is of assistance to the committee.

Yours sincerely

Malcolm Graham
Chief Executive