

# Scottish Courts and Tribunals Service



Richard Leonard MSP  
Convener Public Audit Committee

By email  
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Dear Mr Leonard

## The 2022-23 audit of the Scottish Prison Service

Thank you for your letter of 9 February seeking clarification on issues raised during the meeting on 1 February when the Public Audit Committee took evidence from the Auditor General for Scotland and more widely in the section 22 report.

I have provided a response to the questions asked below.

**Q1:** The Committee understands that the SCCPES contract is managed by the Scottish Prison Service (SPS) on behalf of the MALG. The Committee is keen to understand—

- The level of input the SCTS had to the terms of the SCCPES contract prior to it being awarded to GEOAmev by Scottish Ministers in March 2018.

The SCTS provided operational input to the service requirement specification prior to the issuing of the tender documents. The SCTS was represented on the procurement evaluation panel in relation to service requirements, not the financial elements which were commercially sensitive. The approval of the SCTS Executive Team was sought prior to contract award to ensure service requirement specification was met.

- The extent to which any concerns the SCTS may have about the contract are addressed at quarterly MALG meetings, and whether meeting quarterly is sufficient.

Where individual courts experience performance issues, service review forms are submitted to SPS following the established contractual complaints handling process. This enables the identification of developing trends and escalation of issues to the MALG.

Issues concerning poor service performance have been addressed at the quarterly MALG meetings. This, in part, led to SPS and GEOAmev implementing a Contract Improvement Plan (CIP), which included temporary reduced Key Performance Indicators relating to court service performance.

Additional monthly meetings were instigated to review progress against the Contract Improvement Plan. Relationships with partners are effective and issues requiring escalation to SPS as contract managers are dealt with quickly at the time.

- The role the SCTS will have in the retendering process for the contract, which is expected to begin in 2024.

SCTS will be involved in agreeing the specification of requirements and to be on the tender evaluation panel in relation to contract service requirements, not the financial elements which are commercially sensitive. .

**Q2:** One of the key messages in the section 22 report is that—

“The ongoing poor performance of the contract is resulting in delays and inefficiencies across the justice sector, impacting on policing, prison services and the courts.”

The Committee wishes to understand the extent to which the SCTS is impacted by the poor performance of the contract. In particular, we would welcome specific examples of the impact on the SCTS, including the associated costs to your organisation.

The Committee also asks if data is available on the number and types of court case that have been impacted by failures in the SCCPES contract, including those where proceedings have been delayed or charges have been dropped as a result of contract failures.

The SCTS continues to face significant impact upon trial and custody courts throughout Scotland due to the ongoing poor performance of the contractor. In particular, late arrival of custodies to court buildings, delays to bringing custodies from cell areas to court rooms and similar delays in bringing accused from prisons to court hearings. All have a direct impact on the efficient running of the courts, leading to delays, cancellation of hearings and late sitting courts. In addition to the significant impact on court business, the SCTS remains equally concerned about the wellbeing of all staff working in courts, the judiciary and court users such as victims and their supporters, witnesses and their supporters, legal professionals and the accused.

As a result Sheriffs Principal introduced Court User Guidance setting time limits on custody courts and removing the requirement of in-person attendance at procedural hearings for those held on remand or serving custodial sentences, enabling GEOAmeY resources to be deployed in other areas. These measures are unprecedented and remain as temporary short term solutions to the ongoing challenges faced by the courts. It is important to note that the agreement to consider reducing to one dock escort (as referenced in the audit report) is for single accused cases only, subject to the relevant risk assessment having been carried out by GEOAmeY, and remains a judicial decision on case by case basis.

The contract is ‘self-reporting’ which requires GEOAmeY to report performance issues to SPS as contract managers. The SCTS collects manual information from the aforementioned service review forms and from court staff in relation to performance of the prisoner escort services, delays, court sitting times and failed docks. From that information we have recorded the following:

There were 573 service review forms submitted by local courts between 1 July 2023 and 17 January 2024.

Custody courts continue to report significant disruption to court time, albeit there have been improvements in recent months. During the period of 1 October 2023 until 31 December 2023 additional time delay period in in processing cases was:

- Sheriff Courts                      381 hours
- High Court                            49 hours

Loss of trial court days from 1 October 2023 until 31 December 2023 was:

- High Court jury trials 12 days
- Sheriff Court jury trials 14.5 days
- Sheriff Court summary trials 12 days

From 1 July 2023 until 1 January 2024, 30 hearings were postponed due to issues with accused attending court from custody:

- 2 High Court jury trials
- 5 Sheriff Court jury trials
- 16 Sheriff Court summary trials
- 1 JP Court summary trial
- 6 Sheriff court – other

From 1 July 2023 until 1 January 2024, 4 hearings were cancelled as the accused could not be brought from the Police Custody Unit and the accused appeared on the next lawful day:

- 1 petition warrant
- 3 summary new cases

There may be other cases that have been postponed, cancelled or resulted in a loss of court time that have not been reported by local courts.

The SCTS does not hold data on cases deserted as a result of contractual failures. The desertion of a case, and any reasons for this, would be a matter for the Crown Office and Procurator Fiscal Service (COPFS).

Estimated costs associated with these failures;

- Sheriff Court Jury Trial – £ 1,740.63 per day
- Sheriff Court Summary Trial – £1,548 per day
- High Court Trial – £2,871.54 per day

**Q3:** The section 22 report concludes that—

“It will be important for SPS and their partners, Scottish Courts and Tribunals Service (SCTS), Crown Office and Procurator Fiscal Service (COPFS) and Police Scotland to work together with support from the Scottish Government, to consider all options available to ensure the safe and effective delivery of prisoner escorting services both now and, in the future”.

The Committee is interested to hear your views on the steps you consider will be required to take this joint working forward.

The SCTS remains committed to working with partners and robustly scrutinising GEOAmeys ability to meet and sustain the performance measures set in the Contract Improvement Plan. GEOAmeys staffing levels have increased during January 2024 and it is important that this trend continues in the coming months.

Through the Criminal Justice Board work is already underway to assess the future model for prisoner escort services, reflecting the introduction of fully virtual custody courts and prison to court video links for all procedural hearings where is accused is not pleading guilty. Defining this model will inform the potential tendering of future services.

If you require any further information please let me know.

Yours sincerely

Eric McQueen  
Chief Executive