

Criminal Justice Committee

11th Meeting, 2023 (Session 6), Wednesday 19
April 2023

Access to court transcripts – note by the clerk

1. Following representations made to the Committee by several survivors of rape and sexual offences and representative organisations¹, members have been pursuing the issue of access to court transcripts and the current charges levied on any requests.
2. Most recently, the Committee wrote to the former Cabinet Secretary for Justice and Veterans on 27 February and has now received a response; see **Annex**.
3. In his letter, the former Cabinet Secretary refers to a response from the SCTS to a member of the Committee regarding a query about the procurement process for a new transcription system. That response can be viewed at:

[jamie-greene-msp---pq-response-letter-s6w-15316-signed.pdf](https://www.scotcourts.gov.uk/jamie-greene-msp---pq-response-letter-s6w-15316-signed.pdf)
(scotcourts.gov.uk)

4. The letter Cabinet Secretary's letter to the Committee states that "to implement a solution for one category of complainers without considering the wider applicability across the justice system would be a missed opportunity". However, it also states that he has asked "officials to explore the possibility of a pilot to support access to transcripts for complainers in sexual offences cases initially".
5. The then Cabinet Secretary states that:

"A pilot would allow us to monitor requests and build a better picture around the level of demand. There would be scope for evaluation to assist with our understanding on the use of the technology and experience of the process whilst we explore whether there are suitable technological solutions available. Importantly, a pilot would provide us with additional information which would support consideration of the wider applicability of any solution and the future need for legislative change"

¹ Rape Crisis Scotland, Scottish Women's Aid and Victim Support Scotland

Action

6. Members may wish to discuss what, if any, views they have on the response and may also wish to:

- Welcome the moves to explore the possibility of a pilot to support access to transcripts for complainers in sexual offences cases initially;
- Consider whether this issue and how a pilot can be delivered can be incorporated into the Committee's stage 1 consideration of the Victims, Witnesses, and Justice Reform (Scotland) Bill, which is due for introduction shortly; and,
- Copy the correspondence to the survivors who approached the Committee and Rape Crisis Scotland, Scottish Women's Aid and Victim Support Scotland who have all written to the Committee about this issue.

**Clerks to the Committee
April 2023**

ANNEX

Letter from the former Cabinet Secretary for Justice and Veterans (received 29 March)

Dear Convener

Thank you for your correspondence dated 27 February 2023 regarding court transcripts.

As previously mentioned, my officials have been actively discussing with the SCTS what opportunities exist to utilise technology to reduce the cost of producing a transcript. My correspondence of 7 February 2023 made reference to the procurement exercise being undertaken by SCTS for transcription services and highlighted that there may be opportunities to explore alternative technologies to reduce the costs associated with transcripts. Your latest correspondence asks questions regarding that procurement process. My officials have shared a copy of your letter with SCTS, however, as these are matters for SCTS, I would suggest that these questions are provided directly to them for a reply. I understand that SCTS are separately responding to a question from a member of the Committee on the procurement process.

I have noted the suggestion from the Committee on utilising money recovered from proceeds of crime. The receipts from Proceeds of Crime are primarily committed to the Cashback for Communities Programme. This is a unique programme that invests in projects that deliver a wide range of activities and opportunities for young people across Scotland. Since its inception 2008, the programme has supported around 1.3 million young people. As such, I do not see an obvious connection between the way in which those funds are directed and the matter at hand. I would like to assure the committee, however, that I will work with SCTS and consider if any interim financial support would be possible.

However, I am of the opinion that any long-term solution on this matter needs to be seen against a wider context to support efforts for a person centred, trauma informed justice system.

To implement a solution for one category of complainers without considering the wider applicability across the justice system would be a missed opportunity. As such, I have asked my officials to explore the possibility of a pilot to support access to transcripts for complainers in sexual offences cases initially.

I note the Committee's assessment that it would be a "relatively small number of survivors" who may make a request for a transcript but that assumption is predicated around requests remaining at current levels even if funding is available. A pilot would allow us to monitor requests and build a better picture around the level of demand. There would be scope for evaluation to assist with our understanding on the use of the technology and experience of the process whilst we explore whether there are suitable technological solutions available. Importantly, a pilot would provide us with additional information which would support consideration of the wider applicability of any solution and the future need for legislative change.

CJ/S6/23/11/3

Consideration of a possible pilot will be discussed with the SCTS. This will include any work that can be done to potentially reduce the costs involved with the production of transcripts. There will undoubtedly be a number of considerations that will need to be worked through in order to develop any form of pilot and I would be very happy to keep the Committee updated as these discussions progress.

I hope this is helpful. I have provided a copy of this letter to Eric McQueen, Chief Executive of the Scottish Courts and Tribunals Service.

Keith Brown