

Criminal Justice Committee

26th Meeting, 2023 (Session 6), Wednesday, 25 October 2023

Access to court transcripts: correspondence received

Note by the clerk

Background

1. Members will recall that the Committee met informally and privately with several survivors of rape and sexual offences as part of their initial familiarisation work at the start of the parliamentary session. This meeting took place on [24 November 2021](#).
2. During the meeting, one of the survivors (Hannah Stakes¹), spoke to the Committee about the challenges she had faced in getting access to court records and the costs/charges involved. Costs of around £3000 - £4000 were quoted to the Committee. This matter was then raised by other survivors who contacted the Committee subsequently.
3. The Committee then engaged in a series of letters with the Lord President and the Cabinet Secretary for Justice and Home Affairs with a view to a review of the process for accessing court records by survivors of rape and sexual offences and the elimination of any charges. As part of this, the Cabinet Secretary agreed to set up a pilot and the latest update from Angela Constance is set out in the **Annex**.

Action/recommendation

4. **Members are asked to discuss the correspondence received and whether any further action is needed at this stage beyond keeping plans under review.**
5. One issue that Members may wish to check is that the pilot will be retrospective, i.e. open to survivors who first raised the issue with the Committee. The clerks could be asked to check this with Scottish Government officials.

¹ Ms Stakes has given permission for her name to be used in this paper.

6. As with previous letters, Members are asked to note that copies of the Cabinet Secretary's letter have been sent to Rape Crisis Scotland, Scottish Women's Aid and Victim Support Scotland.

**Clerks to the Committee
October 2023**

ANNEX

Letter from the Cabinet Secretary for Justice and Home Affairs

6 October 2023

Dear Convener

ACCESS TO TRANSCRIPTS FOR SEXUAL OFFENCES VICTIMS – A PILOT

I thank the Criminal Justice Committee for their continued interest in the matter and as I indicated in my earlier correspondence, I am now writing with a further update on the operation of a pilot on access to transcripts for sexual offences victims.

As I have previously said, there are a number of issues which require to be considered relevant to the operation of the pilot and over the past months, my officials have been working with the Scottish Courts and Tribunal Service to consider how the pilot could operate to best support victims.

The pilot will allow complainers in High Court trials involving a charge(s) of rape and/or sexual assault to make a request for funding to support an application for a transcript.

The aims of monitoring the pilot will be to:

- Track the level of demand during the pilot.
- Gather data on the reasons why people are accessing them, and which parts of a trial requests are most commonly made; and
- Better understand the longer-term costs associated with moving the pilot onto a permanent basis, should that be our determination.

Subject to the information received through the pilot, secondary aims could include:

- If demand is high, support the need for technological change at pace to reduce costs.
- Inform what is required to improve accessibility of making a request for a transcript.
- Inform the need for solutions to address any unintended negative consequences which may arise as a result of the pilot.
- Inform wider changes to improve the experience of complainers, complementary to the Victims, Witnesses and Justice Reform (Scotland) Bill

To support the pilot, the Scottish Government has committed to a ring-fenced funding amount of £50,000 for this financial year (2023-24). A further £50,000 will be made available for 2024-25, however this will be dependent on the outcome of the annual spending review. The intended duration of the pilot will be for 12 months, with the ability to extend, or limited to the amount of funding available, whichever expires first.

I have noted the comments made by the Committee indicating that it would be a “relatively small number of survivors” seeking to access transcripts. The pilot is

advanced to improve our understanding of what that demand looks like and I feel I must be upfront and say that if it is the case that demand is high (and I would want to be clear why that was the case) and the funding is exhausted quickly, any further call on resourcing would need to be considered in the context of the learning which had already taken place, ongoing demand and our wider commitments to support victims and survivors.

It is important that complainers who wish to access the pilot are fully aware of the requirements of participating and as such, an application form and guidance to support a complainer making an application are under development. It is vitally important that these documents are produced in conjunction with those directly affected and I therefore intend that we engage in consultation with stakeholders and those with lived experience to inform this process. I will provide an update on that in due course.

Given his previous comments to the Committee, I have also written to the Lord Justice General with an update on the planned pilot. I look forward to any views that the Lord Justice General may have and subject to those views, it is hoped that the pilot will be launched early 2024.

I hope the Committee finds this update of assistance and I hope to be able to provide a further update in the coming weeks once the views of the Lord Justice General are known.

Yours sincerely

Angela Constance