



## **Status Report:**

- *Objectives for increased use of information technology*  
(SCCR Recommendation 95)

Issued: 17<sup>th</sup> January 2014

## EXECUTIVE SUMMARY

### Purpose

1. The purpose of this paper is to report on progress made against recommendation 95 of the Scottish Civil Courts Review (SCCR)

### Background

2. The use of Information Technology was covered in chapter six of the SCCR report and one outcome of that chapter was recommendation 95 which set a broad objective for 'increased use of information technology' within the civil courts. The review team envisaged that objective being taken forward by:
  - Availability of an up to date IT Strategy for the SCS
  - Improved web based guidance and support (*particularly for simplified procedure*)
  - Improved web based links to 'advice and assistance' providers
  - Greater use of email
  - Progressing the pilot system for summary cause (*and small claims*)
  - Greater use of video conferencing
  - Greater use of telephone conferencing
  - Encouraging court users to communicate electronically
  - Greater use of digital recording of evidence

## Summary

3. The above objectives were articulated in September 2009 and the progress made against those objectives over the last four years is detailed in the tables within this report. The key milestones achieved are as follows:

### May 2011 – ICT Strategy issued

4. The SCS Board approved the SCS ICT Strategy (2011-2014) in May 2011, and that document was uploaded to the website to ensure it was in the public domain. The most relevant commitment given within that strategy was to commence the development work to define a new Civil Case Management System' that could underpin the civil court reforms and that work is well underway *(The updated strategy for the next three year planning period is expected to be released later this year)*

### Nov 2012 – New Customer-Facing Website

5. The IT objectives as articulated by the SCCR team arose from the perceived state of the SCS Website in 2009. Since then the SCS has worked with web design experts to completely redesign the [scotcourts.gov.uk](http://scotcourts.gov.uk) site as a more effective customer-facing portal for all lay and professional court users. The new 'look and feel' of that portal reflects the underlying design philosophy set out in appendix 1 and is primarily driven from a 'court user' perspective, with corporate SCS material relegated to the background. That new site went live in November 2012. *(all the feedback received indicates it has been very well received by a broad range of users)*

**PROGRESS REPORT: SCCR RECOMMENDATION 95**

| <b>Objectives</b><br><i>(as per CCR Recommendation 95)</i>                 | <b>Status</b>          | <b>Commentary on Progress</b>                                                                                                                                                                                                                                               |
|----------------------------------------------------------------------------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Availability of an up to date IT Strategy for the SCS</b>               | <b>Complete</b>        | <i>Strategy:</i><br>The "ICT Strategy (2011-14)" was agreed by the SCS Board and published in May 2012                                                                                                                                                                      |
| The SCS should develop an up to date strategy for enhanced provision of IT | <i>Due Summer 2014</i> | <i>Strategy:</i><br>The SCS has a 3 yearly Corporate Planning cycle and the next "ICT Strategy (2014-17)" is currently under development by SCS for publication later this year                                                                                             |
| ...based on research commissioned to identify the needs of all court users | <i>On-Going</i>        | <i>Research:</i><br>The general research commissioned by SCS in the development of IT strategy includes: the annual staff surveys, the judicial survey, the customer satisfaction survey, website analytics and IT specific feedback from lay and professional court users. |

**PROGRESS REPORT: (continued)**

| <b>Objectives</b><br><i>(as per CCR Recommendation 95)</i>                                                                                                                                                                                                                               | <b>Status</b>          | <b>Commentary on Progress</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <p><b>Improved web based guidance and support</b></p> <p>The SCS website should</p> <p>a) Be a source of guidance and support</p>                                                                                                                                                        | <p><b>Complete</b></p> | <p><i>Website:</i></p> <p>The <b>scotcourts.gov.uk</b> portal was completely redesigned and re-launched in Nov 2012, and provides a web presence that is now far better targeted at lay and professional court users</p> <p>The guidance material currently provided has been assessed internally as meeting the SCCR objective for ‘guidance and support’ in the following areas:</p> <ul style="list-style-type: none"> <li>• Access to court contact details and rolls of court</li> <li>• Access to current rules of court and court procedure</li> <li>• Access to published opinions on cases</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>b) Particularly for parties in cases covered by the proposed simplified procedure falling within the jurisdiction of the district judge.</p>                                                                                                                                          | <p><i>Deferred</i></p> | <p><i>Simplified Procedure:</i></p> <p>The website will be updated once the “simplified procedure” has been developed and the operational detail emerges from the rules rewrite project (MJW 1.8).</p> <p>The target dates are:</p> <ul style="list-style-type: none"> <li>• draft rules on simplified procedure to be available: Mar 2015</li> <li>• associated guidance being uploaded to the SCS website is: Jun 2015</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b>Improved web based links to ‘advice and assistance’ providers</b></p> <p>The SCS website should</p> <p>c) include information on other sources of advice and assistance; providers of mediation and other forms of ADR including links as appropriate; and self-help materials</p> | <p><i>On-Going</i></p> | <p><i>Policy:</i></p> <p>Summary links to ‘advice and assistance’ providers are available on the <b>scotcourts.gov.uk</b> portal at: <a href="http://www.scotcourts.gov.uk/the-courts/more/more-organisations">www.scotcourts.gov.uk/the-courts/more/more-organisations</a> . That is complemented by links on the more service specific pages. In general enquiries are typically signposted as follows:</p> <ul style="list-style-type: none"> <li>• general advice: the advice guide (<i>provided by Citizens Advice</i>)</li> <li>• legal advice: the Law Society of Scotland (<i>who provide users with a list of solicitors in their area</i>)</li> <li>• other service specific advice: various links to relevant websites including - Citizens Advice, Victim Support, Samaritans, Rape Crisis, Women’s Aid, PETAL etc.</li> </ul> <p>As part of Making Justice Work the SCS has ongoing involvement with project MJW 3 (Improving Access to Justice) which is progressing “advice and assistance” initiatives.</p> <p>Additional links are being added to the SCS web sites on an ongoing basis</p> <p>A draft policy statement on “advice and assistance” (refer appendix 2) is currently being circulated within SCS for comment</p> |

**PROGRESS REPORT: (continued)**

| Objectives<br><i>(as per CCR Recommendation 95)</i>                                                                                                                                                                  | Status                 | Commentary on Progress                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| <p><b>Greater use of email</b></p> <p>The use of email as a means of communicating with the courts and the judiciary should be encouraged</p>                                                                        | <p><i>On Track</i></p> | <p><i>email communications:</i></p> <ul style="list-style-type: none"> <li>• The SCS website includes contact email addresses for all courts <i>(to support general enquiries)</i>. Those email addresses are included on all outgoing correspondence</li> <li>• There are “generic” mail boxes deployed for users to interact with SCS nationally on some specific areas of business: e.g. <a href="mailto:complaints@scotcourts.gov.uk">complaints@scotcourts.gov.uk</a>, <a href="mailto:enquiries@scotcourts.gov.uk">enquiries@scotcourts.gov.uk</a>, <a href="mailto:civilcourtsreform@scotcourts.gov.uk">civilcourtsreform@scotcourts.gov.uk</a></li> <li>• All members of the judiciary have an email address</li> <li>• All members of SCS staff have an email address</li> </ul> <p><i>wider use of email for communications with the courts:</i></p> <ul style="list-style-type: none"> <li>• Some specialist areas of business (Commercial, PI) have promulgated rules allowing motions to be lodged by email, and these are being actively used by the legal profession</li> </ul> <p><i>wider use of email for communications with the judiciary</i></p> <ul style="list-style-type: none"> <li>• The use of email is mandatory for all formal and informal internal communications between SCS and members of the judiciary <i>(That policy has been supported by the provision of training, laptops and broadband access within all SCS buildings, and appropriate tools for remote internet access by the judiciary)</i></li> <li>• Judicial email addresses are made available to prosecutors and defense agents as required for the management of individual cases</li> </ul> |
| <p><b>Progressing the pilot system for summary cause (and small claims)</b></p> <p>The proposed pilot of an online small claims and summary cause system should be actively pursued as soon as is practicable...</p> | <p><i>Closed</i></p>   | <p><i>Pilot System</i></p> <p>The indicated cost of the pilot (£0.7M) demonstrated that it was not a cost effective or a viable approach <i>(interfacing with an increasingly obsolete programming language (DELPHI) did not provide a pragmatic solution for the SCS in terms of our goals for developing a wider IT architecture)</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>...and consideration should be given to extending the system to other undefended actions</p>                                                                                                                      | <p><i>On Track</i></p> | <p><i>New Civil Case Management System</i></p> <p>The functionality for on-line submission will be included in the specification of the new ‘civil case management system’ that is being progressed by the SCS</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

**PROGRESS REPORT (continued)**

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| <p><b>Greater use of video conferencing</b></p> <p>Video conferencing should be encouraged</p>         | <p><i>On Track</i></p> | <p><i>wider use of video conferencing:</i></p> <p><i>Capacity Currently Made Available:</i></p> <p><i>a) Remote Vulnerable Witness Sites</i><br/>                     As at Dec 2013 the SCS has 36 remote sites (premises other than a court building) available for court users to interact with courts via video conferencing:</p> <ul style="list-style-type: none"> <li>• 6 Venues leased by SCS (<i>1 per Sherifdom</i>)</li> <li>• 30 Ad hoc venues made available (<i>via Local Authorities, Children 1<sup>st</sup> etc.</i>)</li> </ul> <p><i>(The priority is responding to requests for special measures (for vulnerable witnesses), but those sites are also used when appropriate for video based hearings)</i></p> <p><i>b) Vulnerable Witness Rooms</i><br/>                     At least 1 vulnerable witness room, with associated video conferencing equipment, is available in each courthouse of 2 courts or larger</p> <p><i>c) Courtroom Capabilities</i><br/>                     Video conferencing capability is available in at least one courtroom in every court building</p> <p><i>High Court Appeals Pilot</i><br/>                     As at Dec 2013, High Court judges have undertaken 31 sentence appeal hearings by video link as part of this pilot</p> <p><i>MJW Programme</i><br/>                     The SCS continues to collaborate with SLAB, SPS and others on cross justice system initiatives that are aimed at progressing the uptake of videoconferencing</p> |
| <p><b>Greater use of telephone conferencing</b></p> <p>Telephone conferencing should be encouraged</p> | <p><i>On Track</i></p> | <p><i>wider use of telephone conferencing:</i></p> <p><i>Capacity and Capability</i></p> <ul style="list-style-type: none"> <li>• <i>Handsets</i> - All VOIP handsets have the capability to operate on speakerphone in support of teleconferencing</li> <li>• <i>Virtual Meeting Room</i> – The telephone contract includes an on-demand service which allows anyone in SCS to set up a virtual meeting room (<i>multiple callers phone into the same number and establish a group teleconference</i>)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

**PROGRESS REPORT (continued)**

| <b>Objectives</b><br><i>(as per CCR Recommendation 95)</i>                                                                                                                                                                  | <b>Status</b>          | <b>Commentary on Progress</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| <p><b>Encouraging court users to communicate electronically</b></p> <p>Consideration should be given to means of encouraging court users to communicate electronically.</p>                                                 | <p><i>On Track</i></p> | <p><i>wider use of electronic communication with the courts:</i></p> <ul style="list-style-type: none"> <li>• <i>Powers of Attorney</i> – The OPG now offers an on line service (EPOAR) to allow users an electronic option for completing and lodging these applications</li> <li>• <i>Citation of Jurors</i> – A legislative change has been received (SSI 2012/274) so that Scottish law now recognizes that it is legal for a jury citation to be sent electronically (<i>The implementation of this option is a decision for the future</i>)</li> <li>• <i>Jurors Portal</i> – A pilot is being undertaken during 2013-14 to test the appetite for jurors to provide their personal information to the SCS on line (<i>interim results reflect a very high level of uptake by jurors</i>)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>This may involve entering into some sort of agreement with a provider to allow access to systems locally; managing the provision of such access directly, for example with local authorities; or by lower court fees</p> | <p><i>Deferred</i></p> | <p><i>Outsourced provision:</i></p> <p>The SCS is aware of the software options in use by HMCTS. Any detailed evaluation of those opportunities has been deferred until there is greater clarity arising from the video links project, which will help inform the most appropriate IT solution to meet the operational needs of the courts</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>Greater use of digital recording of evidence</b></p> <p>All evidence in civil cases, apart from those under the simplified procedure, should be recorded digitally</p>                                                | <p><i>On Track</i></p> | <p><i>To expand the availability of digital recording , lift the standard of equipment provided, and manage the output from those recordings the following steps have been taken:</i></p> <ul style="list-style-type: none"> <li>• <i>Digital Records Rollout</i> – Split into 2 projects <ul style="list-style-type: none"> <li>○ <i>Project 1</i> - upgrades the standard of equipment in courtrooms that have previously had digital recording equipment installed</li> <li>○ <i>Project 2</i> - the rollout of equipment to courtrooms that did not previously have digital equipment (which includes the dedicated civil courtrooms)</li> </ul> </li> <li>• <i>Transcription Contracts</i> – Where a digital recording has been made then the transfer of the digital file to the contractor is made electronically via a web portal, and the completed transcript is then returned electronically via the same web portal</li> <li>• <i>Availability of Recordings</i> – All digital recordings are stored centrally, and are readily accessible to authorized users using suitable PC systems</li> <li>• <i>Availability of Shorthand Writers</i> – Proportionate arrangements are in place for continued access to shorthand writers - usage is expected to reduce in line with planned expansion in the availability of digital recording</li> </ul> |



## APPENDIX 1 – DESIGN PHILOSOPHY (FOR SCS WEBSITE)

### Vision:

“A web based portal that provides a shop window to the public services provided by “the courts” and indeed to the wider delivery of justice in Scotland. The target audience is lay and professional court users, and more widely any citizens with a general interest in the workings of the courts and the justice system”

### Design Objectives:

*User Centric:* The dominant design philosophy for the site should be to respond to the day to day needs of lay and professional court user’s. This approach should be made self-evident to users from the ‘look and feel’ of the site

*Informational Services:* The site should provide the ability for users to find suitable and sufficient guidance and support for the public services provided by the courts, with appropriate signposting to other justice partners or alternate sources of justice information. Finding ‘corporate information’ on the SCS would be seen as of secondary importance

*Transactional Services:* The site should provide a managed platform that can deliver the capability to support on-line business processing, and respond to the increasing customer expectations for transacting with the courts electronically

*Content Management:* Authors within business areas are to have the training and the tools to create, review and manage the quality of content uploaded onto the site. This includes operational processes that will ensure that all content remains up-to-date and relevant

*Future Proofing:* The site should support the business objectives of the SCS in delivering current operational responsibilities, and be able to respond flexibly in supporting any future business objectives that may reasonably emerge

### Notes:

- i) This list summarises the vision and design objectives that were set for the web design team when developing the new site
- ii) The new site was successfully launched in November 2012, and the site is considered to have fully met this vision.

## APPENDIX 2 – DRAFT POLICY STATEMENT (ADVICE AND ASSISTANCE)

This draft statement is currently being circulated for comment and feedback within SCS, before issuing a final statement:

The SCS will assist the general public to access a proportionate level of information on relevant “advice and assistance” providers in Scotland, where such links are justice related and will contribute towards the following corporate objectives:

- Facilitating improved ‘access to justice’ for individual court users
- Minimising the need for people to enter the court system unnecessarily
- Helping citizens to navigate the complexities of the justice system

In practice that assistance will be provided through a combination of:

- One-to-one interactions between staff and court users (*face-to-face, telephone, email, correspondence*)
- Referencing appropriate web links in any service specific documentation, and
- Providing appropriate web pages and/or hyperlinks throughout our web presence

In providing such assistance the following guiding principles should be observed:

*Impartiality* - In line with the requirement for impartiality within the civil service code, SCS staff should avoid showing preference to any one organisation within a competitive market (e.g. firms within the legal services market).

*Professionalism* - Staff responsibilities include providing general advice on court practice and procedure but, as the majority of SCS staff are not legally qualified, they should not take on responsibility for providing legal advice. Members of the public should be referred to the Law Society of Scotland for contact details of solicitors in their local area

*Signposting* - It is not the role of the SCS to provide a full directory or listing service for any particular sector, but limited signposting can be provided where it is relevant to the objectives of the SCS

SCS expects staff to exercise their discretion effectively, and if an advice provider is unhappy with the decision taken they should use the standard SCS complaints procedure

Note:

1. The final policy statement when issued may differ