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By email to emcqueen@scotcourts.gov.uk and pscourservice@scotcourts.gov.uk

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Dear Eric,

Our Covid Resilience Group met on 16 December and in light of the recently announced guidance relating to Covid restrictions and the delay before our next regular meeting due to the Christmas break, I wanted to pass on some points which were raised.

I see from the guidance that decisions will be made on a day-to-day basis regarding which summary trials will be going ahead and that Sheriff Clerks will advise the Crown and defence, giving five days' notice. Our members will work within these parameters and understand that the nature of business will be subject to short-term alteration due to the present Covid-19 restrictions. As we have already discussed, the profession has already shown an exceptional level of understanding and accommodation and it will, I believe, recognise this will be a challenging time for Sheriff Clerks. I would ask however that the five-day notice period is adhered to. This will allow defence agents the greatest possible time to contact accused and witnesses, rearrange diaries and take any other actions necessary. I also recognise it will also be very challenging for the Crown to gather and share all required information in this short timeframe so it is important that such time as can be given, is given.

I also understand from the Resilience Group meeting that virtual custody courts are due to be rolled out in Clydebank with an expected go-live date of 11 January. There are concerns that this may be overly ambitious given the new restrictions and the need for engagement with local members of the profession. In other areas where virtual courts have been rolled out, members have found the creation of working groups involving representatives from the defence, prosecution, sheriffs and other stakeholders to be of great benefit and arguably essential if the project is to succeed from its inception. Members in Clydebank and any other areas subject to the rollout of virtual courts would welcome engagement ahead of the courts going live.



On a related note, it would be appreciated if details of the evaluation of the virtual custody court pilot carried out in Falkirk could be made available to allow us to consider the outcomes more broadly. That can of course wait until our first meeting in early January.

I would also like to take the opportunity to pass on the positive reaction from members over SCTS's decision not to return to the hub court system but to continue to use all of our sheriff courts. We appreciate this will itself be challenging as requirements to isolate start to affect more people, but on balance we believe that using the greatest part of the court estate will reduce the risk of transmission.

Finally, we all recognise that this is an exceptionally difficult time for those involved in the court system. Defence agents in particular face increased administrative burdens with attendant costs, severe difficulties around day-to-day workforce planning and the impact of isolation measures. All of this can only increase the mental strain of an already stressful undertaking. As we discussed on Monday, a degree of understanding and 'judicial kindness' would be greatly appreciated by members in their dealings with Sheriffs and would help reduce tensions which have been emerging in several areas of the country. This was a matter raised in a similar vein by the Vice-Dean and I wanted to let you know that, for my part, I will be writing to the President of the Sheriffs and Summary Sheriffs Association shortly.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Ken Dalling'.

Ken Dalling
President