

EQUALITY IMPACT ASSESSMENT RECORD

Title of policy/ practice/ strategy/ legislation etc	Shaping Scotland's Court Services: The Sheriff Court Districts Amendment Order 2013 and The Justice of the Peace Courts (Scotland) Amendment Order 2013	
Minister	Cabinet Secretary for Justice	
Lead official	Cameron Stewart, Courts Team	
Officials involved in the EQIA	Name	Team
	Robert Sandeman Hazel Gibson Hamish Goodall	Courts Team
Directorate: Division: team	CLLS: Courts	
Is this new or revision to an existing policy?	New	

Screening

Policy Aim

These Orders take forward the recommendations of the Scottish Court Service (SCS) to close some Justice of the Peace Courts and Sheriff Courts as set out in the *Shaping Scotland's Court Services*¹ consultation document. These recommendations have been accepted by the Scottish Ministers.

Changes to court structures form part of the Making Justice Work Programme, which will improve the effectiveness and efficiency of the justice system generally. The programme brings together a range of reforms to the structure and processes of the courts, access to justice, tribunals and administrative justice. It has been developed, and is being delivered, with partners across the justice system, including the Crown Office and Procurator Fiscal Service, Scottish Court Service, Scottish Legal Aid Board and the Police.

The recommendations are expected to contribute to the creation of a cost-effective, proportionate court structure. The SCS set out that their aim is to provide a court structure that, in providing access to justice for the people of Scotland, meets three requirements:

- It needs to reflect the planned reforms to the justice system (including those recommended by the reviews conducted by Lord Gill, Lord Carloway and Sheriff Principal Bowen and the Victims and Witnesses Bill)

¹ http://www.scotcourts.gov.uk/docs/default-source/scs-consultation-court-structures/response_to_the_consultation_and_recommendationspdf.pdf%20

- It needs to improve the facilities and services for court users.
- It needs to be affordable in the long term.

The recommendations covered by the Orders will enable the SCS to focus future investment across a smaller number of buildings whilst maximising the benefit of that investment in the services delivered to court users.

An effective and efficient court system contributes to Scottish Ministers' Safer and Stronger strategic objective. Particularly, it contributes to the national outcome of high quality, continually improving public services that are efficient and responsive to local people's needs.

The Orders cover recommendations 3-6 in *Shaping Scotland's Court Services* outlining a number of courts to be closed and where their cases should be transferred to. The Scottish Ministers have accepted these recommendations and set dates as to when they will take effect.

Closure of Justice of the Peace Courts

Closing Court	Receiving Court	When
Annan	Dumfries	30 November 2013
Irvine	Kilmarnock	30 November 2013
Motherwell	Hamilton	30 November 2013
Cumbernauld	Coatbridge	30 November 2013
Portree	Sheriff Court held at Portree	30 November 2013
Stornoway	Sheriff Court held at Stornoway	30 November 2013
Wick	Sheriff Court held at Wick	30 November 2013

Closure of Sheriff Court and co-located Justice of the Peace Court

Closing Court	Receiving Court	When
Arbroath	Forfar	31 May 2014
Cupar	Dundee	31 May 2014
Dingwall	Inverness	31 January 2015
Dornoch	Tain	30 November 2013
Duns	Jedburgh	31 January 2015
Haddington	Edinburgh	31 January 2015
Kirkcudbright	Dumfries	30 November 2013
Peebles	Selkirk	31 January 2015
Rothsay (Sheriff Court only as there is no JP Court)	Greenock	30 November 2013
Stonehaven	Aberdeen	31 May 2014

Who will it affect?

The proposals will affect those people who use the courts that are closing. These courts account for around 5% of overall courts business and whilst that is more than 10,000 cases many of these will not require people to attend court.

However, the proposals will also affect all future users of the justice system as this policy is part of wider reforms to the justice system. The reforms will yield estimated savings of £1m a year in running costs and £3m in maintenance costs. In addition to the savings, the proposals will allow SCS to focus future investment on a smaller group of buildings whilst maximising the benefit of that investment in the services delivered to court users.

Stage 1: Framing

The Scottish Courts Service have undertaken consultation with staff, judiciary and professional court users (solicitors, Sheriffs, JPs) via dialogue events. Consultation has also taken place with the SCS Equality Advisory Group and was followed by a full public consultation including stakeholders and equalities groups. The consultation paper was issued directly to over 250 organisations and individuals. SCS received 728 written submissions.

A key method for understanding the equality implications of the *Shaping Scotland's Court Services* proposals was to include key equality organisations in the list of stakeholders receiving copies of the consultation. These included the Equalities and Human Rights Commission and Capability Scotland who both provided responses.

The SCS consultation document included questions on the impact on all court users, including the impact of the proposed court closures.

The SCS also developed an EQIA that they updated throughout this process and this has informed this EQIA. In addition, the Scottish Government considered information from the Scottish Government's Equality Evidence website to see if there were any other issues.

Overall, two key considerations were identified in relation to equality issues surrounding the closure of courts. They were related to changes to travelling arrangements and also the facilities available in courts.

Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Characteristic ²	Evidence gathered and Strength/quality of evidence	Source	Gaps identified and action taken
<p>AGE</p>	<p>The Court Users Satisfaction Survey 2011 provides analysis of the demographic background of a broad cross-section of these different professional and non-professional court users. This shows the following %age of users for each age range:</p> <p>16-24: 19% 25-34: 26% 35-44: 22% 45-54: 19% 55-64: 11% 65+: 3%</p> <p>Statistical evidence from Transport Scotland shows that younger and older people are greater users of buses – with around a third of bus journeys undertaken by concessionary pass holders. Younger people are also more likely to use the train - a third of those under 30 had used the train in the last month, compared to less than 20% of those aged over 60. According the Court Users Satisfaction Survey 25% of users use to bus to get to court and 2% use the</p>	<p>http://www.scotcourts.gov.uk/docs/default-source/reports-data/final-report-for-publication.pdf?sfvrsn=2</p> <p>http://www.transportscotland.gov.uk/news/Transport-and-Travel-in-Scotland-2011 Tables 27 and 28.</p> <p>http://www.transportscotland.gov.uk/files/BusCoach2011_12_0.pdf Tables 1 and 3</p>	<p>People of all ages benefit from efficient and fair access to the courts. A number of mitigating factors should take into account vulnerable groups including children:</p> <p>Mitigation - There will be future investment in facilities for jurors, victims and witnesses and in communication technology.</p> <p>Mitigation - Arrangements are being introduced throughout Scotland to allow police witnesses to attend at their designated local police station, rather than court.</p> <p>Mitigation – The SCS envisages the first choice for administrative business and cases registration will be by electronic, web based, telephone or video technology and that live video links should be a viable option for many court appearances. Video link pilots are underway and further developments are planned.</p> <p>At present, all child witnesses – those</p>

² Refer to Definitions of Protected Characteristics document for information on the characteristics

	train.		<p>under 16 - are entitled to the use of certain special measures to help them give evidence effectively. These are: giving evidence from behind a screen to prevent them seeing the accused; giving evidence by live television link (either from elsewhere in the court building or from a remote site); and use of a supporter in conjunction with either of these. The Victims and Witnesses Bill will extend the definition of child witness to include 16 and 17 year olds.</p> <p>There is also a presumption than children under 12 will give evidence from a remote site in cases involving certain offences (including murder and abduction).</p>
DISABILITY	<p>Access challenges to courts for disabled people.</p> <p>The Court Users Satisfaction Survey 2011 provides analysis of the demographic background of a broad cross-section of these different professional and non-professional court users. The survey shows that 2% of those surveyed stated that they had a longstanding illness, disability or infirmity which meant that they required particular</p>	<p>Accessibility Reports undertaken by Capability Scotland about three court buildings and more general feedback from the SCS Equality Advisory Group.</p> <p>http://www.scotcourts.gov.uk/docs/default-source/reports-data/final-report-for-publication.pdf?sfvrsn=2</p>	<p>All people benefit from efficient and fair access to the courts. A number of mitigating factors should take into account vulnerable groups as follows:</p> <p>Mitigation - There will be future investment in facilities for jurors, victims and witnesses and in communication technology.</p> <p>Mitigation - Arrangements are being introduced throughout Scotland to allow police witnesses to attend at their designated local police station, rather than court.</p>

	<p>facilities when using public buildings.</p> <p>Adults with a disability or long-term illness are more likely to use a local bus service than those with no disability or long-term illness. 56% of adults with a disability or long-term illness had used a bus service in the previous month compared to 42% of adults without a disability or long-term illness.</p>	<p>http://www.scotland.gov.uk/Publications/2006/11/20102424/0</p>	<p>Mitigation – The SCS envisages the first choice for administrative business and cases registration will be by electronic, web based, telephone or video technology and that live video links should be a viable option for many court appearances. Video link pilots are underway and further developments are planned.</p>
SEX	<p>The Court Users Satisfaction Survey 2011 provides analysis of the demographic background of a broad cross-section of these different professional and non-professional court users. The survey shows that 61% of those surveyed were male.</p> <p>Figures from Transport Scotland show that women use the bus more than men. 49% of women had used the bus in the last month compared to only 42% of men. 12% of women use the bus everyday compared to 10% of men. There is little difference in train use by gender. Less than 10% of people use the train at least once a week.</p>	<p>http://www.scotcourts.gov.uk/docs/default-source/reports-data/final-report-for-publication.pdf?sfvrsn=2</p> <p>http://www.transportscotland.gov.uk/news/Transport-and-Travel-in-Scotland-2011 Table 28</p>	<p>All people benefit from efficient and fair access to the courts. A number of mitigating factors should take into account vulnerable groups as follows:</p> <p>Mitigation - There will be future investment in facilities for jurors, victims and witnesses and in communication technology.</p> <p>Mitigation - Arrangements are being introduced throughout Scotland to allow police witnesses to attend at their designated local police station, rather than court.</p> <p>Mitigation – The SCS envisages the first choice for administrative business and cases registration will be by electronic, web based, telephone or video technology and that live video links should be a viable option for many court appearances. Video link pilots are underway and further</p>

			developments are planned.
GENDER REASSIGNMENT	No specific evidence on either the users of courts or public transport.		<p>All people benefit from efficient and fair access to the courts. A number of mitigating factors should take into account vulnerable groups as follows:</p> <p>Mitigation - There will be future investment in facilities for jurors, victims and witnesses and in communication technology.</p> <p>Mitigation - Arrangements are being introduced throughout Scotland to allow police witnesses to attend at their designated local police station, rather than court.</p> <p>Mitigation – The SCS envisages the first choice for administrative business and cases registration will be by electronic, web based, telephone or video technology and that live video links should be a viable option for many court appearances. Video link pilots are underway and further developments are planned.</p>
SEXUAL ORIENTATION	No specific evidence on either the users of courts or public transport.		<p>All people will benefit from efficient and fair access to the courts. A number of mitigating factors should take into account vulnerable groups as follows:</p> <p>Mitigation - There will be future investment in facilities for jurors, victims</p>

			<p>and witnesses and in communication technology.</p> <p>Mitigation - Arrangements are being introduced throughout Scotland to allow police witnesses to attend at their designated local police station, rather than court.</p> <p>Mitigation – The SCS envisages the first choice for administrative business and cases registration will be by electronic, web based, telephone or video technology and that live video links should be a viable option for many court appearances. Video link pilots are underway and further developments are planned.</p>
RACE	<p>The Court users satisfaction survey 2011 provides analysis of the demographic background of a broad cross-section of these different professional and non-professional court users. The survey shows that the vast majority of respondents were White British (94%).</p>	<p>http://www.scotcourts.gov.uk/docs/default-source/reports-data/final-report-for-publication.pdf?sfvrsn=2</p>	<p>All people will benefit from efficient and fair access to the courts. A number of mitigating factors should take into account vulnerable groups as follows:</p> <p>Mitigation - There will be future investment in facilities for jurors, victims and witnesses and in communication technology.</p> <p>Mitigation - Arrangements are being introduced throughout Scotland to allow police witnesses to attend at their designated local police station, rather than court.</p>

			Mitigation – The SCS envisages the first choice for administrative business and cases registration will be by electronic, web based, telephone or video technology and that live video links should be a viable option for many court appearances. Video link pilots are underway and further developments are planned.
RELIGION OR BELIEF	<p>No specific evidence on either the users of courts or public transport. However, feedback from SCS Equality Advisory Group and recent engagement between SCS and the Sikh community illustrates how SCS should aim to accommodate the full range of religious beliefs</p> <p>Different religions have different days for observance and require different facilities to undertake prayer and other religious rites.</p>	Feedback from SCS Equality Advisory Group and recent engagement between SCS and the Sikh community.	<p>All people will benefit from efficient and fair access to the courts. A number of mitigating factors should take into account vulnerable groups as follows:</p> <p>Mitigation - There will be future investment in facilities for jurors, victims and witnesses and in communication technology.</p> <p>Mitigation - Arrangements are being introduced throughout Scotland to allow police witnesses to attend at their designated local police station, rather than court.</p> <p>Mitigation – The SCS envisages the first choice for administrative business and cases registration will be by electronic, web based, telephone or video technology and that live video links should be a viable option for many court appearances. Video link pilots are underway and further developments are planned.</p>

Key Findings

Looking at the available relevant data, both supplied by SCS and through the Scottish Government's Equality Evidence website, the Scottish Government are content that the relevant equality issues have been considered and we believe that the policy proposals do not give rise to any adverse impacts on groups with protected characteristics as defined in the Equality Act 2010.

Travel

There were concerns raised about the extra travel that would be required by some users of courts if their local court was to be closed. When developing their proposals the SCS took into account the relevant distances between the closing court and the receiving court and also the public transport options available from the main population centres and the most outlying areas that are served by the closing court.

The proposals in the consultation and also in the recommendations, were drawn up with regard to the Principles for Provision of Access to Justice³. These principles were set by the Lord President and the Sheriffs Principal and were specifically considered when looking at the places in which courts should be located and the services that should be provided. Specifically the principles stated that:

"The SCS should ensure that most people will be able to travel to their local court by public transport so as to arrive at the start of the case in which they are concerned, and be able to return home by public transport on the same day."

In addition to this, technological improvements planned as part of the reforms, such as greater access to online services and video conferencing, will reduce the need for people to attend court and help mitigate any possible increases in travelling time.

Court Facilities

This relates to the facilities that are available to the users of courts. In all cases the court receiving the work from the courts that are closing will have facilities at least as good as the court that is closing and in the majority of cases they will be improved.

Court	Disabled Access to Building	Access to at Least 1 Courtroom	Wheelchair Access to Counter	Disabled Toilet	Induction Loop	Sound Enhancement
Annan JP	Y	Y	Y	Y	N	N
Arbroath	Y	Y	Y	Y	Y	Y
Cumbernauld	Y	Y	Y	Y	N	Y
Cupar	Y	Y	Y	Y	Y	Y
Dingwall	Y	Y	Y	Y	Y	Y
Dornoch	Y	Y	Y	Y	Y	Y
Duns	Y	N	No Serv	Y	Y	Y
Haddington	Y	Y	Y	Y	Y	Y
Irvine	Y	Y	Y	Y	N	N
Kirkcudbright	Y	N	Y	Y	Y	Y
Motherwell	Y	Y	N	N	N	N
Peebles	Y	Y	No Serv	Y	Y	Y

³ <http://bit.ly/ZWicXx> (Annex A)

Rothesay	Y	Y	No Serv	Y	N	N
Stonehaven	Y	Y	Y	Y	Y	Y

In addition to accessibility issues there are also a number of security concerns with some of the court buildings. Courts are public buildings but also need to be secure, for example in dealing with accused persons appearing from custody. During 2012, Her Majesty's Inspector of Prisons for Scotland completed a review of the conditions in which prisoners are transported and held in sheriff and JP courts while under escort. A number of the courts recommended for closure have issues with either security or the standard of cell accommodation:

Court	Cells	Issues
Annan JP	N	No facilities for holding custodies.
Arbroath	Y	Prisoner transfer arrangements inadequate
Cumbernauld	Y	No cell buzzers or CCTV. No interview room for agent
Cupar	Y	Nil
Dingwall	Y	Nil
Dornoch	Y	Nil
Duns	Y	Nil
Haddington	Y	Prisoner transfer area accessible by public. Door to cell area not secure.
Irvine JP	N	No custody cells and no suitable arrangements to cater for prisoners.
Kirkcudbright	Y	No CCTV in cells.
Motherwell	Y	No cell buzzers or CCTV in cells. Toilets not screened
Peebles	Y	No CCTV in cells
Rothesay	N	No holding facilities for prisoners
Stonehaven	Y	No CCTV and toilets not screened.

Overall our assessment is that the proposals will result in court business being located in buildings with equivalent or improved physical access and security for court users.

Stage 3: Assessing the impacts and identifying opportunities to promote equality

Having considered the data and evidence you have gathered, this section requires you to consider the potential impacts – negative and positive – that your policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – that we must explore whether the policy offers the opportunity to promote equality and/or foster good relations.

Do you think that the policy impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			x	Whilst there is evidence to suggest that younger and older people may be more frequent users of public transport, no specific negative impact on any group has been identified as the changes affect all persons who use courts and access, in many cases better access, will continue to be available to all court users.
Advancing equality of opportunity			x	
Promoting good relations among and between different age groups			x	

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	x			There will be benefits to court users as all receiving courts will have improved facilities from those that are closing. Whilst there is some evidence to suggest that disabled people may be more frequent users of public transport no specific negative impact on any group has been identified as the changes affect all persons who use courts and access, in many cases better access, will continue to be available to all court users.
Advancing equality of opportunity	x			
Promoting good relations among and between disabled and able bodied people			x	

Do you think that the policy impacts on men and women in different ways?

Gender	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			x	Whilst there is evidence to suggest that men are more frequent users of courts and women may be more frequent users of public transport no specific negative impact on any group has been identified as the changes affect all persons who use courts and access, in many cases better access, will continue to be available to all court users.
Advancing equality of opportunity			x	
Promoting good relations between men and women			x	

Do you think your policy impacts on transsexual people?

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			x	
Advancing equality of opportunity			x	
Promoting good relations			x	

Do you think that the policy impacts on people because if they are lesbian, gay or bisexual?

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			x	
Advancing equality of opportunity			x	
Promoting good relations			x	

Do you think the policy impacts on people on the grounds of their race?

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			x	
Advancing equality of opportunity			x	
Promoting good race relations			x	

Do you think the policy impacts on people because of their religion or belief?

Religion and Belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			x	The improvement in court facilities and greater scope for more flexible programming where court business is consolidated, will allow the SCS to better accommodate religious rites and observance.
Advancing equality of opportunity			x	
Promoting good relations	x			

Stage 4: Decision making and monitoring

Identifying and establishing any required mitigating action

If, following the impact analysis, you have think you have identified any unlawful discrimination – direct or indirect - you must consider and set out what action will be undertaken to mitigate the negative impact. You will need to consult your legal team in SGLD at this point if you have not already done so.

Have positive or negative impacts been identified for any of the equality groups?	<p>In our assessment we are content that insofar as the proposal will impact on a minority of court users, there is no disproportionate disadvantage on any groups of people with protected characteristics and any impact is mitigated so far as possible and overall is outweighed by the countervailing advantages of the proposals in relation to the savings and overall improvements for users.</p> <p>Indeed, by reducing the court estate that SCS needs to maintain, this will ensure they are able to focus their funding on a smaller number of locations and therefore ensure that facilities are fit for purpose and provide an improved and secure experience for court users.</p>
Is the policy directly or indirectly discriminatory under the Equality Act 2010 ⁴ ?	No discriminatory impact on any group, has been identified as the changes affect all persons who use courts and access, in many cases better access, will continue to be available to all court users.
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	N/A
If not justified, what mitigating action will be undertaken?	N/A

⁴ See EQIA – Setting the Scene for further information on the legislation.

Describing how Equality Impact analysis has shaped the policy making process

One of the main drivers for the policy of restructuring the court estate is to ensure that SCS have the ability to provide better facilities for court users. This is part of wider reforms including the Victims and Witnesses Bill, Courts Reform Bill and Criminal Justice Bill.

On undertaking this exercise it was important to ensure that people would still be able to attend court in time for the case they are concerned with and return home on the same day. This was explicitly stated in the Principles for Provision of Access to Justice which was used to form the recommendations. The SCS carried out work in looking at the main population centres and establishing the public transport options available in the affected areas. All the receiving courts are within 20 miles of those that are closing and we are satisfied that travel to and from these courts is possible in the same day.

We are satisfied that significant consideration has been given throughout this process to the access, transport links and efficiency of services provided by the receiving courts. We also agree that the main issues are those identified by the SCS. Indeed, Capability Scotland shared this view in their response to the consultation.

Monitoring and Review

Whilst the decision on closing the courts ultimately rests with Scottish Ministers the running of the courts is handled by the Scottish Courts Service.

The SCS regularly undertake a Court Users Satisfaction Survey which provides feedback on what court users think and includes information on the demography of the users including questions on disabilities, race and religion. It also collects information about how people travel to court and the time taken.

They also have a complaints handling process and web based recording system which will provide information and feedback from the court user's experience.

The SCS have published their Equalities Mainstreaming Policy which outlines the actions they are taking and how they will continually monitor the effects on court users. They have also established an independent Equalities Advisory Group (EAG) which is a voluntary group of independent equality and diversity experts. The EAG will provide advice and insight on both general and specific equalities issues.

http://www.scotcourts.gov.uk/docs/reports-data/equality_statement_outcomes_and_guidance.pdf?sfvrsn=2

Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes No

- ◆ Opportunities to promote equality in respect of age, disability, gender, gender identity/transgender, sexual orientation, race and religion and belief have been considered, i.e:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes No

Declaration

I am satisfied with the equality impact assessment that has been undertaken for The Sheriff Court Districts Amendment Order 2013 and The Justice of the Peace Courts (Scotland) Amendment Order 2013 and give my authorisation for the results of this assessment to be published on the Scottish Government's website.

Name: Neil Rennick

Position: Deputy Director – Law Reform Division

Authorisation date: