

PROTOCOL
FOR COURT MANAGEMENT
AND PREPARATION OF CASES
FOR SHERIFF COURT BUSINESS
BETWEEN THE SCOTTISH COURT SERVICE AND
CROWN OFFICE AND PROCURATOR FISCAL SERVICE

The effective and efficient prosecution of criminal cases in the Sheriff Courts and the disposal of criminal business in these courts is dependent on a close and integrated approach to the management of court business by the Scottish Court Service and the Crown Office and Procurator Fiscal Service.

The protocols set out recommended best practice in the various areas covered. They represent an attempt to identify, in a number of areas of practice which have practical implications for the staff of both organisations, the minimum levels of performance which Scottish Court Service and Crown Office and Procurator Fiscal Service staff are entitled to expect from each other. It is recognized however that the practicalities of implementing the protocols may be subject to local variation. For example, the timescales suggested in the protocols may not be suitable to the circumstances of practice in every jurisdiction and may be capable of being improved upon in some jurisdictions. Such matters will require discussion at local level.

The protocols have regard to the requirement for each party to deal independently with matters that are for SCS or for COPFS. In particular the independence of the Courts in taking and promulgating judicial decisions in individual cases is not affected by the protocols. Equally the discretion of COPFS to exercise the Crown's prosecution policies in individual cases is unaffected by the protocols. Both parties acknowledge the independence of the other's role and the statutory responsibility of the Sheriff Principal to secure the speedy and efficient disposal of business in each Sheriffdom. The operation of the protocols will be sensitive to these factors only.

In protocol Group 5 a framework has been set out to regulate, monitor and review compliance with protocols and this underpins the efficacy of these protocols.

Objectives of Protocols

Against the background set out above, the objectives of the protocols are: -

- To improve the efficiency of the courts by agreeing business rules and guidance to regulate the management of criminal business -
- To maximize throughput of work and efficiency;
- To minimize delays in prosecuting and disposing of cases;
- To maximize efficient use of SCS and COPFS resources;
- To minimize inconvenience to witnesses;
- To minimize the number of adjournments at all stages in the proceedings;
- To agree loadings for particular courts and categories of business which can be managed and concluded within the available court time and resources.
- To meet SCS COPFS joint target of disposing summary criminal business
- To improve the preparation of cases by identifying respective responsibilities and priorities and by agreeing business rules and guidance and targets where appropriate, common definitions and recording practices.

Liaison Co-ordination And Joint Management Arrangements

Both parties agree that the key to the success of the protocols is regular liaison between both Services.

We believe that these protocols set out an effective framework to support better joined-up working consistent with the objectives outlined above. These are supported by the work of Group 5, which recommends the establishment of liaison, sharing of information and joint working at Area and District level. In particular the Group 5 Protocol will regulate meeting the frequency and agendas for regular meetings, including review of protocols at Area and District level. Day-to-day contact for the operational management of business is nevertheless essential and should continue.

A further essential factor will be the support of the judiciary for local protocols. The group believe that consultation with the judiciary will be necessary to establish their commitment to supporting the protocols, and we **recommend** that this be taken forward at national level by the Steering Group with Sheriffs Principal.

Internal Working Practices

The protocols are principally concerned with the interface between COPFS and SCS and proceed on the assumption that each organization will strive to arrange its internal processes and relations with third party agencies (such as defence agents, the police and social work departments) in a manner that is consistent with the objectives of the protocols.