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Parliament House
11 Parliament Square
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13 January 2021

Dear Colleagues

COVID-19 – CURRENT COURT ARRANGEMENTS AND SAFETY MEASURES

Over the past week the Lord President has received correspondence from the Law Society and a number of solicitor's bodies about court operations and safety. To ensure these are addressed the Lord President has asked me to write to Deans of Faculty and Presidents of the Bar Associations, having discussed these matters with the Law Society.

Firstly, can I thank you all for your continuing efforts to support the operation of the justice system during the pandemic. I understand the anxieties and concerns that have been voiced, many of which are reflected by members of the judiciary and court staff. I appreciate that the vast majority of those working in our courts are following all the guidance to support a safe working environment. Having said that there have been instances where some, including solicitors, have been failing to comply or even ignoring the guidance. It was in response to these instances that the Lord President reiterated the importance of observing the measures in place, to ensure that we can all protect ourselves and importantly to protect each other.

Throughout the pandemic the SCTS has strictly followed the very clear guidance from Public Health Scotland in relation to the measures required to minimise transmission and ensure that courts can continue to operate safely.

While there is an increased risk of transmission from the new variant of COVID, the Public Health Scotland advice has not changed. The measures already in place are the right measures for the new variant, but what we must all do is ensure that they are robustly followed at all times, with no complacency. Since the initial lockdown was lifted, these measures have created a safe environment that has successfully managed over 2,500 criminal trials and many more procedural hearings.

Alongside the new business arrangements announced on 11 January to reduce the volumes of physical interaction we re-published our safety [guidance](#) to give more detail on the safety measures in place and the steps we ask everyone coming to court at this time to take. This guidance covers all relevant areas including: revised provisions on face coverings; cleaning and ventilation arrangements; the measures in place to ensure that physical distancing can be maintained; and arrangements for supporting accused persons at court. Whilst we have all been working in the courts throughout the pandemic I would encourage you and your colleagues to review this guidance – so that the working environment remains as safe as possible for us all.

The feedback from the legal profession has helped develop new guidance for face coverings in the court room and support as far as possible for client consultation space in local courts. We are currently in the process of looking again at interview facilities and where maintaining 2 metre distancing may be more challenging due to the size of that accommodation we will consider whether the installation of Perspex screens in such facilities would provide additional assurance.

As we are in a rapidly changing situation it is important for everyone to have effective channels in place to address individual issues as they arise and to assess common themes. With that in mind the following routes should be followed:

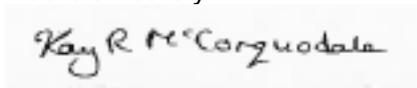
- If supplies of consumable products such as wipes and sanitiser are running low, or not available at appropriate places, please let a member of court staff know immediately.
- If you see something that does not look right or is not in line with the guidance we have in place, please raise it with the Sheriff Clerk's staff straight away.
- If you still have concerns having raised an issue, we would encourage you, via your local faculty or bar association if preferred, to escalate the matter to the Sheriff Clerk in the first instance or Sheriff Principal if necessary.
- Should you have a concern that the measures SCTS has in place do not meet with the relevant Health Protection Scotland guidance you should raise this matter through the Law Society of Scotland – as matters of this nature may be of national importance and this will allow quick consultation between the Law Society and the SCTS.

We have worked together to introduce innovative digital systems, enabling civil and criminal business to continue – such as remote jury centres to enable solemn trials to continue. The collaboration and willingness to adapt to new ways of working demonstrated by the profession has been a major part of this success. As restrictions on business levels continue we will keep working with the profession to increase the use of new approaches, including greater use of virtual appearances and virtual criminal trials. The progress that has been made is a credit to all involved. Working together we can build on that progress, to maintain as much business as possible whilst enhancing safety.

Without shutting down the justice system we cannot eliminate risk from our courts, in the same way that risk cannot be eliminated from our homes, essential retail or public transport. But we can reduce and manage the risk by putting the right measures in place, by making sure we all follow the measures and by taking personal responsibility for our own and everyone else's safety. We have a shared interest in ensuring that the administration of justice continues as efficiently and effectively as it can – in as safe an environment as possible.

In advance of the vaccine roll out, this is the time for everyone to redouble their efforts – the basic principles are more important than ever.

Yours sincerely



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