

Audit scope

Criminal courts backlog follow-up

AUDITOR GENERAL 

Prepared by Audit Scotland
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Background

The Auditor General's [Criminal courts backlog report](#), published in May 2023, assessed how effectively the Scottish Government, the Scottish Courts and Tribunals Service and partners responded to the Covid-19 pandemic in relation to the criminal courts.

The report concluded that significant progress had been made in reducing the backlog of cases and increased waiting times, but that there were still several challenges around reducing the backlog for the most serious criminal trials.

The 2023 report made several recommendations for the Scottish Government and the Scottish Courts and Tribunals Service to implement (SCTS). It also committed to monitoring progress against the recommendations.

Why this audit is important

Positive progress has been made in reducing the overall court backlog since the last report. However, this masks a change in the pattern of court business and there remain high levels of the most serious trials, which are heard in courts with a jury – Sheriff Solemn and High Courts. Scheduled trials are continuing to rise at a significant rate in the High Court.

Court backlogs contribute to increased waiting times for those facing trial and for victims and witnesses. While there is an improved picture across all four court types, the situation in the Sheriff Solemn and High Court trials is still significantly worse than pre-pandemic.

The justice sector's approach to delivering the medium to longer-term Vision for Justice is being implemented through three Transformational Change Programmes (TCPs). TCP3 focuses on criminal justice system efficiency through projects such as digital evidence sharing capability (DESC)

and a summary case management pilot, aimed at reducing late guilty pleas and the number of cases set down for trial unnecessarily. These initiatives were at early stages of implementation when the 2023 report published.

What this audit will look at

The proposed scope of this audit is to provide an update on progress in relation to reducing court backlogs, focusing on progress against the recommendations made in the 2023 report.

The audit aims to answer the following questions:

- What are the current patterns of criminal court business and how do these compare to pre-pandemic and our 2023 report?
- What progress has the Scottish Government and the Scottish Courts and Tribunal Service made against the 2023 report recommendations?
- What are the key risks to further reducing criminal courts backlogs and longer-term transformation in the criminal court system?

When assessing progress against recommendations relating to the Transformational Change Programmes this audit will primarily focus on work within TCP3.

The 2023 report highlighted that the courts backlog has a disproportionate impact on specific groups in society, such as women and children. It included a recommendation around equality impact assessments which will be included in the scope.

This audit will not focus on criminal justice system inefficiencies or related issues that

affect the wider justice system, such as prison population or alternatives to custody.

How we will carry out this audit

We will review published documents and conduct data analysis. We will also carry out interviews with key stakeholders in the criminal courts system, such as the Scottish Government, SCTS, COPFS, Law Society and organisations involved in supporting victims, witnesses and the accused.

What we want to happen as a result

The audit will provide an update on progress on addressing the criminal courts backlog and against the recommendations made in the 2023 report.

The audit will also identify and highlight any continuing and new challenges to reducing court backlogs, as well as highlighting opportunities, to help focus activity.

Timetable

We plan to carry out fieldwork in late 2025 and early 2026 and publish our findings in May 2026.

Contact

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