

Scottish Courts and Tribunals Service



L Mackenzie

By email:
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Scottish Courts and Tribunals Service HQ
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18 March 2022

Our Ref: FOI 2022 057

Dear L Mackenzie,

Freedom of Information (Scotland) Act 2002 (FOISA)

Thank you for your request for information, received by Scottish Courts and Tribunals Service (SCTS) on 01 March 2022 in the following terms:

Please provide copies of any advice sought by the SCTS to inform its decision-making about granting public access to courts or tribunals in response to the Covid pandemic, including advice from Public Health Scotland and the Scottish Government. Please provide advice sought for the period from 1 September 2021 onwards.

The Scottish Courts and Tribunals Service (SCTS) does try where possible to provide the information requested, however on this occasion I must give notice in terms of section 17 of FOISA that this is not information which SCTS holds.

By way of explanation, since the onset of the pandemic the SCTS has been guided by the priority to protect the life and safety of all staff, judiciary and court and tribunal users whilst ensuring that no case is lost. At all times, our decision-making has been guided by the published government and public health advice in place at the time: Scottish Government [advice](#) and Public Health Scotland's [guidance](#) for non-healthcare settings.

We have based our decisions and structured our approach based on that published guidance. As guidance has changed in response to the public health emergency, our decisions and approaches have remained under review. Detailed risk assessments have been carried out leading to a range of additional health and safety measures across all our premises – to protect all those coming to our buildings. These are available on the SCTS website:

[Coronavirus Information and Updates \(scotcourts.gov.uk\)](https://www.scotcourts.gov.uk/coronavirus)

We are very much committed to the principle of open justice. It is a principle which, during the pandemic, we have had to balance with the need to maintain a safe operating environment for all those who use our premises. To ensure that balance is met, we have provided access to all those with a direct involvement in proceedings, to those providing support to vulnerable witnesses and to family members – both of the accused and complainers in solemn jury trials, where they wish to view proceedings. Critically, access is also provided to journalists to maintain a key dynamic of open justice and to ensure that court business can be fully and accurately reported on.

I hope this explanation is of some assistance, however should you feel dissatisfied with this response or the manner in which your request has been handled, the Act provides for a review process to be conducted. Should you wish to take advantage of this process you may apply in writing for a review. Your request should provide details of why you wish a review to be carried out and should be made within 40 working days of receipt of this letter to:-

The Freedom of Information Officer
Scottish Courts and Tribunals Service
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD
foi@scotcourts.gov.uk

Following that review should you still feel dissatisfied, you have the right to lodge an appeal with the Scottish Information Commissioner either online:

<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>

or at the following address:-

Office of the Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St. Andrews
FIFE
KY16 9DS

Yours sincerely

Norma Parsons
FOI & Correspondence Officer