

Justice Committee

Scottish Civil Justice Council and Criminal Legal Assistance Bill

Supplementary written submission from Citizens Advice Scotland

Evidence correction

During the oral evidence session I mentioned the Citizens Advice Edinburgh in-court mediation project but I have since learned that the statements I made in relation to the project were partially inaccurate. I wished to draw these inaccurate statements to your attention along with accurate corrections.

The first statement is:

“In our submission, we mentioned the Citizens Advice Scotland in-court mediation service that works in Edinburgh sheriff court. I admit that I noticed a mistake when I read over the submission again this morning, so I will submit an amendment. The sheriffs do not send on more than 90 per cent of the civil business in the court to the mediation service, because that would be overwhelming; they send on 90 per cent of the small claims business. More than 80 per cent of the cases that they submit to the service are resolved through mediation very quickly—often within an hour.”

Although I noted at the time there were inaccuracies in the written submission (which have subsequently been amended) I have received information from the project to the effect that while they do collect statistics on small claims referrals to the mediation service they do not keep statistics on the overall number of small claims cases that go through the court. As such it is not possible to accurately present the percentage of the total number of small claims cases referred to the mediation service based on the information available to the mediation project and the percentage above cannot be relied upon. However, it is possible to say that only a small percentage of cases are currently resolved through mediation. Further, two hours is an accurate average for a mediation. The recorded statement that the project is run by CAS is factually inaccurate as it is run by Citizens Advice Edinburgh – this is an inaccuracy I have asked to be changed for the record.

The second statement is:

“One problem with the in-court mediation project at Edinburgh sheriff court is that cases have to be referred to it by a sheriff, and the case then has to be closed in front of a sheriff”

It has been brought to my attention that cases can in fact be self-referred and do not have to be closed in front of a Sheriff.

Thank you for your consideration and I look forward to receiving a copy of the report.

Lauren Wood
Social Policy Co-ordinator
27 September 2012