

EAST AYRSHIRE COUNCIL

SOCIAL WORK COMMITTEE - 29 JANUARY 2004

IN-COURT ADVICE PILOT PROJECT

Report by the Director of Educational and Social Services

1. PURPOSE OF REPORT

- 1.1 To advise elected members of a Scottish Executive funded In-Court Advice Pilot Project proposed for Kilmarnock Sheriff Court;
- 1.2 To seek Committee approval for the project to be managed by the Council.

2. BACKGROUND

- 2.1 The Scottish Executive is committed to developing a community legal service for Scotland and sees the provision of in-court advice as being a significant part of its strategy to improve access to justice.
- 2.2 An Advice Project has been operating in Edinburgh Sheriff Court since 1997 and the Scottish Executive is now making arrangements for a further four pilot projects to be established in Sheriffdoms where no in-court advice provision currently exists.
- 2.3 In-Court Advice Pilot Projects provide free legal and other advice to unassisted litigants involved in civil cases such as small claims, summary cause and ordinary cause actions where The Debtor (Scotland) Act 1987 applies.
- 2.4 Following discussion between the Scottish Executive and the Sheriff Principal it has been agreed that one of these Pilot Projects will be located within Kilmarnock Sheriff Court. The Project will be monitored and evaluated and will run initially until the end of March 2006.

3. PROGRESS TO DATE

- 3.1 In response to a request from the Justice Department of the Scottish Executive, bids to manage the Pilot Project within Kilmarnock Sheriff Court were submitted on behalf of the Council by the Department of Educational and Social Services and also by East Ayrshire Citizens Advice Bureau.
- 3.2 Further to careful consideration of those bids, the Scottish Executive decided to offer the Council the opportunity to manage the Project.
- 3.3 Accommodation within Kilmarnock Sheriff Court has been identified as a base for the In-Court Advice project through discussion between the Justice Department and the Sheriff Principal.

4. REPORTING AND MANAGEMENT ARRANGEMENTS

- 4.1 An In-Court Advice Steering Group comprising representatives from a wide range of interested groups and organisations will meet at least quarterly initially and will advise on the general direction of the service.
- 4.2 The In-Court Adviser will be supervised by the Reception and Anti-Poverty Services Manager and will provide quarterly reports on the performance of the project.

5. FINANCIAL IMPLICATIONS

- 5.1 An annual grant of £36,000 will be made available to the Council in each of the years 2004/05 and 2005/06. This funding will meet in full the costs of the In-Court Advice Service.

6. PERSONNEL IMPLICATIONS

- 6.1 A new post of In-Court Adviser requires to be created on a temporary basis until March 2006 to operate the service.

7. LEGAL IMPLICATIONS

- 7.1 Close liaison has taken place between Educational and Social Services and Legal Services staff in the preparations for the project. There are no legal implications for the Council arising from the project.

8. RECOMMENDATIONS

- 8.1 It is recommended that Committee:
- i) approve acceptance of the offer from the Scottish Executive to the Council to operate the Kilmarnock Sheriff Court In-Court Advice Service Pilot Project;
 - ii) request the Director of Educational and Social Services to bring forward further reports on progress of the Project as appropriate;
 - iii) refer the personnel implications to the Corporate Governance Committee, for its attention; and
 - iv) otherwise note the contents of this report.

John Mulgrew
Director of Educational and Social Services
19 January 2004

List of Background Papers - Nil

For further information on this report please contact John Alexander, Principal Officer (Quality and Planning) (Tel 01563 576978)

IMPLEMENTATION OFFICER : JACKIE DONNELLY, HEAD OF SOCIAL WORK