

# Annual Report and Accounts

2021-2022



Scottish Courts  
and Tribunals Service



Supporting Justice

# Scottish Courts and Tribunals Service

## Annual Report and Accounts

### 2021– 22

Laid before the Scottish Parliament by the Scottish Courts and Tribunals Service in pursuance of section 67 of the Judiciary and Courts (Scotland) Act 2008 and section 22(5) of the Public Finance and Accountability (Scotland) Act 2000.

September 2022



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# Lord President's Foreword



I am pleased to present the Annual Report and Accounts of the Scottish Courts and Tribunals Service for 2021-22. The year has continued to be dominated by COVID-19. Since the onset of the pandemic we have developed new ways of working with those who use Scotland's Courts, Tribunals and the Office of the Public Guardian. Some of these have transformed the way in which services are provided. We did so as traditional methods were not compatible with the public health measures required. The changes have supported the vision set in our three-year corporate plan of developing an increasingly digital service.

The purpose of the SCTS is supporting justice. We have continued to pursue that purpose by developing and delivering a more resilient, efficient and flexible system. We have increased criminal court capacity to tackle case backlogs that built up during the early stages of the pandemic. We have run over 1,400 solemn trials with jurors based in remote jury centres, so that the most serious criminal cases continued to be heard in a safe environment using leading edge technology. We have successfully held over 2,000 custody hearings using an entirely virtual model.

Innovative approaches have enabled people to assert or to defend their rights in the civil courts and tribunals, using secure video solutions and in-person hearings where appropriate. Business in these areas has continued at pre-pandemic levels with no significant backlogs.

In times of change we must ensure that the justice system continues to serve the people it is designed to protect. The Virtual Trials National Project Board, which included representation from across the justice system, reviewed the experience gained in the virtual summary trials pilot. The Board recommended that the focus for such trials should be on domestic abuse cases. This offers the opportunity for the introduction of more trauma informed practices, in line with the recommendations of the Lord Justice Clerk's Review of Sexual Offending. With around a quarter of outstanding summary trials involving allegations of domestic abuse our work in this area brings together innovation with improved outcomes – recognising that the courts and tribunals are a service, not just the buildings in which cases are heard.

I record my thanks to the staff of the SCTS. Their dedication, knowledge and expertise is a daily experience of all those using the justice system. The role of chairman of the SCTS Board continues to be made easier as a result of the insight and expertise of my fellow Board members. Their commitment, guidance and support have been essential as we continue to manage an ambitious agenda, which balances innovation, recovery and service to the public.

***Rt. Hon. Lord Carloway***

*Lord President, Chairman of the SCTS Board*

# 1. Performance report

## 1.1 Overview

### 1.1.1 Chief Executive's statement

Eric McQueen, Chief Executive, Scottish Courts and Tribunals Service

The purpose of this performance report is to provide an overview of the Scottish Courts and Tribunals Service (SCTS) and its performance during 2021-22. This section of the Annual Report and Accounts sets out the purpose, structures, activities and functions of the SCTS; provides a summary of our operational and financial performance for the year and describes the key issues, risks and trends which influence our work.



Our purpose is **supporting justice**. Over the past year the justice system, like all areas of society, has continued to be impacted by the pandemic. However, the SCTS has continued to fulfil its purpose and develop its services – allowing us to both maintain business and transform the way in which justice is delivered.

We have developed innovative solutions to maintain and enhance the services we provide – protecting public safety, ensuring that individuals can assert their rights, preserving support to the vulnerable and reducing the burden on professionals where possible. We have created additional remote evidence suites, ensuring that vulnerable witnesses can give their best evidence in a safe, high-quality environment. We have also introduced new technology allowing both police and professional witnesses to give their evidence remotely in High Court trials — minimising inconvenience and reducing the need for physical appearance in court.

At the same time as developing digital solutions we have worked closely with our justice partners to put in place an ambitious criminal court recovery programme, which commenced in September 2021, with the aim of returning summary case backlogs to pre-pandemic levels by March 2024 and solemn by March 2026. We now publish monthly [management information](#) showing business volumes and trends for first instance criminal cases. The data on criminal case levels demonstrates both the early positive impact of the recovery programme and the need to sustain it.

Whilst recovery from the pandemic will take longer than any of us would have hoped, we have sought to keep core reform initiatives on track. Tribunals' reform has continued during 2021-22, with further migrations into the First-Tier Tribunal for Scotland Chamber structure, supporting the vision of providing judicially-led tribunals that are modern, efficient and user-focused.

I am incredibly proud of what we have been able to achieve over the past 12 months. Our staff have been truly inspirational in managing the response to the pandemic and adapting to new ways of working – demonstrating our values of respect, service and excellence. We will continue to invest in them as they continue to support the innovation and service delivered every day.

While this report looks back over the past year, we continue to learn and plan for the future. Our aim is to build on the innovation and flexibility unlocked in response to the pandemic to deliver the best possible service for all.

## 1.1.2 Purpose and activities of the SCTS

### Business model and environment

The Scottish Courts and Tribunal Service (SCTS) was established on 1 April 2015, following the merger of the Scottish Court Service (a Non-Ministerial Office established on 1 April 2010 by the Judiciary and Courts (Scotland) Act 2008) with the Scottish Tribunals Service (previously a delivery arm of the Scottish Government)<sup>1</sup>.

We operate from 51 distinct locations across Scotland. We have 23 remote witness sites and Tribunals make use of up to 70 further venues for hearings. Our court locations, the Office of the Public Guardian (OPG, and our Tribunals administrative centres in Glasgow, Hamilton and Edinburgh are shown at Annex 2.

The function of the SCTS is to provide or ensure the provision of the resources to support:

- **the Scottish courts, devolved tribunals and their judiciary;**
- **the Lord President or his delegates in respect of his functions as Head of the Judiciary;**
- **the sheriffs principal in respect of their functions under the relevant provisions of the Courts Reform (Scotland) Act 2014;**
- **the Office of the Public Guardian and Accountant of Court; and**
- **the Scottish Sentencing Council, Scottish Civil Justice Council and the Criminal Courts Rules Council<sup>2</sup>.**

A three-year **Corporate Plan** for the SCTS was published in April 2020<sup>3</sup>. For each year of that Corporate Plan, an annual business plan is produced with the most recent plan having been published in April 2022<sup>4</sup>. This report covers the second year in the current corporate planning period.

The report details how the SCTS carried out its functions in 2021-22, as required by section 67 of the Judiciary and Courts (Scotland) Act 2008 and section 22(5) of the Public Finance and Accountability (Scotland) Act 2000.

### Purpose and values

The purpose of the SCTS is **supporting justice**. The SCTS fulfils this purpose by providing the people, buildings and services needed to support the work of Scotland's courts and devolved tribunals, of the judiciary and the OPG and Accountant of Court.

In delivering its purpose, the SCTS must take account of the needs of the judiciary, of the people involved in proceedings and the wider public.<sup>5</sup>

Our work focuses on improving access to justice, reducing delay and cost within the justice system and maximising the use of technology to improve our

services. Due to the impact of COVID-19, our work this year has balanced those priorities with supporting the public health response to the outbreak – protecting the safety of all staff, court and tribunal users; while maintaining essential business – and; minimising the accumulation of case backlogs so far as possible – to facilitate the most effective recovery.

The core values we observe as an organisation and seek to promote in others are: **Respect, service and excellence**

### Structure of the SCTS

The SCTS is led by its Board, which has a judicial majority and oversees the administrative arrangements that support the judiciary in the delivery of justice. The SCTS Board meets at least six times per year<sup>6</sup>. Day to day management of the organisation rests with the Chief Executive and the Executive Team. Further information on the SCTS Board and Executive Team is in the Directors' Report, on pages 30-35.

**Our purpose and strategic priorities are illustrated in our strategy map overleaf. It sets out how our priorities align with delivery of our purpose "Supporting Justice".**

<sup>1</sup> Section 130 of the Courts Reform (S) Act 2014 facilitated the merger by extending the functions of the Scottish Court Service established under the Judiciary and Courts (Scotland) Act 2008 to include the administration of devolved tribunals. As such the 2008 Act remains the founding legislation for the SCTS.

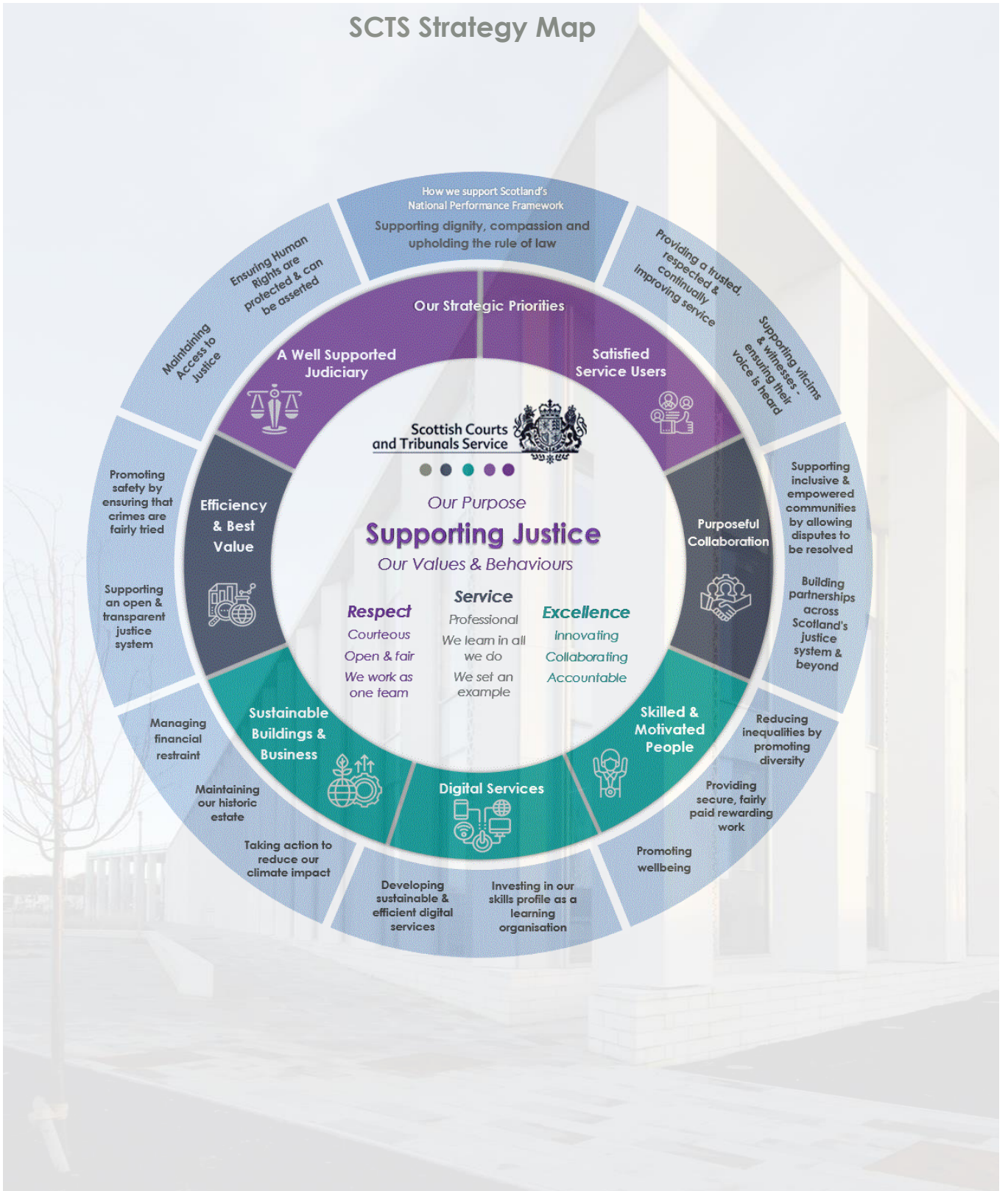
<sup>2</sup> Sections 61 & 62 of the Judiciary and Courts (Scotland) Act 2008.

<sup>3</sup> <https://www.scotcourts.gov.uk/docs/default-source/aboutscs/reports-and-data/publications/corp-plan-2020-23.pdf?sfvrsn=4>

<sup>4</sup> [scts-business-plan-2022-23.pdf](https://www.scotcourts.gov.uk/docs/default-source/aboutscs/reports-and-data/publications/scts-business-plan-2022-23.pdf) (scotcourts.gov.uk)

<sup>5</sup> Section 61(2) of the Judiciary and Courts (Scotland) Act 2008.

<sup>6</sup> Further information on the SCTS Board and its committees, including membership, standing orders, framework document and minutes of meetings can be accessed at [The Scottish Courts and Tribunals Service Board](https://www.scotcourts.gov.uk/aboutscs/reports-and-data/publications/scts-board) (scotcourts.gov.uk)



Inverness Justice Centre, March 2019

### 1.1.3 Performance summary

Throughout the year the SCTS Board monitored ongoing delivery of its 2021-22 Business Plan Outcomes. 28 outcomes were set in the plan, of which 22 were fully completed. Six were partially delivered, with delivery scheduled for 2022-23. A more detailed year-end report on all 28 outcomes is available on the SCTS website<sup>7</sup>. Commentary on a range of the outcomes delivered during the year is available from page 19 in the **Development and Performance** section of this report.

Over the course of 2021-22 the SCTS has played a critical role in Scotland's justice system, ensuring the courts, tribunals and the Office of the Public Guardian continued to provide key services through the pandemic, ensuring we fulfilled our purpose of **supporting justice**.

Under leadership of the SCTS Board, our Corporate Plan was published in April 2020 – setting out our strategic objectives to the end of the planning period in 2023. Detailed outcomes for 2021-22 were set out in our annual business plan, structured under our seven strategic priorities:

- A well supported judiciary
- Satisfied service users
- Skilled and motivated people
- Sustainable buildings and business
- Digital services
- Efficiency and best value
- Purposeful collaboration

The past year has continued to be dominated by COVID-19 and the Delta and Omicron variants. We built on the range of innovations and hybrid delivery models implemented during 2020-21, improving our agility and resilience to respond to the complex and often fast-moving public health requirements. These innovations have brought us closer to the vision set in our corporate plan of:

- an increasingly digital service that prioritises in-person hearings only where it is the most suitable method;
- ensuring the most vulnerable are supported to give their best evidence in a safe and secure environment;
- reflecting the expectations of modern society, as part of a justice system committed to meeting their needs.

At the core of getting that right is judicial insight and engagement across the justice reform agenda. The Court of Session has largely operated a fully-virtual model throughout the year, keeping backlogs to a minimum. High Court solemn trials, operating from our innovative remote jury centres, have seen case processing at and above pre-pandemic levels. These achievements have only been possible with support from a judiciary committed to a modern, digitally enabled system and the efficient disposal of business.

While we moved at pace to ensure the most serious cases could be resumed, it was

inevitable that criminal case backlogs materialised. The backlogs that built up during the early stages of the pandemic have real impacts on victims, witnesses and the accused. Tackling them is a key priority for the SCTS.

In September 2021, we commenced a multi-year court recovery programme – comprising an additional four high courts, two sheriff solemn courts and 10 sheriff summary courts, with the aim of returning business to pre-pandemic levels by March 2024 and 2026 for summary and solemn business respectively. The programme was only able to launch due to cross justice collaboration and additional funding to maintain remote jury centres throughout 2021-22; which ensured the safety of jurors and allowed the most serious criminal cases to be heard. As the pandemic continues to abate, jury centres will be phased out, bringing jurors back into our courts. Additional funding to maintain the recovery programme throughout 2022-23 has been confirmed.

In the High Court, the majority of cases relate to sexual offences. The recommendations of the Lord Justice Clerk's Review on Improving the Management of Sexual Offence cases aim to make systemic changes that improve the experience for complainers and witnesses, while ensuring the rights of the accused are upheld. This work will span a number of years and we will work closely with the Scottish Government and the judiciary on key work streams, such as

<sup>7</sup> The SCTS Business Plan Delivery Report, which provides a summary of progress against all 2021-22 Business Plan outcomes is available on the SCTS Board page of the SCTS website: <http://www.scotcourts.gov.uk/about-the-scottish-court-service/the-scottish-court-service-board>



training our staff on trauma informed practice and procedure and building on the recommendations of the Evidence and Procedure Review.

Under the relevant provisions of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act, pre-recording the evidence of children and the most vulnerable aims to minimise further trauma and obtain the best evidence early in proceedings. Specialist evidence by commission suites in Glasgow and Inverness were reconfigured for physical distancing this year, supported by virtual hearing technology which created much needed capacity to support the most vulnerable.

The remote provision of evidence by police and professional witnesses has been the default position in High Court cases since January 2022, freeing up critical capacity for these professionals whilst improving system efficiency, sustainability and service delivery. We will, over the coming years, aim to expand and embed this practice in the sheriff solemn courts.

**Report to the Lord Justice General**

by

**The Virtual Trials National Project Board**

The Virtual Trials National Project Board, which included representation from across the justice system, reviewed the experience gained in the virtual summary trials pilot. The Board recommended that the focus for such trials should be domestic abuse cases. This offers the opportunity for the introduction of more trauma informed practices, in line with

the recommendations of the Lord Justice Clerk's Review. With around a quarter of outstanding summary trials involving allegations of domestic abuse our work in this area brings together innovation with improved outcomes – recognising that the courts and tribunals are a service, not just the buildings in which cases are heard.

Fully virtual custody courts using state-of-the-art video conferencing have enabled over 2,000 custody hearings to take place over the past year. The solution was piloted in Tayside, Central and Fife, deployed for COP26 and expanded to North Strathclyde in 2022. The model, which means the accused does not have to be brought from custody to the court, provides a range of efficiency and resilience benefits and will continue to be expanded in future years.

A cross-justice system pilot in the Sheriffdom of South Strathclyde, Dumfries and Galloway, used weekly trial surgeries to facilitate candid discussions between the defence and prosecution. Commenced in December 2020, an evaluation published in September 2021 showed the process had improved business efficiency: and increased engagement in the process (Up from 53% in February 2021 to 72% in July 2021). Increased engagement aided early case resolution, benefitting both the parties and the system as a whole.

The full range of remote, digital and alternative approaches to case management have only been achieved through sound collaborative work with the

judiciary and a range of agencies. Yet the expansion of digital options must be part of a blended approach. Scotland's courts and tribunals will always play a central role in local justice. The safety of our service users, staff, and judiciary is our top priority. Overseen by our Strategic Incident Management Team, all SCTS buildings have been continually risk assessed throughout the year for COVID-safe operation. We have maintained enhanced baseline cleaning measures, including 100% fresh-air via our mechanical ventilation systems, deployed signage, floor-markings and good hygiene protocols, adjusting our approach to align with public health guidance. We maintained a full suite of updated staff, user and business guidance, communicated using our intranet, external staff only internet site and public website. Daily, we support up to 500 staff with high-quality home working solutions, hosted on our resilient digital infrastructure.

Despite the breadth of challenges and changes faced by our staff and service users, we maintained our engagement score of 64% in the annual UK Civil Service People Survey and, in phase one of our court users survey – focusing on jury trials – 95% of respondents were very or fairly satisfied with the standard of service we provided.

To maintain these successes, we continued to invest in our people's technical and leadership skills. We are in the final stages of developing a Hybrid Working Policy, have concluded the first phase review of succession planning.

SCTS established a Learning Council to provide advice on technical and vocational learning, and delivered our Professional Programmes to over 100 first-line managers. Our People Systems update progressed well, automating a number of processes to improve efficiency.

We publish monthly [management information](#) setting out the level of cases processed and projected case backlogs. In March 2022, following the introduction of the criminal court recovery [programme](#), High Court backlogs were 802 (compared with 380 pre-pandemic), there were 3,569 outstanding sheriff solemn cases (500 pre-pandemic), and 30,520 summary cases (14,000 pre-pandemic). The justice system generally has a scheduled backlog of cases which are managed within timescales considered suitable. Multi-year funding will be necessary to reduce backlogs to pre-pandemic levels in line with our [case modelling](#) (March 2024 for summary business and March 2026 for Solemn business).

In tribunals, a blend of telephone and online hearings, based on the most suitable format for the hearing in question, has allowed business to operate at pre-pandemic levels with no significant backlogs. Whilst some tribunal case volumes dropped due to the pandemic, volumes in the Mental Health Tribunal for Scotland have seen sustained growth, rising over 9% this year. As new welfare benefits are devolved, there will be significant growth in the Social Security Chamber. We are working closely with the Scottish Government to

have the required systems and resources in place to support the expansion.

Submissions and registrations in the OPG dropped in 2020-21 and the first half of 2021-22 due to the pandemic. However, by September 2021, receipts and processing had returned to pre-pandemic levels. In 2022-23 we expect growth in line with pre-COVID levels, especially in view of the renewed public facing Power of Attorney (PoA) campaign and the growing recognition of the importance of having a PoA in place.

Sustainable premises and digital innovations are central to good progress. Many of the innovations introduced over the last two years have required sensitive building alterations to our, largely historic, estate. In the context of the Scottish Government's ambitious net-zero carbon goal for 2045, we reviewed our backlog maintenance schedule with the view of bringing it up to modern, sustainable standards. This year over £8 million was invested in estate improvements – our largest maintenance project being essential waterproofing works in Glasgow.



In-year, £1.5 million funding was secured to install electric vehicle charging points estate-wide. Nine photovoltaic systems and a buildings energy management system were also installed. Pilot work is underway in Falkirk to make fabric, mechanical and electrical improvements to improve efficiency and

sustainability, as part of a wider, national project – that may be scaled up in future years, subject to funding.

We introduced a number of improvements across our Civil Online and ICMS platforms this year. Since May 2021, solicitor firms can submit all ordinary cause documentation online, improving data security and access. A new Conjoined Arrestment Order platform was launched providing a single, national database and fresh interface.



And for our staff, we launched the latest version of Microsoft Sharepoint for our intranet, retiring a code-based platform and providing a rich range of collaborative tools and a flexible, scalable interface – as part of our plan to fully migrate to Office 365.

We are proud to have delivered the vast majority of planned outcomes. This was only possible due to a committed, innovative and professional workforce who genuinely care.

Criminal case backlogs will remain a key area of focus for the SCTS and the wider justice system. Significant investment in court recovery and ongoing refinement of innovations introduced will be necessary to recover backlogs towards optimal levels. Our response to, and recovery from the pandemic, has demonstrated our ability to support our partners and lead wider justice system reform – working to a clear vision of "Supporting Justice".

## Performance against Business Outcomes 2021-22

Strategic Priorities	Business Outcomes 2021-22				Complete
	Click on the table for a more detailed performance report				Part-complete
A well supported judiciary	We will fulfil our purpose of supporting justice by delivering the administration of Scotland's courts, devolved tribunals and Office of the Public Guardian – developing sustainable virtual and remote working methods for use beyond the pandemic to deliver an improved service	We will, as soon as it is safe to do so, work with the judiciary and justice organisations to introduce additional criminal case capacity to commence reduction of backlogs that have accumulated as consequence of the pandemic	We will explore the recommendations of the Lord Justice Clerk's review of the management of sexual offence cases and develop an implementation plan to ensure that its aim of improving the experiences of complainers and witnesses, is achieved	We will maintain the successful implementation of the Tribunals Reform Programme, including the expansion of the Social Security Chamber, the transfer of the Mental Health Tribunal for Scotland and the establishment of a Valuation Appeal Chamber in the First-tier Tribunal for Scotland	
Satisfied service users	We will maintain the safest possible operating environment for all essential court and tribunal business that must continue to be delivered in person during the COVID-19 pandemic	We will review our approach to measuring user and customer satisfaction to ensure it provides high quality insight on our service in an efficient and timely way	We will publish our bi-annual Mainstreaming Equality Report and evaluate progress towards delivery of our Equality Outcomes, promoting awareness and understanding of equality and diversity, to improve services	We will review our service standards for victims and witnesses and continue to support the work of the Victims' Taskforce, ensuring that new developments in our services improve the experience for victims and witnesses	
Skilled and motivated people	We will support our people to work well and work safely throughout the COVID-19 pandemic – providing high quality home-working solutions plus equipment, resources and policies for all that prioritise health, safety and wellbeing	We will develop a programme to assess and support the level of digital and technical skills required by our people in the longer-term to support both the judiciary and service users in an increasingly digital environment	We will implement the second phase of our People Systems upgrade, delivering a new recruitment module and review implementation of the first phase (salaries and expenses) to ensure that improvements and efficiencies are achieved	We will review and update our performance management, succession planning and talent management processes to ensure our people are supported to give their best, both now and in the future	
Sustainable buildings and business	We will extend our capacity to conduct solemn trials by maintaining the innovative use of remote jury centres and by reconfiguring court rooms to accommodate solemn and multi-accused trials – ensuring that the most serious criminal business can continue to be heard and backlogs addressed	We will submit proposals to the Scottish Government for future investment in our built estate – setting out the measures required to address backlog maintenance and to achieve the step-change in sustainability needed to meet carbon-zero targets	We will review our Estates Strategy to identify the long-term opportunities presented through increased digital and remote working – equipping our facilities for the future	We will meet our demanding carbon reduction targets and demonstrate our commitment to ongoing progress by retaining Carbon Trust Triple standard accreditation	
Digital services	We will improve our digital infrastructure including networking, firewalls, secure remote access, collaboration platforms and cloud platforms – allowing court and tribunal business to be conducted remotely on secure and reliable platforms as further reforms are introduced	We will enhance the tribunals' case management capability by introducing a new online facility in the Social Security Chamber, including a notification portal and the automated secure exchange of data. These new facilities will be capable of roll-out to a wider range of jurisdictions in future	We will minimise inconvenience and reduce the need for physical appearance at court by developing a solution for the remote provision of evidence by police and professional witnesses	We will build on the introduction of virtual summary trials and virtual custody cases during the pandemic, increasing resilience and capacity, whilst reducing costs and carbon emissions	
Efficiency and best value	We will introduce a new digital expense payment system, initially for appellants in the Social Security Chamber – providing a more efficient and secure system with a high-quality customer interface and fast payments service	We will undertake a strategic analysis of vulnerable witness, video link and remote tribunal sites, in collaboration with COPFS, to ensure we have an appropriate range of sites that support vulnerable witnesses to give their best evidence in a quality environment	We will make enhancements to the SCTS website capability and content, expanding the range of statistics available with new management information reports for civil business	We will identify and drive savings through our approach to purchasing and contract management, delivering a further £0.5m of savings through better procurement and cost avoidance	
Purposeful collaboration	We will support the work of the Justice Board for Scotland and criminal justice board, working collaboratively to manage the response, recovery and lessons learned from COVID-19 – building on innovations that have been implemented	We will manage criminal business levels in close collaboration with justice partners, using performance reporting that will visibly demonstrate the progress being made to address backlogs caused by the COVID-19 pandemic	We will support the Scottish Civil Justice Council as it develops new strategic proposals for civil justice reform and provide effective administrative support to the Scottish Sentencing Council so it can deliver its distinct work programme to a high standard	We will work with partners at national and local levels to prepare for the UN Climate Change Conference (COP26) in Glasgow, ensuring that robust cross-sector contingency and service plans are in place	

**Financial Performance 2021-22**

Gross DEL expenditure for the year was £214.9m. When offset by income of £43.6m, the net DEL outturn was £171.3m. This represents an increase of £25.7m on the preceding year's outturn and was primarily driven by £27.5m of spend on the court recovery programme, a £4m increase in pay offset by a £5.5m increase in civil fees and retained fines income due to easing of restrictions. The total non-current asset figure at the year-end is £564m, an increase of £42m which is primarily due to the valuation of the estate by Avison Young. A notional charge of £97k is recognised for external audit services.

The AME outturn position is mainly due to provision movements. The dilapidation charge element is based on data provided by Avison Young and the presidents' pension charge is due the revaluation provided by the Government Actuary's Department.

During the year, the SCTS purchased non-audit services from its appointed external auditor totalling £1k. At the request of SCTS, Azets assisted in providing VAT advice.

**Financial Performance Summary**

	2021-22		2020-21
	Budget £'000	Outturn £'000	Outturn £'000
Capital – DEL	16,520	18,248	19,914
Revenue – DEL	161,630	153,002	125,654
<b>Net outturn</b>	<b>178,150</b>	<b>171,250</b>	<b>145,568</b>
Auditors remuneration	97	97	95
	<b>178,247</b>	<b>171,347</b>	<b>145,663</b>
Capital - AME	-	-	6
Revenue – AME	310	663	150
<b>Total</b>	<b>178,557</b>	<b>172,010</b>	<b>145,819</b>

## 1.1.4 Key issues, risks and future trends

Ensuring that court and tribunal business is managed effectively is our core function. It relies on a number of independent agencies working together to ensure that people can assert their rights and settle disputes. Our work is significant in volume, increasingly complex in nature and subject to a high degree of political, public and media scrutiny.

For these reasons, the SCTS places a strong emphasis on planning; identifying and managing risk; and making improvements through sound performance and change management. Predicting future change is important so we can manage and make the most of it.

The SCTS Board, supported by its Audit and Risk Committee and the Executive Team, consider the **key risk areas that must be managed** to support the business; deliver our priorities; and maintain sound controls – based on recognised standards of good governance.

**Corporate risks** are reviewed approximately every six weeks by the SCTS Executive Team, and at least quarterly by the SCTS Audit and Risk Committee. The SCTS Board sets the overall approach to risk and holds an annual workshop involving members of all its Committees and the Executive Team – at which the strategic risk categories and major risks facing the organisation are reviewed. This year's workshop took place in February 2022. The

corporate risk register was updated throughout the year to ensure it remained current. A summary of strategic risks is provided at page 15.

By its nature much of our work is demand-led. Predicting **business volumes** helps us match capacity to demand, and adapt to shifting trends.<sup>8</sup> In the wake of the extensive disruption caused by the COVID-19 pandemic, we have worked closely across the justice system to put in place an ambitious criminal court recovery programme, which commenced in September 2021, with the aim of returning summary case backlogs to pre-pandemic levels by March 2024 and solemn case backlogs by March 2026. We now publish monthly [management information](#) showing business volumes and trends for first instance criminal cases. The data on criminal case levels demonstrates both the early positive impact of the recovery programme and the need to sustain it.

Operational performance is monitored at both the local management level and through **organisational KPIs**, reviewed by the SCTS Board. In the past year performance targets in respect of criminal court case processing were amended to track whether planned recovery activity is having the required impact on waiting times and outstanding case levels to support our recovery targets (full details are available in section 1.2.1).

In their ongoing planning, oversight and assessment of future demand, the SCTS Board has identified a number of key issues and trends that may impact on future performance.

### 1. Service resilience

Over the past year, the pandemic continued to impact across all sectors, including the justice system. A significant backlog of criminal cases had built up from the early stages of the pandemic with cases taking longer to come to trial and the number of people held on remand increasing. This created downstream impacts on community justice services and prisons. In response, we worked to put in place an ambitious criminal court recovery programme. As the pandemic begins to abate, there are early, promising signs that the programme is having the desired effect, but it will require a sustained effort. Continued funding has been secured for 2022-23 and it will be critical that this remains in place for future years.

A key risk to the business, because of the necessary public health measures in place to mitigate the spread of COVID-19, was our ability to run trials where a 15 person jury was required. Over the past year additional funding from the Scottish Government enabled the continuation of remote jury centres, ensuring we could deal with the most serious of cases while maintaining the safety and security of jurors. These centres were also

<sup>8</sup> Detailed data on business volumes is available at Annex 1 of this report

critical in allowing the recovery programme to commence.

Full details of how we responded to the challenges and are building on the opportunities presented by COVID-19 can be found on pages 19 and 20.

## 2. Resourcing

Managing within limited resources is a continual challenge for SCTS. While the past year continued to present unique challenges, a particular risk to the delivery of business has been in respect of recruitment – with the number of new candidates coming forward for advertised posts declining. This challenge is not unique to the SCTS, but requires a concerted effort to address, as resources are required both to support recovery and manage an ambitious programme of reform. In response, we have concluded the first phase of a review of succession planning for senior managers and are finalising proposals for a talent management programme – ensuring arrangements are in place to support staff transition into posts critical to maintaining operations.

Financial resourcing is a constant pressure. By working collaboratively with the Scottish Government and other justice agencies, the SCTS has been able to address the challenges of the pandemic and ensure sufficient funding has been available to deliver core services and the recovery activity now under way. We remain conscious of the fact that, as part of a wider system, all parties involved in that system must have the

capability and resources to support it. We have planned our recovery and development work with an eye on the capabilities and resources of our partners.

## 3. Managing change and reform

An efficient, digitally enabled system that meets the needs of those involved in it is central to our reform agenda. Over the past year, innovative approaches have allowed us to maintain essential business; and must now be built upon to meet the range and volume of business whilst improving the experience of victims and witnesses.

To maintain progress and achieve our aims, we have secured the extension of legislative provisions introduced in response to COVID-19 that allow: case papers to be handled electronically; evidence to be presented digitally; a broad range of hearings to be held remotely; and an increasing use of “hybrid” business, where some parties are present in court, others appear remotely—and others still may have had their contribution captured fully in advance. A number of these aspirations were set out several years ago through the work of the Evidence and Procedure Review—and are increasingly becoming a reality.

## 4. Data and cyber security

As we transition to increased use of digital services to deliver our business, and the threats faced in the digital sphere continue to grow, our security must continually evolve to meet the challenge. Over the past year we have expanded and

developed our cyber security team, whose work has ensured re-accreditation to the Cyber Essentials Plus standard. We also enrolled with the National Cyber Security Centre Early Warning Service – to ensure we are well-sighted on emerging threats and risks.

Our Information Governance team have been key in supporting the business in the management of its data, particularly for those areas that have had to develop new services in response to the impacts of COVID-19, guiding Business Units in the development of Data Impact Assessments and ensuring, where necessary, data sharing agreements are in place.

## 5. Supporting our workforce

Through another challenging year, our people have shown resilience and compassion in fulfilling our purpose of supporting justice. We owe our staff a debt of gratitude for their exceptional service this year. Whilst we have sought to train and support them through this very challenging period, we recognise that the level of change we have had to introduce in response to the pandemic carries the risk of “change fatigue”. Ensuring that we continue to engage, support, train, recognise and collaborate with all our colleagues will continue to be a key area of focus for the coming year.

**Strategic categories & key corporate risks – Identified and mapped by the SCTS Board (at 31 March 2022)**

Strategic risk category	Principal corporate risk monitored by the SCTS Board and Audit and Risk Committee	Untreated risk score March 2022	Treated risk score March 2022	Target risk score	Comments
1. <b>Workforce wellbeing and skills</b>	<i>Failure to maintain a skilled, motivated and adaptable workforce to meet current and future needs</i>	20	12	6	Remaining competitive in recruitment markets has been a challenge. Succession planning and talent management programmes are in place ensuring effective staff transition into posts critical to maintaining operations.
2. <b>Health, safety and security</b>	<i>Significant health and safety or security breach</i>	16	6	6	Despite new COVID-19 variant/impacts, assessment is that current and future (post-April), operating model maintains robust/ and effective baseline safety measures to protect service users and staff.
3. <b>Service resilience and continuity</b>	<i>Essential business and services compromised due to critical incident(s)</i>	20	9	6	Following business reductions in Q3 of 2021-22, due to COP26 and Omicron impact, courts now operating at full capacity, with the criminal court recovery programme having commenced in September 2021.
4. <b>Data and cyber security</b>	<i>Significant data/system loss caused by failure in information management controls or cyber-attack</i>	20	9	6	Despite heightened data / cyber-attack threats, SCTS' continued security improvements deemed to be keeping pace with new and evolving threats.
5. <b>Delivering change and post-pandemic reform</b>	<i>Failure to deliver planned key reforms in the SCTS Corporate Plan and broader Justice Strategy</i>	20	9	6	The continued pace and scale of change this year raises a concern of "change fatigue" which is challenging for staff and service users alike. Ongoing collaboration and buy-in from key stakeholders essential to delivering essential justice reforms.
6. <b>Financial and resources</b>	<i>Financial shortfall impacts ability to resource and maintain core business or deliver reform programmes</i>	15	12	9	Working collaboratively with the Scottish Government and other justice partners, the SCTS has been able to address the challenges of the pandemic and ensure sufficient funding has been available to deliver core services and the recovery activity now under way. Future year budgets continue to present a challenge for both core delivery and COVID-19 recovery.
7. <b>Constitutional and regulatory change</b>	<i>Wider policy/constitutional change impacts on the SCTS' ability to deliver core business or reform</i>	12	6	6	To fully realise our digital ambitions we have secured the extension of legislative provisions introduced in response to COVID-19.
8. <b>Climate change</b>	<i>Failure to progress towards a sustainable carbon neutral position by 2045 as set by government</i>	16	12	6	Public health and safety measures requiring 100% fresh air ventilation, impacted on our ability to meet carbon reduction targets. However SCTS has taken forward a range of decarbonisation projects, including: electric vehicle charging points and solar panel installations.

## 1.2 Performance analysis

### 1.2.1 Performance measures – Business plan outcomes and KPIs

In addition to reviewing progress against business plan outcomes, the SCTS Board appraises the organisation's performance on a quarterly basis through its **key performance indicators (KPIs)** scorecard. A summary of the KPI measures is on page 18. The full-year scorecard for 2021-22 has also been published on our website<sup>9</sup>.

Our KPI measures are aligned to our **strategic priorities**, allowing the SCTS Board to maintain oversight of core service delivery, key operational and corporate processes and wider performance.



The SCTS's strategic priorities

The KPIs are subject to review to ensure they remain relevant and stretching. At the June 2021 meeting of the SCTS Board, it was recognised that a number of the existing measures would benefit from amendment. The pandemic had created a significant backlog of criminal court cases. It would be neither beneficial nor instructive to retain the existing measures 6(a) to 6(d) in the scorecard – which measured criminal court performance against pre-COVID benchmarks, returning to which would take several years.

The Board concluded that measures 6(a) to 6(d) should be aligned with the COVID-19

[criminal court recovery modelling](#) that had been developed and predicted, following the commencement of the **criminal court recovery programme**: setting out that the backlog of High Court and sheriff solemn cases will be cleared by 2026, with summary trial backlogs cleared by 2024. By amending those scorecard measures to align with the ambitions of the recovery programme, this enables the Board to track how effective we are at reducing case backlogs and waiting periods, measuring progress against the recovery trajectory set out in our published modelling.

In addition to providing an exception-based report on performance, the KPIs provide the SCTS Board with a means of assuring that the organisation is carrying out activities intended to mitigate **key risks and manage uncertainty** so far as possible.

Key corporate risks in relation to areas such as staff engagement, financial constraint and sustainability are subject to measurement through specific KPIs in the scorecard. These relate to employee engagement measures, training data, expenditure and income profile and carbon footprint measures – in addition to an assessment of the delivery status of the organisation's change portfolio. Measuring these areas cannot eliminate risk entirely, but it does provide visibility of the current position and helps manage uncertainty by providing

evidence-based insights on changes as they occur.

Due to the challenges that COVID-19 has presented over the past year, four of the 18 Board KPI scorecard indicators were in exception for all or the majority the year (down from seven in 2020-21). These related to:

**1. Measure 2(b): Disposal of summary criminal cases within 26 weeks.** This measure covers the period from Police caution and charge, through prosecution of an accused until the verdict at trial. This is a system wide measure with the data provided by the Scottish Government.

Throughout the reporting year, the measure has not met its target of more than 72% of cases being disposed of within 26 weeks. However, this measure has not been revised to take account of the impact of COVID-19 and the subsequent backlog of cases. It is understood that the measure is under review by the Scottish Government to consider whether there may be a better measure for the assessment of end-to-end system performance.

**2. Measure 4(b): Sustainability and carbon reduction.** This measure reported Red throughout the year. Over the past 12 months, public health measures requiring 100% fresh air ventilation (which, in turn, also led to a need for additional heating to balance temperature) impacted on our ability to meet carbon reduction targets. Output was 11% behind the target of a cumulative 2.5% yearly reduction. In the last year prior to COVID-19 (2019), the SCTS

<sup>9</sup>The KPI scorecard is also available on the SCTS Board page of the SCTS website – see link in note 10, above



had reduced its carbon footprint by 24% from the 2016-17 baseline set. While we have been unable to meet our reduction target this past year, the SCTS has taken forward a range of decarbonisation projects, including: the installation of electric vehicle charging points, solar panel installations and major lighting upgrades and insulation improvements across the estate. A more detailed report setting out progress made each year is published on the Sustainable Scotland Network [website](#).

### 3. Measure 6(d): Justice of the Peace Court business recovery.

Performance for this measure reported as amber in quarters 1, 3 and 4 respectively. COVID-19 had a greater impact on the justice of the peace court over the past year, as available resources had to be targeted at progressing business in the High Court and sheriff solemn and summary courts. Justices of the peace are members of the public who give of their time voluntarily, not professional judges. As with other areas of criminal business, with COVID-19 levels now reducing the number of cases we are able to progress is steadily increasing. Performance has increased with conclusions for Justice of the Peace cases running at 87% of the average pre-COVID level (March 2022 data)<sup>10</sup>.

**4. Indicator 8(b): Fines and fee income.** This indicator reported as red for the entire year. As a result of COVID-19, civil fees and retained fines income was reduced due to a reduction in civil court

actions and reduced fines enforcement. A total of £35.7m was recovered, 8.69% below forecast.

Two other measures were in exception for one quarter of the year – these related to:

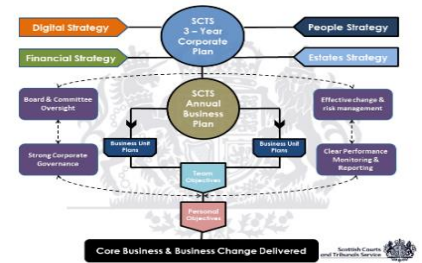
### 1. Measure 3(b): Delivery of development activities.

Performance for this measure reported as green in quarters 1, 2 and 4 respectively. The measure reported red in Quarter 3. This was because the number of staff able to undertake training, when compared to course capacity, dropped to 62% against a target of 85% or more. This reduction reflected the availability of operational staff to attend technical training courses. Operational staff have been under significant pressure, as operations were scaled up, to implement and maintain the criminal court recovery programme. Our Education and Learning Unit have worked closely with operational business areas to determine training needs, and have implemented a revised training schedule and a variety of training methods (virtual/in-person/blended) to increase uptake and better meet operational training requirements.

### 2. Measure 6(b): Sheriff Court solemn business recovery.

Performance for this measure reported Green for the first 3 quarters of the year and amber in quarter 4. The impact of rising COVID-19 cases in the first two months of quarter 4 (Omicron variant) impacted on the justice system, meaning fewer cases

could be progressed. As the impact began to reduce, performance increased with conclusions for sheriff solemn cases running at 107% of the average pre-COVID level (March 2022 data)<sup>10</sup>.



### Longer-term objectives and strategies

The annual performance reporting provided by our Business Plan Delivery Report and Board KPI Scorecard sit within a broader framework of the 21 strategic objectives set out in our Corporate Plan 2020-23. In addition to our annual work programme the delivery of these longer-term elements is informed by our corporate strategies – these set out both the context and our medium term agenda across the key enabling areas of people, estates, digital and finance, as set out in the diagram above.

<sup>10</sup> Full details of business volumes and trends for first instance criminal cases is available via our published monthly [Management Information](#).

## Summary of SCTS Key Performance Indicators (at March 2022)

Performance against the KPI measures is monitored quarterly by the SCTS Board using its Performance Scorecard. These assess a range of measures relating to delivery of the SCTS strategic priorities, summarised below:

<b>1. A Well Supported Judiciary</b>
1a. Judicial satisfaction levels (assessment of most recent judicial attitudes survey plus qualitative assessment by SCTS Executive Team)
<b>2. Satisfied Service Users</b>
2a. User satisfaction levels (based on quantitative survey and assessment data, including SCTS Court Users Survey data)
2b. Percentage of summary criminal cases disposed of within twenty-six weeks (based on official justice system statistics)
<b>3. Skilled and Motivated People</b>
3a. Employee engagement levels (based on staff turnover, absence levels, complaints and grievance monitoring and survey data)
3b. Delivery of staff development (based on proportion of staff who have engaged in and completed key learning and development activities)
<b>4. Sustainable Buildings and Business</b>
4a. Maintaining the estate (assessment of investment levels to ensure that backlog maintenance is being managed effectively)
4b. Sustainability and carbon reduction (assessment of the extent to which the organisation is meeting agreed carbon reduction targets)
<b>5. Digital Services</b>
5a. Automated and online transactions (assessment of the proportion of online fines transactions and payments made via automated systems)
5b. IT resilience and service (assessment of the resilience of core SCTS systems available for use when required)
<b>6. Efficiency and Best Value</b>
6a. High Court business recovery (assessment of measures aligned to <u>COVID-19 Criminal Court Recovery Modelling</u> )
6b. Sheriff Court solemn business recovery (assessment of measures aligned to sheriff solemn <u>COVID-19 Criminal Court Recovery Modelling</u> )
6c. Sheriff Court summary business recovery (assessment of measures aligned to sheriff summary <u>COVID-19 Criminal Court Recovery Modelling</u> )
6d. Justice of the Peace Court business recovery (assessment of three operational indicator aligned to business recovery)
6e. Civil and miscellaneous business waiting times (assessment of 10 indicators measuring waiting times for civil and appellate business and guardianship orders administered by Office of the Public Guardian)
6f. Effective Tribunals Operations (assessment of 21 key operational indicators measuring effective administration)
6g. Delivering on our change programme (assessment of the delivery status on progress the SCTS is making towards meeting its outcomes)
<b>7. Purposeful Collaboration</b>
7a. Sufficient and effective collaboration (assessment of the delivery status on progress the SCTS is making towards meeting its outcomes)
<b>8. Financial Indicators</b>
8a. Expenditure profile (comparison of actual expenditure with profiled expenditure to the year end, to ensure robust budgeting)
8b. Fines and fees income (comparison of actual fines and fees income received with profiled income to the year end to ensure robust profiling)

The Board Scorecard can be accessed from the SCTS Board page of the SCTS website:

<https://www.scotcourts.gov.uk/about-the-scottish-court-service/the-scottish-court-service-board>

## 1.2.2 Development and performance 2021-22

COVID-19			
One of our main priorities this year has been to respond, recover and renew as a result of the COVID-19 pandemic			
Maintain public trust and confidence in the justice system, prioritising action to preserve safety and order	Support the public health response – protecting the life and safety of all justice system users and staff	Maintain the operation of the those parts of the system regarded as essential	Maintain core operations so far as possible – to support the most effective recovery

Our annual business plan sets out the key activities and outcomes we focused on in 2021-22. This is the second year of our [Corporate Plan 2020-23](#).

Whilst we have all adapted to live with the impacts of the pandemic it has continued to create considerable levels of change and uncertainty over the past 12 months. Throughout that period, the importance of maintaining and delivering justice has been recognised by the police, Crown, courts and tribunals staff, the legal profession and a range of voluntary agencies – all of whom have continued to work together to maintain core business and to make improvements that will allow the justice system to recover and develop.

In addition to developing new ways to conduct business using technology we have worked across the justice system to put in place an ambitious [criminal court recovery programme](#), which commenced in September 2021. Its aim is to return summary case backlogs to pre-pandemic levels by March 2024 and solemn case backlogs by March 2026.

Over the coming years, we will continue developing our services to build on the improved flexibility and resilience made possible through the establishment of virtual and remote business systems. These include: the expansion of virtual custody hearings; using remote evidence suites that support

vulnerable witnesses to give evidence in a safe environment; and monitoring the effective adoption of hybrid working arrangements, where appropriate for staff.

### Public health response

Over the past year, two new variants of COVID-19 impacted heavily on society (Delta and Omicron) with an associated impact on our return to normality. By the middle of May 2021, the easing of restrictions enabled us to increase the number of criminal trials we could safely accommodate. In response to changing Scottish Government guidance and public health advice, all SCTS premises moved to a one-metre physical distancing regime from August – in line with the wider public sector.

These relaxations allowed us to commence work on our criminal court recovery programme, coinciding with increased witness accommodation and the facility to recommence multi-accused trials in a wider range of locations. The easing of restrictions in our buildings was carefully conducted to ensure everyone felt safe as we managed increasing business.

From December 2021, COVID-19 case numbers increased dramatically due to the spread of the Omicron variant. On 20 December, two metre physical distancing was reinstated across our estate. Other measures were adopted to reduce footfall and the

associated risk of transmission, including reduced physical attendance at a range of procedural hearings and reduced summary criminal trial loadings. By mid-January 2022, it became clear that Scotland was “turning the corner” on the Omicron wave and the measures were eased.

Throughout the pandemic, the organisation’s strategic priorities have been protecting the health and safety of all staff, judiciary and service users, and maintaining essential services. Extensive building risk assessments were carried-out, based on our [COVID-19 Risk Framework](#) with all premises modified for physical distancing to ensure the administration of justice and cases requiring in-person hearings could continue.

At the time of writing, all legal requirements to manage COVID-19 have been removed and replaced by guidance supporting the Scottish Government’s [Strategic Framework](#). While legal restrictions have been lifted, the public health guidance continues to call on organisations to consider a range of baseline safety measures where appropriate. The safety of all those who use our buildings has been paramount throughout the pandemic. We have therefore reviewed the safety measures we have in place in our buildings and aligned them to the latest public health guidance.

## Managing Business

Over the past year, we have:

- Commenced in September 2021, **a multi-year criminal court recovery programme** established to reduce backlogs that have unavoidably developed during the pandemic.
- Heard over **1,400 solemn trials with jurors based in our remote jury centres**, providing more than 40 remote jury rooms in key locations across Scotland so that the most serious criminal cases could continue to be heard in a safe, physically distanced environment, using leading edge technology.
- Operated a **flexible business model in the Court of Session and in sheriff court civil business**, using **secure video solutions and in-person hearings** where appropriate, allowing business to be maintained at pre-COVID-19 levels.
- Developed and **improved the way in which Tribunal cases can be heard and managed**—using a **combination of remote, hybrid and in-person operating models** to sustain case throughput at pre-COVID-19 levels.
- Successfully held **over 2,000 custody hearings using an entirely virtual model**—based on secure, state-of-the-art video conferencing. Following a pilot in Tayside, Central and Fife the approach was used during COP26 and expanded to North Strathclyde in early 2022.
- Successfully **piloted fully virtual summary trials for domestic abuse cases** in the sheriffdom of Grampian, Highland and Islands, which led to the Virtual National Trials Project Board recommending **specialist online courts be set up** to tackle domestic abuse cases.
- Introduced new technology and processes that allow both **police and professional witnesses to give their evidence remotely in High Court trials** — minimising inconvenience and reducing the need for physical appearance in court.
- Continuing to **support up to 500 staff working from home daily** by providing the right equipment, remote technologies and wellbeing support — and continuing to provide a safe on-site working environment for those that were required to attend our buildings.



Edinburgh remote jury centre, 2021

*“Remote and virtual solutions have been a fundamental enabler of innovation, providing improved service to victims and witnesses and jurors”*

## A Well Supported Judiciary

*Scotland's judiciary are equipped with the right people, systems, technology and processes to ensure they can dispense justice effectively*

The SCTS supports Scotland's judiciary in carrying out their independent role, ensuring the right staffing, systems and resources are in place for them to do so effectively.

Whilst the **independence of the judiciary** must always be respected the benefits of working collaboratively are significant. During the recent rapid period of change and reform we have benefitted from the judiciary's breadth of insight and experience. Bi-annually the independent Judicial Attitudes Survey, conducted by the Judicial Institute of University College London, assesses key areas including relations with staff. In the most recent year 91% of Scotland's judiciary reported that they felt valued by staff.

In the past year, two COVID-19 variants delayed the hoped-for return to normality. This further impacted criminal case backlogs which had already accrued in 2020-21. Every delay impacts on victims, witnesses and the accused so we are focused on reducing case backlogs as a top priority. In September 2021, we commenced a **multi-year criminal court recovery programme** (comprising of 16 additional daily trials courts: four in the High Courts, two in the sheriff solemn courts and 10 additional sheriff summary courts) with the aim of returning business to pre-pandemic levels by March 2024 for summary business and March 2026 for solemn.

At the point of writing, our **monthly information** on criminal case throughput is showing that in the High Court, the overall level of cases concluded was

at 111% of average pre-COVID, with evidence led trials running at 133% and sheriff solemn cases at 107%. This demonstrates both the positive impact of the recovery programme and the need to sustain it. Additional funding to maintain the programme throughout 2022-23 has been confirmed by the Scottish Government as part of their **Recover, Renew, Transform** programme of work, ensuring effective collaboration across the system as a whole.

### Justice Vision and Priorities delivery report - key achievements and impact of Covid 19

Civil procedural business continued to be heard virtually during 2021-22, with substantive Inner House and Criminal Appeal business being heard in person. The all Scotland Sheriff Personal Injury Court continued to operate remotely using WebEx, along with the Sheriff Appeal Court. This mixed model has helped ensure that no significant backlogs have accrued.

The **longer-term balance of virtual and in-person hearings** for civil business will be considered based on the findings of a recent **consultation** by the Scottish Civil Justice Council.



Consultation: Rules Covering the Mode of Attendance at Court Hearings

The availability of virtual options for this business improves our resilience and offers real improvements in both efficiency and sustainability.

The recommendations of the Lord Justice Clerk's review on **Improving the Management of Sexual Offence Cases** aim to improve the experience of complainers and witnesses. We worked closely with the Scottish Government's Governance Group, established in December 2021, and the SCTS has taken the lead on key work streams, supporting the judiciary in the development of judicial training, such as becoming trauma skilled (a core requirement of specialist sexual offence courts), and jury manual revisions. A number of the recommendations will require collaboration with the judiciary. The SCTS is committed to ensuring the judiciary are fully involved and well-supported as the review is implemented.

**Tribunals' reform** has continued during 2021-22, supporting the vision of judicially-led tribunals that are modern, efficient and user-focused. Throughout the pandemic, the use of telephone and video hearings helped to maintain business with no significant backlogs accruing.

Upper Tribunal for Scotland



We are working with the tribunals' judiciary to develop and refine a hearings model to provide service users with flexible hearing approaches. We will continue to improve and, where possible, unify methods for gathering and evaluating user feedback across jurisdictions.

## Satisfied Service Users

*We will consistently deliver high-quality customer service, inspiring confidence in those who use our services, promoting inclusiveness and developing our understanding of customer needs through ongoing feedback and quality assessment*

In a second year in which legal and regulatory measures have sought to protect people from the harms of COVID-19, the SCTS has continued to adapt our services, extending the use of virtual means of attendance at hearings, to ensure justice can continue in a safe environment.

**The Vulnerable Witnesses (Criminal Evidence) Scotland Act 2019** introduced the presumption that child witnesses in the most serious criminal cases should have their evidence pre-recorded, to minimise the potential trauma of court appearances. Underpinned by the proposals in the **Evidence and Procedure Review**, Evidence by Commissioner hearings play a central role in supporting vulnerable witnesses. Two suites – one in Glasgow and Inverness – were reconfigured for physical distancing this year, supported by virtual hearing technology, allowing these essential services to resume. Further suites in Aberdeen and Edinburgh will be complete in the forthcoming year.

The annual report on **Standards of Service for Victims and Witnesses** recognised the valuable partnership work that helped accelerate reforms and ensure victims and witnesses can be supported on their journey: whether appearing in-person or remotely. With the COPFS and Police Scotland we revised the joint protocol Working Together for Victims and Witnesses, which identifies common best practice to improve witnesses' experience. There are 25 external remote sites to support witnesses to give their best evidence where special measures are required, in

addition to 44 vulnerable witness rooms in 35 of our court buildings.

The SCTS is represented on the **Victims Taskforce** that was established to improve support, advice and information for victims of crime. Our particular focus on the taskforce is in relation to the victim centred approach and trauma informed work streams. Over the past year, the SCTS has established a training and support framework to help us on our journey to become a trauma-informed organisation.



*Trauma informed practice supports victims to give their best*

The SCTS is working with leading experts in the NHS to implement the strategy which will aim to equip all staff with knowledge and skills to be trauma informed; and for those staff who have direct contact with victims, witness and accused person, to be trauma skilled. This work is key in supporting the objectives in the review of sexual offences and our management of virtual domestic cases.

Our bi-annual **SCTS Mainstreaming Equality Report**, developed in the previous reporting year was published in June 2021.

**Scottish Courts and Tribunals Service  
Mainstreaming Equality Report 2021**  
(Including Progress Report on  
Equality Outcomes 2019-23)

This year, we launched a mandatory e-learning module on unconscious bias for all staff and a "Valuing Equality and Difference" training package to

support diversity training in the workplace.



*Equality and diversity improves everyone's experience at work*

Despite the challenges of the pandemic, we concluded Phase one of our **Court user survey** – focusing on jury trials. 95% of respondents were very or fairly satisfied with service standards – the highest since surveying began in 2005 and testament to the service quality and professionalism of our staff.

**Our website** continued to be our key communication tool to justice partners, users and the general public.

*Our range of guidance have been updated*



*regularly in line with public health advice*

The onset of Omicron served as a reminder of how rapidly conditions can deteriorate and consequently how quickly we require to adjust our business model. Supreme and Sheriff Court guidance were frequently updated to reflect changes in business approach in line with public health advice. Guidance to support users coming to our buildings was regularly reviewed, along with building risk assessments – providing users with assurance that their health and wellbeing is our priority.

## Skilled and Motivated People

*We support our people to provide excellent customer service — focusing on their performance, learning, resilience and well-being*

Through another challenging year, our people have shown resilience and compassion in fulfilling our purpose of supporting justice. Flexible and digital working has created new opportunities and challenges. We continue to listen to our people's needs and invest in their skills, to both fulfil their potential and support those using Scotland's courts and tribunals on a daily basis.

In the face of ongoing change, we maintained our engagement score of 64% in the annual [UK Civil Service People Survey](#), placing the SCTS among the top performers in Scotland. Scores improved across the key themes of learning and development (up five points) and inclusion and fair treatment (up three points). In collaboration with the Public and Commercial Services (PCS) Union, we have developed local action plans to address key themes emerging from the survey in the areas of: learning, leadership and managing change and reward.

The Executive Team undertook their [annual programme of Engagement events](#) with staff. Over more than 75 sessions, staff had the opportunity to speak directly with an Executive Director, either in person or virtually, to share reflections, ideas and concerns.

The rigours of the pandemic have proven the value of flexible and remote working. This has enhanced our business resilience and can support an improved work-life balance.

We supported up to 500 staff working from a remote location daily, providing high-quality equipment and remote technologies.



*High quality IT equipment has supported staff and judiciary throughout the pandemic*

In consultation with PCS, Directors and senior managers, a [Hybrid Working Policy](#), which is in the final stages of development, will set out the options open to staff to take advantage of flexibility in the future, where the needs of both the organisation and the individual can be met.

The second phase of our [People Systems upgrade](#) progressed with improvements to the salaries and expenses module implemented, automating processes to improve efficiency.

Our Wellbeing Hub has been active in-year, providing a range of resources and monthly wellbeing newsletters, to foster a resilient culture focussed on safety, empathy and employee wellbeing.

We are committed to nurturing talent and ensuring our people have the right technical, digital and leadership skills. We concluded the first phase of a review of succession planning, ensuring arrangements are in place to support staff transition into posts critical to maintaining operations.

We established a new [Learning Council](#) to provide advice on technical and vocational learning. A [Technical Training Review](#) was established to evaluate technical training elements and determine the types of training best suited to a blended approach. We also continued to develop a range of online learning offerings to equip our staff with the skills they require and provide remote, on-demand access to training and learning to meet people's needs.

We delivered our [Professional Programmes](#) to over 100 First Line Leaders and developed a bespoke leadership programme for the Tribunals and OPG Business Units. Our Leadership Attributes were updated to include compassion and agility – reflecting the new leadership world in which we aspire to operate.



Our annual [Learning at Work Week](#) programme provided staff with a schedule of events themed around leadership and digital skills. Events included Visual Thinking with an Agile Coach, WebEx masterclasses and our popular Espresso leadership sessions. In the second half of the year, a programme of "Lunch and Learn" sessions run by our Finance and Procurement Team introduced staff to their areas of work, including governance, budgeting, financial fraud awareness and year-end audits.

## Sustainable Buildings and Business

We will develop and maintain our built and digital infrastructure to provide a high-quality, safe, secure and sustainable environment for everyone using our service

The pandemic has transformed the landscape in which we operate, but key parts of our estate have remained open throughout, ensuring access to justice is provided for everyone.

In total the SCTS estate comprises of 71 buildings including courts, vulnerable witness suites, tribunals and offices. Over half of these buildings (36) are listed and a number of these are significant landmarks, based in World Heritage sites. Court locations can only be created, moved or closed by order of the Scottish Parliament. The specialist nature of many of our buildings means open market valuations are not appropriate. Instead the **Depreciated Replacement Cost** method is used. As of 31 March 2022, the total estate holding value was £530 million. Our next valuation is due in 2027.

Our **Estates Strategy** sets out our approach to maintaining, investing in and upgrading our assets to support a modern and innovative justice system.

Sustainability and digital innovation are key drivers of progress. We take seriously our duty to ensure that any alterations or improvements we make improve safety, security, and accessibility for all. We have adopted good practice in sustainability in a number of business areas including improvements to the built estate, embracing remote working and service delivery and developing electronic payment systems across the business. In addition to reducing emissions these developments support our efforts to be able to deliver services beyond the physical court building.

£1.2million funding was obtained in-year to install **electric vehicle charging points** estate-wide, including in our Island communities, building on last year's investment in a fleet of electric pool cars.

During the year we installed nine **photovoltaic (PV) systems**, and concluded major lighting upgrades and insulation improvements across the estate. A comprehensive building energy management system (BEMS) has also been installed, providing energy monitoring and detailed quarterly energy and carbon reports on building performance.

In 2021 the SCTS reviewed work required across its buildings in order to tackle backlog maintenance, to bring the estate up to modern standards – including upgrading to comply with Scottish Government 2045 sustainability targets. A business case was developed to inform capital investment going forward. Our most significant maintenance project in 2021 saw essential waterproofing works concluded at Glasgow Sheriff Court. In total, this year, we **invested over £8m in estate maintenance and improvement**, exceeding our target level of investment by over £2m.

Ensuring vulnerable witnesses have the right facilities from where to give their best evidence has been a focus throughout this corporate planning period. This year we reconfigured available spaces in Glasgow, and Inverness to support remote witness capability, with development works in Edinburgh and Aberdeen well underway for completion early in 2022-23.

### Sustainable performance

Whilst adjustments to keep buildings safe during the pandemic have impacted on our carbon reduction target this year we are proud of our longer-term sustainability record. A more detailed report setting out progress made each year is published on the **Sustainable Scotland Network website**.



Ensuring we maximise our opportunities to reduce carbon output

This year, we retained our **Carbon Trust Triple Standard** accreditation, despite higher gas and electricity usage for a second consecutive year, due largely to 100% fresh-air ventilation to meet public health requirements. Prior to COVID-19 we had sustained year-on-year reductions since 2016-17 amounting to 25%; that figure now stands at around 8%.

Work is underway to pilot significant sustainability improvements in Falkirk Sheriff Court, as a demonstration project, considering the mechanical and electrical systems (e.g. heating, cooling, ventilation, lighting etc.) and fabric improvements to the building to improve U-values (which measure the quality of insulation). By creating a more airtight building envelope and reducing heat and solar gains we will have the potential to reduce the amount of energy required to manage our buildings, and make the case for a wider roll-out of such an approach.



## Digital Services

*We will place digital innovation at centre of what we do and maximise the opportunities afforded by technology to improve processes, provide easy access to information, minimise physical appearance and support quicker outcomes*

Our [Corporate Plan for 2020-2023](#) set out our vision to develop an increasingly digital service – ensuring that in-person hearings are held only where this is the most suitable way to do business. Many of the changes that we have introduced over the past year have moved us towards that vision.

In the sheriff court, a successful pilot of fully virtual summary trials for domestic abuse cases in the sheriffdom of Grampian, Highland and Islands, led to the [Virtual National Trials Project Board recommending](#) specialist online courts be set up to tackle such cases. Feedback from victims groups was overwhelmingly positive. Our ambition is for each sheriffdom to have a dedicated virtual domestic abuse trial court, following trauma informed practices and procedures, in line with the recommendations in the [Lord Justice Clerk's Review of the management of Sexual Offence cases](#). Work is ongoing in this area and we are consulting with the Scottish Government to explore the legislative changes required to support its full implementation.

### [Virtual custody hearings](#)

reduce the need for large numbers of accused persons to attend court for short hearings. Fully virtual custody hearings were first piloted in Falkirk and successfully deployed in Dumbarton, Kilmarnock and Greenock during the year. The Sheriff Principal for North Strathclyde is carrying out a review that

will inform the basis for future expansion across Scotland.

Our innovative [remote jury centres](#) have continued to provide a safe and secure environment for jurors throughout the year, allowing the most serious criminal trials to proceed. As the pandemic hopefully continues to abate these will be phased out during 2022, allowing jurors to return to court. Their use has demonstrated the potential to manage even the most significant business remotely and has allowed us to identify a number of lessons and good practice that will inform future developments.

Since January 2022 the [remote provision of evidence by police and professional witnesses](#) has been the default position in High Court cases. Giving evidence by video link significantly reduces the time that witnesses need to spend at court, freeing them up to conduct their day-to-day roles and eliminating travel costs and emissions. Work is ongoing with Police Scotland to expand the use of this approach, in addition to exploring the regulatory changes required to make this improvement permanent.

In November 2021, The Lord President granted permission for [live-streaming of an appeal](#) of international significance in the Court of Session. The virtual hearing, hosted using Cisco WebEx, provided access to a global audience for a Scottish case, demonstrating its stability and accessibility. Over 1,300

people from across the globe viewed the proceedings.

The digital approach to civil court business continued to grow this year, with a number of expansions across our [Civil Online and Integrated Case Management System](#). Since May 2021, solicitor firms can submit ordinary cause documents online, offering improved data security and speedy access to case documents, particularly useful during hearings.

In line with Government's [Digital First](#) Standards – which call on organisations to adopt cloud computing and use open standards where available – our Civil Online and ICMS platforms were migrated to Microsoft Azure in January 2022.



[Cyber security and resilience](#)

As the threats faced in the digital sphere continue to evolve and our use of digital services continues to grow our security must continually evolve to meet the challenge, protecting our systems and the data with which we are entrusted. Over the past year we have expanded and developed our cyber security team, whose work has ensured re-accreditation to the [Cyber Essentials Plus](#) standard. We also enrolled with the [National Cyber Security Centre Early Warning Service](#) – to ensure we are well-sighted on emerging threats and risks.

## Efficiency and Best Value

*We will keep our processes under review to make sure that we deliver business in an effective, reliable and economical way*

Over the past year, the need to innovate and collaborate has continued to grow. We have developed and delivered a more resilient, efficient and flexible system enabling us to enhance the service we provide. In doing so, we have maintained a focus on delivering value and generating savings where possible to meet our competing demands.

### Good contract management

ensures we maximise opportunities and potential savings, exercising prudence with public funds. Our team of procurement specialists have worked tirelessly throughout the year to ensure significant savings are realised. It is estimated savings will be approximately £1.8m in 2021-22, delivered through well-negotiated local and Scottish Government Framework contracts.

In February 2022, we launched a **new Conjoined Arrestment Order (CAO) platform**. CAOs are court orders granting payment of two or more of the same type of debts, at the same time, for distribution to creditors. These are managed by local court cashier departments. The new system provides improved data management functions and a single database to service all of the sheriff courts which increases resilience and security of data.

We commenced a pilot of our **new digital expenses payment system** - paying juror expenses in Glasgow

Sheriff Court from February 2022. The pilot, which will run until the end of May, will provide crucial performance insights that will help refine a high-quality, digital payment service. A further pilot for Tribunals Appellants' expenses, in some chambers, will commence in the summer of 2022-23 as we expand the platform across other services. This new service will transform the current system, moving away from paper based applications to a digital approach allowing the use of mobile devices and providing automated checks and payment confirmation.

Throughout the year, fines collection remained strong with 83% of the value of Sheriff Court fines imposed between 1 April 2021 and 31 December 2021 fully paid or on track to be paid. As we move to a quieter phase in the pandemic our public counters will re-open (they re-opened on Monday 25 April), providing much valued in-person support for those seeking information or assistance. Our Quarterly Fines Reports are published on our [website](#).

The past year has highlighted the need for excellent communications. With over 30 million individual page views on our main Internet site this year – our website has continued to be our main communication tool throughout another complex year of public health requirements. We have maintained a full suite of building and court user guidance to ensure those

using our buildings and services were reassured that their safety was our priority, and informed as to how our services were operating. The SCTS provides a range of information and services across 15 different websites, and in 2021 alone had almost 2.8 million unique site visitors.

We are committed to providing the best possible service and as part of a wider review of communications and strategy we have completed the first phase of work to redevelop and design the SCTS website; to better meet user and stakeholder needs.



Our **intranet** is our key communication channel with staff, and this year we launched the latest version of **Microsoft SharePoint**, retiring a dated code-based platform. By contrast, SharePoint provides a flexible, scalable and customisable interface, greater collaborative tools, powerful applications and a fresh user experience that makes managing and creating content easier – as part our plan to fully migrate to Office 365.

Our ongoing **Shared Services agreement** with COPFS continues to operate well and generate cost efficiencies for both organisations. A total of £75,000 was saved through a range of collaborative services, demonstrating the benefits of partnership working.

## Purposeful Collaboration

*We will work with justice bodies to deliver significant change and improvement to Scotland's justice system – through collaboration, communication and reform*

Whilst not as marked as during 2020-21, the uncertainty caused by the pandemic has called for a continuation of close partnership working over the past year, both to maintain core business and to explore how we can develop and improve as we move, hopefully, beyond COVID-19 restrictions.

Partnership working has remained strong this year, and has been co-ordinated through a number of key collaborative groups, including the **Justice Board for Scotland, the Criminal Justice Board (CJB)** and the **Justice Board's COVID-19 Sub-Group**. We have been able to offer practical expertise and frontline experience to these groups – as our courts and tribunals are often the venues in which parties come together.

A key development in summary cases, launched in December 2020, was a **cross-justice system pilot** in the Sheriffdom of South Strathclyde, Dumfries and Galloway. This saw the introduction of **weekly trial surgeries** to facilitate candid discussions between the defence and the prosecution. An evaluation of the pilot, published in September 2021, demonstrated that this process had improved the efficiency of summary criminal business. Increased engagement in the process (Up from 53% in February 2021 to 72% in July 2021), had led in turn to increased early case resolution – which can benefit the parties in a case and the system as a whole.

In February 2022, the Scottish Government published their **[Vision for Justice in Scotland 2022](#)** and corresponding **[one year delivery plan](#)**, setting out the actions that will be taken forward in 2022-23.



*Supporting the rule of law*

SCTS activities feature significantly in this plan, with work initiated under the **[Evidence and Procedure Review](#)** being developed and commitments to explore and implement the recommendations of the Lord Justice Clerk's Review of Sexual Offending.

SCTS provides the staff and resources that support the work of the **[Scottish Civil Justice Council](#)** (SCJC) whose responsibilities include drafting civil procedural rules for the Sheriff Court and Court of Session. The SCTS also supports the work of the **[Scottish Sentencing Council](#)** (SSC).

In March this year the work of the SCJC saw Simple Procedure **[rules](#)** amended so as to require all simple procedure claims to be submitted using Civil Online – making permanent the temporary modification introduced during the pandemic. The combination of online submission of case papers and remote hearings provides civil justice in a very different form to that experienced only a short number of years ago, demonstrating that the services of the courts and

tribunals can be delivered in a variety of different ways to the benefit of those using them.

The SCJC also concluded their consultation on the mode of attendance at civil court hearings – conducted to gather views on the rapid increase in remote hearings. In January 2022, the **[Analysis of Responses](#)** was published, and new rules will be developed over the next reporting year accompanied by practice notes and guidance.

The **[sentencing young people guideline](#)**, developed by the SSC, was approved by the High Court in November 2021 and came in to effect on 26 January 2022 – recognising the more individualistic approach required in relation to the sentencing of people under the age of 25 at the date of their plea of guilty or when a finding of guilt is made against them.



*Beating climate change starts at home*

The magnitude of **COP26** required system-wide collaboration to ensure the most essential business was well-managed for the duration of the conference, with key stakeholder groups meeting daily to assess risk, review strategy and mobilise responses. The level of disruption associated with COP26 was, thankfully, low – the lessons learned from it will support the management of future major events and disruptions that the system may need to address.

## Supplementary Statutory Reporting

*The SCTS is committed to open and transparent reporting of its statutory duties. Where not already covered updates are provided in this section*

### Bribery Act 2010 – Dealing with bribery or corruption

SCTS has proportionate and effective systems and processes in place to prevent, control and, if necessary, deal with allegations or incidences of bribery and corruption.

The structures established within the Scottish justice system are designed to minimise the potential for acts of bribery or corruption. Parties to a case are separate, and seek legal advice and representation independently. Court administrators are independent of parties. The judiciary are independent of both the parties and the SCTS.

Bribery or corruption identified in the justice process is taken very seriously. There are clear and robust legal processes in place to investigate any allegations with significant penalties available to the judiciary should it be established. Such cases are very rare. There is only one example in recent years of a juror who, having accepted a bribe, was sentenced to imprisonment.

As an organisation, SCTS has a well-developed control environment in place that aims to prevent and minimise the impact of any incidences of bribery or corruption, which includes:

**A register of staff interests** – ensuring that any connections between staff (or their immediate family members) and companies, charities or other bodies that may have an actual or potential interest

in, or connection with, SCTS are declared and appropriately managed.

**Procurement policies** ensuring that those staff involved in the procurement of goods or services do so with honesty, fairness and impartiality when dealing with potential suppliers; that suitable due diligence is carried out in respect of those with whom we contract; and that relationships with suppliers are managed professionally with regard to ethics and propriety.

**A well-established second jobs policy** – ensuring that individuals do not take on roles that could lead to actual or perceived conflicts with their SCTS duties.

**A rigorous gift registration policy** which ensures that external parties cannot seek to gain privilege or differential treatment through offering members of staff incentives outwith the formal system.

**An Anti-Fraud policy** which emphasises our zero tolerance approach to fraud and corruption. This follows a review of our approach to Anti-Fraud and Corruption with advice from Police Scotland. Our Conduct and Discipline Policy states that all instances of fraud and bribery will be treated as gross misconduct.

**A whistleblowing policy** that explains clearly how concerns can be raised and provides direct reporting lines to both an identified SCTS Director and Board member. The policy and any instances of whistleblowing are reviewed

annually by the Audit and Risk Committee.

**Clear separation of roles,** responsibilities, system and software privileges and approval levels – designed to minimise the potential for misuse of finances.

Finally, our policies and procedures are backed up by comprehensive peer-review assessment processes, where good practice and regularity in each court is cross-checked by staff independent of that court on an annual basis.

### Equalities Act 2010 – The Fairer Scotland Duty

The duty came into force in Scotland in April 2018, contained in part 1 of the 2010 Act. It is one of several duties placed on the public sector to tackle socioeconomic disadvantage – which can be defined as living in less favourable social and economic circumstances than others in the same society. The duty requires that public authorities ensure their strategic decision making takes into account those who may experience such disadvantage; to ensure that, where possible, the actions of public authorities minimise both the incidence and impact of such disadvantage.

As a public body with a significant presence in communities across Scotland, the SCTS adopts a progressive stance, seeking to tackle inequality both for its people and its surrounding communities where possible, within the statutory duties placed upon it as an

independent non-ministerial office by the Judiciary and Courts (Scotland) Act 2008. Our founding legislation limits our functions to the provision of the property, services, officers and other staff necessary for the administration of justice in Scotland's courts and devolved tribunals; the judiciary of those courts and tribunals, and the Office of the Public Guardian.

Our services are for all those who seek redress before the law. We have no control over those who use or access our services. The Crown determines the participants in criminal cases based on reports submitted to them. Civil and tribunal business is commenced by the parties.

The scope for SCTS to interact with defined socio-economic groupings is, therefore, limited: compared to organisations with universal service delivery duties. For the majority of our activity, it is not possible to give precedence to the Fairer Scotland Duty, as our focus must be on the provision of a fair and impartial environment for court and tribunal business. In delivering that, we ensure that Scotland demonstrates compliance with certain key ECHR rights – such as the Article 6 right to a fair trial.

Over the course of the year the SCTS has actively considered its duty in strategic decision making processes where it can. We have maintained Living Wage Employer accreditation from the Poverty Alliance, which ensures both SCTS staff and those with whom we contract receive the Scottish Living Wage.

### Community Empowerment Act 2015

Under s.95, each year the SCTS is obliged to publish an asset transfer report, setting out the number of requests we have received, and where such a request has been made – the number granted and refused. Following the successful transfer of Arbroath Sheriff Court to Arbroath Community Trust in 2020-21, SCTS has no surplus buildings, and there have been no requests received in year requesting transfer of ownership.

### Island Communities Act 2018

Under s.7 the SCTS is obliged to have regard to island communities in the delivery of its functions. The SCTS is present in five island locations across Scotland, part of a long heritage of supporting justice in the Scottish Islands, providing local people with access to justice without having to travel to the mainland. Investments made in improved technology extend to all our Island locations – ensuring these communities benefit from remote access, video links and remote hearing technology - reducing the need to travel to give evidence.

Over the past 12 months there have been no policy, strategic or service developments pursued by the SCTS, the effect of which would be significantly different for island communities, and which would have required the SCTS to prepare an island communities impact assessment.

### The Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018

Part 3 of this Act came in to force on 30 January 2019. SCTS has responsibility for appointment of new staff to the offices of the Auditor of the Court of Session, Auditor of the Sheriff Appeal Court, and Auditors of the Sheriff Courts. The Report on taxation and the fees charged by the auditors SCTS employs can be found in the business volumes section of this report (Annex 1).

Our work is at the heart of [Scotland's National Performance Framework](#), which promotes a "society which treats all people with kindness, dignity and compassion, respecting the rule of law and acting in an open and transparent way". A number of cases in recent years have highlighted the importance of the courts' role in safeguarding human rights in society. [Article 6 of the European Convention of Human Rights](#) enshrines the right to a fair hearing before an independent and impartial tribunal. The work of the SCTS promotes observance of other key rights, including:

- The right to recognition as a person before the law;
- The right to be treated as equal before the law;
- The right to an effective remedy for acts violating a person's human rights; and
- The right to be presumed innocent until proven guilty

*Eric McQueen*

**Eric McQueen**  
Chief Executive

24 August 2022

## 2. Accountability Report

### 2.1 Corporate Governance Report

#### 2.1.1 Directors' Report

##### Membership of the SCTS Board

The Lord President of the Court of Session, the Rt. Hon. Lord Carloway, is Chairman of the SCTS Board. The Board includes 13 other members – seven members selected from the judiciary and six non-judicial members.

##### Members of the SCTS Board 2021-22

###### Judicial Members

- The Rt. Hon. Lord Carloway  
Lord President
- The Rt. Hon. Lady Dorrian
- The Rt. Hon. Lord Woolman
- Sheriff Principal Craig Turnbull
- Sheriff Jillian Martin-Brown
- Sheriff Olga Paspornikov
- Mrs Morna Rae, JP
- Mrs Anne Scott

##### Non-judicial members

###### SCTS Chief Executive

Mr Eric McQueen

###### Advocate Member

Ruth Innes QC (appointed 17 January 2022 to replace Dr Kirsty J Hood QC)

Dr Kirsty J Hood QC (appointment ended 31 December 2021)

###### Solicitor Member

Lynsey Walker (appointed 17 January 2022 to replace Simon Catto)

Mr Simon Catto (appointment ended 31 December 2021)

###### Members external to the justice system

- Mr Joe Al-Gharabally
- Col. David McIlroy
- Dr Sophie Flemig

At the end of 2021-22 all 14 SCTS Board positions were filled. The gender split of the Board is eight women and six men.

Since the year end Mr Joe Al-Gharabally and David McIlroy have left the board and been replaced by Margaret Craig and Steven Dickson.

##### Board meetings and operations

The SCTS has made Standing Orders<sup>11</sup> under which it conducts its business and has established Standing Committees to provide specific assurance and scrutiny of performance and advice to the SCTS Board. Over the course of 2021-22 these committees were:

- **People Committee**
- **Estates, Health and Safety, Fire and Security Committee**
- **Audit and Risk Committee**
- **Remuneration Committee**

The SCTS Board met on six occasions in 2021-22, four of which took place virtually due to the COVID-19 pandemic and two in-person (November 2021 and March 2022). Committees met quarterly, with the exception of the Remuneration Committee which met once to review the remuneration of SCTS members who are not salaried public servants. Copies of the minutes of Board and Committee meetings can be found at: [www.scotcourts.gov.uk](http://www.scotcourts.gov.uk)

<sup>11</sup> SCTS Standing Orders available at: <http://www.scotcourts.gov.uk/about-the-scottish-court-service/the-scottish-court-service-board>

## The SCTS Board at 31 March 2022



**Top row (left to right)** – Joe Al-Gharabally Sheriff Jillian Martin-Brown, Eric McQueen, Rt. Hon. Lady Dorrian, Dr. Sophie Flemig, Col. David McIlroy, Sheriff Olga Paspornikov

**Bottom row (left to right)** – Rt. Hon. Lord Woolman, Sheriff Principal Craig Turnbull, Anne Scott, Rt. Hon. Lord Carloway (Chair), Ruth Innes QC, Lynsey Walker, Morna Rae JP

Name	Directorship	Appointments ex officio	Trusteeships	Other Appointments and Interests
<b>Lord President – The Right Hon. Lord Carloway</b>	None	Trustee, Faculty of Advocates Abbotsford Collection Trust  (President) The Royal Society for Home Relief to Incurables	None	None
<b>Lord Justice Clerk – The Right Hon. Lady Dorrian</b>	Glenside Court Ltd.  Franco – British Lawyers Society Ltd.	Commissioner of the Honours of Scotland  Senior Commissioner, Queen Victoria School, Dunblane	Faculty of Advocates 1985 Trust  Royal Conservatoire of Scotland Trusts  Scottish Arts Trust	None
<b>Rt Hon. Lord Woolman</b>	None	None	Manager, The New Club, Edinburgh	None
<b>Sheriff Principal Craig Turnbull</b>	None	None	Friends of Plockton Music School	None

Name	Directorship	Appointments ex officio	Trusteeships	Other Appointments and Interests
<b>Sheriff Jillian Martin-Brown</b>	None	None	None	<p>Ordinary Member, Council for Tayside, Central and Fife – Sheriffs' Association</p> <p>External Examiner for Dundee University Diploma in Legal Practice</p> <p>Member, Scottish Civil Justice Council</p> <p>Committee Member Monikie Primary Parent Teacher Partnership</p> <p>Contributor to MacPhail published by Greens/Thomson</p>
<b>Sheriff Olga Paspornikov</b>	None	None	None	None
<b>Morna Rae JP</b>	None	None	None	<p>Employee, North Ayrshire Council</p> <p>Justice of the peace</p> <p>Elder, Clerk to Congregational Board and Session Clerk within the Church of Scotland</p>
<b>Anne Scott</b>	None	None	Roland Sutton Academic Radiology Trust	<p>President, First-tier Tribunal for Scotland, Tax Chamber</p> <p>Temporary President, First-tier Tribunal for Scotland, Social Security Chamber</p> <p>Legally Qualified Member, Mental Health Tribunal for Scotland</p> <p>Legally Qualified Member, Council Tax Reduction Review Panel</p> <p>Judge, United Kingdom First-tier Tribunal Tax Chamber</p> <p>Judge, United Kingdom First-tier Tribunal Social Entitlement Chamber</p>



Name	Directorship	Appointments ex officio	Trusteeships	Other Appointments and Interests
<b>Eric McQueen</b>	None	Member, Scottish Civil Justice Council	None	None
<b>Dr Kirsty J Hood QC</b> <i>(appointment ended 31 December 2021)</i>	Scottish Universities Law Institute Ltd.		Trustee, Clark Foundation for Legal Education	Self-employed Advocate  Regular <i>ad hoc</i> employment with University of Glasgow  Member, Scottish Committee of Franco-British Lawyers Society  Guernsey Financial Services Commission's Panel of Senior Decision Makers  Contributor to "Scottish Family Law Service" (LexisNexis Publishers)  Periodic content provider for LexisPSL Dispute Resolution (online services – LexisNexis)  Contributor to "Greens Litigation Styles" (W Green/Thomson Reuters, Publishers)
<b>Simon J D Catto</b> <i>(appointment ended 31 December 2021)</i>	None	None	None	Member, Cornerstone Exchange LLP  Member, XT Property LLP  Member, Addleshaw Goddard LLP (Head of Litigation, Scotland)
<b>Joe Al-Gharabally</b>	Ernst & Young	None	None	None
<b>Lynsey Walker</b> <i>(appointed 17 January 2022)</i>	None	None	None	Member of Addleshaw Goddard LLP  Member of LawScot Tech Advisory Board (LSS)
<b>Ruth Innes QC</b> <i>(appointed 17 January 2022)</i>	None	None	None	Member of the Faculty of Advocates  Fellow of the International Academy of Family Lawyers  Member of the Church of Scotland

Name	Directorship	Appointments ex officio	Trusteeships	Other Appointments and Interests
				Governor and Vice Chair of the Highlands and Islands Educational Trust
Dr Sophie Flemig	None	None	Trustee, General Nursing Council for Scotland (Education) Fund 1983 (SCO 15662)	CEO Cattanach SCIO Member, Accounts Commission
Col. David McIlroy	None	None	Trustee, Fort Matilda Playing Fields Union	President, Greenock Wanderers RFC

## The SCTS Executive Team

The SCTS Board has responsibility for directing and controlling the major activities of the SCTS. Business delivery in accordance with agreed plans is delegated to the Chief Executive and the SCTS Executive Team which, as at 31 March 2022, had the following membership:

- **Chief Executive** – Eric McQueen
- **Executive Director, Court Operations** – David Fraser
- **Executive Director, Judicial Office** – Kay McCorquodale<sup>12</sup>
- **Executive Director, Tribunals and OPG Operations** – Tim Barraclough
- **Chief Finance Officer** – Richard Maconachie (Left on 8th April 2022. Following an interim appointment, Alice Wallace was appointed as Chief Finance Officer on 1st July 2022)
- **(Interim) Deputy Chief Executive** – Noel Rehfisch
- **Executive Director, Change and Digital Innovation** – Mike Milligan

### Executive Team at 31 March 2022



<sup>12</sup> The Judicial Office for Scotland was established to support the Lord President in fulfilling his responsibilities under Part 2 of the Judiciary and Courts (Scotland) Act 2008, as formal head of the Scottish judiciary. For more information see [Judicial Office \(judiciary.scot\)](https://www.judiciary.scot/)

## Information security

The proper management of information remains a key area of focus for the SCTS. The loss of personal or sensitive data is a key corporate risk managed and overseen by the SCTS Board, the Audit and Risk Committee and the Executive Team. All courts, tribunals and business units maintain Information Asset Registers that are reviewed regularly, and assurance is sought annually from Directors on the effectiveness of relevant controls.

The risks associated with information management are mitigated proportionately through appropriate certification of key systems and regular reviews of current and emerging issues. The SCTS Executive Team receives regular updates on information management risks and potential breaches are reported to them quickly.

The SCTS is committed to robust information management standards, ensuring compliance with data protection and related provisions. The Information Governance team was expanded in-year to ensure the right level of resources is available to meet business needs, provide advice and guidance and to respond to information and data protection requests. Sound Data Protection Impact Assessments (DPIA) continue to be embedded into business processes and a number of robust DPIA's were carried out in relation to processing of personal data during COVID-19 and across Tribunals. Data sharing agreements continue to be progressed: several new agreements have been completed and existing agreements reviewed.

### Update on data breaches

<i>Date</i>	<i>Data Incident</i>	<i>Information</i>	<i>Outcome</i>
October 2021 ICO Self-referral	Wrong licence details processed by a court and sent to DVLA resulting in member of the public having incorrect endorsement added to their license.	Personal data	ICO concluded no formal enforcement action was required. They noted that the incident was reported outwith required timescales, and reminded SCTS of the importance of timely reporting both internally and to the ICO. Guidance was provided on preventative measures.
November 2021 ICO Self-referral	Address of pursuer in civil action disclosed to the defender, who was subject to criminal proceedings involving pursuer in the civil action.	Personal data	ICO concluded no formal enforcement action was required. Recommendations included ensuring internal security procedures are reviewed, with appropriate checking and verification measures in place for sending personal data outside the organisation
December 2021 ICO Self-referral	Medical report containing very sensitive personal data was issued to the wrong data recipient.	Personal data; Special Category data	ICO were satisfied the cause was human error and concluded no formal enforcement actions required. Recommendations made in relation to routinely testing the effectiveness of measures in place.
December 2021 ICO Self-referral	Former employee of SCTS alleged to have inappropriately accessed criminal conviction data and disclosed data to third parties.	Personal data, criminal conviction data	ICO chose not to investigate further, as incident is part of on-going criminal proceedings by the Crown and Procurator Fiscal Service.

## 2.1.2 Statement of Accountable Officer's responsibilities

### Statement of the disclosure of information to auditors

So far as the Accountable Officer is aware:

- there is no relevant audit information of which the SCTS's auditors are unaware.
- the Accountable Officer has taken all steps that he ought to have taken to make himself aware of any relevant audit information, and to establish that the entity's auditors are aware of this information.

### Statement of corporate body's and Chief Executive's responsibilities

Under section 19(4) of the Public Finance & Accountability (Scotland) Act 2000, the Scottish Ministers have directed the SCTS to prepare a statement of accounts for each financial year in the form and on the basis set out in the direction on page 80 at the end of these accounts.

The accounts are prepared on an accruals basis and must give a true and fair view of the SCTS's state of affairs at the year-end and of its income and expenditure, recognised gains and losses and cash flows for the financial year.

In preparing accounts the Accountable Officer is required to comply with the requirements of the UK Government Financial Reporting Manual and the Scottish Public Finance Manual and in particular to:

- observe the accounts direction issued by the Scottish Ministers, including the relevant

accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis:

- make judgements and estimates on a reasonable basis.
- state whether applicable accounting standards as set out in the Government Financial Reporting Manual have been followed and disclose and explain any material departures in the financial statements.
- prepare the financial statements on a going concern basis.

The Principal Accountable Officer of the Scottish Administration has designated the Chief Executive of the SCTS as the Accountable Officer for the SCTS. The relevant responsibilities as Accountable Officer, including responsibility for the propriety and regularity of the public finances, for the keeping of proper records and safeguarding the SCTS's assets, are set out in the Accountable Officers' Memorandum issued by the Principal Accountable Officer of the Scottish Administration.

## 2.1.3 Governance Statement

### Scope of Responsibility –

As Accountable Officer, I have responsibility for maintaining a sound system of governance that supports the achievement of SCTS policies, aims and objectives, whilst safeguarding the public funds and assets for which I am personally responsible, in accordance with the responsibilities assigned to me.

The corporate body is referred to less formally as the Board of the SCTS and is chaired by the Lord President, who is also Head of the Scottish Judiciary. The SCTS is established as a part of the Scottish Administration but outside of Scottish Government.

A [Framework Agreement](#) exists between the SCTS and the Scottish Ministers. This makes clear the requirement that the SCTS is to follow the principles contained in the Scottish Public Finance Manual.

As Accountable Officer, I can confirm that the frameworks and controls identified in this statement have been in place across the SCTS for the full year ending 31 March 2022, and up to the date of approval of the statement of accounts.

### Governance framework

The governance framework comprises the systems and processes, culture and values by which the SCTS is directed and controlled. It enables the SCTS to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost-effective services.

The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an on-going process designed to identify and prioritise the risks to the achievement of the SCTS's policies, aims and objectives to evaluate the likelihood of those risks being realised, the impact should they be realised, and to control and manage them efficiently, effectively and economically.

Details of the overarching governance arrangements are in the Director's Report, pages 30 to 35. These structures are supported by the Risk Management framework in place across the organisation.

The governing board of the SCTS is the SCTS Board. Further information on the operation, meetings and membership of the SCTS Board during 2021-22 can be found in the Directors' Report, pages 30 to 35.

### Risk framework

The Executive Team reviews corporate risks at each of their formal meetings. The Audit and Risk Committee independently reviews the latest Corporate Risk Register at least quarterly, including the appropriateness of the risk control arrangements, and reports to the SCTS Board at least annually. The SCTS Board and the Audit and Risk Committee jointly review and assess corporate risks and controls

annually at a workshop session (the most recent session took place in February 2022).

Further detail on key issues and risks including a summary and mapping of the corporate risk profile is at section 1.1.4 of the Performance Report, pages 13 to 15.

Risk management is embedded in our operational activities as follows:

Risk owners identify risks relating to their functions / business plan objectives and manage their risks through the use of the corporate risk management framework. Risk registers are reviewed regularly through agreed corporate processes to ensure that assessments and mitigations are current and appropriate. Part of this regular review entails identifying risks that should be escalated to corporate level. All Business Unit risks are provided to the Planning, Governance and Risk team quarterly, and are collectively reviewed in parallel with the Corporate Risk Register.

### Change Management and Risk Framework

SCTS revised the governance arrangements for programmes and projects during 2020-21. The SCTS now has an embedded professional and dedicated change resource housed within the Change, Digital and Innovation (CDi) business unit. All major digital change initiatives are now delivered by one of four dedicated change LABs (Criminal, Tribunals and OPG, Civil and Corporate) using an agile project management methodology. The work of each Lab is governed by an

Executive Action Board (EAB), chaired by an Executive Director.

The Executive Change Board (ECB) is the overarching 'change authority' for the SCTS'. The ECB is chaired by the Chief Executive and includes each of the Executive Directors / EAB chairs. The ECB provides strategic direction and approves the priority change initiatives to be delivered by the four change Labs – ensuring alignment to SCTS' strategic priorities.

All risks associated with change initiatives are managed within the Labs responsible for the delivery of change initiatives. For all change initiatives, the Labs manage risks using RAID analysis. This is a project planning technique to identifying key Risks (R), Assumptions (A), Issues (I) and Dependencies (D). RAID logs are reviewed by the relevant EABs and where necessary risks or issues are escalated to corporate level for consideration by the ECB.

### Assurance framework

As Accountable Officer, I have responsibility for reviewing the effectiveness of the governance system. My review is informed by:

- **Executive Directors and Directors**, who have responsibility for the development and maintenance of the governance system. They provide me with a certificate of assurance covering risk management and control, business planning, financial management, procurement, people management, security and health and safety.

Executive Directors have provided me with assurance that controls were operating effectively.

- **Corporate Systems**, which are in place relating to financial management, risk management, performance management and people management. These systems provide ongoing assurance of risk management and internal controls.
- **The Audit and Risk Committee**, which provides an annual report to the Accountable Officer and the SCTS Board summarising its evaluation of the SCTS's risk management, governance and internal control arrangements. The Committee has submitted its annual report based on the work it conducted during 2021-22 and is of the opinion that SCTS has effective risk management, governance and internal control arrangements in place that are sufficient to give me, as the Accountable Officer, the necessary assurance in relation to the preparation of this governance statement.
- **Internal Audit**, who attend all SCTS Audit and Risk Committee meetings. They provide regular reports including the Head of Internal Audit's independent and objective opinion on the adequacy and effectiveness of the organisation's systems of internal control together with recommendations for improvement. On the basis of the work completed and the related management responses, they provided

reasonable assurance in overall terms.

- **External Audit** who report to the Audit and Risk Committee on significant matters relating to risk and internal control as part of their work.

The above review provides assurance of the effectiveness of the SCTS's system of governance and internal control arrangements and compliance with generally accepted best practice principles and relevant guidance. That guidance includes the Scottish Public Finance Manual and the Scottish Government 'On Board' guidance for Board Members of Public Bodies in Scotland – which is provided to all Board and Committee members as part of their induction and is used by the organisation to ensure that the principles of good governance are observed.

### Whistleblowing arrangements

SCTS has arrangements in place that set out the way in which employees can raise any concerns they have about fraud, misconduct or wrongdoing by employees and/or management of the SCTS – and how those concerns will be dealt with. SCTS maintains an annually reviewed whistleblowing policy which is accessible to all staff.

There was one whistleblowing case raised in June 2022. The concern raised was about the application of the SCTS procurement policy and transparency of decision making. The matter was investigated and plans put in place to prevent a recurrence.

## Information security framework

SCTS has effective governance arrangements in place for the security of information. The Executive Team has overall responsibility for the SCTS's response to legislation and for oversight of SCTS policies, staff awareness and training. SCTS has an agreed Information Security framework and keeps its policies under review to ensure they comply with the General Data Protection

Regulations. Data breaches reported to the Information Commissioner's Office during the year to March 2022 are detailed in the table on page 35.

### *Significant control issues*

Like all organisation's SCTS' response to and recovery from COVID-19 was ongoing through 2021-22, requiring a range of health and safety measures, and business adaptations and innovations to

continue providing its services. Our Senior Incident Management Team continued to meet on a weekly basis throughout 2021-22, overseeing the organisations response. For full details on our response to COVID-19, see pages 19 and 20.

There have been no significant control issues identified during the year in relation to the overall governance framework.

## 2.2 Remuneration and Staff Report

### Remuneration Report

#### Remuneration Policy

The remuneration of senior civil servants is set in accordance with the Civil Service Management Code (available at [www.civilservice.gov.uk](http://www.civilservice.gov.uk)) and with independent advice from the Senior Salaries Review Body (SSRB)<sup>13</sup>.

In reaching its recommendations, the Review Body has regard to the following considerations:

- the need to recruit, retain and motivate suitably able and qualified people to exercise their different responsibilities;
- regional and local variations in labour markets and their effects on the recruitment and retention of staff;
- government policies for improving the public services, including the requirement on departments to meet the output targets for the delivery of departmental services;
- the funds available to departments as set out in the Government's departmental expenditure limits, and the Government's inflation target.

The Review Body takes account of the evidence it receives about wider economic considerations and the affordability of its recommendations<sup>14</sup>.

The remuneration of staff below senior civil service level is determined by the SCTS. In determining policy, account is taken of the need for pay to be set at a level which will ensure the recruitment, retention and motivation of staff. Also taken into account are the Government's policies on the Civil Service and public sector pay and the need to observe public spending controls.

Performance is managed through the Individual Performance Review (IPR) process. The process is designed to ensure an individual's objectives and behaviours are linked to those of the SCTS as a whole. Progression within the SCTS pay framework is dependent on successfully meeting the requirements of the IPR process.

Policy on the remuneration of Non-Executive Directors is set by the Scottish Ministers, taking into account their roles and responsibilities and remuneration levels for comparable public appointments. Final decisions on the remuneration of Non-Executive members of the SCTS, including those SCTS Board members and Committee members who are not otherwise salaried public servants, are taken

by the SCTS Remuneration Sub-Committee.

#### Service Contracts

The Constitutional Reform and Governance Act 2010 requires Civil Service appointments to be made on merit on the basis of fair and open competition. The recruitment principles published by the Civil Service Commission specify the circumstances when appointments may be made otherwise.

Unless otherwise stated below, the officials covered by this report hold appointments which are open-ended. Early termination, other than for misconduct, would result in the individual receiving compensation as set out in the Civil Service Compensation Scheme.

Further information about the work of the Civil Service Commission can be found at <https://civilservicecommission.independent.gov.uk/>.

Appointments to the SCTS Board and Sub-Committees, other than for the ex officio members (the Lord President, Lord Justice Clerk, President of the Scottish Tribunals and SCTS Chief Executive) are for a time limited period, as set out within each individual's appointment letter.

<sup>13</sup><https://www.gov.uk/government/organisations/review-body-on-senior-salaries>

<sup>14</sup> Further information on Senior Civil Service pay and performance can be found at <http://www.civilservice.gov.uk/recruitment/working/pay-and-reward/scs-pay>



## Remuneration (Salary and Pension Benefits)

Board Members	Salary		Pension Benefits <sup>15</sup>		Total	
	2021-22	2020-21	2021-22	2020-21	2021-22	2020-22
	£'000	£'000	£'000	£'000	£'000	£'000
Mr Eric McQueen	100-105	100-105	7	75	110-115	175-180
Dr Kirsty J Hood (until 31 December 2021)	0 - 5 (0 - 5 full year equivalent)	0 - 5	-	-	0 - 5	0 - 5
Mr Simon J D Catto (until 31 December 2021)	0 - 5 (0 - 5 full year equivalent)	0 - 5	-	-	0 - 5	0 - 5
Mr Joe Al-Gharabally	0 - 5	0 - 5	-	-	0 - 5	0 - 5
Colonel David McIlroy	0 - 5	0 - 5	-	-	0 - 5	0 - 5
Dr Sophie Flemig	0 - 5	0 - 5	-	-	0 - 5	0 - 5
Mrs Morna Rae JP	0 - 5	0 - 5	-	-	0 - 5	0 - 5
Mrs Anne Scott	0 - 5	0 - 5	-	-	0 - 5	0 - 5
Lynsey Walker (from 17 January 2022)	0 - 5 (0 - 5 full year equivalent)	-	-	-	0 - 5	-
Ruth Innes QC (from 17 January 2022)	0 - 5 (0 - 5 full year equivalent)	-	-	-	0 - 5	-

Executive Directors	Salary		Pension Benefits		Total	
	2021-22	2020-21	2021-22	2020-21	2021-22	2020-21
	£'000	£'000	£'000	£'000	£'000	£'000
Mr Richard Maconachie	80 - 85	80 - 85	27	33	110 - 115	115 - 120
Mr David Fraser	80 - 85	80 - 85	6	87	85 - 90	165 - 170
Mr Tim Barraclough	80 - 85	80 - 85	15	69	95 - 100	150 - 155
Mrs Kay McCorquodale	80 - 85	80 - 85	24	41	105 - 110	120 - 125
Mr Noel Rehfisch (from 11 January 2021)	75 - 80	15 - 20 (75 - 80 full year equivalent)	25	9	100 - 105	25 - 30
Mr Mike Milligan (from 11 January 2021)	85 - 90	15 - 20 (75 - 80 full year equivalent)	32	7	115 - 120	25 - 30

<sup>15</sup> The value of pension benefits accrued during the year is calculated as (the real increase in pension multiplied by 20) plus (the real increase in any lump sum) less (the contributions made by the individual). The real increases exclude increases due to inflation or any increase or decreases due to a transfer of pension rights.

**Salary**

Salaries in the above tables relate to SCTS employment only and do not include any other earnings from positions elsewhere in the Civil Service.

Salary includes gross salary and any allowances.

There were six members of Committees outwith the Board who each received remuneration of £1,340 in 2021-22 (£1,328 in 2020-21).

The judicial Board members are remunerated by Scottish Government.

**Bonus payments and benefits in kind**

No bonus payments or benefits in kind were paid during the year.

	<b>Accrued pension at pension age as at 31/03/22 &amp; related lump sum</b>	<b>Real increase in pension &amp; related lump sum at pension age</b>
	<b>£'000</b>	<b>£'000</b>
Mr Eric McQueen	55 - 60 plus a lump sum of 135 - 140	0 - 2.5 plus a lump sum of 0
Mr Richard Maconachie	15 - 20	0 - 2.5
Mr David Fraser	40 - 45 plus a lump sum of 110 - 115	0 - 2.5 plus a lump sum of 0
Mr Tim Barraclough	35 - 40 plus a lump sum of 70 - 75	0 - 2.5 plus a lump sum of 0
Mrs Kay McCorquodale	25 - 30 plus a lump sum of 5 - 10	0 - 2.5 plus a lump sum of 0
Mr Noel Rehfisch	25 - 30 plus a lump sum of 45 - 50	0 - 2.5 plus a lump sum of 0
Mr Mike Milligan	0 - 5	0 - 2.5

	<b>CETV at 31/03/22</b>	<b>CETV at 31/03/21</b>	<b>Real increase in CETV</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Mr Eric McQueen	1,215	1,154	-7
Mr Richard Maconachie	266	232	20
Mr David Fraser	968	918	-5
Mr Tim Barraclough	706	663	4
Mrs Kay McCorquodale	504	461	13
Mr Noel Rehfisch	419	385*	10
Mr Mike Milligan	57	30	20

\*this figure was previously estimated in the 2020-21 Annual Report and Accounts (377).

**The Civil Service Pension Scheme**

Pension benefits are provided through the Civil Service pension arrangements. From 1 April 2015 a new pension scheme for civil servants was introduced – the Civil Servants and Others Pension Scheme (CSOPS) or alpha, which provides benefits on a career average basis with a normal pension age equal to the

member's State Pension Age (or 65 if higher).

From that date all newly appointed civil servants and the majority of those already in service joined alpha. Prior to that date, civil servants participated in the Principal Civil Service Pension Scheme (PCSPS). The PCSPS has four sections: three providing benefits on a final salary basis (classic, premium or classic plus) with a normal pension age of 60; and one providing

benefits on a whole career basis (nuvos) with a normal pension age of 65.

Where the official has benefits in both the PCSPS and alpha the figure quoted is the combined value of their benefits in the two schemes.) Members joining from October 2002 may opt for either the appropriate defined benefit arrangement or a 'money purchase' stakeholder pension

with an employer contribution (partnership pension account).

Employee contributions are salary-related and range between 4.6% and 8.05% of pensionable earnings for members. Benefits in classic accrue at the rate of 1/80th of final pensionable earnings for each year of service. In addition, a lump sum equivalent to three years initial pension is payable on retirement. For premium, benefits accrue at the rate of 1/60th of final pensionable earnings for each year of service. Unlike classic, there is no automatic lump sum. Classic plus is essentially a hybrid with benefits for service before 1 October 2002 worked out as in premium.

In nuvos a member builds up a pension based on his pensionable earnings during their period of scheme membership. At the end of the scheme year (31 March) the member's earned pension account is credited with 2.3% of their pensionable earnings in that scheme year and the accrued pension is updated in line with Pensions Increase legislation.

Benefits in alpha build up in a similar way to nuvos, except that the accrual rate is 2.32%. In all cases members may opt to give up (commute) pension for a lump sum up to the limits set by the Finance Act 2004. The partnership pension account is a stakeholder pension arrangement. The employer makes a basic contribution of between 8% and 14.75% (depending on the age of the member) into a stakeholder pension product chosen by the employee from a panel of providers.

The employee does not have to contribute, but where they do make contributions, the employer will match these up to a limit of 3% of pensionable salary (in addition to the employer's basic contribution). Employers also contribute a further 0.5% of pensionable salary from 1 October 2015 to cover the cost of centrally-provided risk benefit cover (death in service and ill health retirement).

The accrued pension quoted is the pension the member is entitled to receive when they reach pension age, or immediately on ceasing to be an active member of the scheme if they are already at or over pension age.

Pension age is 60 for members of classic, premium and classic plus, 65 for members of nuvos, and the higher of 65 or State Pension Age for members of alpha. (The pension figures quoted for officials show pension earned in PCSPS or alpha – as appropriate. Where the official has benefits in both the PCSPS and alpha the figure quoted is the combined value of their benefits in the two schemes, but note that part of that pension may be payable from different ages.)

Further details about the Civil Service pension arrangements can be found at the website [www.civilservicepensionscheme.org.uk](http://www.civilservicepensionscheme.org.uk)

The PCSPS and CSOPS are unfunded multi-employer defined benefit schemes but Scottish Courts and Tribunals Service is unable to identify its share of the underlying assets and liabilities. The scheme actuary valued the scheme as at 31 March 2016. Details can be found in the resource accounts of the Cabinet Office: Civil Superannuation here: <http://www.civilservicepensions>

[cheme.org.uk/about-us/resource-accounts/](http://cheme.org.uk/about-us/resource-accounts/)

For 2021-22, employers' contributions of £13,194k were payable to the PCSPS (2020-21 £12,237k) at one of four rates in the range 26.6% to 30.3% of pensionable earnings, based on salary bands. The Scheme Actuary reviews employer contributions, usually every four years, following a full scheme valuation. The contribution rates are set to meet the cost of the benefits accruing during 2020-21 to be paid when the member retires and not the benefits paid during this period to existing pensioners. Employees can opt to open a partnership pension account, a stakeholder pension with an employer contribution.

Employers' contributions of £74k (2020-21 £86k) were paid to one or more of the panel of three appointed stakeholder pension providers. Employer contributions are age-related and range from 8% to 14.75% of pensionable earnings. Employers also match employee contributions up to 3% of pensionable earnings. In addition, employer contributions of 0.5% of pensionable pay, £2k (2020-21 £2k) were payable to PCSPS to cover the cost of the future provision of lump sum benefits on death in service or ill health retirement of these employees.

### Cash Equivalent Transfer Values

A Cash Equivalent Transfer Value (CETV) is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are the member's accrued benefits and any contingent spouse's pension payable from the scheme. A CETV is a payment

made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement when the member leaves a scheme and chooses to transfer the benefits accrued in their former scheme. The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a senior capacity to which disclosure applies.

The figures include the value of any pension benefit in another scheme or arrangement which the member has transferred to the Civil Service pension arrangements. They also include any additional pension benefit accrued to the member as a result of their buying additional pension benefits at their own cost. CETVs are worked out in accordance with The Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2008 and do not take account of any actual or potential reduction to benefits resulting from Lifetime Allowance Tax which may be due when pension benefits are taken.

#### Real increase in CETV

This reflects the increase in CETV that is funded by the employer. It does not include the increase in accrued pension due to inflation, contributions paid by the employee (including the value of any benefits transferred from another

pension scheme or arrangement) and uses common market valuation factors for the start and end of the period.

#### Fair Pay Disclosure (subject to audit)

Public sector bodies are required to disclose the relationship between the remuneration of the highest paid director in their organisation and the median remuneration of the organisation's workforce. Total remuneration includes salary, non-consolidated performance-related pay and benefits-in-kind. It does not include severance payments, employer pension contributions and the cash equivalent transfer value of pensions. The banded remuneration of the highest-paid Director in the SCTS in the financial year 2021-22 was £100,000 – £105,000 (2020-21, £100,000 - £105,000), 0% change between 2020-21 and 2021-22.

In 2021-22, remuneration (excluding the highest paid director) ranged from £20,950 to £83,233 (2020-21: £20,707 to £80,233).

In 2021-22, remuneration (including the highest paid director's midpoint of banded range) ranged from £20,950 to £102,500 (2020-21: £20,707 to £102,500).

The average percentage change in remuneration for

employees (excluding the highest paid director), between 2020-21 and 2021-22 was 2.08%.

In 2021-22, no employees (2020-21: nil) received remuneration in excess of the highest paid director.

#### Pay Ratios

Year	2021-22 £	2020-21 £
Highest paid Director banded range midpoint	102,500	102,500
Median total remuneration	23,780	22,815
Ratio	4.31	4.49
Highest paid Director banded range midpoint	102,500	102,500
25 <sup>th</sup> percentile pay	20,950	20,070
Ratio	4.89	5.11
Highest paid Director banded range midpoint	102,500	102,500
75 <sup>th</sup> percentile pay	30,450	29,345
Ratio	3.37	3.49

The reduction in the median ratio of 4.31 in 2021-22 (4.49, 2020-21) is the result of increasing employee's remuneration reflecting changes in pay, rewards and progression.

#### Staff Report

As at 31 March 2022 there were 1,908 Staff in post and 14 Non-Executive Directors. The split across grades, gender and business areas is detailed in the tables below. This information is subject to audit.

Headcount by Grade	Number of Staff	Female	Male
CEO & Executive Directors	6	1	5
Director	12	8	4
Senior Manager	57	35	22
Senior Executive Officer	136	88	48
Higher Executive Officer	205	130	75
Executive Officer	481	342	139
Administrative Officer & Clerk/Typist	667	500	167

Administrative Assistants & Support Grades	340	196	144
Auditor of Court*	4	3	1
<b>Sub-total</b>	<b>1,908</b>	<b>1,303</b>	<b>605</b>
Non-Executive Director <sup>16</sup>	14	7	7
<b>Total</b>	<b>1,922</b>	<b>1,310</b>	<b>612</b>
Percentage of total	100%	68%	32%

Area of Business	2021 – 22 Ave WTE	2020 – 21 Ave WTE
Headquarters and support units	271	204
Supreme Courts	160	158
Judicial Office	48	41
Office of the Public Guardian & Accountant of Court	106	89
Sheriff & JP Courts & Tribunals	1,163	1,145
<b>Total</b>	<b>1,748</b>	<b>1,637</b>

Staffing costs	2021-22 £'000	2020-21 £'000
Wages and salaries	50,769	47,262
Social security costs	4,778	4,491
Other pension costs	13,189	12,233
<b>Sub-total</b>	<b>68,736</b>	<b>63,986</b>
Inward secondments	1,179	891
Agency, temporary and contract staff	5,084	1,681
Other staff costs	90	1,337
<b>Total</b>	<b>75,089</b>	<b>67,895</b>
Less recoveries of outward secondments	(2)	18
<b>Total Staff Costs</b>	<b>75,087</b>	<b>67,913</b>

Employer Contributions	2021-22 £'000	2020-21 £'000
Contributions paid to PCSPS	13,120	12,161
Contributions paid to partnership pensions	74	77
Contributions paid to Judicial pensions <sup>17</sup>	15,401	14,769

### Sickness Absence Data

In 2021-22 a total of 33,753 days (2020-21: 15,284 days) were lost through absence equating to a lost time rate of 4.8% (2020-21: 2.6%).

### Exit packages

There were nil exit packages agreed in year (Prior year: nil).

### Ill-health retirement

There were 2 early retirements due to ill-health grounds in 2021-22 (2020-21, 3) the total additional accrued pension liabilities in the year amounted to £5,701.

### SCTS Employment Policies

The COVID-19 pandemic continued to present a significant challenge to the organisation during 2021 and

has continued during 2022 as we continue to respond, recover and transform our ways of working. Our strategic priorities during the COVID-19 pandemic have remained unchanged and are to:

- Support the public health response to the outbreak – protecting the life and safety of all staff, court and tribunal users;

<sup>16</sup> Definition of non-executive directors (board and committee members) as set down in the Gender Representation on Public Boards (Scotland) Act 2018 and associated regulations

\* Auditor of Court staff transferred to the SCTS and who are not on the SCTS terms and conditions of service.

<sup>17</sup> SCTS was responsible for making employer contributions to the Judicial Pension Scheme with effect from 1 April 2016.

- Maintain all essential business so far as possible – ensuring cases are not lost;
- Minimise accumulation of case backlogs so far as possible – to facilitate the most effective recovery.

The SCTS has, working in partnership with PCS, trade union, provided a range of measures for staff to ensure that essential business can continue, but that our people feel supported by the organisation at this challenging time. Our priority has been to ensure our people have been provided with appropriate and relevant guidance, information and support during the uncertain times and our support has been developed in partnership with PCS reflecting Scottish Government, NHS and Public Health Scotland guidance. It has covered a range of people management areas including sickness absence, wellbeing, homeworking, annual leave and health and safety.

SCTS has adopted a number of new practices and digital solutions to continue to deliver our essential business. There continues to be changes in work practices, procedures and the way our people carry out their roles and responsibilities. New people policies are being developed as we introduce hybrid working for those roles that can have a blended model of homeworking and working within the workplace. As an equal opportunities employer when we develop new policies to support new ways of working Equality Impact Assessments are carried out to analyse our policies and practices to make sure they do not discriminate or disadvantage our people and

to provide an opportunity to improve or promote equality within our organisation.

We promote, collaborate and celebrate the successes of a diverse workforce and we want to make sure that we are doing all we can to be inclusive and employ a workforce representative of the Scottish population across all of the equality protected characteristics. We have an internal Equality Steering Group and an External Advisory Group (EAG) which comprises of external equality and diversity experts and was established to support the SCTS in its statutory responsibility to mainstream equality as required by the Equality Act (2010) and latterly the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 and other equality, diversity and inclusion legislation and best practice. SCTS aims to exceed legislative requirements where it can so that it can achieve its equality outcomes. We continue to make progress with mainstreaming equality within SCTS and our Equalities Outcomes that we have set for the period 2019 – 2023. We are committed to making SCTS a diverse and inclusive place for staff and service users and these focus on promoting awareness and understanding of equality and diversity; improving the accessibility of our services and improving accessibility to our employment.

Our Employee Resourcing Policy and recruitment practices are consistent with the requirements of the Civil Service Commissioners. We continue to be a Disability Confident Employer and we promote the guaranteed interview scheme for

candidates who meet the minimum essential criteria for an advertised vacancy. We are also an Age positive employer Champion and a member of the Employers Network for Equality and Inclusion (enei). We participate in the enei, Talent, Inclusion and Diversity Evaluation (TIDE) Report which provides benchmarking and we celebrate being rated as at "Sustain" level.

We continue to make progress with our Recruitment and Resourcing Strategy 2020-2023 which reflects our commitment to flexible working, equality, diversity and work fulfilment and has four themes: clarity; diversity; efficiency and flexibility. As we develop iTrent, our people and pay system we will improve our current recruitment processes, addressing any recruitment challenges; developing innovative recruitment solutions, to develop SCTS as a socially inclusive employer and attract and retain a diverse workforce so we have the right people in the right place, at the right time with the skills and behaviours to succeed.

The SCTS Life-Chances Scheme continues to be endorsed and recognised by the CS Commission as one that bridges the employment gap whilst offering people from under privileged backgrounds to secure Modern Apprenticeship positions with SCTS, this scheme is partnership with Barnardo's.

SCTS is a Carer Positive Exemplary Employer. We recognise that a substantial number of our people have significant caring

responsibilities, and that their role as a carer may make a work/life balance difficult to achieve so we have an established carers register. In addition to our Carers Policy, we have a Carers Advisory Group that represents the interests of those with significant caring responsibilities and a Carers Contact Team which comprises of both past and present carers designed to offer support to individuals.

SCTS continues to be an accredited real living wage employer (initial accreditation was received in March 2017) which reflects our work to ensure that not only SCTS staff receive the living wage but that contract staff we engage under a range of contracts also pay employees working for SCTS the real living wage.

Our Pay Award date is 1 April. Our principles of fairness, transparency, consistency and motivation underpin our pay and reward strategies acknowledging that we will operate aligned to, and in accordance with, the Scottish Government's Public Sector Pay Policy to deliver an affordable and appropriate total reward package for our employees. As required by the Equality Act 2010 we publish our gender pay gap annually and our 2021 mean gender pay gap was 3.4% and the median gender pay gap was 0%.

Our People Strategy 2018 – 2023 sets out our commitment to wellbeing and this has been of critical importance this year. Our ultimate goal is to improve the health, safety and wellbeing of our employees and to prevent ill health, for the overall benefit of our employees and the

organisation as a whole. This encompasses the physical, mental and social health of employees. We recognise that employees' values, personal development and work contribute to their overall wellbeing at work. As a consequence of covid-19 developed a variety of specific wellbeing guidance to help our people manage the impact of covid-19 on their daily lives and also for homeworking. SCTS is committed to providing a safe and healthy working environment for all our employees as well as those who use our services. We have our own dedicated Health and Safety Team incorporating health and safety, fire and security.

Our policies and procedures for occupational health mean that for staff with a disability we carry out workplace assessments and make reasonable and practicable adjustments to enable individuals to make a full contribution at work.

We also provide our employees with access to a free and confidential Employee Assistance Programme.

Our People Strategy sets out our strong and powerful commitment to develop as a learning organisation and we strive to ensure that all our people have a variety of opportunities to learn and to achieve this our digital learning portfolio continues to grow.

We take a collaborative approach to make our organisation a great place to work, working with PCS our recognised trade union. We remain committed to working

in partnership to deliver the Fair Work Agreement which we signed in 2018 and which confirms fair work principles around five key themes of effective voice, opportunity, security, fulfilment and respect enhancing our working environment further. This partnership approach has been vital during the last year in ensuring that we created a working environment that was as safe as possible, we supported staff working at home and we ensured that everyone was treated with compassion and understanding.

### Trade Union Facility Time

During the year there were 17 employees (WTE 17) (2021-22, 16 WTE 15.5) who were relevant union officials. The total cost of facility time was £123k (2020-21, £126k) from a total pay bill of £68,736k (2020-21, £63,986k) which equates to 0.2% (2020-21, 0.2%).

Percentage of time spent on facility time - Number of employees who were relevant union officials employed during the year and the percentage of their working hours spent on facility time:

Percentage of time	Number of employees
0%	0
1-50%	15
51-99%	-
100%	2

Paid trade union activities - As a percentage of total paid facility time hours, the number of hours spent by employees who were relevant union officials during the year on paid trade union activities.

Time spent on paid trade union activities as a percentage of total paid facility time hours	2.7%
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## 2.3 Parliamentary Accountability Report

### Losses and special payments

There were no material losses or special payments made during the year.

### Gifts

No gifts were made during the year.

### Remote Contingent Liabilities

There are no remote contingent liabilities to disclose.

### Fees and Charges

It is a legislative requirement for the SCTS to charge court fees at various stages of proceedings including, but not exclusively, registration, lodgement of motions, legal debates and proofs in the Court of Session and the Sheriff Court as well as Commissary lodgements.

Fees are also charged for work undertaken by the Office of the Public Guardian which includes, but not exclusively, issuing of Powers of Attorney and

Guardianship and by the Accountant of Court. Fees are also charged by the Lands Tribunal for appeals.

Scottish Government policy is to set fees so as to move towards full cost recovery (including judicial costs).

The Fee Memorandum Trading Account shows the cost of delivering business in the Civil Courts. Full details of all chargeable fees are found at [www.scotcourts.gov.uk/taking-action/court-fees](http://www.scotcourts.gov.uk/taking-action/court-fees)

### Fees memorandum trading account

	Sheriff Courts £'000	Supreme Courts £'000	OPG £'000	2021-22 Total £'000	2020-21 Total £'000
Net Fee Income	24,107	4,027	6,026	<b>34,160</b>	<b>31,142</b>
<b>Net Costs to be recovered</b>	28,929	18,473	8,146	<b>55,548</b>	<b>53,407</b>
<b>Shortfall from full cost Recovery</b>	4,822	14,446	2,120	<b>21,388</b>	<b>22,265</b>
<b>% Cost Recovery</b> <i>(Gross Fees Raised divided by Net Recoverable Costs)</i>				<b>61%</b>	<b>58%</b>

*Eric McQueen*

Eric McQueen  
Chief Executive

24 August 2022



## 2.4 Independent Auditor's Report to the Scottish Courts and Tribunals Service, the Auditor General for Scotland and the Scottish Parliament

### Reporting on the audit of the financial statements

#### Opinion on financial statements

We have audited the financial statements in the annual report and accounts of the Scottish Courts and Tribunals Service for the year ended 31 March 2022 under the Public Finance and Accountability (Scotland) Act 2000. The financial statements comprise the Statement of Comprehensive Net Expenditure, the Statement of Financial Position, the Cash Flow Statement, the Statement of Changes in Taxpayers' Equity and notes to the financial statements, including significant accounting policies. The financial reporting framework that has been applied in their preparation is applicable law and UK adopted international accounting standards, as interpreted and adapted by the 2021/22 Government Financial Reporting Manual (the 2021/22 FReM).

In our opinion the accompanying financial statements:

- give a true and fair view in accordance with the Public Finance and Accountability (Scotland) Act 2000 and directions made thereunder by the Scottish Ministers of the state of the body's affairs as at 31 March 2022 and of its net expenditure for the year then ended;
- have been properly prepared in accordance with UK adopted international accounting standards, as interpreted and adapted by the 2021/22 FReM; and
- have been prepared in accordance with the

requirements of the Public Finance and Accountability (Scotland) Act 2000 and directions made thereunder by the Scottish Ministers.

#### Basis for opinion

We conducted our audit in accordance with applicable law and International Standards on Auditing (UK) (ISAs (UK)), as required by the Code of Audit Practice approved by the Auditor General for Scotland. Our responsibilities under those standards are further described in the auditor's responsibilities for the audit of the financial statements section of our report. We were appointed by the Auditor General on 31 May 2016. The period of total uninterrupted appointment is six years. We are independent of the body in accordance with the ethical requirements that are relevant to our audit of the financial statements in the UK including the Financial Reporting Council's Ethical Standard, and we have fulfilled our other ethical responsibilities in accordance with these requirements. Non-audit services prohibited by the Ethical Standard were not provided to the body. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

#### Conclusions relating to going concern basis of accounting

We have concluded that the use of the going concern basis of accounting in the preparation of the financial statements is appropriate.

Based on the work we have performed, we have not identified any material uncertainties relating to events or conditions that, individually or

collectively, may cast significant doubt on the body's ability to continue to adopt the going concern basis of accounting for a period of at least twelve months from when the financial statements are authorised for issue.

These conclusions are not intended to, nor do they, provide assurance on the body's current or future financial sustainability. However, we report on the body's arrangements for financial sustainability in a separate Annual Audit Report available from the Audit Scotland website.

#### Risks of material misstatement

We report in our Annual Audit Report the most significant assessed risks of material misstatement that we identified and our judgements thereon.

#### Responsibilities of the Accountable Officer for the financial statements

As explained more fully in the Statement of Accountable Officer's Responsibilities, the Accountable Officer is responsible for the preparation of financial statements that give a true and fair view in accordance with the financial reporting framework, and for such internal control as the Accountable Officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Accountable Officer is responsible for using the going concern basis of accounting unless there is an

intention to discontinue the body's operations.

### **Auditor's responsibilities for the audit of the financial statements**

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the decisions of users taken on the basis of these financial statements.

Irregularities, including fraud, are instances of non-compliance with laws and regulations. We design procedures in line with our responsibilities outlined above to detect material misstatements in respect of irregularities, including fraud. Procedures include:

- obtaining an understanding of the applicable legal and regulatory framework and how the body is complying with that framework;
- identifying which laws and regulations are significant in the context of the body;
- assessing the susceptibility of the financial statements to material misstatement, including how fraud might occur; and
- considering whether the audit team collectively has the appropriate competence and

capabilities to identify or recognise non-compliance with laws and regulations.

The extent to which our procedures are capable of detecting irregularities, including fraud, is affected by the inherent difficulty in detecting irregularities, the effectiveness of the body's controls, and the nature, timing and extent of the audit procedures performed.

Irregularities that result from fraud are inherently more difficult to detect than irregularities that result from error as fraud may involve collusion, intentional omissions, misrepresentations, or the override of internal control. The capability of the audit to detect fraud and other irregularities depends on factors such as the skilfulness of the perpetrator, the frequency and extent of manipulation, the degree of collusion involved, the relative size of individual amounts manipulated, and the seniority of those individuals involved.

A further description of the auditor's responsibilities for the audit of the financial statements is located on the Financial Reporting Council's website [www.frc.org.uk/auditorsresponsibilities](http://www.frc.org.uk/auditorsresponsibilities). This description forms part of our auditor's report.

### **Reporting on regularity of expenditure and income**

#### **Opinion on regularity**

In our opinion in all material respects:

- the expenditure and income in the financial statements were incurred or applied in accordance with any applicable enactments and guidance issued by the Scottish Ministers, the Budget (Scotland) Act covering the financial year and sections 4 to 7 of the

ANNUAL REPORT and ACCOUNTS 2021-22  
Public Finance and  
Accountability (Scotland)  
Act 2000; and

- the sums paid out of the Scottish Consolidated Fund for the purpose of meeting the expenditure shown in the financial statements were applied in accordance with section 65 of the Scotland Act 1998.

### **Responsibilities for regularity**

The Accountable Officer is responsible for ensuring the regularity of expenditure and income. In addition to our responsibilities in respect of irregularities explained in the audit of the financial statements section of our report, we are responsible for expressing an opinion on the regularity of expenditure and income in accordance with the Public Finance and Accountability (Scotland) Act 2000.

### **Reporting on other requirements**

#### **Opinion prescribed by the Auditor General for Scotland on audited part of the Remuneration and Staff Report**

We have audited the parts of the Remuneration and Staff Report described as audited. In our opinion, the audited part of the Remuneration and Staff Report has been properly prepared in accordance with the Public Finance and Accountability (Scotland) Act 2000 and directions made thereunder by the Scottish Ministers.

### **Other information**

The Accountable Officer is responsible for the other information in the annual report and accounts. The other information comprises the Performance Report and the Accountability Report excluding the audited part of the Remuneration and Staff Report.

Our responsibility is to read all the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the course of the audit or otherwise appears to be materially misstated. If we identify such material inconsistencies or apparent material misstatements, we are required to determine whether this gives rise to a material misstatement in the financial statements themselves. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Our opinion on the financial statements does not cover the other information and we do not express any form of assurance conclusion thereon except on the Performance Report and Governance Statement to the extent explicitly stated in the following opinions prescribed by the Auditor General for Scotland.

### **Opinions prescribed by the Auditor General for Scotland on Performance Report and Governance Statement**

In our opinion, based on the work undertaken in the course of the audit:

- the information given in the Performance Report for the financial year for which the financial statements are prepared is consistent with the financial statements and that report has been prepared in accordance

with the Public Finance and Accountability (Scotland) Act 2000 and directions made thereunder by the Scottish Ministers; and

- the information given in the Governance Statement for the financial year for which the financial statements are prepared is consistent with the financial statements and that report has been prepared in accordance with the Public Finance and Accountability (Scotland) Act 2000 and directions made thereunder by the Scottish Ministers.

### **Matters on which we are required to report by exception**

We are required by the Auditor General for Scotland to report to you if, in our opinion:

- adequate accounting records have not been kept; or
- the financial statements and the audited part of the Remuneration and Staff Report are not in agreement with the accounting records; or
- we have not received all the information and explanations we require for our audit.

We have nothing to report in respect of these matters.

### **Conclusions on wider scope responsibilities**

In addition to our responsibilities for the annual report and accounts, our conclusions on the wider scope responsibilities

specified in the Code of Audit Practice are set out in our Annual Audit Report.

### **Use of our report**

This report is made solely to the parties to whom it is addressed in accordance with the Public Finance and Accountability (Scotland) Act 2000 and for no other purpose. In accordance with paragraph 120 of the Code of Audit Practice, we do not undertake to have responsibilities to members or officers, in their individual capacities, or to third parties.

*Gary Devlin*

Gary Devlin, (for and on behalf of Azets Audit Services)  
Exchange Place 3  
Semple Street  
Edinburgh  
EH3 8BL

Date: 25 August 2022

## 3. Financial Statements

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The Statements of Comprehensive Net Expenditure, Financial Position, Cash Flows and Changes in Taxpayers Equity, as well as details of accounting policies and supporting notes.

The outturn against the DEL and AME budget is at page 12.

**Scottish Courts and Tribunals Service**  
**Statement of Comprehensive Net Expenditure**  
**For the year ended 31 March 2022**

		<b>2021-22</b>	<b>2020-21</b>
<b>Expenditure</b>	<b>Note</b>	<b>£'000</b>	<b>£'000</b>
Staff costs	3	75,087	67,913
Other administration costs	4	65,774	49,101
Depreciation and amortisation	6,7	22,221	19,305
Impairment	6	-	5
Operational costs	4	34,294	26,785
<b>Total Expenditure</b>		<b>197,376</b>	<b>163,109</b>
<b>Income</b>			
Operating Income	5	7,938	7,010
Income from fees and retained fines	5	35,676	30,194
<b>Total Income</b>		<b>43,614</b>	<b>37,204</b>
<b>Net outturn</b>		<b>153,762</b>	<b>125,905</b>
<b>Items that will not be reclassified to profit or loss</b>			
(Loss)/Gains on property revaluation	6	46,431	(238)
		<b>46,431</b>	<b>(238)</b>
<b>Other comprehensive income for the year, net of tax</b>		<b>46,431</b>	<b>(238)</b>

The notes on pages 58 to 72 form part of these accounts.

**Scottish Courts and Tribunals Service**  
**Statement of Financial Position**  
**As at 31 March 2022**

	Note	2022 £'000	2021 £'000
<b>Non-current assets</b>			
Property, plant and equipment	6	541,696	504,049
Intangible assets	7	22,306	17,489
Trade and other assets due in more than one year	8	-	-
<b>Total non-current assets</b>		<b>564,002</b>	<b>521,538</b>
<b>Current assets</b>			
Receivables and other current assets	8	10,915	12,158
Cash and cash equivalents	9	13,780	16,942
Assets classified as held for sale	6c	-	6
<b>Total current assets</b>		<b>24,695</b>	<b>29,106</b>
<b>Total assets</b>		<b>588,697</b>	<b>550,644</b>
<b>Current liabilities</b>			
Payables and other current liabilities	10	(14,676)	(13,398)
Provisions for liabilities and charges due within one year	11	(702)	(447)
<b>Total current liabilities</b>		<b>(15,378)</b>	<b>(13,845)</b>
<b>Total assets less current liabilities</b>		<b>573,319</b>	<b>536,799</b>
<b>Non-current liabilities</b>			
Payables and other liabilities	10	(2,114)	(2,221)
Provisions for liabilities and charges due in more than one year	11	(5,060)	(4,699)
<b>Total non-current liabilities</b>		<b>(7,174)</b>	<b>(6,920)</b>
<b>Assets less liabilities</b>		<b>566,145</b>	<b>529,879</b>
<b>Taxpayers' equity</b>			
General fund	SOCTE	353,646	361,000
Revaluation reserve	SOCTE	212,499	168,879
<b>Total taxpayers' equity</b>		<b>566,145</b>	<b>529,879</b>

*Eric McQueen*

Eric McQueen  
 Chief Executive  
 24 August 2022

The Accountable Officer authorised these financial statements for issue on 24 August 2022.

The notes on pages 58 to 72 form part of these accounts.

**Scottish Courts and Tribunals Service**  
**Cash Flow Statement**  
**For the year ended 31 March 2022**

	<b>Note</b>	<b>2022</b> <b>£'000</b>	<b>2021</b> <b>£'000</b>
<b>Cash flows from operating activities</b>			
Net outturn	SCNE	(153,762)	(125,905)
<i>Adjustments for non-cash transactions:</i>			
Depreciation and amortisation	SCNE	22,221	19,305
Impairment	SCNE	-	5
Other adjustments	9	-	-
Notional audit fee	4	97	95
Loss/(Profit) on disposal of property, plant and equipment and asset held for sale	4,5	(135)	77
<i>Movements in working capital:</i>			
(Increase)/decrease in receivables and other current assets		1,243	(931)
Increase/(decrease) in trade and other payables		907	1,006
Increase/(decrease) in provisions		616	95
<b>Net cash flow from operating activities</b>		<b>(128,813)</b>	<b>(106,253)</b>
<i>Cash flows from investment activities</i>			
Purchase of property, plant and equipment	6	(10,512)	(12,677)
Purchase of intangible assets	7	(7,472)	(7,692)
Proceeds of disposal of property, plant and equipment	4,5,6	135	43
Proceed of disposal of assets held for sale	6c	-	400
<b>Net cash flow from investment activities</b>		<b>(17,849)</b>	<b>(19,926)</b>
<b>Cash flows from financing activities</b>			
From Scottish Consolidated Fund	SOCTE	143,500	126,262
<b>Cash flows from financing activities</b>		<b>143,500</b>	<b>126,262</b>
<b>Net Increase in cash and cash equivalents</b>		<b>(3,162)</b>	<b>83</b>
Cash and cash equivalents at beginning of period	9	16,942	16,859
Net increase on cash and cash equivalents		(3,162)	83
<b>Cash and cash equivalents at end of period</b>	9	<b>13,780</b>	<b>16,942</b>

The notes on pages 58 to 72 form part of these accounts.

**Scottish Court and Tribunals Service**  
**Statement of Changes in Taxpayers' Equity**  
**For the year ended 31 March 2022**

	Note	General Fund £'000	Revaluation Reserve £'000	Total £'000
<b>Balance at 1 April 2021</b>		<b>361,000</b>	<b>168,879</b>	<b>529,879</b>
<b>Total comprehensive expenditure for the year ended 31 March 2022</b>		<b>(153,762)</b>	<b>46,431</b>	<b>(107,331)</b>
<b>Non-cash charges</b>				
Non-cash charges - auditor's remuneration	4	97	-	97
Non-cash charges - other		-	-	-
<b>Total non-cash charges - auditor's remuneration</b>	<b>4</b>	<b>97</b>	<b>-</b>	<b>97</b>
<b>Other reserve movements</b>				
Transfer of fixed assets (to)/from other bodies		-	-	-
Other adjustments	9	-	-	-
Transfers between reserves		2,811	(2,811)	-
<b>Total other reserve movements/adjustments</b>		<b>2,811</b>	<b>(2,811)</b>	<b>-</b>
<b>Funding</b>				
Parliamentary funding		143,500	-	143,500
<b>Net parliamentary funding drawn down</b>		<b>143,500</b>	<b>-</b>	<b>143,500</b>
<b>Balance at 31 March 2022</b>		<b>353,646</b>	<b>212,499</b>	<b>566,145</b>
<b>Net increase/ (decrease) during the year</b>		<b>(7,354)</b>	<b>43,620</b>	<b>36,266</b>

The notes on pages 58 to 72 form part of these accounts.



**Scottish Courts and Tribunals Service-  
Statement of Changes in Taxpayers' Equity  
For the year ended 31 March 2021**

	Note	General Fund £'000	Revaluation Reserve £'000	Total £'000
<b>Balance at 1 April 2020</b>		<b>357,682</b>	<b>171,983</b>	<b>529,665</b>
<b>Total comprehensive expenditure for the year ended 31 March 2021</b>		<b>(125,905)</b>	<b>(238)</b>	<b>(126,143)</b>
<b>Non-cash charges</b>				
Non-cash charges - auditor's remuneration	4	95	-	95
Non-cash charges - other		-	-	-
<b>Total non-cash charges - auditor's remuneration</b>	<b>4</b>	<b>95</b>	<b>-</b>	<b>95</b>
<b>Other reserve movements</b>				
Transfer of fixed assets (to)/from other bodies		-	-	-
Other adjustments	9	-	-	-
Transfers between reserves		2,866	(2,866)	-
<b>Total other reserve movements/adjustments</b>		<b>2,866</b>	<b>(2,866)</b>	<b>-</b>
<b>Funding</b>				
Parliamentary funding		126,262	-	126,262
<b>Net parliamentary funding drawn down</b>		<b>126,262</b>	<b>-</b>	<b>126,262</b>
<b>Balance at 31 March 2021</b>		<b>361,000</b>	<b>168,879</b>	<b>529,879</b>
<b>Net increase/ (decrease) during the year</b>		<b>3,318</b>	<b>(3,104)</b>	<b>214</b>

The notes on pages 58 to 72 form part of these accounts.

## NOTES TO THE ACCOUNTS

### 1. Basis of Accounts

These financial statements have been prepared in accordance with International Financial Reporting Standards (IFRS) as adopted and interpreted by the 2021-22 Government Financial Reporting Manual (FRoM) issued by HM Treasury and the Accounts Direction issued by Scottish Ministers (Annex 3). The Board and Accountable Officer have considered the budget and associated grant in aid allocation for 2022-23 and consider that the SCTS has adequate resources to continue in operational existence in the foreseeable future. The accounts are therefore prepared on a going concern basis.

An assessment of liquidity risk is shown in Note 15 and the budget allocation for 2022-23 can be seen [here](#).

These accounts have been prepared under the historical cost convention, modified to account for the revaluation of property, plant and equipment.

### 2. Accounting Policies

Where the FRoM permits a choice of accounting policy, the accounting policy which is judged to be most appropriate to the particular circumstances of the Scottish Courts and Tribunals Service (SCTS) for the purpose of giving a true and fair view has been selected. The particular policies adopted by the SCTS are described below. They have been applied consistently in dealing with items that are considered material to the accounts.

#### 2.1 Property, plant and equipment

The threshold for capitalising assets is £5,000 for all categories apart from information technology equipment (networked and grouped) which is all capitalised, irrespective of value. On initial recognition, property, plant and equipment are measured at cost including any costs such as installation directly attributable to bring them into working condition. All property, plant and equipment are carried at fair value. Operational assets and those that are not held for their service potential (i.e. investment properties and assets held for sale), including operational assets which are surplus to requirements where there are no restrictions on disposal which would prevent access to the market, are measured subsequently at Fair Value as follows:

Specialised SCTS land, buildings, equipment, installations and fittings are stated at Depreciated Replacement Cost (DRC), as a proxy for Fair Value as specified in the SPFM (Scottish Public Financial Manual). DRC assessments are subject to an assumption of ongoing future use by SCTS for operational purposes. Non-specialised land and buildings are stated at Fair Value which is broadly correlated with Market Value. The assessment of Fair Value for operational non specialised assets is subject to an assumption of ongoing use for the existing purposes thereby reflective of Market Value for Existing Use.

Valuations of all land and building assets are reassessed by our valuers (currently Avison Young) normally on a 5 year cycle of professional valuations. In order to have the most up to date valuation for the introduction of our new Non-current asset register, as an exception, we have brought this forward by two years to 31<sup>st</sup> March 2022. In the intervening years, to take account of movements in prices since the latest valuation, indexation is applied. Building Cost Information Service (BCIS) indices are used for cost based assessments (DRC) otherwise for market based elements indexation figures will reflect observed movements in the property market over the relevant period. The valuations are carried out in accordance with the Royal Institution of Chartered Surveyors (RICS) Valuation Standards insofar as these terms are consistent with the agreed requirements of the SPFM.

Where significant redevelopment of a property has been completed outwith the valuation cycle the relevant property will be subject to a specific valuation at the appropriate point in accordance with SPFM guidance.

Land and buildings were fully revalued by the valuers as at 31 March 2022 on the basis of Fair Value (Market Value or Depreciated Replacement Cost where appropriate). The valuations were undertaken by RICS Registered Valuers and prepared under the RICS Valuation – Global Standards 2022 and the SPFM. Property details provided by SCTS were supported by site visits/inspections by the valuer and the valuations were prepared reflecting the specific classification of each of the subjects. Specialised operational assets have been assessed to DRC. A Modern Equivalent Asset (MEA) approach has been adopted with the resulting Gross Replacement Cost assessment adjusted, as appropriate, for physical, functional and economic/external obsolescence. Land held in association with specialised operational sites has been valued to Market Value for Existing Use as part of the wider DRC calculations. Non specialised operational assets have also been valued to Market Value for Existing Use with surplus/non-operational properties valued

on a Market Value basis. Market related assessments have been prepared through the use of comparable market transaction evidence. DRC valuations are subject to an assumption of future ongoing use by the SCTS for operational purposes.

Increases in the carrying amount arising on revaluation of property, plant and equipment are credited to the revaluation reserve in taxpayers' equity. Decreases arising from fluctuations in market conditions are first charged directly to revaluation reserve to offset any previous increases for the same asset. Amounts in excess of these previous increases are expensed to the Statement of Comprehensive Net Expenditure. Decreases arising from other factors are expensed directly to the Statement of Comprehensive Net Expenditure.

Depreciation is provided on a straight line basis on all property, plant and equipment (other than freehold land) at rates calculated to write down the cost or valuation of each asset over its estimated useful life.

Buildings	
<i>Sub &amp; super structure</i>	not exceeding 80 years
<i>Fittings &amp; furnishings</i>	not exceeding 50 years
<i>Other Buildings</i>	not exceeding 40 years
Vehicles	3 years
Information Technology Equipment	3 years
Equipment	not exceeding 10 years
Fixtures & Fittings	not exceeding 10 years

Assets under construction are carried at the costs directly attributable to bringing the asset to the location and condition necessary for it to be capable of operating in the manner intended by management. Assets under construction are transferred to the appropriate property, plant and equipment category when completed and ready for use. No depreciation is charged until the asset is operational.

## 2.2 Non-current assets classified as held for sale

The SCTS classify a non-current asset as held for sale if its carrying amount will be recovered principally through a sale transaction rather than through continuing use. This condition is met when the asset is being actively marketed by management, it is available for immediate sale in its present condition, the sale is considered to be highly probable and is expected to qualify for recognition as a completed sale within one year from the date of classification. Assets classified as held for sale are measured at the lower of their carrying amount immediately prior to their classification as held for sale and their fair value less costs to sell. Depreciation or amortisation for such assets is not charged from the date they are classified as an asset held for sale.

## 2.3 Intangible assets

Both purchased software licenses and internally generated software/IT systems are valued at depreciated replacement cost. Amortisation is applied at rates calculated to write off the value of the software by equal instalments over the shorter of the term of the license and their estimated useful life. Software and main intangible systems (e.g. Integrated Case Management System, ICMS) are amortised over a 3 to 10 year life. Due to the lack of active market ICMS is shown at amortised replacement cost as a proxy for fair value. A management review of the bespoke system was undertaken and confirmed that the useful life and valuation is appropriate. No impairment was necessary following this assessment.

## 2.4 Cash and cash equivalents

Cash represents cash in hand, cash held with the Government Banking Service and cash in commercial bank accounts.

## 2.5 Financial instruments

The SCTS does not hold any complex financial instruments. The only financial instruments included in the accounts are receivables, cash and cash equivalents and payables (notes 8, 9 and 10).

Trade and other receivables are recognised at fair value less any impairment for any amounts assessed as irrecoverable. An impairment of debt for irrecoverable amounts is made where there is evidence that the SCTS will be unable to collect an amount due in accordance with agreed terms. The SCTS have adopted IFRS 9 in its treatment on the impairment of trade receivables. During 2021-22 a review of impairment based on a lifetime Expected Credit Losses was completed. Trade and other payables are recognised at fair value.

## 2.6 Income and Expenditure recognition

The SCTS is not a trading organisation. Income primarily comprises court fees for civil cases. The SCTS collects fines on an agency basis. Sheriff Court fines are paid over to the Scottish Consolidated Fund and are not accounted for as part of the income of the SCTS. An element of Justice of the Peace Court fines, Police and Fiscal fixed penalty fines are retained by the SCTS in line with The Scotland Act 1998 (Designation of Receipts) Order issued by HM Treasury. The remainder is paid over to the Scottish Consolidated Fund. Income and expenditure is accounted for in the year to which it relates and not when cash payments are made or received. Where income and expenditure has been recognised but cash has not been received or paid, a receivable or payable for the corresponding amount is recorded in the Statement of Financial Position.

## 2.7 Value added tax (VAT)

Revenues, expenses and assets are recognised net of the amount of VAT except where the VAT incurred on a purchase of assets or services is not recoverable from HM Revenue and Customs (HMRC), in which case the VAT is recognised as part of the cost of acquisition of the asset or as part of the expenses item as applicable. The net amount of VAT recoverable from, or payable to, HMRC is included as part of receivables or payables in the Statement of Financial Position.

## 2.8 Operating leases

All the SCTS leases are leases where substantially all the risk and benefits of ownership of the asset have not transferred to the SCTS and are therefore classified as operating leases. Rentals payable under operating leases are charged to the Statement of Comprehensive Net Expenditure on a straight-line basis over the lease term. The SCTS recognises the aggregate benefit of incentives as a reduction of rental expense over the lease terms, on a straight line basis. The determination of whether an arrangement is, or contains, a lease is based on the substance of the arrangement at inception date: whether fulfilment of the arrangement is dependent on the use of a specific asset or assets or the arrangement conveys a right to use the asset.

Effective 1 April 2022, IFRS 16 (Leases) will be implemented replacing IAS 17, as disclosed below in 2.15.

## 2.9 External auditor remuneration

External auditor's remuneration for non-audit services is charged on a notional basis to the SCTS. It is charged to the Statement of Comprehensive Net Expenditure and credited as a movement on the general fund.

## 2.10 Provisions

Provisions are recognised when the SCTS has a present obligation (legal or constructive) as a result of a past event, it is probable that an outflow of resources will be required to settle the obligation and a reliable estimate can be made of the amount of the obligation. The expense relating to any provisions is presented in the Statement of Comprehensive Net Expenditure net of any reimbursement.

## 2.11 Employee benefits pensions

Past and present employees are covered by the provisions of the Principal Civil Service Pension Scheme (PCSPS) and the Civil Service and Other Pension Scheme (CSOPS). These defined benefit schemes are unfunded and are non-contributory except in respect of dependant's benefits. The SCTS accounts for these schemes as defined contribution plans and recognises the expected cost of these elements on a systematic and rational basis over the period during which it benefits from employee's services by payment to the PCSPS/CSOPS of amounts calculated on an accruing basis. Liability for payment of future benefits is a charge on the PCSPS/CSOPS. In respect of the defined contribution schemes, the SCTS recognises the contributions payable for the year. Prepaid contributions are recognised as an asset to the extent that a cash refund or a reduction in the future payments is available.

## 2.12 Judicial Pension Scheme

Members of the judiciary are covered by a different Judicial Pension Schemes (JPS). This includes the 1981 Scheme, 1993 JUPRA, 2015 Judicial Pensions Scheme and 2017 Fee-Paid Judicial Pension Scheme. The JPS is an unfunded multi-employer defined benefit scheme which prepares its own Accounts. Effective from 1 April 2016, the SCTS became responsible for the employer contributions to the JPS. Contributions from 2016 to 31 March 2019 were paid at a rate of 38.45% and from April 2019 that rate increased to 51.35%. The amount of these contributions is included in the Staff Report from page 45. Although the JPS is a defined benefit scheme, in accordance with FReM 6.2, the SCTS accounts for the scheme as a defined contribution scheme and recognises employer contributions payable as an expense in the year they are incurred.

As part of the changes to judicial pension arrangements, a new governance framework was established to secure the confidence in the Judicial Pension Schemes of both the scheme members and the tax payers. The

Lord Chancellor is the Responsible Authority and Scheme Manager for the Schemes. Furthermore, there is an established Judicial Pensions Board. Further information on the Judicial Pensions Board and relevant publications, such as judicial; pension scheme accounts, scheme guidance and valuation reports can be found here: <https://www.gov.uk/government/groups/judicial-pension-board>.

### 2.13 Other employee benefits

A liability and an expense are recognised for untaken holidays and flexi balances at 31 March 2022. As a result an accrual has been made for time earned but not taken.

### 2.14 Accounting estimates and assumptions

The SCTS makes estimates and assumptions concerning the future. The resulting accounting estimates will, by definition, seldom equal the actual results. Other than estimates and assumptions relating to Property Plant & Equipment, Intangibles and Provisions, stated in accounting policies at 2.1, 2.3 and 2.10 above, there are no material estimates or assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year. Estimates and judgments are continually evaluated and are based on historical experience and other factors, including expectations of future events that are believed to be reasonable under the circumstances.

### 2.15 Disclosure of accounting standards not yet applied

A number of new accounting standards have been issued or amendments made to existing standards, but have not yet been applied to these financial statements. The standards that are considered relevant and the anticipated impact are as follows:

#### IFRS 16 Leases effective from 1 April 2022

IFRS 16 Leases was published by the International Accounting Standards Board in January 2016 and is to be adopted as at 1 April 2022 by the Scottish Courts and Tribunals Service in accordance with the FReM. IFRS 16 replaces IAS 17 – Leases and largely removes the distinction between operating and finance leases by introducing a single lessee accounting model that requires a lessee to recognise assets and liabilities for all leases with a term of more than 12 months, unless the underlying asset is of low value.

The result will be recognition of a right to use asset, measured at the present value of future lease payments, with a matching liability. The pattern of recognition of the expenditure will result in depreciation of the right to use asset and an associated finance cost being recognised.

As at 1 April 2022, the estimated effect, for the year 2021-22 will be to increase leased assets by £58.1M, increase lease payables by £55.2m. Our general fund will increase by £2.8m due to the capitalisation of reinstatement costs. In addition, rent expenditure will reduce by £4.1m, depreciation charges will increase by £4.1m and interest costs will increase by £0.5m.

#### IFRS 17 (Insurance Contracts) effective from 1 April 2023

The International Accounting Standards Board (IASB) has issued IFRS 17 (Insurance Contracts), which replaces IFRS 4 (Insurance Contracts). It is expected to be effective for accounting periods beginning on or after 1 January 2023, following IASB decisions to defer the effective date.

Guidance has yet to be issued to government departments on the interpretation of this standard.

### 3. Staff Numbers and costs

Due to changes in the required reporting format all relevant disclosures relating to staff are included in the Remuneration and Staff Report (pages 40 to 47).

### 4. Non-staff expenditure

#### 4a. Other administration expenditure

Rent and Rates	
Accommodation	
Building maintenance and impairment	
Computer Maintenance	
Office running costs	
Other	
Postage	
Publications – Sheriff Courts	
Contracted Services	
Travel, subsistence and hospitality	
Provision movements	
External auditor remuneration - Audit fee	
Loss on disposal of non-current assets	
<b>Total</b>	

2021-22 £'000	2020-21 £'000
12,353	13,641
29,537	17,225
11,144	7,700
4,490	3,803
1,694	1,815
1,689	1,459
1,566	1,060
1,383	1,342
736	577
468	203
617	104
97	95
-	77
<b>65,774</b>	<b>49,101</b>

During the year SCTS purchased non-audit services from its external auditor totaling £1k (2020-21: £25k).

#### 4b. Operational costs

Judicial costs	
Judicial pension costs	
Payments to jurors	
Interpreters' costs	
Other	
<b>Total</b>	

2021-22 £'000	2020-21 £'000
11,429	7,224
15,401	14,769
3,517	1,374
1,031	571
2,916	2,847
<b>34,294</b>	<b>26,785</b>

## 5. Income

### 5a. Operating income

Shared service income from other government departments	6,534	5,578
Recharges	898	1,178
Profit on disposal of non-current assets	135	-
Income from rent receivable and court hire	130	229
Other income	241	25
<b>Total</b>	<b>7,938</b>	<b>7,010</b>

	2021-22 £'000	2020-21 £'000
Shared service income from other government departments	6,534	5,578
Recharges	898	1,178
Profit on disposal of non-current assets	135	-
Income from rent receivable and court hire	130	229
Other income	241	25
<b>Total</b>	<b>7,938</b>	<b>7,010</b>

### 5b. Income from fees and retained fines

Fees charged	32,008	26,452
Retained fines	3,668	3,742
<b>Total</b>	<b>35,676</b>	<b>30,194</b>

	2021-22 £'000	2020-21 £'000
Fees charged	32,008	26,452
Retained fines	3,668	3,742
<b>Total</b>	<b>35,676</b>	<b>30,194</b>

## 6. Property, plant and equipment

### 6a. Property, plant and equipment current year

Purchases of total property, plant and equipment in the schedule of £10,648k (2020-21: £11,631k) appear in the cash flow statement as £10,512k (2020-21: £12,677k) after adjustment for opening and closing property, plant and equipment accruals in trade and other payables.

<b>Cost or valuation</b>	<b>Land £'000</b>	<b>Buildings £'000</b>	<b>Vehicles £'000</b>	<b>Equipment £'000</b>	<b>ICT systems £'000</b>	<b>Fixtures and fittings £'000</b>	<b>Assets under construction £'000</b>	<b>2021-22 Total £'000</b>
Opening balance at 1 April 2021	32,290	786,763	576	1,300	21,463	4,850	-	<b>847,242</b>
Additions	-	4,149	-	1,592	4,875	-	32	<b>10,648</b>
Transfer	-	-	-	(730)	617	-	-	<b>(113)</b>
Transfers to/from assets classified as held for sale	-	-	-	-	6	-	-	<b>6</b>
Disposals	-	(87)	(223)	(478)	(2,996)	(3,748)	-	<b>(7,532)</b>
Revaluation	1,375	60,546	-	-	-	-	-	<b>61,921</b>
<b>As at 31 March 2022</b>	<b>33,665</b>	<b>851,371</b>	<b>353</b>	<b>1,684</b>	<b>23,965</b>	<b>1,102</b>	<b>32</b>	<b>912,172</b>
Depreciation								
Opening balance at 1 April 2021	-	326,400	224	910	12,509	3,150	-	<b>343,193</b>
Charged in year	-	13,311	117	139	4,607	1,189	-	<b>19,363</b>
Transfer	-	-	-	(510)	472	-	-	<b>(38)</b>
Disposals	-	(87)	(223)	(478)	(2,996)	(3,748)	-	<b>(7,532)</b>
Revaluation	-	15,490	-	-	-	-	-	<b>15,490</b>
<b>Balance as at 31 March 2022</b>	<b>-</b>	<b>355,114</b>	<b>118</b>	<b>61</b>	<b>14,592</b>	<b>591</b>	<b>-</b>	<b>370,476</b>
<b>Net book value current year</b>	<b>33,665</b>	<b>496,257</b>	<b>235</b>	<b>1,623</b>	<b>9,373</b>	<b>511</b>	<b>32</b>	<b>541,696</b>
Net book value prior year	32,290	460,363	352	390	8,954	1,700	-	504,049

All assets are owned by the Scottish Courts and Tribunals Service Corporate Body. All land and buildings are held freehold. No assets are held under finance leases or PFI/PPP contracts.

The land and buildings were revalued as at the 31/03/2022 by independent valuers Avison Young Ltd (Kerry Maguire BSc (Hons) MRICS and Rebecca Millard MRICS). If the buildings were not revalued they would have been held at £451,201 NBV and the land would have been held at £32,290 NBV. The revaluation increase was £46,430K which sits in the revaluation reserve which can only be utilised for future land and buildings valuations movements.



**6b. Property, plant and equipment prior year**

<b>Cost or valuation</b>	<b>Land £'000</b>	<b>Buildings £'000</b>	<b>Vehicles £'000</b>	<b>Equipment £'000</b>	<b>ICT systems £'000</b>	<b>Fixtures and fittings £'000</b>	<b>Assets under construction £'000</b>	<b>2020-21 Total £'000</b>
Opening balance at 1 April 2020	32,340	782,161	224	1,559	17,459	5,135	-	<b>838,878</b>
Additions	-	4,837	352	-	6,442	-	-	<b>11,631</b>
Transfers to/from assets classified as held for sale	(8)	(39)	-	-	(6)	-	-	<b>(53)</b>
Disposals	-	-	-	(259)	(2,421)	(285)	-	<b>(2,965)</b>
Revaluation	(42)	(196)	-	-	-	-	-	<b>(238)</b>
Downward Revaluation to Statement of comprehensive net expenditure	-	-	-	-	(11)	-	-	<b>(11)</b>
<b>As at 31 March 2021</b>	<b>32,290</b>	<b>786,763</b>	<b>576</b>	<b>1,300</b>	<b>21,463</b>	<b>4,850</b>	-	<b>847,242</b>
<b>Depreciation</b>								
Opening balance at 1 April 2020	-	313,071	224	1,061	11,350	3,030	-	<b>328,736</b>
Charged in year	-	13,329	-	108	3,517	401	-	<b>17,355</b>
Disposals	-	-	-	(259)	(2,352)	(281)	-	<b>(2,892)</b>
Revaluation	-	-	-	-	-	-	-	<b>-</b>
Downward Revaluation to Statement of comprehensive net expenditure	-	-	-	-	(6)	-	-	<b>(6)</b>
<b>Balance as at 31 March 2021</b>	-	<b>326,400</b>	<b>224</b>	<b>910</b>	<b>12,509</b>	<b>3,150</b>	-	<b>343,193</b>
<b>Net book value current year</b>	<b>32,290</b>	<b>460,363</b>	<b>352</b>	<b>390</b>	<b>8,954</b>	<b>1,700</b>	-	<b>504,049</b>
Net book value prior year	32,340	469,090	-	498	6,109	2,105	-	510,142

All assets are owned by the Scottish Courts and Tribunals Service Corporate Body. All land and buildings are held freehold. No assets are held under finance leases or PFI/PPP contracts.

## 6c. Assets classified as Held for Sale

The following assets have been presented for sale by the Scottish Courts and Tribunals Service. The completion date for sale is expected to be within 12 months. Assets classified as held for sale are measured at the lower of their carrying amount immediately prior to their classification as held for sale and their fair value less costs to sell. Assets classified as held for sale are not subject to depreciation or amortisation.

### Cost or valuation

Balance at 1 April 2021	6	-	6
Transfers to Non-Current Assets	(6)	-	(6)
Disposals	-	-	-
<b>As at 31 March 2022</b>	<b>-</b>	<b>-</b>	<b>-</b>

Property £'000	Intangible Assets £'000	Total £'000
6	-	6
(6)	-	(6)
-	-	-
<b>-</b>	<b>-</b>	<b>-</b>

### Cost or valuation

Balance at 1 April 2020	400	-	400
Transfers from Non-Current Assets	53	-	53
Disposals	(447)	-	(447)
<b>As at 31 March 2021</b>	<b>6</b>	<b>-</b>	<b>6</b>

Property £'000	Intangible Assets £'000	Total £'000
400	-	400
53	-	53
(447)	-	(447)
<b>6</b>	<b>-</b>	<b>6</b>

## 7. Intangible assets

### 7a Intangible assets current year

Purchases of total intangible assets in the schedule of £7,600k (2020-21: £8,283k) appear in the cash flow statement as £7,472k after adjustment for opening and closing intangible asset accruals in trade and other payables.

### Cost or valuation

Balance at 1 April 2021	4,999	23,293	1,410	29,702
Additions	649	3,608	3,343	7,600
Disposals	(191)	(57)	-	(248)
Transfers	-	113	-	113
<b>As at 31 March 2022</b>	<b>5,457</b>	<b>26,957</b>	<b>4,753</b>	<b>37,167</b>

Software licences £'000	ICT software £'000	Assets under development £'000	Total £'000
4,999	23,293	1,410	29,702
649	3,608	3,343	7,600
(191)	(57)	-	(248)
-	113	-	113
<b>5,457</b>	<b>26,957</b>	<b>4,753</b>	<b>37,167</b>
2,400	9,813	-	12,213
375	2,483	-	2,858
(191)	(57)	-	(248)
-	38	-	38
<b>2,584</b>	<b>12,277</b>	<b>-</b>	<b>14,861</b>

### Amortisation

Balance at 1 April 2021	2,400	9,813	-	12,213
Charged in year	375	2,483	-	2,858
Disposals	(191)	(57)	-	(248)
Transfers	-	38	-	38
<b>As at 31 March 2022</b>	<b>2,584</b>	<b>12,277</b>	<b>-</b>	<b>14,861</b>

### Net book value as at 31 March 2022

<b>2,873</b>	<b>14,680</b>	<b>4,753</b>	<b>22,306</b>
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Net book value as at 31 March 2021

2,599	13,480	1,410	17,489
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The intangible assets include the ICMS system which is an internally generated case management system which has a carrying amount of £8,487k with a remaining amortisation period of 55 months.

## 7b. Intangible assets prior year

Purchases of total intangible assets in the schedule of £8,283k (2019-20: £2,574k) appear in the cash flow statement as £7,692k after adjustment for opening and closing intangible asset accruals in trade and other payables.

	Software licences £'000	ICT software £'000	Assets under development £'000	Total £'000
<b>Cost or valuation</b>				
Balance at 1 April 2020	4,941	17,484	-	<b>22,425</b>
Additions	902	5,971	1,410	<b>8,283</b>
Disposals	(844)	(162)	-	<b>(1,006)</b>
<b>As at 31 March 2021</b>	<b>4,999</b>	<b>23,293</b>	<b>1,410</b>	<b>29,702</b>
<b>Amortisation</b>				
Balance at 1 April 2020	2,909	8,360	-	<b>11,269</b>
Charged in year	335	1,615	-	<b>1,950</b>
Disposals	(844)	(162)	-	<b>(1,006)</b>
<b>As at 31 March 2021</b>	<b>2,400</b>	<b>9,813</b>	-	<b>12,213</b>
<b>Net book value as at 31 March 2021</b>	<b>2,599</b>	<b>13,480</b>	<b>1,410</b>	<b>17,489</b>
Net book value as at 31 March 2020	2,032	9,124	-	11,156

The intangible assets include the ICMS system which is an internally generated case management system which has a carrying amount of £7,178k with a remaining amortisation period of 67 months.

## 8. Trade receivables and other assets

### Amounts falling due within one year

Trade receivables	
VAT	
Other receivables	
Prepayments	
Accrued income	
<b>Total receivables due within one year</b>	

	2021-22 £'000	2020-21 £'000
	2,275	2,326
	2,410	2,619
	272	355
	4,820	5,797
	1,138	1,061
	<b>10,915</b>	<b>12,158</b>
	2021-22 £'000	2020-21 £'000
Other receivables	-	-
<b>Total receivables due in more than one year</b>	-	-
<b>Total at 31 March 2022</b>	<b>10,915</b>	<b>12,158</b>

### Amounts falling due in more than one year

Other receivables	
<b>Total receivables due in more than one year</b>	

### Total at 31 March 2022

## 9. Cash and cash equivalents

Balance at 1 April 2021	
Net change in cash and cash equivalent balances	
<b>Balance as at 31 March 2022</b>	

### The following balances at 31 March 2022 were held at:

Commercial banks and cash in hand	
Government Banking Service	
<b>Balance as at 31 March 2022</b>	

	2021-22 £'000	2020-21 £'000
	16,942	16,859
	(3,162)	83
	<b>13,780</b>	<b>16,942</b>
	13,256	13,882
	524	3,060
	<b>13,780</b>	<b>16,942</b>

## 10. Payables and other current liabilities

### Amounts falling due within one year

Trade payables	
Other payables	
Accruals	
Deferred income	
Corporate balance with the Scottish Government	
<b>Total payables due within one year</b>	

	2021-22 £'000	2020-21 £'000
	16	-
	1,788	2,553
	10,694	9,488
	14	14
	2,164	1,343
	<b>14,676</b>	<b>13,398</b>

### Amounts falling due in more than one year

Other payables	
Deferred income and accruals	
<b>Total payables due in more than one year</b>	

	2021-22 £'000	2020-21 £'000
	1,919	2,012
	195	209
	<b>2,114</b>	<b>2,221</b>

**Total at 31 March 2022**

	<b>16,790</b>	<b>15,619</b>
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## 11. Provisions for liabilities and charges

### 11a Provisions for liabilities and charges current year

	Property and dilapidations £'000	President's pension costs £'000	Compensation costs £'000	2021-22 Total £'000
Balance as at 1 April 2021	3,716	882	101	4,699
Add: element reported as due within one year	332	46	69	447
<b>Total as at 1 April 2021</b>	<b>4,048</b>	<b>928</b>	<b>170</b>	<b>5,146</b>
Provided for in year	395	145	186	726
Provisions not required written back	-	-	(10)	(10)
Provisions utilised in year	-	(46)	(54)	(100)
<b>Total as at 31 March 2022</b>	<b>4,443</b>	<b>1,027</b>	<b>292</b>	<b>5,762</b>
Payable within one year	(451)	(46)	(205)	(702)
<b>As at 31 March 2022</b>	<b>3,992</b>	<b>981</b>	<b>87</b>	<b>5,060</b>

Analysis of expected timing of any resulting outflows of economic benefits:

	Property and dilapidations £'000	President's pension costs £'000	Compensation costs £'000	2021-22 Total £'000
Payable in 1 year	451	46	205	702
Payable between 2 and 5 years	397	183	87	667
Payable between 6 and 10 years	386	229	-	615
Thereafter	3,209	569	-	3,778
<b>Total as at 31 March 2022</b>	<b>4,443</b>	<b>1,027</b>	<b>292</b>	<b>5,762</b>

### 11b Provisions for liabilities and charges prior year

	Property and dilapidations £'000	President's pension costs £'000	Compensation costs £'000	2020-21 Total £'000
Balance as at 1 April 2020	3,427	927	1	4,355
Add: element reported as due within one year	563	45	88	696
<b>Total as at 1 April 2020</b>	<b>3,990</b>	<b>972</b>	<b>89</b>	<b>5,051</b>
Provided for in year	128	2	155	285
Provisions not required written back	(52)	-	(26)	(78)
Provisions utilised in year	(18)	(46)	(48)	(112)
<b>Total as at 31 March 2021</b>	<b>4,048</b>	<b>928</b>	<b>170</b>	<b>5,146</b>
Payable within one year	(332)	(46)	(69)	(447)
<b>As at 31 March 2021</b>	<b>3,716</b>	<b>882</b>	<b>101</b>	<b>4,699</b>

Analysis of expected timing of any resulting outflows of economic benefits:

	Property and dilapidations £'000	President's pension costs £'000	Compensation costs £'000	2020-21 Total £'000
Payable in 1 year	332	46	69	447
Payable between 2 and 5 years	82	182	101	365
Payable between 6 and 10 years	699	228	-	927
Thereafter	2,935	472	-	3,407
<b>Total as at 31 March 2021</b>	<b>4,048</b>	<b>928</b>	<b>170</b>	<b>5,146</b>

## 11c Details of Provisions

### Property and dilapidations

This represents the impact of the periodic revaluation exercises along with estimated amounts due on the expiry of property leaseholds held by the SCTS, to return the properties to their original condition. The amounts due and the timing of payments depends on the terms and conditions of each lease, reinstatement works covers, general wear and tear and the extent of alternations carried out by the SCTS over the period of the lease.

### President Pension

This relates to the pension contributions for the Presidents of the Mental Health Tribunal.

### Compensation

Amounts have been provided for material claims for compensation against the SCTS from service users. The amounts provided are based on an assessment of the amounts claimed and the likelihood of a payment being required. Where a settlement is considered unlikely to be required no provision is made.

## 12. Capital commitments

As at 31 March, contracted capital commitments for which no provision has been made were as follows:

	2022 £'000	2021 £'000
<b>Property, plant and equipment</b>		
Airdrie Sheriff Court	169	-
Edinburgh Sheriff Court	183	651
Hamilton Sheriff Court	14	301
Glasgow 3 Atlantic Quay	-	143
Glasgow Sheriff Court	60	313
Glasgow High Court	-	139
Greenock Sheriff Court	8	-
Parliament House	12	132
Other	29	534
<b>Intangible Assets</b>		
Integrated Case Management System (ICMS)	383	269
Other Digital	14	-
Desktop and infrastructure	-	217
Compliance	-	294
Software development	-	480
<b>Total</b>	<b>872</b>	<b>3,473</b>

As at 31 March, authorised but not contracted capital commitments for which no provision has been made were as follows:

	2022 £'000	2021 £'000
<b>Intangible Assets</b>		
Integrated Case Management System (ICMS)	536	-
Other Digital	10	-
<b>Total</b>	<b>546</b>	<b>-</b>

### 13. Commitments under operating leases

As at 31 March, total future minimum lease payments under operating leases are given in the table below:

	2021-22 £'000	2020-21 £'000
<b>Buildings</b>		
Within one year	5,805	5,783
Between two and five years (inclusive)	20,570	20,679
After five years	43,896	49,019
<b>Total</b>	<b>70,271</b>	<b>75,481</b>

### 14. Related Party Transactions

The SCTS is a Non Ministerial Departmental Body in the Scottish Administration. During the year, SCTS has had various material transactions with the Scottish Government and the Crown Office.

The SCTS has also had a number of transactions with other government departments, central government bodies, local government and other non-departmental public bodies.

Mr Simon Catto, solicitor member of the SCTS Board (appointment ended 31 December 2021), was a Member of Addleshaw Goddard LLP.

Ms Lynsey Walker, solicitor member of the SCTS Board (Board Member from 17 January 2022), was a Member of Addleshaw Goddard LLP.

All transactions involving organisations in which a member of the Board may have an interest are conducted arm's length and in accordance with the SCTS's financial regulations. During the year the SCTS received £62,701 in respect of payments for services rendered to Addleshaw Goddard.

Remuneration paid to Board and Executive Team members is given in the Remuneration Report given above.

No other Board or Executive Team members have undertaken any material transactions with the SCTS.

### 15. Financial Instruments

The SCTS resource requirements are met from Scottish Government via the annual grant-in-aid provision and from other income generated from activities. The SCTS has no power to borrow funds and all surplus funds are held in interest bearing deposit accounts. Other than financial assets and liabilities which are generated by day-to-day operational activities, the SCTS holds no financial instruments. Because of the nature of its activities and the way in which the SCTS is financed, the SCTS is not exposed to the degree of financial risk faced by business entities.

#### Liquidity risk

Scottish Ministers make provision for the SCTS's use of resources, for revenue and capital purposes, in its budget for each financial year. Resources and accruing resources may be used only for the purposes specified and up to the amounts specified in the budget. The SCTS is not therefore exposed to significant liquidity risks.

#### Market risk

Market risk is the risk that the fair value of future cash flows of a financial instrument will fluctuate because of changes in market prices. Market prices that could affect the SCTS are interest rate risk. As noted above, the SCTS has no power to borrow and all surplus funds are held in interest bearing deposit accounts or the Government Banking Service. The SCTS has no other investments and therefore there is limited exposure to interest rate risk.

#### Credit risk

Credit risk is the risk that a counterparty will not meet its obligations under a financial instrument or contract, leading to a financial loss. The SCTS is exposed to credit risk from its operating activities (primarily for trade and other receivables) but the level of risk is not deemed significant. Credit risk related to trade and other

receivables is managed through established procedures relating to the monitoring and follow up of outstanding balances.

### **Fair values**

The fair value of the financial assets and liabilities are included at the amount at which the instrument could be exchanged in a current transaction between willing parties, other than in a forced or liquidation sale. The following methods and assumptions were used to estimate the fair values:

Cash and cash equivalents, trade receivables, trade payables, and other current liabilities approximate their carrying amounts largely due to the short-term maturities of these instruments. There is no difference between the book value and fair value for the cash and cash equivalents shown in note 9.

### **16. Losses**

During the financial year there were 2 instances of cash handling losses totaling £815.00 (2020-21: 2 instances totaling £30.00).

### **17. Third Party Assets**

Cash balances of £30,575k (2020-21: £36,173k), as per confirmed via report form the banks, are held on behalf of third parties. This is mainly money consigned into court in respect of liquidations, cautions, expenses in civil actions and unclaimed dividends. These third party assets are not the property of the SCTS and are not included in the SCTS's accounts

### **18. Contingent Assets/Liabilities disclosed under IAS 37**

At the 31 March 2022 there were no material contingent assets/liabilities.

### **19. Post Balance Sheet Events**

In line with IAS 10, the SCTS considers there to be no adjusting or non-adjusting events



## Annex 1

## SCTS Business Volume Levels, 2021-22

**SCTS Business Volumes 2021-22: Overview**

While COVID-19 continued to present a major challenge in 2021-22, the figures detailed below illustrate the innovative approaches used to ensure business could continue. While the continued need to prioritise safety and maintain physical distancing reduced our capability to return to full business as usual processing levels in our summary criminal courts at times last year, we were able to introduce additional court capacity in September 2021, in order to increase case throughput and begin addressing the backlogs that have developed.

*The tables below provide summaries of key business volumes for 2021-22 and the two years prior (2020-21 and 2019-20). The [SCTS Business Plan](#) provides a projection of anticipated business volumes in 2022-23.*

**Solemn, Summary and Civil Business**

Our innovative approach to managing solemn business, which saw the introduction of jury centres in September 2020 and a return to pre-COVID trial court capacity in the High Court, coupled with the our criminal court recovery programme introduced in September 2021, has had a significant and positive impact on case processing levels. In the High Court, the number of evidence led trials in 2021-22 increased by approximately 16% when compared to pre-pandemic (2019-20).

In the Sheriff solemn courts, the number of evidence led trials is approximately 80% of the levels pre-pandemic. However, business in the Sheriff solemn courts was impacted by COP26 and our limitations on multi-accused trials for part of 2021 due to physical distancing restrictions, factors that did not impact on High Court business (the High Court was able to accommodate up to nine accused in a court specifically configured to manage multi-accused trials with physical distancing in place).

Summary criminal business continues to represent the highest volume of our work and we expect case volumes to increase when compared with the past two years, as the additional capacity introduced through the recovery programme makes inroads into the outstanding case backlogs. In order to increase transparency and support recovery planning we are now publishing [monthly statistics](#) on criminal case throughput and outstanding case levels, which provides the most up to date position on case volumes, throughput and backlogs throughout the year.

Civil court business has experienced less of an impact as a result of the pandemic, due to the ability to conduct the majority of business online via WebEx. In the Court of Session, there was a small increase in case registrations in 2021-22 in comparison to 2019-20, but a marked increase in the number of proofs proceeding. In the Sheriff civil courts, case registrations are still significantly lower than pre-pandemic, but the number of proofs proceeding has recovered to close to the numbers held in 2019-20.

**Office of the Public Guardian**

Both the submission and processing levels of Powers of Attorney (POA) and Guardianship orders increased in 2021-22 to levels beyond those seen pre-pandemic. Backlogs have accrued in the processing of Guardianship orders and a programme to address these will be delivered during 2022-23. The Public Guardian continues to ensure that all urgent and expedited applications are given priority at this time, to ensure that the most essential cases are effectively actioned.

**Tribunal Business**

Whilst there have been some temporary impacts as a consequence of the pandemic, levels of business across Scotland's devolved tribunals generally remained at comparable levels to 2020-21. As new welfare benefits are devolved to Scotland, the work of the Social Security Chamber will increase significantly with case registrations expected to rise to over 9,000, which will make this the tribunal with the largest caseload. SCTS is working closely with the Scottish Government to ensure that the systems needed to manage this level of business are in place, and that sufficient resources — both staff and judicial — are available to support the expansion.

## High Court

	2021-22	2020-21	2019-20
High Court judge days	4,201	2,227	3,486
Indictments registered	823	851	1,118
Trials (evidence led)	577	278	498
High Court criminal appeals lodged	450	281	630

## Court of Session

	2021-22	2020-21	2019-20
Court of Session judge days	1,369	1,240	1,328
Cases registered	1,012	882	975
Proofs proceeding	90	63	58
Court of Session: civil appeals/reclaiming motions	151	188	229
Civil petitions registered	990	1,067	1,185

## All-Scotland Courts

	2021-22	2020-21	2019-20
<i>Sheriff Appeal Court - criminal appeals lodged<sup>18</sup></i>	323	273	611
<i>Sheriff Appeal Court - civil appeals lodged</i>	189	132	294
<i>Personal Injury Court: registrations</i>	3,321	2,944	3,220

## Sheriff and Justice of the Peace Courts

<b>Sheriff Courts: Summary Criminal</b>	2021-22	2020-21	2019-20
<i>Complaints registered</i>	55,506	54,110	65,490
<i>Trials with evidence Led</i>	5,503	2,721	6,946

<b>Sheriff Courts: Solemn Criminal</b>	2021-22	2020-21	2019-20
<i>Sheriff and jury indictments registered</i>	5,759	4,851	5,452
<i>Sheriff and jury trials with evidence led</i>	907	197	1,134

<sup>18</sup> A change in methodology has been implemented in 2021-22 for criminal appeal lodged, limiting the count to appeals against conviction; sentence, and; conviction and sentence. All three accounting years tabled have been restated using this methodology

<b>Justice of the Peace Courts</b>	<b>2021-22</b>	<b>2020-21</b>	<b>2019-20</b>
Complaints registered	23,557	16,932	33,582
Trials with evidence led	518	349	1,543
Sitting days	2,336	1,583	3,477

<b>Sheriff Courts: Civil</b>	<b>2021-22</b>	<b>2020-21</b>	<b>2019-20</b>
Ordinary Cause registered	21,144	18,091	23,089
OC proofs and debates proceeding	463	216	543

<b>Summary Cause/Small Claims/Simple Proc.</b>	<b>2021-22</b>	<b>2020-21</b>	<b>2019-20</b>
Cases registered	26,923	20,502	45,953
SC proofs Proceeding	316	85	368

<b>Sheriff Courts: Sitting Days</b>	<b>2021-22</b>	<b>2020-21</b>	<b>2019-20</b>
Number of days	27,610	18,391	26,981

<b>Commissary</b>	<b>2021-22</b>	<b>2020-21</b>	<b>2019-20</b>
Inventories recorded	26,916	22,977	23,797

#### Office of the Public Guardian

	<b>2021-22</b>	<b>2020-21</b>	<b>2019-20</b>
Powers of Attorney registered	57,819	37,999	64,166
Guardianship Orders registered	2,763	1,912	2,778

#### Upper Tribunal, First-tier Tribunals and other Tribunals administered by the SCTS

<b>Upper Tribunal for Scotland</b>	<b>2021-22</b>	<b>2020-21</b>	<b>2019-20</b>
Receipts	43	30	53
Disposals	30	38	51
Hearing Days	36	18	22
<b>First-tier Tribunal for Scotland (Housing and Property Chamber)</b>			
<b>Property Factor</b>	<b>2021-22</b>	<b>2020-21</b>	<b>2019-20</b>
Receipts	201	218	187
Disposals	189	196	208
Hearing Days	136	116	74
<b>Rent and Repairs</b>			
Receipts	166	129	151
Disposals	164	96	178
Hearing Days	262	89.5	157.5

<b>Third Party</b>			
Receipts	31	13	49
Disposals	28	18	25
Hearing Days	64	38.5	96
<b>Right of Entry</b> (cases are disposed of by decision rather than hearing)			
Receipt	161	81	79
Disposal	138	51	75
Decisions	80	26	45
<b>Letting Agents</b>			
Receipts	47	66	151
Disposals	52	78	135
Hearing Days	42	59	44
<b>Private Rented Sector</b>			
Receipts	2,760	1,960	3,507
Disposals	2,495	2,304	3,551
Hearing Days	326.5	323	230
Case Management Days	1340	1,225	1,195
<b>First-tier Tribunal for Scotland (Health and Education Chamber)</b>			
<b>Additional Support Needs</b>			
Receipts	133	83	146
Disposals	131	125	132
Hearing Days	45	58	47
<b>First-tier Tribunal for Scotland (Tax Chamber)</b>			
<b>Tax</b>			
Receipts	10	2	24
Disposals	8	7	18
Hearing Days	13	4	25
<b>First-tier Tribunal for Scotland (General Regulatory Chamber)</b>			
<b>Charity Appeals</b>	<b>2021-22</b>	<b>2020-21</b>	<b>2019-20</b>
Receipts	0	0	1
Disposals	0	0	1
Hearing Days	0	0	2
<b>Parking and Bus Lane Appeals</b> (SCTS assumes responsibility during 2021-22)			
Receipts	727	819	-
Disposals	670	909	-
Hearing Days	34	41	-

<b>First-tier Tribunal for Scotland (Social Security Chamber)</b>			
<b>Social Security</b>			
Receipts	54	46	67
Disposals	57	42	60
Hearing Days	11	9	17
<b>Other Tribunals administered by SCTs</b>			
<b>Mental Health Tribunal for Scotland</b>			
Receipt	5105	5,057	4,600
Disposal	4741	4,812	4,509
Hearing Days	3531	3,227	3,407
<b>Mental Health Tribunal for Scotland (Excessive Security)</b>			
Receipts	32	34	31
Disposals	28	34	26
Hearing Days	29	30	22
<b>Mental Health Tribunal for Scotland (Section 26)*</b>			
Receipts	0	0	-
Disposals	0	0	-
Hearing Days	0	0	-
<b>Lands Tribunal for Scotland</b>			
Receipts	545	2,059	335
Disposals	223	214	331
Hearing Days	34	16	80
<b>Pension Appeals Tribunal for Scotland</b>			
Receipts	172	191	280
Disposals	232	215	272
Hearing Days	47	43	64
<b>Council Tax Reduction Review Panel</b>			
Receipts	48	42	57
Disposals	45	47	60
Hearing Days	25	8	14

\*Part 2 of the Management of Offenders (Scotland) Act 2019 commenced 30 November 2020. This legislation amended the Mental Health (Care and Treatment) (Scotland) Act 2003 adding a new application type for patients who are subject to a compulsion order under section 164A.

## Annual Report for the Office of Auditor of Court (in accordance with section 19(2) of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018)

Part 3 of this Act came into force on 30 January 2019. From that date, the SCTS has the responsibility for appointments to the offices of Auditor of the Court of Session, Auditor of the Sheriff Appeal Court, Auditor of the All Scotland Personal Injury Court and Auditor of the Sheriff Courts. SCTS must report on the number of taxations carried out and the fees charged by these auditors. Transitional provisions were put in place to permit the continuation of the current service, offered by the existing Auditor of the Court of Session and independent auditors, as private businesses, until they retire or demit office. The transitional arrangements excuse the SCTS from reporting on the work carried out by these private auditors.

From 1 April 2022, the Auditor of the Court of Session was appointed on a permanent basis, assuming additional responsibilities as Auditor of the All Scotland Personal Injury Court and the Sheriff Appeal Court. From 14 February 2022, the Auditor of Court for Lothian and Borders was appointed. Between 1 September 2021 and March 2022, by agreement with the Sheriffs Principal Lothian and Borders, Judicial Audits for the sheriffdom were undertaken by Auditors for other sheriffdoms, until the permanent appointment was made. The Fee income for Lothian and Borders dates from 1 September 2021 – 31 March 2022. All other sheriffdom business volumes and for the full financial year.

At 31 March 2022, all sheriffdoms have a permanently appointed Auditor of Court, with the Auditor for North Strathclyde having permanent responsibility for audits in the sheriffdom of South Strathclyde, Dumfries and Galloway.

### Audits Undertaken

Judicial Taxations <sup>19</sup>	2021-22	2020-21	2019-20
Auditor of the Sheriff Court (appointed by SCTS)	928	470	607
All Scotland Personal Injury Court		19	-
Sheriff Appeal Court		20	-

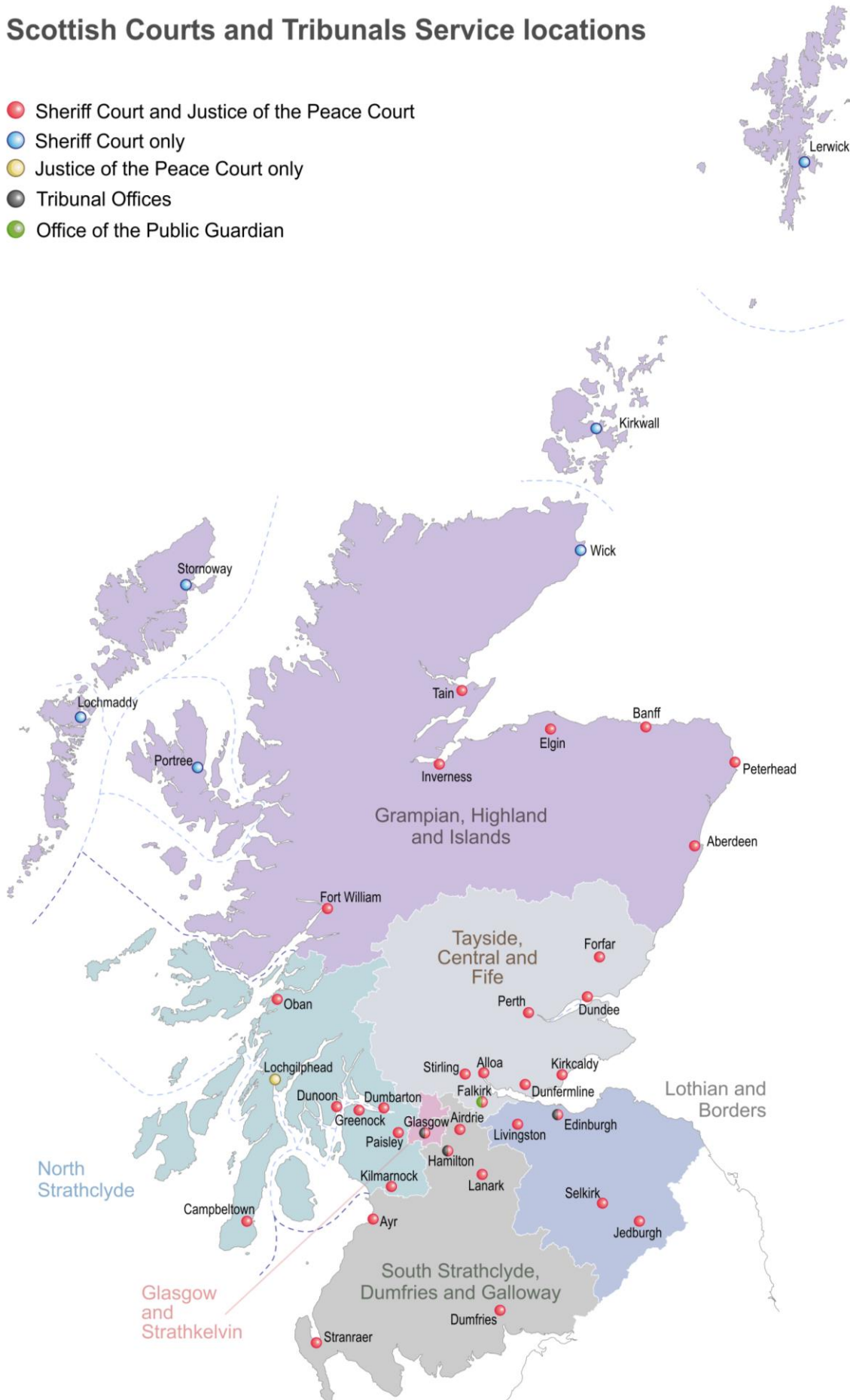
### Value of Fees Raised

Judicial Taxations	2021-22	2020-21	2019-20
Auditor of the Sheriff Court (appointed by SCTS)	£232,967	£139,797	£137,505
All Scotland Personal Injury Court		£51,450	-
Sheriff Appeal Court		£11,986	-

<sup>19</sup> An account of expenses remitted to an auditor of court by a court or tribunal

### Scottish Courts and Tribunals Service locations

- Sheriff Court and Justice of the Peace Court
- Sheriff Court only
- Justice of the Peace Court only
- Tribunal Offices
- Office of the Public Guardian



**DIRECTION BY THE SCOTTISH MINISTERS*****In accordance with section 19(4) of the Public Finance and Accountability (Scotland) Act 2000***

- 1. The statement of accounts for the financial year ended 31 March 2006 and subsequent years shall comply with the accounting principles and disclosure requirements of the edition of the Government Financial Reporting Manual (FREM) which is in force for the year for which the statement of accounts are prepared.*
- 2. The accounts shall be prepared so as to give a true and fair view of the income and expenditure, recognised gains and losses, and cash flows for the financial year, and of the state of affairs at the end of the financial year.*
- 3. This direction shall be reproduced as an appendix to the statement of accounts. The direction given on the 29 March 2001 is hereby revoked.*

A handwritten signature in blue ink, appearing to read 'Alyson Stelfox', is written over a faint, light blue circular watermark.

*Signed by authority of the Scottish Minister*

*Dated 17 January 2006*



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*Any enquiries regarding this publication should be sent to us at:*

*Scottish Courts and Tribunals Service  
Saughton House  
Broomhouse Drive  
Edinburgh  
EH11 3XD*

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