



## SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD MEETING: Monday 10 October 2022, Airth

**Present:** Maggie Craig  
Steven Dickson  
Lady Dorrian, Lord Justice Clerk (Chair)  
Ruth Innes, KC  
Eric McQueen  
Morna Rae, JP  
Anne Scott  
Sheriff Principal Craig Turnbull  
Lynsey Walker  
Lord Woolman

**Attended:** Noel Rehfisch, Interim Deputy Chief Executive, SCTS  
Karen Lawrie, Head of Secretariat, SCTS

**Apologies:** Lord Carloway, Lord President  
Dr Sophie Flemig  
Sheriff Jillian Martin-Brown  
Sheriff Olga Paspornikov

### 1. Minutes of the SCTS Board Meeting on 15 August 2022

1.1 The Minutes of the last meeting were approved.

### 2. Declarations of Interest and Matters Arising

2.1 There were no declarations of interest.

### 3. Observations from Prison Visits

3.1 Ahead of the formal meeting the Board visited Barlinne, Glenochil and Shotts Prisons in small groups. The visits included a tour of the prison facilities and were an opportunity to discuss the issues and challenges facing the Scottish Prison Service (SPS) and the wider justice system. The Board were impressed by the range of activities available to support prisoners with education and rehabilitation and the arrangements in place to take account of the differing welfare needs of prisoners. They also commended the staff of SPS for their positivity and dedication, which was apparent throughout the visits.

3.2 Teresa Medhurst, Chief Executive of the Scottish Prison Service joined the Board meeting to discuss the visits and issues of mutual interest across the justice system. She highlighted a number of pressures facing the SPS which were similar to those facing the SCTS, such as funding, recruitment and the development of technology to support recovery and reform following the COVID-19 pandemic.

3.3 The Board thanked Teresa and the SPS staff for facilitating the thought provoking visits which had highlighted the work of SPS and the challenges faced across the wider justice system.

## **4. Finance Report/SCTS Pay Remit**

4.1 The Board considered a report on financial performance to the end of August 2022. The total 2022-23 budget was now £183m, including anticipated in-year funding transfers from the Scottish Government. Full year expenditure was currently forecast to be over budget, due to projected cost pressures that would arise from a revised pay settlement.

4.2 The Board acknowledged the ongoing discussions with the Scottish Government to secure financial support to put in place a pay award that was both fair and affordable. It was hoped that discussions would conclude in the coming weeks to allow the pay award to be made as soon as possible, backdated to April 2022.

4.3 An update on the Scottish Government's Resource Spending Review was presented. The review set out the financial framework for the devolved public sector from 2023-24 to 2026-27. The review announced that all bodies in the justice sector, including SCTS, would be awarded an initial flat-cash settlement for each of the following four financial years. This would represent a significant real-terms budget cut due to inflation.

4.4 The Board recognised the ongoing work to assess the impact of such a settlement and acknowledged the severe limitations to the delivery of post-pandemic recovery and reform, should budgets be restricted in this way. It was clear that a flat-cash settlement would have significant negative impacts on service delivery, impacting court and tribunal users, partners and staff.

4.5 The Board agreed that representation should be made to the Scottish Government and the Scottish Parliament to stress the significant impact that reductions of this scale would have.

## **5. COVID-19 Lessons Learned Report**

5.1 The Board considered a review of the SCTS response to the COVID-19 pandemic. The review had sought feedback from the Strategic Incident Management (SIM) Team, staff and key internal and external stakeholders on the approach taken to handling the pandemic and identified areas for future action and improvement.

5.2 The Board shared their views on the experience of the pandemic as part of the process. They concurred that the overall response had been effective and agreed that further work should be carried out to refresh business continuity arrangements in view of the knowledge and practices developed during the pandemic and the changes in operational ways of working.

5.3 The Executive confirmed that the SIM team would scrutinise the feedback contained in the review and implement any recommendations made.

## **6. SCTS Committee Update**

### *People Committee*

6.1 The Deputy Chair of the People Committee provided an update on the matters discussed at its last meeting in August. The Committee had completed its annual scrutiny of SCTS absence levels. The Committee commended the detailed level of analysis that had been undertaken. The development of the SCTS Hybrid Working Policy had also been discussed.

## **7. Digital by Design**

7.1 The Board acknowledged the reliance of the SCTS on a range of digital systems and technology to support its business. Throughout the pandemic the importance of these systems, and the need to maintain and develop them, had been heightened. Mike Milligan, Executive

Director, Change and Digital Innovation, updated the Board on the substantial work that had already been carried out to support the organisation and the plans for further development. These would ensure that SCTS had high quality digital services in place that allowed the SCTS to support justice.

7.2 Considerable investment had been made to enhance the SCTS core infrastructure which proved essential in supporting new ways of working. The Executive stressed the importance of making use of new cloud computing services, up to date business systems, reliable networks and innovative new case management and hearing systems to ensure that the SCTS provided a modern, efficient and resilient service, meeting the needs of those who use it.

7.3 The Board commended the work of all involved in achieving real progress at speed and recognised the role played both by the digital teams and the organisation as a whole, as it adapted to new ways of working. The need to maintain investment in cyber security was also accepted as essential due to greater reliance on digital systems. The risk of significant budget cuts was also discussed as these would inevitably lead to some developments being put on hold or stopped altogether.

## **8. Any Other Business**

8.1 None

## **9. Papers for Scrutiny/Exception Reporting Only**

9.1 The following papers had been circulated for scrutiny:

- the SCTS Decision Tracker.
- Customer Service Excellence Accreditation and Court User Satisfaction Survey Updates

No matters were raised by exception.

## **10. Date of the Next Meeting**

10.1 The next meeting would be held on Monday 28 November 2022.

## **11. SCTS Corporate Plan 2023-26 – Civil Justice Reform and Tribunals and OPG Reform**

11.1 Kay McCorquodale, Executive Director, Judicial Office and Chair of the Civil Justice Executive Action Board and Tim Barraclough, Executive Director Tribunals and Office of the Public Guardian (TOPG) and Chair of the TOPG Executive Action Board joined the meeting.

11.2 Every three years SCTS must produce a Corporate Plan setting out its high-level direction and outcomes for the following 3-year period. The next plan will cover 2023-26. The Board held the second in a series of detailed discussion sessions on key reform areas focusing on civil justice, tribunals and OPG.

11.3 Kay McCorquodale outlined the vision for civil justice reform, setting out the significant progress that had been made in the development of the civil case management system in recent years. In the coming Corporate Plan period the ambition would be to extend that system to all civil business types, invest in courtroom technology to support hybrid or fully virtual hearings wherever appropriate, ensure case documentation could be submitted and displayed electronically and increase public access to proceedings through online access or live streaming of appropriate cases.

11.4 Tim Barraclough updated the Board on work to ensure that all tribunals provide just, fair, specialist and user-friendly access. The ongoing programme of migration into the First-tier Tribunal

for Scotland Chamber structure was noted. The crucial work carried out by staff in the Office of the Public Guardian was acknowledged. The pressing need for a new case management system was highlighted. The new system would streamline existing work, provide improved access and a wider range of services whilst allowing OPG staff to focus on higher value work.

11.5 The Board welcomed the discussions and supported the proposed reforms which would be developed into objectives for the corporate plan. Draft outcomes for these areas of the corporate plan were reviewed. These would be subject to adequate funding being made available to maintain progress and develop new systems.

Scottish Courts and Tribunals Service  
October 2022