



# MINUTES

## SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD

MEETING: Monday 16 August 2021 (Meeting held via Video Conference - WebEx)

**Present:** Rt Hon Lord Carloway, Lord President (Chair)  
Joe Al-Gharabally  
Simon Catto  
Rt Hon Lady Dorrian, Lord Justice Clerk  
Dr Sophie Flemig  
Dr Kirsty Hood QC  
Sheriff Jillian Martin-Brown  
Colonel David McIlroy  
Eric McQueen  
Sheriff Olga Pasportnikov  
Morna Rae, JP  
Anne Scott  
Sheriff Principal Craig Turnbull

**Attended:** Noel Rehfisch, Deputy Chief Executive, SCTS  
Karen Lawrie, Secretariat Business Manager, SCTS

**Apologies:** Rt Hon Lord Woolman

### 1. Minutes of the SCTS Board Meeting on 14 June 2021

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.

2.2 Due to the ongoing COVID-19 pandemic, the Board meeting was held by video conference with members joining remotely.

### 3. Coronavirus (COVID-19) Update

3.1 The Board reviewed recent events and the ongoing SCTS response to the COVID-19 pandemic. Oversight of the response continued to be provided by the Strategic Incident Management Team. This ensured that the situation was kept under review, key information was shared and sound decisions were made.

3.2 Developments since the last meeting at the end of June were reviewed. In-line with the Scottish Government's move beyond level 0 a relaxation of measures across the estate had been introduced on 9 August. One metre physical distancing was now in place in all SCTS Buildings. The Executive would review the baseline measures currently in place during September and October. Plans were in place for the expansion of criminal court capacity from September.

3.3 The Board recognised the continuing pressures being faced by the SCTS, and the wider justice system, as recovery efforts continued. They commended the efforts of both staff

and the judiciary in maintaining the safety of operations, whilst managing backlogs and change. The cautious approach being taken to the relaxation of restrictions was welcomed.

3.4 The Board acknowledged that continued investment beyond the current year would be required to tackle the backlogs that had accrued in criminal business as a consequence of the pandemic. Recovery planning continued to be managed in collaboration with other justice bodies. Modelling would be updated to illustrate the impact of the recovery programme and to reflect anticipated case volumes. The continued use of new approaches to maximise capacity, such as remote and virtual hearings, was welcomed by the Board.

#### **4. Finance Report**

4.1 The Board considered a report on financial performance to the end of June 2021. The total budget for 2021-22 was projected to be £176.6m, which included previously anticipated in-year funding transfers planned for the Autumn and Spring budget reviews. There had been a stronger than anticipated recovery in civil court fee income at this early stage in the financial year.

4.2 The Board agreed that estates backlog maintenance and digital priorities should benefit from any available funding. These were priority areas where it had not been possible to meet demand fully when budgets were set. Estates Committee members welcomed the additional funding for backlog maintenance.

#### **5. Spending Review**

5.1 The Board considered an overview of the Scottish Government's emerging approach to a Spending Review which would set budgets for 2022-23 and beyond. It was anticipated that the Scottish Government would produce a multi-year spending review, providing an indication of the funding available across the public sector for the next 3-5 financial years.

5.2 Preparations were under way to ensure that the Scottish Government were well-informed of the priorities and needs of the SCTS as part of the Spending Review process. The Board would be kept informed as the review progressed.

#### **6. SCTS Audit and Risk Committee**

6.1 The Deputy Chair of the SCTS Audit and Risk Committee provided a summary of the matters discussed at its last meeting. An update on recruitment within the Finance and Procurement Team had been positively received. Good progress had been made. The Internal Audit Cyber Security Review had been completed with reasonable assurance received. The Committee welcomed the assurance this provided and the further actions identified. External Audit had commended the Finance team on the high quality of annual accounts and working papers. They provided an unqualified audit opinion for the Annual Report and Accounts.

6.2 The Chair of the SCTS Audit and Risk Committee presented the Committee's Annual report. This reflected the work of the Committee during the 2020-21 audit year. It set out priorities for the coming year. These included: providing direction and oversight of internal audit reviews; detailed consideration of corporate risks (including an annual workshop session with the Board) and a programme of deep dive sessions, which would allow the Committee to explore areas of particular interest in more detail with the Executive.

6.3 Based on its scrutiny and the assurances provided by the Executive, External Audit (Azets) and Internal Audit, the Committee recommended approval of the SCTS Annual Report and Accounts for 2020-21. The final version of the Report and Audited Accounts was presented for approval.

6.4 Having considered the Committee's Report and its recommendation, **the Board approved the Scottish Courts and Tribunals Service Annual Report and Accounts for 2020-21**. The SCTS Accountable Officer would now sign the Governance Statement. Arrangements would be put in place for the Annual Report and Accounts to be published and laid before the Scottish Parliament, following clearance from External Audit and Audit Scotland.

## **7. Business Plan Delivery Report and SCTS Board Scorecard – Q1**

7.1 The Board carried out its quarterly performance review. The current position on the delivery of the outcomes in the 2021-22 Business Plan and the Board Scorecard for the first quarter of 2021-22 were scrutinised.

7.2 The Board considered and approved a number of changes to operational performance measures in the Scorecard. A number of the measures were no longer providing meaningful oversight due to the increase in case backlogs and waiting periods caused by the pandemic. The Executive would finalise the revised measures and present them to the October Board meeting.

## **8. SCTS Committee Update**

### *Remuneration Committee*

8.1 The Remuneration Committee had met prior to the Board meeting. In accordance with the Scottish Government's Public Pay Policy for 2021-22, the Committee agreed to recommend a £3 (0.9%) increase in the daily fees for those members of the SCTS Board and its Committees who were not already in receipt of remuneration from public funds. This was approved.

8.2 The Chair of the Committee acknowledged the value and broad experience provided by the non-Executive members who were an essential part of the Board's operation.

### *Estates Committee*

8.3 The Committee chair updated the Board on discussions at its meeting in July. A briefing had been received from the Health and Safety Committee. The incidence of violence against staff and accidents in SCTS buildings were at record lows. This was attributed to COVID-19 which resulted in court buildings being closed to the public and staff working from home. The Committee had recently completed their annual appraisal exercise. Members were content with the operation of the Committee.

## **9. Any Other Business**

9.1 None

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

10.1 The following papers had been circulated for scrutiny:

- the SCTS Decision Tracker.

No matters were raised by exception.

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

11.1 The next meeting would be held on Monday 4 October 2021.

## 12. Post Meeting Discussion – Scottish Government Justice Policy Priorities

12.1 Neil Rennick (Director Justice, Scottish Government) shared the priorities of the new Scottish Government in the justice policy area. On behalf of the Government, Neil passed on his thanks to staff and judiciary in all areas of the SCTS for the efforts they had made to keep essential business running during the COVID pandemic. He recognised the efforts of front-line staff, those delivering support services from home and those involved in the new and innovative approaches which were introduced to manage business during this exceptional period.

12.2 The Scottish Government would publish its “Programme for Government” in the coming weeks. This would set out the justice priorities for the coming five-year parliamentary term. Most of these would be drawn from the SNP manifesto. It contained an ambitious range of proposals including: abolition of the not proven verdict; reforms to bail and the summary justice system; the introduction of a Victims’ Commissioner; and implementation of the recommendations in the Lord Justice Clerk’s [report](#) on improving the management of sexual offence cases.

12.3 Legislation which had been passed during the last parliamentary session would be implemented over the coming period. This would include laws relating to hate crime and cases involving children. Whilst this was a large agenda, Neil reassured the Board that the development and implementation of change would be managed in collaboration with all concerned, including SCTS. The importance of focusing on recovery would not be lost sight of as new proposals were developed.

12.4 The Board thanked Neil for his open and informative discussion and acknowledged his level of understanding of the operational business of the SCTS.

Scottish Courts and Tribunals Service  
August 2021