

MINUTES

SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD

MEETING: MONDAY 16 OCTOBER 2017, POLICE SCOTLAND CRIME CAMPUS, GARTCOSH

Present: Rt Hon Lord Carloway, Lord President (Chair)
Rt Hon Lady Dorrian, Lord Justice Clerk
Rt Hon Lady Smith
Dr Joe Morrow QC
Sheriff Principal Duncan Murray
Sheriff Iona McDonald
Sheriff Grant McCulloch
Johan Findlay OBE JP
Dr Kirsty Hood QC
Professor Hugh MacDougall
Colonel David McIlroy
Eric McQueen

Attended: Martin McKenna, Director, Tribunals Operations, SCTS (*Item 5 only*)
Noel Rehfisch, Corporate Secretary, SCTS (Minutes)

Apologies: Simon Catto
Joe Al-Gharabally

1. Minutes of the SCTS Board Meeting of 28 August 2017

1.1 The Minutes of the last meeting were approved.

2. Matters Arising

2.1 There were no outstanding actions from the last meeting.

3. Financial Results and Forecast Outturn 2017-18 (SCTS/Oct17/64)

3.1 The Board considered a report on financial performance to the end of August 2017. Autumn budget revisions had been agreed with the Scottish Government, bringing the total budget for 2017-18 to £108.8m.

3.2 The level of retained fines income collected in the year to date continued to fall below the level budgeted. The Board noted that representations had been made to the Scottish Government for support should the trend continue, leading to a shortfall in the full-year budget. Current fee projections were reviewed. The Board noted that these were now marginally ahead of budget overall and would be kept under close review.

3.3 The Executive reported that budgets were tight across the organisation. Both expenditure and income would continue to be managed actively for the remainder of the financial year, to ensure the most effective use of the resources available. The Board agreed to defer allocation of the financial reserve until nearer the end of the financial year, when the final outturn position would be clearer.

4. Spending Review (SCTS/Oct17/65)

4.1 The Executive provided an update on the Scottish Government's spending review process. This would set the revenue and capital budgets for Scottish public bodies for the next one to three years. The Chancellor had announced that the UK Government would publish its Autumn Budget on Wednesday 22 November 2017. The Scottish budget process would be finalised in the weeks following the UK announcement. The Executive continued to respond to requests from the Scottish Government in order to support the budget development process. Discussions had taken place to allow the organisation to set out its financial requirements in order to continue providing an efficient and effective courts and tribunals service.

5. Devolution of Reserved Tribunals (SCTS/Oct17/66)

5.1 The Board examined a feasibility study which had been developed jointly by the Ministry of Justice, the Scottish Government, HMCTS and SCTS. The study set out the provisional timings, costings and planning arrangements for the transfer of the administration of currently reserved tribunals from HMCTS to SCTS. It confirmed the earlier assumption that the transfer should be taken forward in two distinct phases. The first phase would involve the transfer of employment, tax, social security and child support jurisdictions. A second phase would cover the remaining jurisdictions, including immigration and asylum.

5.2 The study considered issues relating to the transfer of legislative competence, the transfer of members of the tribunal judiciary into the Scottish system and the administrative transfer of staff, buildings and support services that would be required to support devolution.

5.3 The Board noted that the transfer represented a significant undertaking for the organisation. The importance of ensuring adequate funding, both to manage the transfer process professionally and to deliver the desired operating model post-transfer, was stressed. A transfer of this scale involved a number of risks relating to: organisational capacity; funding; the transfer of existing members of the tribunal judiciary; judicial training; development of the necessary regulations to effect reform; review of existing tribunal case levels and rules; and the development of new and more effective case management systems and support arrangements.

5.4 The Board agreed that the feasibility report provided a sufficient basis for the project to move into an implementation phase. This would allow the development of more detailed plans, which would inform the funding requirements and consider the risk areas outlined above in more detail.

6. Inverness Justice Centre (SCTS/Oct17/67)

6.1 The Board reviewed current arrangements and progress on the development of the Inverness Justice Centre. The project had been granted full planning permission by the Highland Council Planning Committee at their meeting on 19 September. Delays in the tenders for the works had resulted in a two week slippage for finalisation of the overall contract. This was not anticipated to affect the overall programme, with construction commencement scheduled for November 2017. The project remained on track to deliver an operational justice centre by Autumn 2019.

7. SCTS Estates Projects (SCTS/Oct17/68)

7.1 The Board considered the position in relation to the development of a new Tribunals Centre in Glasgow. The new centre would be located at 3 Atlantic Quay. It would provide 34 modern, high-quality hearing rooms. Its design included specific facilities for young users with additional support needs and for vulnerable witnesses to give evidence at both Glasgow Sheriff Court and the High Court. During 2018 the SCTS-supported Housing and Property and Health and Education Tribunal Chambers would move into the centre. The HMCTS-operated social security tribunal would move at a similar time, with other HMCTS tribunals services moving into the facility on a phased basis thereafter.

7.2 Development of the feasibility study into improvements at Kirkcaldy was ongoing. A more detailed update on the available options would be presented to the Board at its December meeting.

8. Integrated Case Management System – Progress Report (SCTS/Oct17/68)

8.1 The current position of the Integrated Case Management System was discussed. Further system releases had been rolled out in August and September to address identified issues and to deliver improvements. The monthly roll-out process would continue on a prioritised basis. Representatives of the judiciary would be actively engaged in the system specification, to ensure that ongoing development activity was fully informed by judicial views.

8.2 Work continued to develop the “Civil Online” portal, which would be rolled-out on a phased basis during 2018. Civil Online would be introduced initially only for Simple Procedure. The introduction of the Simple Procedure Special Claims Rules had been deferred to Autumn 2018 by the Making Justice Work Programme Board. The operation of the core Simple Procedure was currently being reviewed in order to identify areas where improvements could be made. As the Special Claims Rules would be modelled on the core rules, their introduction would be deferred to incorporate any improvements proposed in the review.

9. Board Transparency and Meeting Arrangements (SCTS/Oct17/70)

9.1 The Board reviewed several recommendations, that had been made by its external auditors in their audit of the 2016-17 Annual Report and Accounts, relating to the declaration and disclosure of members’ interests and to openness and transparency.

9.2 The Board agreed that a formal declaration of interests should take place at the beginning of each Board and Committee meetings. It agreed that the Executive should issue an annual reminder to all members of the need to review and update their entries in the register.

9.3 The Board decided that members’ interests should continue to be declared as required in the Annual Report and Accounts. The register should continue to be made available to members of the public on request. The suggestion that the register should be made available on the SCTS website was not adopted.

9.4 The Board discussed the recommendations in relation to transparency. The steps already taken included publishing Board minutes, ensuring relevant plans and reports were widely available and inviting views on issues of particular interest and concern. There had been an extensive programme of roadshows on the Evidence and Procedure Review in the first half of the year. The Board agreed that the arrangements currently in place struck the most effective balance between transparency and the effective conduct of business. Board minutes provided an accurate and transparent report of business.

10. SCTS Committee Updates

Estates Committee

10.1 Sheriff McCulloch, Deputy Chair of the Estates Committee, reported on the Committee meeting held in September. The Committee had considered and approved the preparations made by the Executive ahead of finalising the development of the new Integrated Tribunals Centre in Glasgow. Committee members had received and considered the annual report from the Health, Safety, Security and Works Group and were updated on work to re-tender the Contractors’ Framework.

11. Any Other Business

11.1 The Board considered the level of business in the Justice of the Peace Courts. This had considerably declined over the past 2-3 years and had implications for court programming, staffing and the recruitment of JPs. Changes to court programming were currently under discussion with Sheriffs Principal. A planning session with the Crown Office and other justice organisations would take place in November to assess future business volumes. This would inform planning assumptions and would be reported back to the Board. The Board agreed that an analysis of the current position should be undertaken and presented to its next meeting.

12. Papers for Scrutiny/Exception Reporting Only

12.1 The following papers had been circulated for scrutiny:

- Court Programming
- Mobile Judiciary
- ICT High Level Risks
- the SCTS Decision Tracker
- Draft minutes of the SCTS Committees held since August.

No matters were raised by exception.

13. Date of the Next Meeting

13.1 Monday 4 December 2017 in Parliament House, Edinburgh.

Post-meeting Session – SCTS Board Visit to Scottish Crime Campus, Gartcosh

14.1 Board members were given a tour of the facilities in the Gartcosh Crime Campus by Chief Superintendent Gerry McLean. He explained that the co-location of around 20 agencies on a single site had facilitated more effective joint working in areas such as tackling cyber-crime and the activities of serious organised crime groups. The main tenants in the facility were Police Scotland, HMRC, forensic services, the Crown Office and the UK National Crime Agency.

14.2 The main benefit of co-location had been an improvement in multi-agency working, due to the ability to meet and discuss issues with partner agencies speedily and informally. This had also led to new ways of working where multiple agencies would collaborate from an earlier stage in proceedings to share insights and prioritise limited resources.

14.3 The multi-agency control room provided a facility in which significant operations could be managed by agencies collectively, allowing information on developing situations to be shared and synthesised quickly – often to the benefit of the operational response. The state of the art forensic laboratory provided some of the most advanced facilities in Europe. These were used to secure positive identifications via DNA sampling that would have been too challenging in the past.

14.4 The Board expressed its thanks to Assistant Chief Constable Steve Johnson, Chief Superintendent McLean, and Zoe White for facilitating the visit.

Scottish Courts and Tribunals Service
October 2017