



MINUTES

SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD

MEETING: Monday 23 November 2020 (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
Sheriff Olga Paspornikov
Eric McQueen
Morna Rae, JP
Anne Scott
Sheriff Principal Craig Turnbull
Rt Hon Lord Woolman

Attended: Noel Rehfisch, Corporate Secretary, SCTS
Karen Lawrie, Secretariat Business Manager, SCTS

1. Minutes of the SCTS Board Meeting on 5 October 2020

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. Restarting Jury Trials

3.1 Ahead of the formal meeting the Board received a virtual presentation from Steven D'Arcy, who had led on the development of the remote jury centres for SCTS. Steven provided an overview of the work to develop the jury centres and the remote hearing process. Ronnie Renucci QC and Alex Prentice QC, practitioners who had experienced the new process, joined the meeting and gave their views of the new virtual process. Both complimented the work which had been carried out by SCTS to develop remote jury centres from a concept to a working reality in a very short period of time.

3.2 High Court trial capacity had returned to its pre-COVID level, with 16 courts running daily from the remote jury centres in Fort Kinnaird, Edinburgh and Braehead, Glasgow. Those using the system had experienced some differences when compared to traditional jury trials. However, they had quickly become accustomed to the new way of working. They believed that the new system could be maintained for as long as was necessary to manage the ongoing impact of the pandemic.

3.3 The Board reviewed proposals to extend remote Jury Centres to support the recommencement of Sheriff Court jury trials. Sheriff Principal Turnbull was leading a cross-justice group involving the legal profession and the third sector. This was overseeing the development of remote jury centres for the sheriff courts; building on the experience in the High Court. Venues in Lothian & Borders and Glasgow & Strathkelvin would commence business in early December. Venues in other Sheriffdoms would follow in early 2021.

3.4 The Board paid tribute to all SCTS staff and justice organisations who had been involved in the successful development and establishment of this innovative approach.

4. Coronavirus (COVID-19) Update

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

4.2 Developments since the last meeting in October were reported. The continuing work of staff across the organisation to recover business levels across all areas to as near normal as possible was commended.

4.3 The increased anxiety and pressures that COVID-19 had placed on all SCTS staff were recognised. The pandemic had directly affected those working in public-facing roles. It had placed new pressures on those who had been required to work from home for prolonged periods. The steps taken by the Executive to ensure a safe working environment for all staff were recognised. It was agreed that the continued expansion of remote and virtual hearings was essential in order to support business whilst maintaining the necessary physical distancing and hygiene regimes.

4.4 The Board praised all staff for their continuing efforts. They agreed that, while there was positive news on the development of vaccines, it was likely that the need for physical distancing would remain for some time to come.

5. Finance Report

5.1 The Board considered a report on financial performance to the end of September 2020. The total budget for 2020-21 was projected to be £154.2m. This included an additional £9.9m which had been secured from the Scottish Government in recognition of the fact that court fees and fines income would be lower this year. This was due to COVID-19 impacting on normal business.

5.2 It was recognised that COVID-19 continued to have a significant impact on both the income and expenditure of the SCTS. The additional funding, when combined with some reductions in operational costs as a consequence of the lockdown, should allow the SCTS to deliver a balanced budget by the end of the financial year.

6. Spending Review

6.1 The longer-term impact of COVID-19 and the potential effect on the financial requirements of the SCTS for 2021-22 was discussed. The Scottish Government had announced that their budget for 2021-22 would not be published until 28 January 2021. This was due to the timing of the UK Spending Review and budget.

6.2 The Board recognised that core budget levels would need to be maintained. The size and scale of any additional recovery activity would be dependent on the package of financial support which was to be provided to the justice system as a whole.

6.3 The Executive confirmed that the SCTS had made representations to Ministers about the levels of funding required, both to maintain core services and to take forward additional recovery activity. It would continue to pursue a sustainable funding package.

7. Quarterly Performance Review and Scorecard

7.1 The Board carried out its quarterly review of performance. This included a progress report on the revised outcomes in the 2020-21 Business Plan.

7.2 The Executive confirmed that the annual review of scorecard measures had been completed. Minor changes had been made to two indicators, as it was considered important to maintain consistent core performance measures during COVID-19. This would allow trends to be tracked over the course of the year.

7.3 The Board congratulated the SCTS Procurement Team who had received a highly commended award at the GO Awards Scotland – Scotland’s leading public procurement excellence awards – on 6 November.

8. SCTS Board Operation

8.1 The Board reviewed the structure of its existing four Committees: People, Estates, Audit & Risk and Remuneration. The Committees had supported the Board in discharging its role to good effect over the past year. It was agreed that the structure would be maintained for 2021.

8.2 A schedule of workshop sessions, visits and development activities, which would coincide with each Board meeting in 2021, was considered. The Board approved the shortlist of topics for the sessions and proposed visits. It was accepted that the visits and workshop sessions may be altered during the year to comply with the COVID-19 restrictions in place at that time.

9. SCTS Committee Update

Audit and Risk Committee

9.1 The Committee Chair updated the Board on discussions at the November meeting. Continued scrutiny of activity to improve controls and succession planning within the SCTS Finance function had been completed. Good progress had been made in this area, with additional assurance being provided by an independent review which had been completed by the Scottish Government. Due to increased reliance on digital systems within SCTS as a result of COVID-19, the Committee agreed that a Cyber Security Deep Dive session would be held following their next meeting.

Estates Committee

9.2 The Committee Chair submitted the Committee’s Annual Report. This described the decisions which had been made during the year. These included; the approval of Business Cases, renewal of the lease for the Office of the Public Guardian in Falkirk; renewal of the Bothwell House lease in Hamilton for tribunals; plans to accommodate remote jury centres in cinemas as part of the COVID-19 recovery contingencies; and support for the recommendation to transfer ownership of the former Arbroath Sheriff Court to the Arbroath Courthouse Community Trust. The Committee approved the estates budget priorities for 2020-21 and the list of “shovel ready” projects which was maintained to ensure effective use of any late release of funding from the Scottish Government.

People Committee

9.3 The Committee Chair presented the Committee’s Annual Report. The Committee’s priorities for 2021 would include monitoring which was ongoing progress of the People Strategy, scrutiny of workforce planning, succession planning and talent management. They would continue to monitor the impact of COVID-19 in terms of staff capacity, development of new ways

of working, people management and wellbeing. Analysis of the results of the Staff Survey 2020 would be completed by the Committee with their findings presented to the Board in March.

9.4 The Chair thanked all Committee Members and staff of the SCTS who had supported their work over the last 12 months.

10. Any Other Business)

10.1 None

11. Papers for Scrutiny/Exception Reporting Only

11.1 The following papers had been circulated for scrutiny:

- Brexit
- the SCTS Decision Tracker.

No matters were raised by exception.

12. Date of the Next Meeting

12.1 The next meeting would be held on Monday 8 February 2021.

Scottish Courts and Tribunals Service
November 2020