



SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD

MEETING: Monday 27 November 2023, Parliament House, Edinburgh

Present: Lord Carloway, Lord President (Chair)
Dr David Caddick MBE
Maggie Craig
Steven Dickson
Dr Sophie Flemig
Eric McQueen
Sheriff Olga Paspornikov
Anne Scott
Lynsey Walker
Lady Wise

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

Apologies: Sheriff Principal Anwar
Lady Dorrian, Lord Justice Clerk
Ruth Innes, KC
Sheriff Jillian Martin-Brown

1. Minutes of the SCTS Board Meeting on 9 October 2023

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 The Board received an update on the continuing resource and delivery challenges faced by GEOAmev, who provide the prisoner transfer service to courts. Whilst significant concerns remained in relation to staffing levels, GEOAmev had announced salary increases for the majority of their staff. This had reduced staff turnover. They had commenced a new recruitment campaign and updated their training programme to allow staff to commence operational duties in a shorter time. It was anticipated that it would be Spring before the impact of increased staffing levels would be felt.

2.3 The Board welcomed the steps taken by SCTS to support the wellbeing of all involved in the custody courts. The Executive confirmed that they would continue to liaise with the Scottish Prison Service, the Scottish Government and justice partners to ensure that the contract was managed effectively and options for improvement explored.

3. Finance Report

3.1 The Board considered a report on financial performance to the end of October 2023. The 2023-24 budget was projected at £197.6m. Full year expenditure was currently forecast to be slightly below budget, with the level dependent on fees collected in the remainder of the financial year.

3.2 A number of budget transfers had been successfully secured from the Scottish Government as part of the Autumn budget revision process. These included funding to support the staff pay award and the growing level of business in the Mental Health Tribunal. Fee income had continued to recover. Work was underway to analyse whether this was due to longer term growth in business or represented an adjustment following the pandemic.

3.3 The Board agreed that detailed forecasting and expenditure monitoring should continue, with available resources directed towards priorities identified by the Executive.

4. 2024-25 Budget Update

4.1 The Scottish budget for 2024-25 would be published on 19 December. The Board reviewed the work carried out to date to assess the SCTS budget requirements for 2024-25. Discussions had taken place with the government to stress the pressures that the organisation was facing. The Chief Executive had given evidence to the Criminal Justice Committee of the Scottish Parliament.

4.2 The Board accepted that, in order to maintain current service levels whilst continuing to support recovery and reform, additional revenue funding would be required. A capital budget in line with the full-year allocation provided in recent years would also be required. The ongoing budget pressures faced by the organisation were recognised. SCTS had continued to deliver efficiencies and had controlled headcount effectively over the past few years. Scope for further efficiencies was extremely limited.

5. SCTS Pay Settlement

5.1 The Board were informed that a formal pay offer for 2023-24 and 2024-25 had been approved in a ballot by the PCS Union. The two-year offer had been welcomed by the majority of staff. The first phase payment would be made in November salaries, which would be backdated to 1 April.

5.2 The Board welcomed the pay award for staff. They acknowledged that a number of the non-pay reform areas within the award would be subject to further discussion with the PCS. These included the move to a 35-hour working week in Autumn 2024; a review of allowances; and public and privilege holiday flexibility.

6. Reinforced Autoclaved Aerated Concrete (RAAC) Update

6.1 The Executive updated the Board on the work underway to identify, access and, where necessary, manage issues arising as a result of the presence of Reinforced Autoclaved Concrete on the SCTS estate.

6.2 Of the 70 buildings in the SCTS estate, only 10 were constructed or had major works carried out during the period when RAAC was used. Detailed structural surveys had been instructed at all 10 of those properties. Nine of those surveys had been completed. The remaining survey in Peterhead Sheriff Court would be completed by the end of November. RAAC had only been identified in one building: Airdrie Sheriff Court.

6.3 A number of courtrooms within Airdrie Sheriff Court had been closed to ensure the safety of staff, judiciary and court users. Contingency arrangements had been put in place to manage business in the short to medium term. Detailed assessments to ascertain the costs associated with potential options for refurbishment, alongside consideration of the best business delivery model in the longer term, would be carried out. SCTS continued to participate in the Scottish Government RAAC cross sector working group which provided guidance on the approach to take.

6.4 The Board welcomed the news that RAAC had only been identified in one court building to date. They were assured by the steps being taken to ensure that the building at Airdrie remained safe for all those using it, while potential options were fully considered.

6.5 The Chair advised that one of the options for consideration would be the development of a substantial new justice hub in Airdrie. This could incorporate offices for the Crown, social work, police and other justice partners. The facility could be designed to manage the increasing number of prosecutions for sexual offences in line with best practice recommendations identified in the Lord Justice Clerk's Review. A facility of this nature could provide additional courtrooms and state of the art facilities for managing sexual offence cases. The Board were supportive of this option, which would require significant government funding to develop.

7. Business Plan Delivery Report and SCTS Board Scorecard

7.1 The Board carried out its quarterly performance review. The current position on the delivery of outcomes in the 2023-24 Business Plan was scrutinised.

7.2 The Board reviewed the key performance indicators contained in the Board Scorecard covering data for the second quarter of 2023-24. The involvement of Justices of the Peace in indicator 1 (a well-supported judiciary) and the data provided through the judicial attitudes survey was discussed. Updates to the scorecard following the annual review of measures at the October meeting would be fully implemented for the next quarterly review.

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 their role to good effect over the past year. It was agreed that the structure would be maintained for 2024. The Committee Chairs would meet during 2024 to discuss the roles and responsibilities of their Committees and consider if any revisions were required.

8.2 A schedule of workshop sessions, visits and development activities, which would coincide with each Board meeting in 2024, was considered. The Board approved the shortlist of topics for the sessions and proposed visits.

9. SCTS Committees

Audit and Risk Committee

9.1 The Committee Chair updated the Board on discussions at the November meeting. The Committee had discussed the progress of the Oracle Fusion Shared Services Programme. Proposals to introduce an assessment of risk appetite, as part of the approach to managing risk at a corporate level in the SCTS, were welcomed by the Committee. The Committee received an update on the Accountant of Court retendering exercise. It had agreed its deep dive sessions for 2024-25.

Estates Committee

9.2 Steven Dickson submitted the Committee's Annual Report. The report outlined the matters which had been discussed by the Committee during the last year and the priorities for the coming year. The Committee had appointed 3 new non-executive members in October. The Committee planned to visit SCTS locations as part of their meetings in the coming year, to aid their understanding of the SCTS estate.

People Committee

9.3 The Committee Chair presented the Committee's Annual Report. The report highlighted the key themes covered during the year. The Committee had organised a workshop to review effectiveness and the varied topics discussed at meetings. A new work plan and deep dive sessions for 2024 would be agreed at a follow-up session in December.

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:

- the SCTS Decision Tracker

No matters were raised by exception.

12. Date of the Next Meeting

12.1 The next meeting would be on Monday 5 February 2024 and would be followed by the joint SCTS Board and Committee Risk Workshop.

13. Deep Dive Session – SCTS Sustainability Strategy

13.1 The Board welcomed Tim Barraclough, Executive Director Tribunals and OPG, Craig Robertson, Head of PSU Finance and Governance, and Leigh Fraser, Sustainability Manager, to the meeting. They provided an overview of the developing SCTS Sustainability Strategy. They explained that the vision for sustainability was to use available resources responsibly and to embed sustainable practices in all SCTS activities, whilst continuing to support justice and achieve the net zero ambition by 2045.

13.2 The draft strategy was structured around 4 key goals relating to: net zero; resource efficiency; communications and learning; and future-proofing service delivery.

13.3 The Board supported the developing strategy. The Board Sustainability Champion, Steven Dickson, made a number of suggestions for inclusion as the draft strategy was developed, relating to the draft aims, purpose and principles and the details activities that the strategy would contain. These would be developed further in discussion with the Executive. The Board agreed that targets and success measures should be identified so that progress could be monitored following publication of the strategy.

Scottish Courts and Tribunals Service
November 2023