



SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD

MEETING: Monday 7 February 2022 (By WebEx)

Present: Lord Carloway, Lord President (Chair)
Joe Al-Gharabally
Lady Dorrian, Lord Justice Clerk
Dr Sophie Flemig
Ruth Innes, QC
Colonel David McIlroy
Eric McQueen
Sheriff Jillian Martin-Brown
Sheriff Olga Paspornikov
Morna Rae, JP
Anne Scott
Sheriff Principal Craig Turnbull
Lynsey Walker
Lord Woolman

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

Apologies: None

1. Minutes of the SCTS Board Meeting on 19 November 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 physical distancing restrictions in SCTS buildings, 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 response and recovery activity of the SCTS in relation 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 appropriate decisions were made.

3.2 Developments since the last meeting in November were outlined. The impact of the Omicron variant had led to higher absence levels and positive staff cases during December and January. Physical distancing in SCTS buildings returned to 2m during that time.

3.3 Following the announcement by the First Minister on 18 January regarding the relaxation of measures, all SCTS buildings returned to 1m physical distancing from 31 January. Existing baseline safety measures such as mandatory face coverings, enhanced ventilation, contact tracing and enhanced cleaning/hygiene regimes would remain in place. The Board supported proposals to consider a return to more normal operations in March. This would include the removal of physical distancing and a re-opening of buildings to the public,

provided the public health guidance and the Scottish Government COVID framework allowed such an approach.

3.4 The Board acknowledged the continuing pressures faced. They commended everyone's efforts to maintain safe operations, whilst managing backlogs and change.

4. Finance Report

4.1 The Board considered a report on financial performance to the end of December 2021. The total budget for 2021-22 was £178.5m. Civil court fee income remained slightly behind profile. Additional savings had been identified in jury costs as savings had been made in the provision of jury lunches and through the use of remote jury balloting. Expenditure on COVID safety and cleaning measures continued to be incurred, but was offset by reduced expenditure in other areas.

4.2 The Board agreed that, should any resource become available before the end of the financial year, it should be redirected into areas requiring additional funding such as estates backlog maintenance and digital priorities. Robust forecasting and reporting would continue so that funds could be allocated to meet the areas of greatest need.

4.3 The Board welcomed the comprehensive update and plans to utilise the available budget in this financial year effectively.

5. Spending Review Outcomes 2022-23

5.1 The Scottish Government had published its draft Budget Bill for the 2022-23 financial year on 9 December. The Board welcomed an above flat cash settlement, which had been provisionally allocated to SCTS, in recognition of the extraordinary demands of the pandemic. In addition to the baseline budget, further in-year budget allocations would be provided to meet the ongoing costs associated with the pandemic and to manage variable business volumes such as those related to tribunals. A £53.2m fund for criminal justice recovery had been provided by the Scottish Government for 2022-23. £22.5m of this funding had been allocated to the SCTS to maintain the court recovery programme.

5.2 The Board welcomed the positive budget allocation. The continuing pressures on the capital budget were recognised however. Limited capital funding placed pressure on both estates backlog maintenance and digital development. It was also noted that existing capital funding would not be sufficient to ensure SCTS could work towards the carbon zero ambitions set by the Scottish Government.

5.3 The Executive reported that the Scottish Government had commenced a three year spending review for 2023-24 to 2026-27 that they hoped to conclude by June. The SCTS financial strategy would be reviewed to make the case for sustained and appropriate funding to support ongoing recovery and reform.

6. Staff Survey Results 2021

6.1 The results of the 2021 Staff Survey were reviewed. The SCTS' overall engagement score had remained the same as the previous year, at 64%. Participation levels were 59%. The results continued to place the SCTS among the top performers in Scotland for both completion rate and the engagement score.

6.2 The Board acknowledged the positive results, given the challenges faced by the organisation over the last year. The results relating to Leadership and Change were discussed. SCTS had invested in this area over the last few years. However the overall level of results had

remained static. The Executive observed that the overall result probably reflected a combination of both positive and negative factors experienced in relation to the pace of change, the introduction of new ways of working and changes to the way in which business was managed. These changes had led to a number of positive improvements but had also required significant commitment and effort to deliver. The Executive had identified three key themes on which follow up activity would focus during 2022 and 2023; learning, leadership and reward. This would allow a deeper analysis of the results. The Board concurred with the themes which were outlined in their discussion.

6.3 The Board agreed that detailed analysis of the results and consideration of follow-up activity, should be conducted by the People Committee. Findings would be presented to a future Board meeting.

7. Draft SCTS Business Plan 2022-23

7.1 The Board reviewed a developing draft of the 2022-23 SCTS Business Plan. This set out the proposed key outcomes and overall budget for the coming year. The final draft would be presented to the Board for consideration at the meeting on 28 March, followed by publication in April. A number of comments had been received from Board members, which would be incorporated into the final version.

8. SCTS Committee Update

Audit and Risk Committee

8.1 The Committee Chair updated the Board on discussions at the January meeting. Good progress had continued with the Finance and Procurement Team restructure. The Shared Services Programme, which would introduce a new finance and accounting system across a wide range of public sector bodies including SCTS, as discussed. The Committee noted that, whilst the initiative was being led by the Scottish Government, it would have a significant impact on the SCTS Finance team. The Committee requested progress updates at future meetings to ensure preparations remained on track. The SCTS Whistleblowing policy was reviewed. There were no instances recorded in the last year.

8.2 The Committee had completed their annual appraisal exercise reflecting on their personal contribution and the Committee's performance during 2021. Members reported that the variety of skills and knowledge they shared provided valued input and challenge to discussions.

9. Any Other Business

9.1 None

10. Papers for Scrutiny/Exception Reporting Only

10.1 The following paper 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 28 March 2022.

12. Joint SCTS Board and Committee Annual Risk Workshop

12.1 Following the meeting, the Board held a virtual workshop with its three Committees (People, Estates and Audit & Risk). The workshop allowed Board and Committee members to review the SCTS Corporate Risk Register and to consider new or emerging risks that may arise over the coming two to three years. Discussion groups explored four key areas of risk and opportunity faced by the organisation. These focused on criminal justice reform, civil justice reform, tribunals and Office of the Public Guardian reform and corporate development.

12.2 The Board concluded that the risks in the Corporate Risk Register generally remained valid and discussed the significant challenges and opportunities faced. The Corporate Risk Register would be updated to reflect the analysis and views provided through the workshop and kept under regular review by the Board, the Audit and Risk Committee and the Executive.

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