



MINUTES

SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD

MEETING: Monday 8 February 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 Kirsty Hood QC
Sheriff Jillian Martin-Brown
Colonel David McIlroy
Sheriff Olga Pasportnikov
Eric McQueen
Morna Rae, JP
Anne Scott
Sheriff Principal Craig Turnbull
Rt Hon Lord Woolman

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

Apologies: Dr Sophie Flemig

1. Minutes of the SCTS Board Meeting on 23 November 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. Coronavirus (COVID-19) Update

3.1 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, key information shared and sound decisions made.

3.2 Developments since the last meeting in November were reported. The Board recognised the continuing pressure that the pandemic was placing on both staff and court users. They agreed that investment to keep the working environment as safe as possible should continue. The high level of public interest, in the arrangements which were already in place and the steps which had been taken to communicate these, including publication of risk assessments for all SCTS buildings, was acknowledged.

3.3 Towards the end of 2020, business had returned to near pre-pandemic levels, through a combination of safe "in-person" attendances and the continued expansion of remote and virtual

hearings. The emergence of the new COVID variant, and the subsequent Scottish Government lockdown restrictions, resulted in the consolidation of business in support of the public health response. On 11 January, the Lord President announced that the majority of summary criminal trials would be placed on hold. This was intended to reduce the level of criminal trials taking place by up to 75%. This significantly reduced footfall in the courts, whilst the most essential business was maintained. The approach would be reviewed in mid-February in line with Scottish Government restrictions. The Board agreed that the expansion of remote and virtual hearings should continue where appropriate to support business, whilst maintaining the necessary physical distancing and hygiene regimes.

3.4 The Board praised all staff for their continuing efforts. They agreed that plans for longer-term recovery should continue to be developed in partnership with other justice organisations. Although it was anticipated that measures would ease to some extent as the year progressed, it was anticipated that a number of safety measures would remain in place

4. Restarting Jury Trials

4.1 The Board considered a report on the programme of work which had been devised to reintroduce jury trials, in both the High Court and Sheriff Court, using remote Jury Centres. The programme had continued to develop at speed. High Court trials in Edinburgh and Glasgow had been running since September and had reached pre-COVID business levels by the end of 2020. Due to the current restrictions, the pool of available jurors had reduced somewhat. However, individual courts had still been able to obtain the necessary numbers for almost all trials to proceed.

4.2 Sheriff and Jury trial capacity was projected to return to pre-COVID levels across all sheriffdoms during February. Contracts for the remote jury centres had been extended to September 2020, with the possibility of further extensions. Consideration would also be given to the potential use of some jury centres for a more prolonged period, in order to increase capacity for solemn business as part of any recovery programme.

4.3 The Board welcomed the continued development of the jury centres that had allowed business levels for High Court trials and Sheriff and Jury trials to return to pre-COVID levels.

5. Finance Report

5.1 The Board considered a report on financial performance to the end of December 2020. The total budget for 2020-21 was projected to be £154.39m. 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 than originally budgeted. This was due to COVID impacting on normal business levels.

5.2 The total expenditure for the year was projected to be around £0.9m below budget. The pandemic had led to increased costs in a number of areas including building safety and digital development. These increased costs had been matched by underspends in other areas which included operational costs, members fees and travel. To ensure the most effective use of available budget this year, capital projects had been identified that could be progressed in the current budget year. The identified projects included building maintenance and ongoing investment in digital infrastructure.

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

6. Spending Review

6.1 On 28 January, the Scottish Government had published its draft Budget Bill for the 2021-22 financial year. The Board welcomed an above flat cash settlement, which had been

provisionally allocated to SCTS, in recognition of the extraordinary demands of the pandemic. The baseline budget had grown, with further in-year budget allocations anticipated, to meet the ongoing costs associated with the pandemic and the continuing increase in tribunal business.

6.2 A £50m “criminal justice recovery fund” was proposed in the draft 2021-22 budget. From an SCTS perspective this would provide access to funding in order to support the continuation of remote jury centres and make it possible to consider an increase in court operating capacity once it was safe to do so.

6.3 The Board welcomed the positive budget allocation. It was felt that this reflected the leading role that the organisation had played in developing proposals for new ways of working and managing the longer-term recovery from COVID.

7. Staff Survey Results

7.1 The results of the 2020 Staff Survey were reviewed. The SCTS’ overall engagement score had decreased by 2 percentage points when compared to the previous year, to 64%. Participation levels were 65%. The results continued to place the SCTS as one of the top performers in Scotland for both completion rate and the engagement score.

7.2 The Board acknowledged the significant challenges faced by the organisation during 2020. It was recognised that responses varied depending on the experience of each individual. The value of the ongoing partnership approach with the PCS Union, in responding to the survey at both a national level and the through the development of local action plans, was welcomed by the Board.

7.3 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.

8. SCTS Business Plan 2021-22

8.1 The Board reviewed a developing draft of the 2020-21 SCTS Business Plan. This set out the proposed key outcomes and budget for the coming year. The final draft would be presented to the Board for consideration and approval for publication at the meeting on 29 March. A number of comments which had been received from Board members would be incorporated in the draft.

9. ICMS Update

9.1 The Board considered an update summarising the enhancements to the Integrated Case Management System (ICMS). This included the roll-out of the system to personal injury cases in the Court of Session and the introduction of a new interface that allowed firms of solicitors to transfer simple procedure cases directly from their own case management system to the Civil Online portal.

9.2 ICMS was now fully embedded in the Change and Digital Innovation Civil Lab, with a fixed price managed support service. The future direction of the ICMS will be driven by the newly formed Civil Lab Executive Action Board, with judicial membership.

9.3 The Board welcomed the continuous development of the ICMS system.

10. SCTS Committee Update

Audit and Risk Committee

10.1 The Committee Chair updated the Board on discussions at the committee's January meeting. Succession planning activity within the SCTS Finance and Procurement Unit was scrutinised by the Committee who welcomed the continued progress in this area.

10.2 Internal Audit had reported on the completion of their COVID Response audit. A "substantial" assurance opinion had been provided. The Chair informed the Board that the review made it clear that the response to the pandemic by SCTS had been exemplary. No recommendations had been made as a result of the review.

10.3 The Committee had held a deep dive session focussing on Cyber Security. Further deep dives would be planned for Committee meetings throughout the year.

10.4 As part of the Committee Annual Appraisal, the Chair advised that the Committee had reflected on the engagement and assurance provided by the SCTS. This had been clear, effective and implemented in a controlled way. During 2020 all Committee meetings had been held virtually. The opportunity for face to face meetings, subject to COVID restrictions, would be welcomed by members as it would provide greater scope for pre and post meeting sessions as well as informal discussion between members and SCTS officials.

11. Any Other Business

11.1 None

12. Papers for Scrutiny/Exception Reporting Only

12.1 The following papers had been circulated for scrutiny:

- the SCTS Decision Tracker.

No matters were raised by exception.

13. Date of the Next Meeting

13.1 The next meeting would be held on Monday 29 March 2021.

14. Annual Review of Corporate Risk

14.1 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, civil justice, tribunals and the corporate organisation.

14.2 The Board concluded that the risks in the Corporate Risk Register remained valid. The way in which some risks had been identified and described would be reviewed following the workshop. This would ensure that they best described the challenges facing the organisation as it moved towards recovery from COVID-19.

14.3 The Corporate Risk Register would be updated following the workshop and kept under regular review by the Board, the Audit and Risk Committee and the Executive.