



MINUTES

SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD

MEETING: Monday 29 March 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 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, Deputy Chief Executive, SCTS
Karen Lawrie, Secretariat Business Manager, SCTS

Apologies: None

1. Minutes of the SCTS Board Meeting on 8 February 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 pandemic, the Board meeting was held by video conference with members joining remotely.

3. Coronavirus (COVID-19) Update & Restarting Jury Trials

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 early February were reviewed. The Board were updated on the ongoing response to the current lockdown and the plans to recommence a broader range of summary trials from April.

3.3 After a full year of restrictions the Board recognised the continuing pressure caused by the pandemic. They agreed that a number of the new and innovative ways of working that had developed during the last year should continue in the longer term, where they offered benefit to service users, staff and judiciary.

3.4 The Board praised all staff for their continuing efforts and approved the plans for recovery and recommencement of business.

4. Restarting Jury Trials

4.1 The Board considered an update on the ongoing programme of work to reintroduce jury trials in both the High Court and Sheriff Court, using remote Jury Centres. Both the High Court and Sheriff Court were now operating at pre-COVID capacity levels for jury trials. Dumfries Sheriff Court had now been connected to the Ayr remote jury centre.

4.2 Work was underway to provide capacity to hold multi-accused trials involving more than 3 accused. Accommodation with capacity to deal with up to 5 accused trials would be in place for the High Court by late April. A two-court model for up to 9 accused trials would follow, as well as a minimum of one multi-accused trial court in each sheriffdom.

4.3 Contracts for remote jury centres had been extended for the 2021-22 financial year, following confirmation of funding from the Scottish Government. This would ensure that business could be maintained and would also provide capacity to support the expansion in business planned for later in the year.

4.4 The Board welcomed the ongoing programme to reintroduce jury trials and maintain court operations at pre-COVID levels.

5. Finance Report

5.1 The Board reviewed a report on financial performance to the end of February 2021. The total budget for 2020-21 was £154.39m.

5.2 The total expenditure for the year was projected to be around £0.8m below budget. The pandemic continued to create increased costs in a number of areas, including building safety and digital investment. These costs had been matched by underspends in other areas such as operational costs and travel.

5.3 A range of capital expenditure had been brought forward from next year into the current year in order to reduce pressure on next year's budget. This included priority backlog maintenance work and ongoing investment in the SCTS digital infrastructure, cyber security and courtroom technology.

5.4 The Board acknowledged the budget challenges faced in this financial year and the steps taken to utilise the available budget effectively.

6. Quarterly Performance Review and SCTS Board Scorecard

6.1 The Board carried out its quarterly performance review. The current position on the delivery of the outcomes in the 2020-21 Business Plan and the Board Scorecard for Q3 of 2020-21 were scrutinised.

6.2 The Inverness Justice Centre had received a number of awards in recent weeks, including a gold award at the National Site Awards for the "most considerate site". Reiach and Hall Architects won the architectural excellence award for public use for Inverness Justice Centre at the Scottish Property Awards 2021. Robertson Construction Limited were shortlisted with Reiach and Hall Architects for the Development of the Year (Public Buildings) category. The Board commended the Property and Services Team for their involvement in the project.

7. SCTS Business Plan and Budget 2021-22

7.1 The draft SCTS Business Plan for 2021-22, which set out the key outcomes which SCTS planned to deliver over the coming year, was assessed. The Business Plan also detailed the organisational budget for the financial year.

7.2 The Board acknowledged that SCTS would benefit from a proportion of the Scottish Government's £50m "criminal justice recovery fund" in 2021-22. This would support the continuation of remote jury centres and an increase in court operating capacity, once it was safe to do so. The funding would also allow COVID safe operations and recovery to continue and new ways of working in the longer-term to be explored.

7.3 The Board approved the 2021-22 SCTS Business Plan and Budget. The plan would now be finalised for publication on the SCTS website.

8. 2021-22 Pay Remit

8.1 The Board considered the draft pay remit developed by the Executive for 2021-22. The proposals sought to make the best use of the limited flexibility available, whilst still complying with Scottish Public Sector Pay Policy.

8.2 The Board agreed the terms of the draft remit. Discussions with the PCS Union would be progressed in order to finalise the pay offer as quickly as possible. A formal submission to the Government would be made upon the conclusion of the negotiations.

9. SCTS Committee Update

People Committee

9.1 The Chair of the People Committee reported on the matters discussed at their last meeting. The Committee had scrutinised the analysis from the Staff Survey 2020, delegated to them by the Board. The results of the survey reflected the feelings of staff who were working from home and those in SCTS buildings, with the key messages being taken forward by the Executive. Local Action Plans demonstrating steps being taken to address issues raised would be presented to the Committee at their next meeting.

Estates Committee

9.2 An update was provided from the Chair of the Estates Committee on the discussions at their last meeting. The Committee had been informed of the ongoing development of major Capital Projects. The Property and Services Team were commended for their ongoing efforts to utilise available funding to best effect, prior to the financial year end.

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 held on Monday 14 June 2021.

13. Multi-Agency Review of Sexual Offending

13.1 The Lord Justice Clerk (Lady Dorrian) and the Executive Director, Court Operations (David Fraser) gave a presentation to the Board on the work of the cross-agency review group that had been led by the Lord Justice Clerk. The review group had considered how to improve the management of sexual offence cases. On 18 March the group published its detailed [report](#) recommending that a new national specialist court, with trauma-informed procedures, be created to deal with serious sexual offence cases in Scotland.

13.2 The group had conducted a wide-ranging review of the prosecution of sexual offences and made extensive recommendations which, in addition to a specialist court, included: a presumption in favour of the use of pre-recorded evidence; measures to improve the current experience of complainers focused on improved communication and a trauma-informed approach; steps to enhance jury involvement; and improvements to aspects of the Children's Hearings System.

13.3 Whilst some of the recommendations made by the group would require legislation, others could be taken forward more quickly to ensure that the management of these cases was as effective as possible, balancing the importance of a fair trial with the desire to support the victims of offences in the most effective and compassionate way.

13.4 The Board commended the work of the review and noted that the recommendations would now be considered in more detail by both the Lord President and by Scottish political parties, who may wish to act on its recommendations once the Scottish Parliament reconvenes after the election.

Scottish Courts and Tribunals Service
March 2021