



MINUTES

SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD MEETING: MONDAY 7 October 2019, Glasgow Tribunals Centre

Present: Rt Hon Lord Carloway, Lord President (Chair)
Joe Al-Gharabally
Sheriff Aisha Anwar
Simon Catto
Professor Hugh MacDougall
Colonel David McIlroy
Eric McQueen
Morna Rae, JP
Anne Scott
Rt Hon Lady Smith
Sheriff Principal Craig Turnbull

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

Apologies: Rt Hon Lady Dorrian, Lord Justice Clerk
Dr Kirsty Hood QC
Sheriff Grant McCulloch

1. Minutes of the SCTS Board Meeting on 19 August 2019

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 ongoing performance issues of the court custody and prisoner escort service provided by GEOAmeY. Officials from Scottish Prison Service and GEOAmeY had had a number of meetings with SCTS officials and the judiciary to discuss the issues. This had resulted in short term changes to escort schedules in some areas. These would assist GEOAmeY as they work to improve their service. GEOAmeY confirmed that plans were in place to address the performance issues. Performance would continue to be closely monitored until the necessary improvements had been made.

3. Financial Results (SCTS/Oct19/34)

3.1 The Board considered a report on financial performance to the end of July 2019. The total budget for 2019-20 was projected to be £134.5m. The full-year expenditure forecast remained over budget. This reflected a range of pressures in areas where funding was yet to be secured from the Scottish Government, including the costs of increasing business levels in the devolved tribunals and costs relating to judicial pensions.

3.2 The Board acknowledged the ongoing budget challenges facing the SCTS. The Executive confirmed that representations would continue to be made to the Scottish Government to highlight

the pressures facing the organisation and to ensure that appropriate in-year budget transfers were secured.

4. Spending Review (SCTS/Oct19/35)

4.1 The Board discussed the current position in relation to the Scottish Government's spending review process, which would set the revenue budget for SCTS and other Scottish public sector bodies for 2020-21. Spending review papers had been considered by Ministers and it was anticipated that indicative budgets would be issued during October.

4.2 The Executive confirmed that there would continue to be scrutiny of budgets to identify areas of activity or expenditure that could be restricted in future years, should the need arise. After a number of years, in which significant efficiencies had already been made, no further efficiencies had been identified that would not have a detrimental impact on the quality of the service provided by SCTS.

4.3 The Board reiterated their view that the organisation had already managed a period of significant financial restraint. Further reductions would have a negative impact on the service delivered across the courts, tribunals and Office of the Public Guardian.

5. Framework Document (SCTS/Oct19/36)

5.1 The SCTS Framework Document with Scottish Ministers sets out how the organisation works with the Scottish Government in relation to matters such as finance, development of policy and correspondence from members of the Scottish Parliament. The document must be reviewed at least every five years. It was last reviewed in April 2015.

5.2 A revised version of the Framework Document was presented. The Board discussed the proposed revisions. Clarification was provided on judicial costs not covered by the Scottish Consolidated Fund. The revised version was approved in principle. It would now be considered by the Scottish Government ahead of formal agreement and publication.

6. Proposals for the Corporate Plan 2020-23 (SCTS/Oct19/37)

6.1 The current SCTS Corporate Plan covers the period from April 2017 to March 2020. A new 3-year Corporate Plan setting out the purpose, values, priorities and high-level objectives of the organisation would be developed for 2020-23. The new plan would be published by April 2020. The Board considered, and were assured by, the preparatory work already under way to develop the plan. It was agreed that a working group, involving members of the Board, would be established to support development of the plan. Work would now commence in detail, drawing on input from SCTS management, staff and key external organisations.

6.2 The Executive confirmed that progress on the development of the plan would be reported to future meetings, with the final version being presented to the Board for approval at their March 2020 meeting.

7. SCTS Committee Update

Estates Committee

7.1 The deputy Chair reported on matters discussed at the last meeting. The Health, Safety and Security Works Committee Annual Report had been presented. The Committee had found this to be an informative and reassuring document which included priorities for the coming year.

7.2 The Committee had commended the work of the Property and Services Unit. The Unit had led a range of initiatives to ensure that the SCTS exceeded its carbon reduction target for 2018-

19. An application to retain the Carbon Trust Triple Standard Accreditation, which must be renewed every two years, had been submitted.

8. Tribunal Reform Programme

8.1 The Board was joined by Tim Barraclough (Executive Director, Judicial Office); Martin McKenna (Director, Tribunals Operations) and Lesley Black (Head of Glasgow Tribunal Operations), who provided an overview of the work of the Tribunals Reform Programme. The programme provided oversight of the projects and activities which were required to transfer devolved tribunals into the integrated structure set out in the Tribunals (Scotland) Act 2014.

8.2 Case volumes across the devolved tribunals had been growing steadily in recent years. There had been a significant growth in business levels in the Housing and Property Chamber; most notably when new case types transferred from the sheriff court to the chamber in late 2017.

8.3 The Board acknowledged the ongoing change faced by Tribunals staff. They were reassured by examples of continuous improvement work, involving staff, to examine the work which they did and how it could be carried out more efficiently and effectively.

8.4 The migration of some devolved tribunals into the new chamber structure had been delayed, due to conflicting pressures on government legal resources. It was anticipated that the introduction of new benefit types, that fell within the jurisdiction of the Social Security Chamber, would bring a significant increase in business levels in the coming years. The Board discussed the importance of having the optimum capacity in place to deal with that increase. They agreed that discussions with the Scottish Government should continue, to ensure that adequate time and resource were provided to maintain a high-quality service.

8.5 The Board reviewed the current position on the transfer of the administration of reserved tribunals from HMCTS to SCTS. Work in this area remained on hold, pending further progress between the Scottish and UK Governments.

9. Any Other Business

9.1 There was no other business.

10. Papers for Scrutiny/Exception Reporting Only

10.1 The following papers had been circulated for scrutiny:

- Court Programming update;
- 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 25 November 2019.

12. Post Meeting Session

Tour of the Children and Vulnerable Witnesses Suite

12.1 Following the formal meeting the Board had the opportunity to visit the new facilities. . A range of hearing rooms had been developed, that provided state of the art facilities for the taking of evidence by a commissioner and the giving of evidence to court by video link.

12.2 The facilities provided a high-quality venue for hearings of the Additional Support Needs jurisdiction of the Health and Education Chamber of the First Tier Tribunal. They were developed in collaboration with children and children's charities, to ensure that the environment was both calming for those involved in hearings and capable of capturing high quality evidence for presentation in court.

12.3 The facilities were the first of several that would be developed in key locations around Scotland. They would allow high-quality evidence to be captured, whilst minimising any possible stress or trauma for child or vulnerable witnesses.

12.4 The Board were impressed by the facilities and commended the work of the staff who are involved in its operation. They welcomed the ongoing work to deliver a consistent, higher quality and more compassionate service than had been possible elsewhere.

Scottish Courts and Tribunals Service
October 2019