

MINUTES

SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD

MEETING: Monday 9 June 2025, Office of the Public Guardian, Falkirk

Present: Lord Pentland, Lord President (Chair)
Lord Beckett, Lord Justice Clerk
Dr David Caddick MBE
Maggie Craig
Steven Dickson
Sheriff Frank Gill
Malcolm Graham (Chief Executive)
Ruth Innes, KC
Anne Scott
Lynsey Walker
Lady Wise

Attended: Noel Rehfisch, Deputy Chief Executive, SCTS
Steven D'Arcy, Corporate Secretary, SCTS

Apologies: Sheriff Principal Anwar, KC
Dr Sophie Flemig
Sheriff Olga Pasportnikov

1. Minutes of the SCTS Board Meeting on 24 March 2025

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.

3. Finance Report

3.1 The Board considered a report on financial performance for the 2024-25 financial year. The provisional end-year outturn reported a 28k (0.02%) underspend against total net expenditure of £171.8m. This demonstrated that SCTS had used resources available during the year to the fullest extent. Achieving a balanced budget had been challenging and had required careful management of in-year funding requests, fluctuating fee levels and competing priorities for expenditure.

3.2 The Board acknowledged the end-year financial position. They commended the work carried out to manage budgets and produce accurate reports and accounts over the course of the financial year.

3.3 The approach to future budget negotiations was discussed. The Board noted that in the current financial year (2025-26) SCTS had received £8m less than it had requested. As a consequence a number of potential development activities would need to be delayed. The potential of increased costs and risks associated with the maintenance of out-of-date systems and associated processes was recognised as a concern.

3.4 The Board agreed that a strong case needed to be made in upcoming budget discussions in view of the value provided by the SCTS and the critical role played by the organisation in upholding the rule of law. Significant financial support would be needed in the coming years to deliver modernisation and change which could achieve longer-term efficiencies and service improvements.

4. Quarterly Performance Review and SCTS Board Scorecard

4.1 The Board carried out its quarterly performance review of the organisation, considering progress made on delivery of the outcomes contained in the 2025-26 Business Plan and the Board Scorecard for Q4 of 2024-25.

4.2 Work had commenced against all outcomes detailed in the plan. One outcome was reporting as amber due to concerns over the increasing levels of solemn cases being brought forward in the High Court. SCTS would continue to work closely with other justice organisations and engage with the Scottish Government to minimise the potential impact on victims, witnesses and accused. A second outcome was also reporting as amber, due to delays associated with implementing a Trauma Informed Domestic Abuse court model. SCTS had been unable to make progress on this objective, due to an ongoing dispute between defence agents and the Scottish Government over legal aid fees.

5. Annual review of Standing Orders

5.1 The Board conducted its annual review of the SCTS Standing Orders and the scheme of delegation, which detailed the responsibilities delegated from the Board to its Committees and the wider organisation.

5.2 The revised SCTS Standing Orders were approved for publication in July, superseding the current version.

6. Pay Arrangements Update

6.1 The Board were updated on the current position in relation to pay for 2025-26. The Scottish Government Public Sector Pay Policy for 2025-26 had been published in January, setting parameters for pay settlements in 2025-26 and beyond. The PCS Union had submitted a pay claim to SCTS and discussions with them had commenced.

6.2 The Board approved the recommendation in the paper and agreed that dialogue should continue, including with the Scottish Government regarding funding if required, to negotiate an agreed and affordable settlement.

7. SCTS Committees

Audit and Risk Committee

7.1 The Chair of the Audit and Risk Committee outlined the discussions at their last meeting. The Committee had received its regular update on the Oracle Fusion Cloud Accounting system. Manual workarounds were still in place in some areas. Further correspondence had been issued to the Scottish Government to highlight the ongoing issues. The Committee commended the Finance Team on the ongoing work to maintain services and engagement with the Scottish Government to resolve issues.

7.2 The Committee had reviewed the scope of the External Audit plan and timetable for the submission of the SCTS Annual Report and Accounts. It was confirmed that recruitment for a new member of the Committee had been successful. The new member would attend their first meeting on 28 July.

People Committee

7.3 The Board were updated on the discussions of the People Committee at their last meeting. The Committee had discussed the recent Supreme Court Judgment which clarified language in the Equality Act regarding the definition of 'sex' as biological sex at birth. It was acknowledged that legislation may be forthcoming and that the EHRC planned to issue full guidance on the ruling after the public consultation. The Committee had also reviewed an initial analysis of the Employment Rights Bill 2024, which provided assurance that the organisation was well prepared for any potential changes required to current employment policies.

Estates Committee

7.5 An update was provided from the Chair of the Estates Committee on the discussions at their last meeting. Progress on the delivery of significant capital projects, notably phase 2 of the evidence by commissioner suites, an additional all-Scotland personal injury court to manage the expansion of business in this jurisdiction and the completion of remedial work at Airdrie Sheriff Court, following the identification of Reinforced Autoclaved Aerated Concrete. An update on the monitoring and management of Radon Gas was also provided.

8. Any Other Business

8.1 None

9. Papers for Scrutiny/Exception Reporting Only

- 9.1 The following papers had been circulated for scrutiny:
- Inverness Justice Centre – Presence of Radon Gas
 - the SCTS Decision Tracker

10. Date of the Next Meeting

10.1 The next meeting would be on Monday 11 August 2025 in Edinburgh.

11. Tour of the Office of the Public Guardian and demonstration of the new case management system

11.1 Ahead of the formal meeting the Board visited staff in the Office of the Public Guardian (OPG) and Accountant of Court in Hadrian House, Falkirk. They received an overview of the work of the OPG by Tim Barraclough (Executive Director – Tribunals and OPG) and Fiona Brown (Public Guardian and Accountant of Court).

11.2 The Board discussed a presentation on the development of the new OPG case management system (PAIGE) noting that phase 1 (Powers of Attorney) was now live and subject to regular updates to improve performance. Phase 2 of the project (relating to Guardianship Orders) was in the early planning stage and would be followed by phase 3 (relating to Accountant of Court functions) towards the end of this financial year.

11.3 The Board noted a continuing interest in the system, as it was the first case management system being developed by SCTS using Microsoft Dynamics – an approach that may be expanded in future, building on the experience and lessons learned from PAIGE. They expressed gratitude for the work carried out by the staff of OPG and the ongoing plan to expand PAIGE to cover all areas of OPG business.