



MINUTES

SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD

MEETING: Monday 14 June 2021 (Meeting held via Video Conference - WebEx)

Present: Rt Hon Lord Carloway, Lord President (Chair)
Joe Al-Gharabally
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
Anne Scott
Sheriff Principal Craig Turnbull
Rt Hon Lord Woolman

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

Apologies: Simon Catto
Morna Rae, JP

1. Minutes of the SCTS Board Meeting on 29 March 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 of, and ongoing SCTS response 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 sound decisions were made.

3.2 Developments since the last meeting at the end of March were reviewed. There had been a resumption of summary trials from April and Justice of the Peace courts had resumed in early June. Safety measures remained in place across the SCTS estate, as case numbers were beginning to rise again.

3.3 The Board recognised the continuing pressure caused by the pandemic. They commended the efforts of both staff and the judiciary in maintaining safe operations, whilst managing backlogs and change. Plans for the expansion of criminal court capacity from September were reviewed. These would start to address the backlogs.

4. Finance Report

4.1 The Board considered the provisional year-end outturn for the 2020-21 financial year. At the end of a more volatile than usual year the provisional outturn projected a £2.6m underspend against total net expenditure. The underspend was largely due to a late surge in civil court fee income, a reduction in bad debt and increased levels of VAT recovery.

4.2 The pandemic had caused a significant impact on the operation and income of the organisation. Some areas of expenditure had reduced due to the lockdown whilst others had grown due to the need to maintain safe operations or to increase the use of digital options. The Scottish Government approved an additional £3m capital expenditure towards the end of the financial year. This was used to invest in buildings maintenance, electric vehicles and enhancements to digital infrastructure, notably cyber security.

4.3 The Board acknowledged the budget challenges faced over the year and the steps taken to manage and utilise the available budget effectively. Production of the full-year annual report and accounts was now under way. These would be considered by the Audit and Risk Committee and the Board in August.

5. Quarterly Performance Review and SCTS Board Scorecard

5.1 The Board carried out its quarterly performance review. The current position on the delivery of the outcomes in the 2021-22 Business Plan and the Board Scorecard for Q4 of 2020-21 were scrutinised.

5.2 The Lord President shared his reflections on the “Future of Civil Justice” conference hosted by SCTS on 10 May. Attendees had discussed innovative approaches which had been adopted in order to maintain civil court business throughout the pandemic. They considered which elements of these should be developed further during recovery and longer term reform.

5.3 The strategic priority measures within the Board Scorecard was discussed. The Executive confirmed that a number of measures would be recalibrated to align with the updated case modelling carried out in the last few months. The proposed new measures would be shared with the Board at the next meeting.

6. Standards of Service for Victims and Witnesses

6.1 The annual report on the operation of shared standards of service for victims and witnesses was reviewed. The report provided a summary of how the standards, which had been agreed between the SCTS, Police Scotland, COPFS, the Scottish Prison Service and the Parole Board for Scotland, had operated over the last 12 months. The Board acknowledged that, overall, the standards had continued to be effectively achieved, although the need to observe public health guidance during the pandemic had necessitated some changes in approach. The standards of service would continue to be reviewed in collaboration with other justice organisations.

6.2 SCTS would continue to work closely with third sector organisations to support victims and witnesses. It was anticipated that, if implemented, a number of the recommendations, in the Lord Justice Clerk’s Review of Sexual Offending, would allow evidence to be captured at an early stage. This had the potential to reduce both trauma and delay for victims and witnesses, whilst supporting the effective management of cases.

7. Annual Review of Standing Orders

7.1 The Board conducted its annual review of the SCTS Standing Orders, the Board members’ code of conduct and the powers and responsibilities that were delegated from the Board to its

Committees and the wider organisation. A number of minor updates were proposed to ensure that they remained accurate.

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

8. SCTS Committee Update

Audit and Risk Committee

8.1 The Committee Chair reported on the key discussions at the last Committee meeting in April. Internal Audit had presented their Annual Assurance Report on audit work which had been undertaken in 2020-21. The Internal Audit overall assurance opinion for the year was "Reasonable". The Committee had welcomed the solid assurance opinion, particularly in the context of the global pandemic and the challenges faced by SCTS. Significant items for discussion at the August meeting included the Annual Report and Accounts for 2020-21.

People Committee

8.2 The Chair of the People Committee provided an update on the matters discussed at their last meeting in May. The objectives contained within the Human Resources Unit and Education and Learning Unit Business Plans 2021-22 had been reviewed, with progress to be tracked at future meetings. The Committee had also considered a Review of SCTS Rewards and Benefits. The comprehensive report was commended and would be discussed further at future meetings.

Estates Committee

8.3 The Committee chair updated the Board on discussions at its meeting in May. The Committee had received progress reports on the major capital projects that were underway. The Property and Service Business plan objectives were reviewed, with progress being tracked at future meetings. The Committee were informed that SCTS had achieved the targets set for carbon reduction across the estate during the last year. They had also recently volunteered to join the Scottish Government sponsored Scottish Public Sector Estate Energy Benchmarking initiative and would update the Committee on the first meeting of the group at a future meeting..

9. Any Other Business

9.1 None

10. Papers for Scrutiny/Exception Reporting Only

10.1 The following papers had been circulated for scrutiny:

- the SCTS Decision Tracker.
- New Scottish Government – Priorities and Engagement

No matters were raised by exception.

11. Date of the Next Meeting

11.1 The next meeting would be held on Monday 16 August 2021.

12. Post Meeting Discussion – Tribunals Reform

12.1 Following the meeting Lord Woolman (President of the Scottish Tribunals) and Tim Barraclough (Executive Director, Tribunals and OPG) gave a presentation on the tribunals reform programme. Since the establishment of the First tier Tribunal for Scotland by the Tribunals (Scotland) Act 2014, tribunals have experienced a combination of restructuring and rapid expansion in their workload. The majority of Scotland's devolved tribunals had migrated into the

new chamber structure within the First Tier Tribunal. Some of the most significant jurisdictions were currently planning for that change, including the Mental Health Tribunal, which was scheduled to transfer early next year.

12.2 In common with all areas of the SCTS, the tribunals had to respond rapidly and innovatively to the challenges posed by the pandemic. A combination of new approaches, including the use of audio and video hearings, had ensured that case backlogs were kept under control. As further reforms were developed, the tribunals were considering how best to harness these new ways of working in order to build a service which is efficient and based around the needs of those who use it.

12.3 The devolution of administrative support to a number of reserved tribunals (which were currently administered by HMCTS staff based in Scotland) had been recommended by the Smith Commission. Both the UK and Scottish Governments had agreed in principle that these transfers should take place. However, the timing of these transfers was yet to be confirmed. The reform programme had plans in place to support these transfers once agreed. The Board stressed the importance of adequate resourcing being made available to manage the risks associated with such a transfer and to ensure that it leads to improved services and outcomes.

12.4 The rapidly growing caseload in areas such as Social Security was discussed. Cases were anticipated to rise considerably as new devolved benefits were introduced by the Scottish Government over the course of the coming year. Ensuring the availability of a sufficient level of experienced judiciary to manage this growth would require careful management over the coming period. Work to understand and plan for these changes was under way.

12.5 The Board paid tribute to the staff of the tribunals (and those working on the reform programme) and would continue to keep developments under review.

Scottish Courts and Tribunals Service
June 2021