

MINUTES

SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD MEETING: MONDAY 11 MAY 2015, TRIBUNALS SUITE, HAMILTON

Present: Rt Hon Lord Gill, Lord President, (Chair)
Rt Hon Lord Carloway
Rt Hon Lady Smith
Eric McQueen
Sheriff Principal Duncan Murray
Sheriff Iona McDonald
Sheriff Grant McCulloch
Johan Findlay OBE JP
Dr Joe Morrow
Dr Kirsty Hood
Simon Catto
Tony McGrath
Professor Hugh MacDougall
Joe Al-Gharabally

Attended: Stephen Humphreys, Executive Director Judicial Office for Scotland
Noel Rehfisch, Corporate Secretary, SCTS
Margaret Peattie, Secretariat Business Manager, SCTS, (Minutes)

Apologies: None.

The Chair welcomed all to the inaugural meeting of the Scottish Courts and Tribunals Service Board and Lady Smith, Sheriff Principal Murray and Dr Joe Morrow to their first Board meeting.

1. Minutes of the SCS Board Meeting of 23 March 2015

1.1 The Minutes of the last Scottish Court Service Board meeting were approved.

2. Matters Arising

2.1 There were no outstanding actions from the March SCS Board meeting.

2.2 The merger of the SCS and Scottish Tribunals Service had been completed successfully and the Scottish Courts and Tribunals Service (SCTS) had been established on 1 April. There were no other matters arising which would not be discussed elsewhere on the Agenda.

3. Finance Report (SCTS/ May15/01)

3.1 The Board received the Finance Report and noted that the forecast outturn had been reduced since the last update. This was mainly due to the Executive bringing forward estates projects planned for 2015-16 to maximise all available resources before the end of the financial year, as agreed by the Board in March. The forecast outturn was welcomed by the Board, which commended the Executive on achieving this outcome against a difficult financial landscape. Good financial planning had been key to making best use of available funding and creating flexibility to pull projects forward.

3.2 The Executive was continuing to discuss funding requirements with Scottish Government to inform plans for delivering the long term strategic priorities set out in the Corporate Plan. It stood ready to allocate any additional funding which might become available during the year.

4. Arrangements for Annual Report 2014-15 (SCTS/May15/02)

4.1 The Executive set out the timetable for preparing, auditing and publishing the Annual Report and Accounts 2014-15. This would be the first Report to fall within the period of the Corporate Plan 2014-17 and the narrative would be structured to reflect the strategic priorities set out there to ensure alignment between the Plan and the Annual Report.

4.2 For the first time the Annual Report would include an outline of the steps taken to ensure that the organisation operates in an environmentally sustainable way. It was noted that the Scottish Court Service had been the only large public sector organisation to achieve its target to reduce energy consumption by 25% over 5 years.

4.3 The final draft Annual Report would be submitted to the SCTS Audit & Risk Committee for scrutiny before being submitted to the Board for approval in August. **The Board agreed** the arrangements and timescale for approving the Annual Report and Accounts as well as the Executive's plan to only publish these electronically rather than procuring a relatively small number of hard copies as had been the case in recent years.

5. Court User Survey Update (SCTS/May15/03)

5.1 Plans for the 2015 Court User Satisfaction Survey were discussed. It was noted that the arrangements were the same as those for the last survey undertaken in 2013. An assessment of Customer Service Excellence (CSE) would also be carried out to measure whether the organisation meets the criteria for CSE re-accreditation. The SCS had held full CSE accreditation since 2013.

5.2 On the Tribunals Operations side, the Executive was discussing with Scottish Government and the Scottish Tribunals and Administrative Justice Advisory Committee their plans for testing tribunal users' satisfaction with the current arrangements. This would enable a benchmark against which the success of tribunal reform would be measured. Any such research would require the approval of the Lord President and the President of Scottish Tribunals and the Executive would ensure that proper approvals were obtained.

5.3 This work would help inform the scope of any surveys the SCTS may conduct in the future. CSE assessments would include Tribunals Operations and proposals would be developed over the course of the year and brought back to the Board in due course.

6. Evidence and Procedure Review Project (SCTS/May15/04)

6.1 The Board heard that two launch events had been held since their last update on the Review. Both events, held in Glasgow and Edinburgh, had been well attended and the project team received valuable feedback on the proposals set out in the Review Report.

6.2 Practitioner and stakeholder workshop sessions were now being planned to gauge views and inform a report for submission to the Justice Board, which would then consider whether this should be submitted to a formal Scottish Government consultation exercise.

6.3 A lot of valuable work had already been carried out and the Executive would continue to collaborate with the Justice Board, Police Scotland, the Crown Office and Procurator Fiscal Service and other interested groups and organisations to test ideas

before consulting wider. The Board recognised that this was a significant project which had the potential to fundamentally change the way in which criminal evidence was recorded and presented without the need for child and vulnerable witnesses in particular and witnesses in general having to give evidence in court.

7. Committee Update

7.1 Two of the Board's Committees had met since the last meeting and the Chair of each Committee gave a summary of the matters discussed.

Audit & Risk Committee

7.2 Joe Al-Gharabally reported that Dr Brian Keighley had been appointed as a non-executive external member of the Committee to succeed Iain Doig whose period of appointment had come to an end earlier in the year.

7.3 Updates had been received from both Internal Audit (Scottish Government) and Audit Scotland on audit activity. The Chair and Simon Catto were now having pre-meetings with Internal Audit to discuss progress and operational procedures and gain further insight into the audit process. Similarly, the Chair and Deputy Chair, Tony McGrath would meet regularly with Audit Scotland. A number of changes within the Internal and External Audit teams had taken place recently and Committee members had found that these discussions provided them with assurance that progress was being made on delivering current annual audit plans.

7.4 Proposals for the Annual Audit Plan 2015-16 had been agreed and the Corporate Secretary had attended the meeting to present on project control and governance arrangements for the SCTS. The Committee had also had a "deep dive" workshop session led by the Interim Director ICT which had provided members with assurance that the complex set of project initiatives within the ICT transformation programme was progressing well.

People Committee

7.5 Johan Findlay reported on the May Committee meeting when members had received a report on the outcome of the Learning & Development Review. Feedback on the quality of technical training had been positive and it had been agreed that an additional training officer be appointed to the team to deliver technical training as part of the implementation of civil courts reform. The Committee considered that one further appointment should be made but there was insufficient funding immediately available. A contingency plan was in place if additional funding did not become available later.

7.6 The Committee had agreed that development of the SCTS People Strategy be delayed until 2016 due to the planned retirement of the Director HR.

7.7 The valuable preparatory work done by the HR Directorate to ensure a smooth transition for staff during the project to merge the SCS and STS was commended. The majority of STS staff had opted to accept SCTS terms and conditions.

7.8 An update on SCTS zero hours contracts was received. All staff employed on this basis had been offered the opportunity to convert their zero hours contract to a part-time contract, but a number had preferred the zero hours option because the flexibility offered suited their own circumstances. Zero hours contracts within SCTS are permanent contracts. Staff accrue annual leave and may qualify for statutory sick pay if eligibility conditions are met.

8. Any Other Business

8.1 None.

9. Papers for Scrutiny/Exception Reporting Only

9.1 The following papers had been circulated for scrutiny:

- Court Programming Update
- ICT programme milestones and high level risks
- the SCS Decision Tracker
- Minutes of Committee meetings

The content of these papers was noted by the Board and no issues were raised by exception.

9.2 In closing it was observed that while this was the first meeting of the SCTS Board, it was also the last meeting for the Chairman, Lord Gill, who had recently announced his plan to retire at the end of the month. In paying tribute Eric McQueen commented that as Chairman, Lord Gill had led the Board in its consideration of some difficult issues and had successfully driven the very complex court reform programme, which was now commencing its full implementation. Through Lord Gill's leadership the organisation was now viewed externally as being confident in its ability, influential across the justice system and respected for delivering outcomes.

10. Date of the Next Meeting

10.1 Monday 29 June 2015 in Parliament House, Edinburgh.

Workshop Session – Tribunal Reform

11.1 The Board was joined by Martin McKenna, Director Tribunals Operations, Lesley Black, Head of Business Improvement and Change and Sara James, Senior Operations Manager who gave a presentation on the work of the Tribunals. The Board was informed of the development of a continuous improvement model which empowered staff to make incremental changes and create significant improvement in operating processes to improve service for tribunal users. It also aimed to improve staff performance, job satisfaction and engagement.

11.2 Dr Morrow described the work of the Mental Health Tribunal for Scotland and the type of cases which come before the tribunal hearings system. Judicial case management was an important element of the hearing system to ensure that cases were progressed without delay. Tribunal members were drawn from the legal and medical professions as well as those from non-professional backgrounds to provide different perspectives to the decision making process.

11.3 Lady Smith explained the background to the tribunal reform agenda and the legislation which had led to the creation of the new structure. She summarised the functions of the first tier and upper tier created to give the tribunals independence from Government and sponsoring departments. The existing devolved tribunals would migrate into this structure on a phased basis. Proposals to devolve responsibility for administration of aspects of reserved tribunals had been set out in the Smith Commission Report. These had the potential to have a significant impact on the range and level of administrative support that SCTS would need to provide to the tribunals system if implemented. The timing of any further transfers was not yet clear.

11.4 Members then visited the Tribunals Operations office to meet with staff and hear about their work. The Board thanked staff for accommodating the Board meeting in Hamilton, for explaining the range of work they do and demonstrating the Team Information Boards which help staff to focus on continuous improvement.