

# MINUTES

## SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD MEETING: MONDAY 21 MARCH 2016, PARLIAMENT HOUSE, EDINBURGH

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

**Attended:** Noel Rehfisch, Corporate Secretary, SCTS  
Margaret Peattie, Secretariat Business Manager, SCTS, (Minutes)

**Apologies:** None.

### 1. Minutes of the SCTS Board Meeting of 1 February 2016

1.1 The Minutes of the last meeting were approved.

### 2. Matters Arising

2.1 There were no outstanding actions.

#### ***SCTS Board Membership***

2.2 Interviews for the office of Lord Justice Clerk had taken place. An announcement of the appointment was expected in April.

### 3. Finance Report (SCTS/Mar16/10)

#### ***Financial Results and Forecast 2015-16***

3.1 The Executive presented its report on financial performance to the end of February. The forecast out-turn anticipated an overall underspend of £39k (before depreciation) representing 0.03% of the total budget for 2015-16.

3.2 The allocation of the Reserve, agreed by the Board in December, had enabled the Executive to bring forward estates backlog maintenance projects. This had resulted in the target for minimum investment being exceeded and the rating of that key performance indicator being revised to green in the SCTS Scorecard. This would also alleviate some of the pressure on capital budgets for 2016-17. Estates projects were being actively managed to ensure expenditure was met from this year's budget.

#### **4. Business Plan Delivery Report & Scorecard (SCTS/Mar16/11)**

4.1 The majority of outcomes for 2015-16 had been achieved or were on track to be delivered by the end of the financial year. Significant upgrades to the SCTS digital infrastructure were nearing completion, with new local area network infrastructure installed across the SCTS estate. The wide area network had been upgraded in all but four sites. Installation of WiFi was progressing with a number of sites expected to “go live” in April, with planned roll out to the remainder by the end of June.

4.2 The Integrated Case Management System project was progressing well. It was noted that, until the product platform was in place and system testing completed, the Executive Team had assessed the project as amber to maintain focus on those key milestones. Once all testing had been completed and assurance provided that the system was working well, the rating would be revised to green.

4.3 The outcome regarding Talent Management had been postponed until next year. This would enable a more measured approach to be developed and aligned to the new People and Learning and Development Strategies, planned for 2016-17.

#### **5. SCTS Business Plan and Budget 2016-17 (SCTS/Mar16/12)**

5.1 An early outline had been shared with members in December and the final draft was presented for decision. Members were content with the narrative subject to some minor changes. It was noted that justice centre development was still a long term strategic priority for the Board, as set out in the Corporate Plan. The Executive would continue to highlight this to the Scottish Government in future budget discussions and consider future funding options.

5.2 **The Board approved** the Business Plan 2016-17, subject to revision to reflect the points raised in discussion. The plan would be published in April.

#### **6. The Scotland Bill – Devolution of Reserved Tribunals (SCTS/Mar16/13)**

6.1 An update on progress of the Scotland Bill and the work being done to prepare for devolution of functions of reserved tribunals was received.

6.2 A workshop involving officials from SCTS, Scottish Government, the Ministry of Justice and Her Majesty’s Courts and Tribunals Service had taken place. A number of projects had been established to ensure that each aspect of the transfer was given proper consideration, including the transfer of resources. The first function to be devolved was expected to be Employment Tribunals towards the end of 2017.

#### **7. Evidence and Procedure Review – Update (SCTS/Mar16/14)**

7.1 The Justice Board had approved the Report “*Evidence and Procedure – Next Steps*”, published on 26 February. The published Report had received a positive response from the media and a range of justice partner organisations and third sector/voluntary bodies.

7.2 In taking forward the recommendations two main workstreams would be developed. The first of those could be established quite quickly and would be related to the taking of evidence from children and vulnerable witnesses.

7.3 The other workstream would explore more significant changes to the summary criminal justice system and would require consultation, new legislation and cross-justice system support over a longer period of time. Planning work had already begun and the Board would be kept informed of progress.

## 8. Update from SCTS Committees

### **People Committee**

8.1 The Committee Chair gave an update on matters discussed at the February meeting. These included the Executive's continuing investment in activities aimed at highlighting dignity at work, the Committee's scrutiny of the evaluation of the SCTS Car Leasing Scheme pilot and proposals for the HR Unit's Business Plan for 2016-17.

#### *SCTS Staff Survey (SCTS/Mar16/15)*

8.2 The Board received the Committee's report on the detailed analysis of the 2015 Staff Survey results. This analysis had contained disaggregated data by business unit and examined potential issues relating to feedback by gender, age, grade and length of service. No major new issues had been identified. The Committee commended the Executive's approach and the actions being taken at both corporate and local level. Activity at local level was being taken forward in partnership with the PCS Union. The Committee welcomed the good working relationships between the Executive and the PCS.

### **Audit & Risk Committee**

8.3 The Board received an update from the Committee Chair. It was noted that arrangements were in place to identify an external member of the Committee to succeed Dr Brian Keighley. Interviews were to be held in April.

8.4 The Chair highlighted changes within Internal Audit and the recent appointment of a new Chief Internal Auditor. Audit Scotland's 5-year tenure as external auditors for SCTS would come to an end after the 2015-16 Annual Report and Accounts had been concluded in August. Audit Scotland was currently running a tendering exercise for new auditors. It was anticipated they would be in place in time for the August meeting of the Committee.

### **Estates, Health & Safety, Fire and Security Committee**

8.5 The Chair gave a summary of the last meeting which included a workshop session to discuss the development of the SCTS Estates Strategy. A draft was now being prepared and would be reviewed at the Committee's next meeting on 2 June. The Board would receive the Strategy for approval later that month.

#### *Kirkcaldy Health, Safety and Security Review Report (SCTS/Mar16/16)*

8.6 The Committee reported on its scrutiny of the Executive's review of security commissioned following the Board's visit to Kirkcaldy in October. The Committee recognised that poor integration of old and new parts of the sheriff court building raised issues of access and a lack of secure and segregated routes. It concluded that no effective solution to address congestion at the front entrance could be achieved that would represent value for money. A high priority should be given to developing a Justice Centre in Kirkcaldy.

8.7 It was recognised that a justice centre solution could not be achieved in the short term and that development of a purpose built facility would require additional funding. The Executive had already carried out improvement works at Kirkcaldy to mitigate the security risks identified in the review and increased levels of manned security guarding had been put in place. Proposals for further improvements had been approved by the Committee at the meeting.

8.8 The Board **agreed** that the Executive should report to the June Committee meeting on the effectiveness of the improvements made and their impact on risk management and mitigation. The Committee would update the Board in June.

## **9. Custody Facilities at Glasgow (SCTS/Mar16/20)**

9.1 David McIlroy declared an interest in relation to this discussion having recently been appointed as an Independent Prison Monitor.

9.2 The Board received a paper outlining concerns raised in a recent report by HM Inspector of Prisons for Scotland (HMIPS) in relation to Cornton Vale Prison, which included a review of custody cell facilities for women at Glasgow Sheriff Court. The Executive provided details on the remedial action being taking to improve facilities there and address HMIPS's concerns.

9.3 When visiting courts, members had been shown custody facilities as part of their tour of the accommodation. It was noted that SCTS was responsible for providing and maintaining cell accommodation in court buildings. Under the Scottish Prison Service's contract for prisoner escort services, G4S had responsibility for the transfer and supervision of persons in custody. The Executive would meet with the Scottish Prison Service, G4S and HMIPS to reach a common understanding of the standards expected by the Inspectorate and what improvements could be made from within current budget provision. **It was agreed** that the Executive would provide the Board with a report on the outcome of these discussions in June.

## **10. Any Other Business**

10.1 None.

## **11. Papers for Scrutiny/Exception Reporting Only**

11.1 The following papers had been circulated for scrutiny:

- Court Programming Update
- ICT programme Milestones and High Level Risks
- the SCTS Decision Tracker
- Draft Minutes of the SCTS Committee meetings held in February

No matters were raised by exception.

## **12. Date of the Next Meeting**

12.1 Monday 9 May 2016 in Parliament House.

## **Workshop Session – The Crown and Procurator Fiscal Service**

13.1 Catherine Dyer, Crown Agent and Chief Executive of the Crown Office and Procurator Fiscal Service (COPFS) gave a presentation on changes in prosecution over the last 20 years and future challenges for the organisation.

13.2 She reflected on the pace and change of criminal legislation since the establishment of the Scottish Parliament in 1999 and the changing nature of prosecution over recent years. Recorded crime continued to fall but the increase in the prosecution of sexual offences and domestic abuse, as well as advances in policing and detection capabilities, had led to a greater proportion of cases going to trial. This had implications for the workload within the justice system which had to be managed. Greater collaboration between justice sector organisations and the establishment of the Justice Board had enabled discussions to focus on system improvement and a shared understanding of the impact of change and future challenges.

13.3 The Chair thanked Catherine for her presentation and wished her well for her retirement at the end of March. The Chair also thanked Margaret Peattie for all her hard work and support over the years and wished her a long and happy retirement.

Scottish Courts and Tribunals Service