

SCOTTISH COURTS AND TRIBUNALS SERVICE

OUR APPROACH TO THE DEVELOPMENT OF SERVICES USING ARTIFICIAL INTELLIGENCE

Overview

The Scottish Courts and Tribunals Service (SCTS) recognises the potential that Artificial Intelligence (AI) has to transform the way we operate, by enhancing efficiency, improving services and supporting new ways of working. We are committed to exploring its potential uses – doing so in ways that will benefit our service users, staff and the judiciary whilst supporting their rights and freedoms.

This work aligns with our core values of respect, service and excellence and the strategic priorities set out in our [Corporate Plan](#). It also supports the vision set in the Scottish Government's Artificial Intelligence [Strategy](#) – that “*Scotland will become a leader in the development and use of trustworthy, ethical and inclusive AI*”. We want to ensure that our use of AI balances effectiveness with ethics. This policy document sets out the guiding principles and overarching governance we will follow in order to achieve that goal.

How do we define AI?

The SCTS applies the definition of AI used in the Scottish Government AI strategy, namely:

Technologies used to allow computers to perform tasks that would otherwise require human intelligence, such as visual perception, speech recognition, and language translation.

What is this document for?

The purpose of this policy is to demonstrate the overall approach SCTS takes to the development and use of AI and to set out how work on AI is governed and managed. Observance of this policy helps to ensure that the SCTS complies with legal obligations including the Data Protection Act 2018 and the UK General Data Protection Regulation (UKGDPR).

We see great potential in using AI – and will focus initially on the potential that advanced Natural Language Processing (NLP) and Generative AI technologies present to enhance the efficiency and accuracy of transcription, summarisation, and translation services. There is real scope for SCTS to improve the services we provide, make efficiencies and play an important role in developing the use of AI in the Scottish public sector. At this point in time the SCTS is **not** using or considering the use of AI in relation to any form of decision making in Scotland's courts, devolved tribunals or the Office of the Public Guardian.

This policy applies to all SCTS employees and those contracted to work for the SCTS. It applies to the development, deployment, operation and decommissioning of all forms of AI, whether developed within the SCTS, by a third-party supplier or in collaboration. Separate guidance on the use of relevant tools will be developed to support this policy where appropriate.

Principles and Ethics

The SCTS will observe the following 7 guiding principles when making use of AI, to ensure that use is both ethical and beneficial:

- i. **Public Good:** we will not use AI systems simply because they are available or because it is possible to do so. We will use AI where it is of benefit to our service users, staff or members of the judiciary. We will be able to explain why we are using it and what those benefits are. Advances in technology will lead to changes in roles, processes and skills. We will manage those transitions effectively and sensitively, and in line with our People Policies.
- ii. **Safety and Security:** we will take all reasonable and practicable steps to ensure that any AI system we design or use functions in a safe, secure and robust way, minimising the risk of harm to individuals or society. We will conduct regular security assessments and update systems to address vulnerabilities. We will establish protocols for the safe deployment, operation and decommissioning of AI systems. Measures will also be put in place to detect and mitigate any “hallucinations” (incorrect or nonsensical outputs) through robust testing, validation and monitoring. We will identify and assess potential risks, taking appropriate steps to mitigate and monitor these.
- iii. **Transparency and accountability:** we will communicate clearly whenever AI is used and be publicly transparent about the purpose, capabilities, and limitations of any AI systems we develop or use. We will provide clear information on how systems have been developed. We will assign accountability for AI systems’ to “human leads” so it is clear how questions can be asked and to whom.
- iv. **Privacy and data protection:** any use we make of AI will respect individual privacy rights and comply with all applicable laws and regulations – including the Data Protection Act and the UK GDPR. We will implement robust data security measures to protect sensitive data against unauthorised access and data breaches. We will use data minimisation techniques and anonymisation where appropriate to safeguard personal information. We will conduct data protection impact assessments as part of developing new approaches. We will provide data subjects with clear information about data collection and use and will maintain transparency about our data practices. We will maintain data integrity through accurate and reliable data collection, storage and processing practices. We will be clear on data ownership and intellectual property rights. Any use of AI which impacts on privacy rights will be included in our privacy statement.
- v. **Equality and Fairness:** We will ensure that our use of AI does not unfairly discriminate. Systems will be designed and implemented to avoid bias, discrimination or inequality (including in relation to the data sets used to develop

those systems). We will regularly monitor the performance, usage and output of AI systems to identify any biases and outline any steps required to address performance. We will consider the diverse needs of all our user groups when developing and implementing AI systems, ensuring Equality Impact Assessments are completed as necessary.

- vi. **Control and Empowerment:** we will ensure that any AI systems we use enhance rather than replace human decision making. SCTS staff will have control over AI systems and will have the ability to override them when necessary. We will provide appropriate training and resources to those interacting with AI systems to ensure they understand and can work with them effectively. Those using or affected by systems will be involved in their development, ensuring their interests are served.
- vii. **Accountability** – we will have appropriate governance in place to demonstrate the importance we place on our use of AI – considering its wider impacts and effects. The approval of new systems, ownership of live systems and accountability for their performance is clear. We will consider the broader impact of AI systems including their environmental impact, promoting efficient practice whilst encouraging the use of AI to support sustainability. We will also consider the impact of using AI more broadly, including public opinion on its use, benefits and risks. We will promote responsible use to bring benefits to society, which align with our values, behaviours and strategic priorities.

Governance of AI Initiatives in SCTS

To ensure that our guiding principles are implemented in practice there needs to be effective governance and oversight. This is provided through a hierarchy of control which is summarised below.

The SCTS Board – sets the overall strategic direction of the organisation. Exploring and making effective use of AI is a strategic objective of the SCTS Corporate Plan. Piloting the potential use of AI in relation to transcription, translation and summarisation have been identified as initial areas to explore in the SCTS Business Plan.

SCTS Executive Change Board (ECB) – the ECB determines the overall change programme for SCTS – allocating the available resource to change initiatives in order to best meet the priorities agreed by the SCTS Board. Resources required to take forward AI initiatives will be determined and allocated to the AI delivery team – part of the Next Generation Change Lab. Resources from across the organisation will also be needed to deliver these initiatives, including information governance support, procurement and supplier advice, and operational support

Next Generation Change Lab – this lab oversees the development and delivery of technical digital work in SCTS, including upgrades to core networks, infrastructure and the development of new tools, including the tools required to support effective utilisation of AI. The dedicated AI project team are members of the Lab and the Lab is responsible for ensuring that all AI-based technologies developed for use in the SCTS meet the expected technical standards, observe the principles set in this document and are effectively governed and managed. Capabilities and tools will be developed in the lab and rolled-out to specific business areas with support from the other SCTS change labs as required.

Training and development

We will ensure that all staff involved in the development or use of AI systems receive appropriate training, in order that they understand the benefits and implications of AI technologies. Everyone involved in the development of AI technologies and tools is responsible for upholding our 7 guiding principles in their work. We will ensure awareness and understanding of these principles.

We will also provide access to information, resources and training to ensure that our people are competent to use any AI technology or system deployed within SCTS in effective and appropriate ways.

Suppliers

Suppliers and third-party partners involved in AI development or deployment will be required to adhere to our guiding principles and all other relevant policies. Any contracts developed with suppliers should include clauses that specify ethical AI use and compliance with relevant laws and standards including data protection and privacy.

Monitoring and review

This policy will be kept under review to ensure it remains relevant and effective in supporting the ethical and effective use of AI.

Published – April 2025