



SCOTTISH COURT SERVICE BOARD
MEETING: Monday 16 August 2010 in Inverness

Present:

Rt Hon Lord Hamilton, Lord President, (Chair)
Rt Hon Lord Gill
Eleanor Emberson
Tony McGrath
Johan Findlay JP
Sheriff Derek Pyle
Mark Higgins
Sheriff Principal Alastair Dunlop QC
Elizabeth Carmichael CBE
Debbie Crosbie
Robert Milligan QC

Also Attended:

Neil Rennick, Executive Director Policy & Strategy, SCS
Eric McQueen, Executive Director Field Services, SCS (Item 5)
Margaret Peattie, Secretariat Business Manager, SCS, (Minutes)

Apologies:

Rt Hon Lord Reed
Sheriff Iona McDonald

1. Minutes of the Meeting of 14 June 2010

1.1 The minutes were approved.

2. Matters Arising

2.1 Action points were cleared. The Chair thanked Elizabeth Carmichael for her piece reflecting on the Board's visits to courts and headquarters, which had been published on the Intranet.

3. Performance Framework (SCS/Aug10/26)

3.1 The Board reviewed the performance framework and noted that discussions were taking place with the Crown and Procurator Fiscal Service on the impact of reduced court loadings on summary criminal trial churn and the performance indicator of cases disposed within 20 weeks. The need for the Executive to continue to focus on performance and system improvements was underlined by the Board.

4. Finance Report 2010/11 (SCS/Aug10/27)

4.1 The report set out the financial results for the first quarter of the year. Indications were that there would be an overall underspend against budget and it was agreed that the Executive bring forward proposals for allocating the reserve and any forecast underspend for consideration by the Board at the October meeting. Costed options for investing in projects to realise long term savings would be included in those proposals.

5. Strategic Planning (SCS/Aug10/28)

5.1 The paper set out a proposed approach to support the delivery of the strategic change programme across the organisation. The Board was keen to hear how staff and the judiciary would be involved and what opportunities they would have to feed into the process.

5.2 Lessons learned from other major change projects, such as unification, would inform the level of consultation and engagement required by internal and external groups. It was noted that the Board would expect channels of communication to be established so that any matter at issue could be brought to the Board's attention by those operating at local level.

5.3 In discussing how any resistance to change would be managed, the Board agreed that the most critical element to delivering strategic change was the empowerment of people and removal of barriers. Although the Executive had set out the approach from an internal perspective, the Board asked that this be broadened out to include the judiciary and partner organisations within the justice system.

5.4 The Executive had already begun to discuss strategic change issues with judicial groups and in liaison meetings with police and Crown and Procurator Fiscal Service had been focusing on a joined up approach to system improvements to resolve local issues and making better use of resources.

5.5 Decisions on strategic change would be taken at the October meeting and the Board considered ways of headlining the strategic imperatives for the organisation in the lead up to Scottish Government's announcement of the budget settlement.

Action: Executive to draft material for communicating the scale of challenge and likely strategic change.

5.6 The Board heard a presentation on a recent benchmarking exercise which looked at data designed to give a better understanding of business volumes and the resource cost of court sitting days. The importance of the roles of sheriffs principal and sheriffs in managing the conduct of court business was recognised.

6. Administrative Justice & Tribunals Council Consultation (SCS/Aug10/30)

6.1 A draft response to the consultation paper on the future of tribunals in Scotland was discussed. The draft reflected the Board's view that decisions about the future operation of and administrative support for tribunals in Scotland, and any implications arising from the UK Government's decision to merge Her Majesty's Court Service and the Tribunal Service in England and Wales, should take account of specific circumstances in Scotland, including the very recent governance changes to the SCS. The Board asked that an additional line be added to the response emphasising the need to ensure that tribunals are appropriately resourced. Subject to that addition, the Board was content with the draft. It was agreed that any significant developments in this matter, ahead of the consultation deadline of 22 September, would be highlighted to Board members in correspondence.

Action: Executive to update the Board on any developments in relation to the consultation on the future of Tribunals in Scotland ahead of the consultation deadline of 22 September.

7. Civil Courts Review (SCS/Aug10/31) and Review of Sheriff & Jury Procedure (SCS/Aug10/32)

7.1 The Board considered two reports which set out the work already carried out to identify the most significant issues for SCS and was content that proper arrangements were in place for further consideration and implementation of these issues.

7.2 Lord Reed was chairing a working group involving members of the judiciary and officials from the Executive and the Scottish Government, which was considering the progress being made in taking forward the recommendations of the Civil Courts Review. Some initial sampling work of the model had already been done in Lothian & Borders.

7.3 This work tied in with the Scottish Government's "Making Justice Work" programme established to consider the links between different areas of activity. The Board were interested to hear more about this programme and it was agreed that the Executive would keep them informed of developments.

Action: Executive to keep the Board informed of matters being considered under the Making Justice Work programme.

8. Board Committees (SCS/Aug10/33)

8.1 The Board was broadly content with the draft remits for the Estates, Health & Safety, Fire and Security Committee and the People Issues Committee with only a few additional points to be added. It was agreed that these should be finalised by the individual committees at their first meetings. Minutes from Committee meetings would be copied to the Board and the final remits and minutes published on the Scottish Court Service website. Committee Chairs would provide an update on any relevant issues at each Board meeting and an annual report to the Board.

8.2 Proposals for additional members of each committee were discussed and it was agreed that the Committees should include an external expert in, respectively, HR and estates, probably from another public sector organisation. Filling those positions would be considered by the Committees. The Executive was asked to discuss representation of staff at meetings of the People Issues Committee with PCS union officials.

Action: Executive to discuss with PCS union officials staff representation on the People Issues Committee.

8.3 The question of the Estates etc Committee's delegated authority was discussed. The Board would reconsider the financial delegation limit in the light of experience but would hold the high level decisions to itself for now. If appropriate, it could remit any estates issue to the Committee for consideration and it would be open to the Committee to remit any issue within its delegated authority to the Board for final decision if it considered that necessary. The Board approved proposals for replacement of the roof of the Lawnmarket Building, subject to certain questions being satisfactorily resolved. These questions were subsequently so resolved.

8.4 Members of the short-life working group on development of the performance framework, chaired by Tony McGrath, had been identified and would meet next month. The performance scorecard was evolving but more linkage to strategic priorities was required. Some of the work being taken forward would link into matters which would be for the People Issues Committee to consider and develop further.

9. Memorandum of Understanding – Senior Civil Servants (SCS/Aug10/34)

9.1 The Board considered the draft Memorandum of Understanding between the Scottish Court Service and Scottish Government in relation to the arrangements for employment and conduct of senior civil servants within SCS.

9.2 It was agreed that the Memorandum should be revised to make clear the procedures for the Board considering the appointment, deployment and conduct of senior managers and that time limits for corresponding actions by Scottish Government and the SCS were the same.

Action: Executive to revise the Memorandum of Understanding.

10. Any Other Business

Future Agendas

10.1 It was suggested that Agendas for future meetings should be set against the Board's key strategic imperatives.

The Board recorded its thanks to the Sheriff Clerk and her staff for accommodating the meeting in Inverness and for facilitating a tour of the courthouse.

11. Date of the Next Meeting

11.1 Monday 18 October 2010 within Edinburgh Sheriff Court.