



MINUTES

SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD MEETING: MONDAY 28 AUGUST 2017, PARLIAMENT HOUSE, EDINBURGH

- Present:** Rt Hon Lord Carloway, Lord President (Chair)
Rt Hon Lady Dorrian, Lord Justice Clerk
Dr Joe Morrow QC
Sheriff Principal Duncan Murray
Sheriff Iona McDonald
Sheriff Grant McCulloch
Johan Findlay OBE JP
Dr Kirsty Hood QC
Simon Catto
Joe Al-Gharabally
Professor Hugh MacDougall
Colonel David McIlroy
Eric McQueen
- Attended:** Noel Rehfisch, Corporate Secretary, SCTS
Karen Lawrie, Secretariat Business Manager, SCTS, (Minutes)
- Apologies:** Rt Hon Lady Smith

1. Minutes of the SCTS Board Meeting of 3 July 2017

- 1.1 The Minutes of the last meeting were approved.

2. Matters Arising

- 2.1 There were no outstanding actions from the last meeting.

3. Financial Results and Forecast Outturn 2017-18 (SCTS/Aug17/51)

3.1 The Board considered a report on financial performance to the end of July 2017. Final agreement of in-year budget transfers from the Scottish Government would be based upon devolved tribunal activity levels, with the budget transfer matching actual expenditure.

3.2 The level of retained fines income collected in the year to date was lower than the level budgeted. The Board discussed the cause and effect of this and agreed that retention levels should continue to be monitored closely. The Board agreed that representations should be made to the Scottish Government that ensure they were aware of the position and able to provide support should retention levels lead to a shortfall in the full-year budget.

4. Spending Review (SCTS/Aug17/52)

4.1 The Executive reported that the Scottish Government had commenced preparatory work for its forthcoming Spending Review. The organisation had responded to initial requests for input that would be used by the Scottish Government to develop its proposed settlement for revenue and capital budgets for the coming one to three years.

4.2 The Board considered a number of cost-saving options that had the potential to reduce expenditure within the SCTS, noting that a number of these would potentially have a detrimental impact on service delivery. The Board agreed that the Executive should continue to identify efficiencies and savings where possible, whilst observing that the organisation had already managed a period of significant financial restraint.

5. SCTS Audit and Risk Committee Annual Report to the Board (SCTS/Aug17/53)

5.1 The Chair of the SCTS Audit and Risk Committee provided a summary of the matters discussed at its last meeting. The Committee's Annual report to the Board was also presented. This reflected on the work of the Committee during 2016-17 and laid out its priorities for the coming year. These included a continuing focus on organisational capacity, oversight of the management of significant changes and the development of the digital agenda – including the integrated case management system.

5.2 The Committee, based on its scrutiny and the assurances provided by the Executive, Audit Scotland and Internal Audit, recommended that the Board approve the SCTS Annual Report and Accounts for 2016-17. A draft of the Strategic Report section of the Annual Report had been circulated to the Board for comment in May. The finalised version of the Report and Audited Accounts was now presented for approval.

5.3 Having considered the SCTS Audit and Risk Committee's Report and its recommendation, **the Board formally approved the Scottish Courts and Tribunals Service Annual Report and Accounts for 2016-17**. The SCTS Accountable Officer would now sign the Governance Statement. Arrangements would be put in place for the Annual Report and Accounts to be published and laid before the Scottish Parliament.

6. Business Plan Delivery Report & SCTS Board Scorecard (SCTS/Aug17/54)

6.1 The Board reviewed the Business Plan Delivery Report, Board Scorecard for quarter 1 of 2017-18 and the Scottish Government's "Safer Communities and Justice Brief" for July 2017.

6.2 It was reported that the current format of the Board Scorecard had been retained for quarter 1 of 2017-18. Internal Audit had commenced an audit of performance information which would encompass a review of the current measures contained in the scorecard. Once completed the recommendations from the audit would be used to support the periodic review and update of the scorecard. Subject to timings the revised scorecard would be presented as part of the next quarterly performance report.

7. Devolution of Reserved Tribunals (SCTS/Aug17/55)

7.1 The Executive advised that the UK Government had now proposed formally that the transfer of administration of currently reserved tribunals from HMCTS to SCTS should be implemented in two phases. Phase 1 would consist of the jurisdictions concerning employment, tax, social security and child support. Phase two would cover the remaining jurisdictions.

7.2 A joint Ministry of Justice and SCTS feasibility study, setting out the provisional planning, costings and arrangements for the proposed transfer, would be considered by the Board at its next meeting. This would allow the Board to focus on the planning, funding and transitional arrangements that would be required to facilitate an effective transfer.

8. Inverness Justice Centre (SCTS/Aug17/56)

8.1 The Board reviewed current arrangements and progress on the development of Inverness Justice Centre. A revised planning application had been submitted to the Highland Council which would be considered during September. Subject to planning consent being granted, the main construction works would commence in November. As currently planned, this would allow the new Centre to become operational before the end of 2019.

9. Facilities in Kirkcaldy Sheriff and Justice of the Peace Court (SCTS/Aug17/57)

9.1 During their visit to court facilities in 2016, Board members had observed a number of challenges posed by the current facilities in Kirkcaldy. This had led to the proposal for a Fife Justice Centre featuring in the SCTS Corporate Plan for 2017-20. Development of a justice centre would be subject to funding and would take a number of years to complete.

9.2 A number of remedial actions had been taken at Kirkcaldy in order to address some of the identified challenges. The Board considered these, including an updated security review that had been prepared by the SCTS Security Manager. A range of further options for development and risk mitigation were considered by the Board. The Executive would provide a further progress update on their feasibility and development at a future Board meeting.

10. Integrated Case Management System (ICMS) (SCTS/Aug17/58)

10.1 The current position of the new Integrated Case Management System was discussed by the Board. Maintenance and development of the core system had been passed from the project team to the SCTS IT Department. The number of system issues reported weekly had declined significantly over the past quarter and the priority changes identified earlier in the year continued to be addressed.

10.2 The Board discussed arrangements for the development and introduction of the Civil Online portal. Detailed plans had been developed to support the roll-out of the portal from early 2018. This portal would allow parties to submit simple procedure cases electronically, review the status of those cases, submit a response, request a decision or request time to pay.

10.3 A review of the operation of the Simple Procedure Rules and their interaction with ICMS was under way. This review would identify potential changes and improvements that could be made. The Board noted the review and agreed that it was prudent to review the core rules ahead of the introduction of further "special claim" rules in respect of personal injury, eviction and other actions.

10.4 An independent technical assurance review of the ICMS and a review of the contract management arrangements in place had both been completed. These were examined in detail by the SCTS Audit and Risk Committee at its August meeting. The Board agreed that the ARC should oversee the implementation of actions identified by the reviews and of the planning for the next phase of the project. The Board continued to stress the importance of communicating changes that had been made and those planned, to ensure that all users were aware of developments.

11. Programme for October Meeting, Board Diversity & Appraisal (SCTS/Aug17/59)

11.1 The Board considered proposals and draft legislation that had been introduced to the Scottish Parliament to promote gender equality on public sector boards. It was anticipated that the relevant bill would complete its Parliamentary passage during 2018. The Executive assured members that, once enacted, steps would be taken to ensure that future Board recruitment rounds took account of the requirements of the new legislation.

11.2 The Board's annual appraisal process, which provides members with the opportunity to record their view on the effectiveness of the Board's performance, was underway. Members would discuss the findings at the next meeting.

11.3 The Board reviewed proposals for its next meeting, which would involve a visit to the Scottish Crime Campus at Gartcosh.

12. SCTS Committee Updates

Remuneration Committee

12.1 The Remuneration Committee had met prior to the Board meeting. In accordance with the Scottish Government's Public Pay Policy for 2017-18, the Committee agreed to recommend a 1% increase in the daily fees for those members of the SCTS Board and its Committees who were not already in receipt of remuneration from public funds. This was accepted by the Board.

People Committee

12.2 The Committee Chair reported on the August meeting. The main focus of the meeting had been on a review of staff absence levels during the past year and consideration of the draft data developed for the SCTS People Scorecard. Committee members had also completed their annual appraisal exercise and discussed the topics to be covered in their annual report to the Board.

13. Any Other Business

13.1 None.

14. Papers for Scrutiny/Exception Reporting Only

14.1 The following papers had been circulated for scrutiny:

- Court Programming
- Mobile Judiciary
- ICT High Level Risks
- the SCTS Decision Tracker
- Draft minutes of the SCTS Committees held since June

No matters were raised by exception.

15. Date of the Next Meeting

15.1 Monday 16 October 2017 at the Scottish Crime Campus, Gartcosh.

Workshop Session – Joint SCTS Board and Committee Member Workshop

16.1 The Board was joined by non-executive members of the People, Audit & Risk and Estates Health & Safety Fire & Security Committees. The joint workshop session was the outcome of feedback from Board and Committee members during their annual appraisal in 2016. Whilst each Committee performed valuable work it was observed that Committee members had limited opportunities to meet with the Board as a whole and with members from other committees.

16.2 Attendees discussed a short overview of the key areas of work that SCTS has been focussing on during the past year. Committee Chairs provided an overview of the role and work of their Committee and the key areas they intended to focus upon during the coming year.

16.3 The important role played by the committees in providing additional scrutiny and assurance to that provided by the Board was recognised. Several new committee members commended the Executive on the quality of the induction programme they had received and observed the high quality of the papers produced for meetings and the secretariat support provided.

16.4 It was agreed that a joint SCTS Board and Committee Member workshop should be held annually, based around a topical issue or priority that would engage the skills and experience of all members.

Scottish Courts and Tribunals Service
August 2017