

SCOTTISH COURT SERVICE

BOARD MEETING

Thursday 28 January 2010 in Parliament House, Edinburgh

Present:

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

Also Attended:

Neil Rennick, Director of Policy & Strategy, SCS
Glynis McKeand, Head of Civil & Governance Change, SCS
Margaret Peattie, Secretariat Business Manager, SCS, (Minutes)

Apologies:

Rt Hon Lord Gill
Robert Milligan QC

The Lord President welcomed everyone to the first formal meeting of the Scottish Court Service Board.

Prior to the main business on the Agenda, the Board joined the Strategic Board to hear a presentation which took stock of current issues. Discussions then took place in relation to:

- staff development and the SCS People Strategy;
- identifying costs associated with different areas of the SCS business;
- the Estates Strategy and the challenges associated with managing a diverse court estate;
- the allocation of budgets and fixed costs associated with pay and estates; and
- engagement with other organisations in the justice sector and other parts of the Scottish Government.

The Lord President thanked the Strategic Board for providing an insight into what lay ahead for the new SCS Board. He underlined the importance of the work done by the Strategic Board and recognised the contribution made by both the Executive and Non Executive members.

1. SCS Framework Document (SCS/Jan10/01)

1.1 The draft Framework Document was discussed and it was agreed that the term “Scottish Court Service Board” should be entrenched to avoid any confusion between the Board and the Executive.

2.2 Neil Rennick advised that this type of document was normally provided to the Scottish Government and its purpose was to set out the relationships between it and the Board. The arrangements for making representations to Scottish Ministers and the Parliament were set out in the Act and, if the Document were to be too prescriptive, there was a danger that the Board would restrict itself in what it might make representations about.

2.3 The question of making representations on budget issues was discussed. The Board had an absolute right to make representations to the Justice Committee on any matter, including the budget Bill. Paragraph 5.5 set out the negotiation arrangements between the Board and Scottish Ministers.

2.4 Lord Reed commented on Chapter 4 which set out the Board’s accountability to the Scottish Parliament. Some additional detail was required to ensure this was a two-way process and it was agreed that Lord Reed and Neil Rennick would discuss this further and bring the matter back to the next meeting.

Action: Lord Reed and Neil Rennick to consider revisions to Chapter 4 and bring this back to the February meeting.

2.5 The Board discussed the periods in which the Framework Document should be reviewed (Paragraph 8). It was agreed that the timescales for revision of the Document would be given further consideration.

3. SCS Corporate Plan 2010/11 (SCS/Jan10/02)

3.1 Neil Rennick summarised the content of the Corporate Plan which covered one year only. The Board would be vested with its full range of corporate responsibilities shortly before the next planning period hence the need for this to be presented to Ministers. The Plan was a statutory document focusing on what the Scottish Court Service would do over the coming year.

3.2 Key messages in the Plan should be:

- that this was the Plan of a new organisation;
- to emphasise the benefits of the new structure;
- to explain more clearly the reasons behind difficulties in delivering the operational function;
- the inclusion of Scottish Government strategic objectives; and
- to emphasise that performance measures were inherited and were not necessarily those which will be adopted by the Board.

3.3 The Board discussed the content highlighting some areas which required more detail. It was important to set out the current state of play but the Board would bring forward a more developed Corporate Plan for the next planning round setting out its strategic priorities.

3.4 Neil Rennick would revise the Plan in the light of discussions and bring it back to the Board.

4. Board Governance, Structures and Committees (SCS/Jan10/03)

4.1 This paper was intended to provide the basis for further thinking around how much the Board would wish to delegate to committees. Neil Rennick advised that the closest example of a similar body with a breadth of responsibilities was the Court Service in Ireland where the Board had set up a number of standing committees as well as some short-life committees.

4.2 It was open to the SCS Board to consider how many members would sit on its committees and Neil Rennick would bring back proposals about membership once it had been determined which committees should be set up.

4.3 Executive Directors and members of the Judiciary outside Board membership would have much to bring to Committees in terms of their relevant knowledge and experience and there should be a place for them in that setting.

4.4 It was agreed that the Board should not rush to set up Committees before it had sufficient information about the organisation to do this in a meaningful way. It must be comfortable about what should be delegated. It would be helpful to have some development sessions to share information and consider issues to help inform this activity. Suggestions for these sessions were:

- the SCS Estates Strategy;
- the SCS People Strategy; and
- the SCS Performance Framework.

4.5 Clarification was sought on what were the big operational activities carried out by the Scottish Court Service and what proportion of the budget was spent on them. A development session would be arranged before the February meeting to give the Board some detailed information on business demands and how these were resourced.

Action: The Executive to provide a short paper for a development session with the Board before the February meeting.

5. SCS Standing Orders (SCS/Jan10/04)

5.1 Glynis McKeand summarised the proposals set out in the paper, explaining that Standing Orders were not required by statute but were considered best practice.

5.2 There was some discussion on the establishment of a Register of Interests. It was agreed that any papers coming before the Board in relation to procurement should be flagged for any potential need for declarations of interest prior to discussion but that members should also be aware of the need to declare an interest when appropriate.

5.3 It was agreed that members should include all interests (including shareholdings) in the Register but that should not extend to the value of any financial interest.

Action: Secretariat to send the Board a pro forma for completion by individual members.

5.4 The Board was content with the proposals for a Code of Conduct.

5.5 In relation to the signing of documents it was agreed that any which required to be executed by the Board should be signed by two of its members. It was noted that the scheme of delegation set out in Annex B required more information on levels of financial delegation.

5.6 A paper on remuneration would be brought before the Board for the March meeting.

6. Chief Executive for the Scottish Court Service (SCS/Jan10/05)

6.1 This item of the Agenda was discussed outwith the presence of the Eleanor Emberson and members of the Executive.

6.2 Following discussion, it was agreed that Eleanor Emberson be invited to become the Chief Executive of the new, statutory Scottish Court Service.

7. Any Other Business

Communications

7.1 Neil Rennick advised that Susan Whiteford was preparing a communications paper for the Board.

7.2 Following the meeting a Board briefing would be published on the SCS intranet.

8. Date of the Next Meeting

8.1 The next meeting will be held on Monday 15 February 2010 at 12.30 pm in Parliament House, Edinburgh.