



MINUTES

SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD MEETING: MONDAY 6 FEBRUARY 2017, PARLIAMENT HOUSE

Present:

Rt Hon Lady Dorrian, Lord Justice Clerk (Chair)
Dr Joe Morrow QC
Sheriff Principal Duncan Murray
Sheriff Iona McDonald
Dr Kirsty Hood QC
Joe Al-Gharabally
Simon Catto
Professor Hugh MacDougall
Colonel David McIlroy
Eric McQueen

Attended: Noel Rehfisch, Corporate Secretary, SCTS
Karen Lawrie, Secretariat Business Manager, SCTS, (Minutes)

Apologies: Rt Hon Lord Carloway, Lord President
Rt Hon Lady Smith
Sheriff Grant McCulloch
Johan Findlay OBE JP

1. Minutes of the SCTS Board Meeting of 5 December 2016

1.1 The Minutes of the last meeting were approved.

2. Matters Arising

2.1 There were no outstanding actions from the last meeting and no matters arising.

3. Finance Report (SCTS/Feb17/01)

3.1 The Board considered the financial position based on expenditure to the end of December 2016. The final full-year budget for 2016-17 provided to SCTS by the Scottish Government had been agreed at £107m, reflecting a reduced need for additional Scottish Government funding as a result of the 2016 civil fees order.

3.2 Expenditure in several areas had remained slightly behind forecast for the year to date, the full-year forecast remained that the total budget of £107m would either be fully utilised or a small underspend may be achieved.

3.3 Approval had been received from Scottish Government to allow SCTS to utilise £1.8m of funding previously ring-fenced for the Inverness Justice Centre on other capital priorities. The Board confirmed they were content with the proposed utilisation of the capital underspend on buildings, technology, fleet vehicle replacement and ICMS development.

4. Spending Review and SCTS budget 2017-18 (SCTS/Feb17/02)

4.1 The 2017-18 budget agreed for SCTS following the Scottish Government's spending review was discussed. Despite the tight financial climate the funding would ensure that

investment would continue over the coming financial year. As in the preceding Spending Review inflationary pressures will require to be absorbed. The Executive were finalising Business Plans including a number of efficiency measures to accommodate these pressures.

4.2 The SCTS Business Plan for 2017-18 and proposed budget allocations would be presented to the Board for approval at the March meeting.

5. Draft Corporate and Business Plans (SCTS/Feb17/03)

5.1 Board Members reviewed drafts of the SCTS Corporate Plan 2017-20 and Business Plan for 2017-18. Consideration would be given to a number of comments made by members and approval was given to develop final drafts, through the Board sub-group.

5.2 The SCTS Corporate Plan 2017-20 and the 2017-18 Business Plan would be presented to the March meeting for approval.

6. Criminal Justice Scotland Act 2016 changes – outline of implementation (SCTS/Feb17/04)

6.1 The implementation of the reforms to solemn criminal procedure proposed by the Criminal Justice (S) Act 2016 was assessed by the Board. Members were advised that a Practice Note issued by the Lord Justice Clerk in December 2015 had helped change the culture of sheriff and jury business, in advance of the legislative changes, leading to a reduction in adjournments.

6.2 Members discussed the work required to fully implement the proposed legislative changes highlighting the need for all justice organisations to continue to meet their individual obligations. Consideration was also given to the possible transfer of cases across Sheriffdom boundaries which would maximise opportunities for efficient court programming.

7. The Scotland Act – Devolution of Reserved Tribunals (SCTS/Feb17/05)

7.1 The Board had been advised previously that finalisation of a feasibility report detailing the options for the devolution of reserved tribunals could not take place until UK and Scottish Governments had reached agreement on the most effective management of the transfer.

7.2 The decision on the transfer of administration of these tribunals (immigration, employment, social security and tax) to SCTS was still awaited. The Board would receive the full report when agreement had been reached.

8. Inverness Justice Centre (SCTS/Feb17/06)

8.1 The Board considered progress of the Inverness Justice Centre Project. An application for detailed planning permission had been submitted to Highland Council in November and would be considered by a Planning Committee in February. Discussions were ongoing with the Scottish Government in relation to the requirements of partner organisations, including funding, to ensure the Justice Centre realised its full potential.

9. Integrated Case Management System (ICMS) (SCTS/Feb17/07)

9.1 The Board were advised of the latest position following the launch of the Integrated Case Management System (ICMS) in October and the enhancement of ICMS to handle simple procedure cases from November. Concern was raised that a number of issues continued to be identified following the launch of ICMS and the Board were informed of the arrangements in place both to address these and to enhance operation as the system is developed further. System upgrades to address reported difficulties had been delivered through a number of weekly updates. That process would continue as necessary, to ensure that ICMS delivers its full functionality and the benefits that will bring.

9.2 Plans were already in place to expand ICMS through the Civil online portal, introduction in the Court of Session and assessment of future development of ICMS so that it can be used in other business areas. A number of steps were being taken prior to the introduction of the new portals to ensure that learning from the initial roll-out was both captured and used to improve future phases. An interim ICMS implementation evaluation had commenced during January, involving both judiciary and front line staff. A technical assurance review would be undertaken by the Scottish Government Centre for Expertise and a contract management review would be undertaken by Supply Chain Management Group, who supported the initial procurement activity and subsequent contract award in 2014.

9.3 Board members discussed the longer-term aspirations for ICMS and agreed that a high-level plan would be considered at a future meeting.

10. Evidence and Procedure Review – next steps (SCTS/Feb17/08)

10.1 Following the detailed discussion session of the Evidence and Procedure Review at the previous meeting, the Board considered progress of the two main project strands: summary justice redesign and children and vulnerable witnesses.

10.2 The summary justice redesign working group had prepared a detailed report that outlined a new, digitally enabled process for summary criminal complaints. The proposals in the report had been agreed by the Justice Board for Scotland. The report would be published in February, and followed by a series of targeted discussions with a wide range of justice stakeholders across Scotland during April/May. The Board commended the working group's activity.

10.3 The workstream on child and vulnerable witnesses had developed proposals to improve Joint Investigative Interviews and the taking of evidence by a Commissioner in High Court cases, alongside longer term proposals for more significant change. A draft High Court Practice Note on the taking of evidence on commission would be issued during February with consideration given to replication of the process in the Sheriff Court.

10.4 The Board were pleased to note that the Scottish Government were giving consideration to the significant reforms that would be required to amend legislation and the extent to which the approach taken in the Scandinavian "Children's House" model could be adopted in Scotland.

11. SCTS Committee Update

Audit and Risk

11.1 The Chair of the Audit and Risk Committee summarised the key points from their last meeting. The Committee had focussed on the External Audit plan for 2016-17, which highlighted the core elements of their work and the proposed timetable for key activities. Neil Rennick, Scottish Government Director Justice, had joined the meeting. He presented an overview of the pace and scale of delivery of the Scottish Government Justice Strategy. Recruitment for two non-executive members of the Committee was also underway and it was hoped appointments would be made in advance of the next Committee meeting in April.

12. Any Other Business

12.1 There was no other business raised.

13. Papers for Scrutiny/Exception Reporting Only

13.1 The following papers had been circulated for scrutiny:

- Court Programming
- Mobile Judiciary
- ICT programme Milestones and High Level Risks

- the SCTS Decision Tracker
- Draft minutes of the SCTS Committees held since December

No matters were raised by exception.

14. Date of the Next Meeting

14.1 Monday 27 March 2017 in Saughton House, Edinburgh.

Annual Review of Corporate Risk

15.1 Board Members held their joint annual workshop with the Audit & Risk Committee to review the risks on the SCTS Corporate Risk Register. The workshop considered the existing risks and those that may arise over the coming 2-3 years. Discussion groups explored a number of key areas of risk and opportunity faced by the organisation including: the implications of Brexit; major justice reforms; the development of the SCTS People Strategy and the opportunities and threats posed through further investment in and development of digital technology.

15.2 The risks in the corporate risk register were considered to be valid. Board members were keen to ensure that digital development was designed to get both the most out of the technology itself whilst supporting and preparing the judiciary, staff, stakeholders and users to be ready to make the most of that development – involving them throughout the process.

15.3 Members agreed that the risks should be kept under regular review to ensure that new or emerging risks were identified before they had a major impact.

Scottish Courts and Tribunals Service