



SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD

MEETING: Monday 4 October 2021 (Meeting held via Video Conference - WebEx)

Present: Lord Carloway, Lord President (Chair)
Joe Al-Gharabally
Simon Catto
Lady Dorrian, Lord Justice Clerk
Dr Sophie Flemig
Dr Kirsty Hood QC
Colonel David McIlroy
Eric McQueen
Morna Rae, JP
Anne Scott
Sheriff Principal Craig Turnbull

Attended: Noel Rehfisch, Interim Deputy Chief Executive, SCTS
Karen Lawrie, Secretariat Business Manager, SCTS

Apologies: Sheriff Jillian Martin-Brown
Sheriff Olga Paspornikov
Lord Woolman

1. Minutes of the SCTS Board Meeting on 16 August 2021

1.1 The Minutes of the last meeting were approved.

2. Declarations of Interest and Matters Arising

2.1 There were no declarations of interest.

2.2 Due to the ongoing COVID-19 pandemic, the Board meeting was held by video conference with members joining remotely.

3. Coronavirus (COVID-19) Update

3.1 The Board reviewed recent events and the ongoing response and recovery activity of the SCTS in relation to the COVID-19 pandemic. Oversight of the response continued to be provided by the Strategic Incident Management Team. This ensured that the situation was kept under review, key information was shared and appropriate decisions were made.

3.2 A further wave of infections had been experienced during August and September, which had coincided with the move 'beyond level 0'. SCTS had taken a cautious approach by maintaining baseline COVID safety measures and one-metre physical distancing arrangements in all of its buildings when national restrictions were relaxed in August. COVID related absences amongst SCTS staff had remained below the average level for the working age population.

3.3 The Board welcomed the additional court capacity that had been introduced in early September in order to begin tackling the case backlogs that had arisen as a consequence of the pandemic. The need for a sustained recovery programme over a number of years was recognised. The level of cases entering the system would be kept under close review as any

changes to current levels would impact on the timescales modelled for recovery. A number of new approaches, including the ongoing use of remote and virtual hearings, would continue to be developed in order to maximise capacity and benefit.

3.4 The Board acknowledged the continuing pressures being faced. They commended the efforts of staff and judiciary in maintaining a safe operating environment, whilst managing backlogs and change.

4. Finance Report

4.1 The Board considered a report on financial performance to the end of August 2021. The total budget for 2021-22 was £176.4m. Civil court fees income remained stronger than anticipated.

4.2 The Board agreed that robust forecasting and reporting should continue. Any emerging underspends could be identified as early as possible. This would ensure they could be allocated to areas of significant need such as estates backlog maintenance and digital priorities. A full mid-year review of all budgets would be completed and the budget position reported to the Board at the meeting in November.

5. Spending Review

5.1 The Board discussed the timescale and key elements of the forthcoming Scottish Government Spending Review. The UK Government had announced on 7 September that they would publish a multi-year spending review and the autumn budget on 27 October. The Scottish Government subsequently confirmed that the Scottish Budget would be published on 9 December, setting provisional budgets for 2022-23 and beyond.

5.2 The Board supported the preparations that were underway to ensure that the Scottish Government were well-informed as to the priorities and needs of the SCTS. An update on progress would be provided at the meeting in November.

6. SCTS Board Scorecard – Revised Measures Q1

6.1 The Board agreed at their last meeting that a number of the measures in the SCTS Board Scorecard were no longer providing meaningful oversight due to increased backlogs and waiting periods caused by the pandemic. Revised measures had been developed to gauge the number of cases concluded, the level of trial backlogs and the waiting period between preliminary and first hearings and trials in the High Court, Sheriff Solemn and Sheriff Summary cases. The new indicators would track progress against the recovery modelling to ensure that the work underway to address case backlogs was having the anticipated impact.

6.2 The new measures were formally incorporated into the Scorecard for the 2021-22 financial year.

7. SCTS Committee Update

People Committee

7.1 The Chair of the People Committee provided an update on the matters discussed at their last meeting in August. The Committee had completed their annual scrutiny of SCTS absence levels. Comparisons with previous years were difficult due to the impact of the pandemic. The Committee commended the detailed level of analysis that had been undertaken.

8. COP26 Arrangements

8.1 David Fraser, Executive Director Court Operations, and Chief Superintendent Gordon McCreadie, Police Scotland Divisional Commander of Criminal Justice Services, provided an overview of the preparations underway and those in place ahead of the COP26 International

Climate Summit that would take place in Glasgow from 31 October to 12 November. The event would see the largest ever gathering of world leaders and dignitaries in Scotland and would require the largest police operation the country had ever seen.

8.2 Police Scotland emphasised that their role would be to support an effective event, balancing the right of people to protest legitimately with the need to ensure the event was well-run. The SCTS would amend its court programmes during the period of the conference to ensure that police officers were available for front line duties. Arrangements were being finalised to provide additional custody courts for the period of the conference.

8.3 The Board thanked David and Chief Superintendent McCreadie for their briefing. The planning and collaboration between justice organisations for the event was welcomed.

9. Any Other Business

9.1 None

10. Papers for Scrutiny/Exception Reporting Only

10.1 The following paper had been circulated for scrutiny:

- the SCTS Decision Tracker.

No matters were raised by exception.

11. Date of the Next Meeting

11.1 The next meeting would be held on Friday 19 November in the Inverness Justice Centre.

12. Post Meeting Discussion – Digital by Design

12.1 Mike Milligan, Executive Director Change and Digital Innovation, joined the meeting and together with Noel Rehfisch led the post meeting discussion. They outlined the substantial work that had already been carried out to develop and support the range of digital systems and technology essential for the processing of court and tribunal business. The Board were reassured that the necessary governance arrangements were in place.

12.2 The Board acknowledged the considerable investment that had been carried out to enhance the core digital infrastructure to support home working, virtual hearings and the introduction of Remote Jury Centres. The creation of 'Change Labs' had brought together the relevant subject matter, digital and change management expertise. This had supported the delivery of new approaches at speed. The importance of keeping core systems up to date, investing in reliable networks and developing innovative new case management and hearing systems, to ensure that the SCTS could provide a modern, efficient and resilient service, was stressed.

12.3 The Board commended the work of all involved in achieving significant progress at speed. They recognised the role played by digital teams and the organisation as whole in the adoption of new ways of working. The need to maintain investment in areas such as cyber security was also recognised due to the greater reliance on digital systems.

12.4 The Board thanked Noel and Mike for their informative overview and explanation of the more detailed governance in place to manage digital change across the organisation.

Scottish Courts and Tribunals Service
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