



MINUTES

SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD

MEETING: Monday 17 August 2020 (Meeting held via Video Conference - WebEx)

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

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

Apologies: Dr Sophie Flemig

1. Minutes of the SCTS Board Meeting on 22 June 2020

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 the meeting remotely.

3. Coronavirus (COVID-19) Update (SCTS/Aug20/25)

3.1 Board members reviewed the events and ongoing response of the organisation to COVID-19. Oversight of the SCTS response continued to be provided by the Strategic Incident Management (SIM) Team. This ensured that the situation was kept under review with key information shared and sound decisions made.

3.2 Developments since the last Board update in June were reviewed. A wide-scale programme of work had been carried out by staff across the organisation to resume business in court and tribunal premises where possible. Where possible, business and support activities were carried out by staff working from home. Innovative approaches to introduce remote and virtual hearings continued to be developed – allowing a larger number of hearings to be managed remotely. The Board praised all staff involved for their continuing response.

3.3 Recovery planning was now under way. The Board discussed the “[Respond, Recover, Renew](#)” document which was published on 17 August. This set out the organisation’s response to the pandemic and its plans to support an effective recovery. Whilst the scale of the task faced, notably addressing large case backlogs at a time when capacity continued to be limited, was

significant the Board approved the approach in the document. This sought to increase capacity and build on recent innovations.

3.4 The Board would continue to monitor both the response and longer-term recovery. These would remain key priorities in the coming months.

4. Restarting Jury Trials (SCTS/Aug20/26)

4.1 The Board discussed the work that had been led by the Lord Justice Clerk's Working Group on restarting jury trials. The Group had recommended an innovative new approach involving the creation of remote jury centres. This followed the success of the remote jury pilot in Edinburgh High Court where, due to physical distancing requirements, juries observed trials by video link from another courtroom. The Working Group recommended that this model should be developed to allow juries to view proceedings from jury centres outwith the Court estate. This would mean that, even with requirements for physical distancing in place, the High Court would be able to use all its court rooms to run trials.

4.2 £5.5m of financial support had been secured from the Scottish Government to enable juries to participate in trials from venues other than court buildings. This would allow the number of High Court trials taking place to increase substantially. Preparations for the next stage were under way. The technology had been shown to work within the High Court pilot. Successful tests had been run from a jury centre based in a cinema complex.

4.4 Board members commended the activity of the Working Group. They approved the development of the remote jury model and encouraged the Executive to request further financial support from the Scottish Government to extend the approach to sheriff court solemn cases.

5. Finance Report (SCTS/Aug20/27)

5.1 The Board considered a report on financial performance to the end of June 2020. The total budget for 2020-21 was projected to be £136.28m. This included an additional £4m which had been secured to support investment in digital infrastructure and projects to support the response to COVID-19.

5.2 The Board acknowledged that COVID-19 would have a significant impact on the income and expenditure of the SCTS this financial year. Budgets would continue to be closely monitored to ensure that the impact was understood. In view of the reduced level of court fees collected to date as a consequence of lockdown, a formal submission from the SCTS Accountable Officer had been sent to the Scottish Government seeking provision for any consequential overspend.

6. SCTS Audit and Risk Committee (SCTS/Aug20/28)

6.1 The Chair of the SCTS Audit and Risk Committee provided a summary of the matters discussed at its last meeting. He reported that an update on the activity to improve controls and succession planning within the SCTS Finance function had been received. Good progress had been made in this area. The Internal Audit Annual Assurance report for 2019-20 was reviewed. All its recommendations were accepted.

6.2 The Committee's Annual report was presented. This reflected the work of the Committee during the 2019-20 audit year. It set out priorities for the coming year. These included: providing ongoing direction and oversight of internal audit reviews; detailed consideration of corporate risks (including an annual workshop session with the Board) and a programme of deep dive sessions, which would allow the Committee to explore areas of particular interest in more detail with the Executive.

6.3 Based on its scrutiny and the assurances provided by the Executive, External Audit (Scott Moncrieff) and Internal Audit, the Committee recommended approval of the SCTS

Annual Report and Accounts for 2019-20. The final version of the Report and Audited Accounts was presented for approval.

6.4 Having considered the Committee's Report and its recommendation, **the Board approved the Scottish Courts and Tribunals Service Annual Report and Accounts for 2019-20**. 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, following clearance from External Audit and Audit Scotland.

7. Business Plan Delivery Report and SCTS Board Scorecard (SCTS/Aug20/29)

7.1 The Board carried out its quarterly performance review. Revised 2020-21 business plan outcomes, which reflected both the impact of, and the new priorities created as a result of COVID, were reviewed and approved. The full revised business plan would be presented to a future Board meeting ahead of publication, once the impact of COVID on both business levels and the full-year budget were better understood.

7.2 The Board Scorecard was considered. The annual review of scorecard measures would be carried out ahead of the next quarterly report.

8. SCTS Committee Update

Remuneration Committee

8.1 The Remuneration Committee had met prior to the Board meeting. In accordance with the Scottish Government's Public Pay Policy for 2020-21, the Committee agreed to recommend an £8 (2.46%) 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 approved.

People Committee

8.2 The Chair of the People Committee gave an update on the last meeting which had been held on 12 August. The Committee had reviewed progress on the delivery of key priorities in both the HR Unit and Education and Learning Unit business plans. It had reviewed annual statistics relating to attendance levels and sickness absence and discussed current progress on the delivery of a range of staff wellbeing initiatives. The Committee had reviewed an update on the recent changes and developments in respect of people polices, guidance and the support available to staff due to the COVID-19 pandemic.

9. Any Other Business

Board Membership

9.1 In closing the meeting, the Chair thanked Sheriff Grant McCulloch for his contribution to the Board and its Committees over the last 8 years as his tenure was due to end on 24 September.

10. Papers for Scrutiny/Exception Reporting Only

10.1 The following papers 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 Monday 5 October 2020.

Discussion Session – Sheriffs’ Association and Summary Sheriffs’ Association

Following the meeting the Board welcomed Sheriff Daniel Kelly QC and Summary Sheriff Adrian Cottam, who offered their views on the impact of the introduction of the office of Summary Sheriff on the court system.

The introduction of Summary Sheriffs had been well received across the system as a whole. Following an initial period of settling-in it was felt that the public did not perceive any difference in the quality of service provided across the shrieval bench. The programming and management of procedural business in some courts had been amended to make best use of the Summary Sheriffs’ jurisdiction. Sheriffs had been increasingly able to focus on more complex business and to specialise due to the availability of summary sheriffs to conduct routine core business.

There were some challenges to be managed in smaller court areas, where careful scheduling was required to ensure that business was covered at the appropriate judicial level. Summary Sheriffs often managed cases involving party litigants. Whilst the financial value of such cases was generally lower, they could nonetheless raise matters of real complexity, requiring careful management and appropriate support.

Scottish Courts and Tribunals Service
August 2020