



SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD
MEETING: Monday 28 March 2022, Parliament House, Edinburgh

- Present:** Lord Carloway, Lord President (Chair)
Joe Al-Gharabally
Dr Sophie Flemig
Ruth Innes, QC
Colonel David McIlroy
Eric McQueen
Sheriff Jillian Martin-Brown
Morna Rae, JP
Anne Scott
Sheriff Principal Craig Turnbull
Lynsey Walker
- Attended:** Noel Rehfisch, Interim Deputy Chief Executive, SCTS
Karen Lawrie, Head of Secretariat, SCTS
- Apologies:** Lady Dorrian, Lord Justice Clerk
Sheriff Olga Paspornikov
Lord Woolman

1. Minutes of the SCTS Board Meeting on 7 February 2022

- 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.

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 Developments since the last meeting in February were outlined. The ongoing impact of the Omicron variant had continued to lead to higher absence levels and positive staff cases in recent months.

3.3 Plans to ease restrictions on public access to SCTS facilities, re-open public counters and remove the formal requirement for physical distancing in April were outlined. The Board acknowledged the steps, which represented a welcome move towards greater normality. The Board strongly supported a careful approach being taken, with the organisation continuing to observe guidance published alongside the Scottish Government's revised COVID Strategic Framework. Baseline safety measures. COVID safe behaviours would continue to be maintained and encouraged.

3.4 The Board acknowledged the continuing pressures faced. Members commended everyone's efforts to maintain safe operations, whilst managing backlogs and change.

4. Finance Report

4.1 The Board considered a report on financial performance to the end of February 2022. The total budget for 2021-22 was £178.6m. Total net expenditure for the year was predicted to be 1% below budget. This was mainly due to delays in recruitment and reduced levels of business as a consequence of the COVID Omicron variant in late 2021 and early 2022.

4.2 The Board acknowledged that additional funding that had been directed to estates backlog maintenance to ensure that the annual target for spend in this area was met. Income levels had recovered during 2021-22, but had yet to return to the full level collected prior to the pandemic.

4.3 The Board welcomed the comprehensive update and the steps taken to utilise the available budget effectively.

5. Quarterly Performance Review and SCTS Board Scorecard

5.1 The Board carried out its quarterly performance review. The current position on the delivery of the outcomes in the 2021-22 Business Plan and the Board Scorecard for the third quarter of 2021-2022 were scrutinised.

5.2 The Board Scorecard for Q3 had been amended, as agreed at the October meeting, to align with the COVID-19 court recovery programme. A new measure relating to Justice of the Peace Court Business Recovery had been added.

6. SCTS Business Plan and Budget 2022-23

6.1 The draft SCTS Business Plan for 2022-23, which set out the key outcomes which SCTS planned to deliver over the coming year, was assessed. The Business Plan detailed the organisational budget for the financial year. In-year budget allocations to meet the costs of COVID and the continuing growth in tribunals business were anticipated.

6.2 The Board acknowledged that the SCTS would receive additional support to maintain remote jury centres until September 2022. Additional funding to allow the court recovery programme, which was launched in September 2021, to address the growth in case backlogs during the pandemic would be available.

6.3 The Board approved the 2022-23 SCTS Business Plan and Budget. The plan would now be finalised for publication on the SCTS website.

7. 2022-23 Pay Remit

7.1 The Board considered the Scottish Government's Public Sector Pay Policy for 2022-23. The pay remit would be developed in line with this policy. Its proposals would make the best use of the limited flexibility available, whilst still complying with Policy.

7.2 The Board agreed that the remit should be developed by the Executive. Discussions with the PCS Union would be progressed in order to finalise the pay offer as quickly as possible. A formal submission to the Government would be made upon the conclusion of the negotiations. The finalised 2022-23 Pay Remit would be shared with the Board for approval by correspondence.

8. Spending Review – 2023-24 to 2025-26

8.1 The Board received an update on the Scottish Government’s “Resource Spending Review” process which was currently underway. The Government were aiming to publish a multi-year budget later this year. The multi-year budget would provide more certainty on where resources would be allocated over the period of this Parliament. As part of the process, the SCTS had submitted information on current and future spending requirements in order to ensure that the Government understood the costs of maintaining and developing the work of the SCTS.

8.2 The Board agreed that the work of the courts was fundamental to the wider justice sector and sufficient funding would be required to ensure that the planned recovery programme was met.

9. SCTS Committee Update

People Committee

9.1 The Chair of the People Committee reported on the matters discussed at their last meeting. The Committee had scrutinised the analysis from the People Survey 2021, delegated to them by the Board. The results of the survey provided a positive picture overall and demonstrated a good level of performance across the organisation, in spite of the pressures created by the pandemic. Three themes had been identified on which follow up activity would focus during 2022 and 2023: learning, leadership & managing change and reward. Local Action Plans demonstrating steps being taken to address issues raised would be presented to the Committee at their next meeting.

9.2 The Chair reported that due to the breadth of topics contained in the People Committee Remit, the Committee would focus on key messages at future meetings to allow time for full discussion at a strategic level. The format of the Committee’s Annual Report to the Board would be revised.

SCTS Estates Committee

9.3 An update was provided from the Chair of the Estates Committee on the discussions at their last meeting. The Committee had been informed of the ongoing development of major Capital Projects. The Edinburgh Justice Sector Property Rationalisation Programme would be implemented over the next 4-5 years. A member of the Estates Committee would become part of the Programme Board, which was overseeing the project, and report back to the Estates Committee.

10. Any Other Business

10.1 The Chair thanked Joe Al-Gharabally for his contribution to the Board and as Chair of the Audit and Risk Committee over the last 8 years as his tenure was due to end on 31 May 2022.

11. Papers for Scrutiny/Exception Reporting Only

11.1 The following paper had been circulated for scrutiny:

- the SCTS Decision Tracker.

No matters were raised by exception.

12. Date of the Next Meeting

12.1 The next meeting would be held on Monday 13 June 2022 and include a visit to Kirkcaldy Sheriff and Justice of the Peace Court.

Scottish Courts and Tribunals Service
March 2022