



MINUTES

SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD

MEETING: Monday 5 October 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 Sophie Flemig
Dr Kirsty Hood QC
Sheriff Jillian Martin-Brown
Colonel David McIlroy
Sheriff Olga Paspornikov
Eric McQueen
Morna Rae, JP
Anne Scott
Sheriff Principal Craig Turnbull
Rt Hon Lord Woolman

Attended: Noel Rehfisch, Corporate Secretary, SCTS
Karen Lawrie, Secretariat Business Manager, SCTS
Mike Milligan, Director Digital Services, SCTS (item 5)

1. Minutes of the SCTS Board Meeting on 17 August 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 remotely.

2.3 Sheriff Jillian Martin-Brown and Sheriff Olga Paspornikov were welcomed to their first Board meeting following their appointment in September, succeeding Sheriff McCulloch and Sheriff Principal Anwar.

2.4 Lord Woolman was also welcomed to the meeting. He was appointed as President of the Scottish Tribunals and, by virtue of holding that office, became a member of the Board.

2.5 The Chair and Lord Woolman recorded their thanks to Lady Smith for her contribution to the Board during her tenure.

3. Coronavirus (COVID-19) Update (SCTS/Oct20/31)

3.1 The Board reviewed the events and ongoing SCTS response to the COVID-19 pandemic. Oversight of the 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 The Board were updated on developments since the last meeting in August. All court and tribunal premises were open and processing business. The level of staff in buildings had been restricted to ensure that physical distancing could be maintained – with in-person proceedings augmented by a range of remote and virtual hearings, which were now becoming more commonplace. The Board recognised the continuing work of staff across the organisation to resume business in court and tribunal premises. The ongoing work was being carried out by a large number of staff from home. The expansion of remote and virtual hearings to achieve business levels as close as possible to those processed pre-COVID was being progressed at some pace. This was all carried out whilst maintaining the necessary physical distancing and hygiene regimes.

3.3 The Board praised all staff involved for their continuing efforts. The Board discussed potential further steps that could be taken to address backlogs in criminal cases. It was agreed that a system-wide approach to tackling these backlogs, backed by additional funding, would be required. The Executive reported that a new multi-agency Criminal Justice Board, under the auspices of the Justice Board for Scotland, had been established to explore options.

3.4 Preparations for a potential resurgence in COVID cases were reviewed. The Board agreed to continue monitoring both the response and longer-term recovery, as these would remain key priorities in the coming months.

3.5 The Board were reassured by the steps taken to provide the necessary support to all staff, whether working in SCTS buildings or at home.

4. Restarting Jury Trials (SCTS/Oct20/32)

4.1 The Board discussed the ongoing work to recommence jury trials, overseen by the Lord Justice Clerk and her working group. A limited number of High Court trials had been completed during August and September, using the multi-court model. On 28 September the jury centre at Fort Kinnaird, Edinburgh, became operational. It accommodated three trials in its first week of operation. This will rise to five trial courts from 12 October. Three trial courts will operate from the centre at Braehead, Glasgow, from 12 October, rising to 11 High Courts per week from 2 November.

4.2 The Board paid tribute to all SCTS staff who had been involved in the successful development and establishment of this innovative approach at speed. The establishment of these two centres would allow the High Court to return to pre-COVID levels of trial business from early November, with effective physical distancing measures in place,

4.3 Proposals to extend remote jury centres to support the re-start of sheriff court jury trials were discussed. The government had committed to providing additional funding to create capacity for 18 sheriff and jury trial courts located across all 6 sheriffdoms. Venues for each sheriffdom were currently being sourced. Centres for Lothian & Borders and Glasgow & Strathkelvin were expected to be in place by December. Other sheriffdoms would follow in the early part of 2021. A cross-justice group involving the legal profession and third sector, led by Sheriff Principal Craig Turnbull, would co-ordinate this work.

5. SCTS Digital Strategy (SCTS/Oct20/33)

5.1 The Director, Digital Services provided an overview of the range and pace of digital transformation that had taken place across the SCTS during the COVID-19 pandemic. Plans for future development were shared.

5.2 The Board was informed of the reliance which SCTS placed on a range of digital systems and technology to support its business. During the pandemic the importance of these systems, and the need to develop and expand them, had been brought into sharp focus. The Board recognised the substantial work that had already been carried out and reviewed plans for further

development. This would ensure that SCTS had high quality digital services that allowed the organisation to support justice.

5.3 The considerable development and investment that had been carried out to enhance core infrastructure was welcomed by the Board. That investment had allowed significantly more staff and judiciary to work remotely, utilising new tools such as video conferencing for meetings and hearings during the lockdown period.

5.4 The approach being taken to develop new systems was outlined. Numerous recent developments had been successfully implemented in a short space of time. These supported new ways of working such as online hearings in the Court of Session, virtual custody courts, virtual summary trials and the development of remote jury centres.

5.5 The Board commended the work of all staff involved in achieving significant progress at speed. They agreed that the new approach to delivering change should be developed so that it became an established part of improving operations. The need to invest in cyber security and resilience was recognised, as the organisation placed greater reliance on digital systems.

6. Finance Report (SCTS/Oct20/34)

6.1 The Board considered a report on the financial performance to the end of August 2020. The total budget for 2020-21 was projected to be £140.55m. This included an additional £4m which had been secured to support investment in digital infrastructure and projects to support the response to COVID-19.

6.2 The Board acknowledged that COVID-19 continued to have a significant impact on the income and expenditure of the SCTS. Additional expenditure had been incurred to ensure that premises remained safe and clean. A proportion of the costs could be offset against areas where expenditure had been lower than normal due to COVID-19. Budgets would continue to be closely monitored to ensure that the full impact was understood. The level of court fees collected was beginning to recover. However full year income would not meet the initial levels budgeted due to the reduction in business during the lockdown period. A formal submission from the SCTS Accountable Officer had been sent to the government seeking provision for the overspend caused by the impact of the pandemic on fees income. .

7. Spending Review (SCTS/Oct20/35)

7.1 The Board was advised that the government had yet to launch its spending review process to ascertain budgets for SCTS and other Scottish public sector bodies for 2021-22. The Executive confirmed that SCTS had commenced financial modelling in preparation for the coming budget process.

7.2 The Board acknowledged that core budget levels would need to be maintained. The size and scale of any additional recovery activity, to address backlogs caused by COVID-19, would be dependent on the package of financial support provided across the justice system.

8. SCTS Committee Update

Estates Committee

8.1 The Committee chair updated the Board on discussions at its August meeting. The Committee had received progress reports on the major capital projects that were underway. News of the formal opening of the Kirkcaldy Annex on 29 July was welcomed.

9. Any Other Business)

9.1 The Board considered incorporating a visit to the jury centre at Fort Kinnaird at their meeting in November. This would allow for an “in-person” Board meeting, with appropriate hygiene and physical distancing measures in place.

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 23 November 2020.

Scottish Courts and Tribunals Service
October 2020