



SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD

MEETING: MONDAY 3 JULY 2017, ABERDEEN

- Present:** Rt Hon Lord Carloway, Lord President (Chair)
Rt Hon Lady Dorrian, Lord Justice Clerk
Rt Hon Lady Smith
Dr Joe Morrow QC
Sheriff Principal Duncan Murray
Sheriff Iona McDonald
Sheriff Grant McCulloch
Johan Findlay OBE JP
Dr Kirsty Hood QC
Simon Catto
Professor Hugh MacDougall
Colonel David McIlroy
Eric McQueen
- Attended:** Noel Rehfisch, Corporate Secretary, SCTS
Karen Lawrie, Secretariat Business Manager, SCTS, (Minutes)
- Apologies:** Joe Al-Gharabally

1. Minutes of the SCTS Board Meeting of 15 May 2017

- 1.1 The Minutes of the last meeting were approved.

2. Matters Arising

- 2.1 There were no outstanding actions from the last meeting.

3. Observations from Visits

3.1 Ahead of the meeting, the Board had split into 3 groups to visit courts in Aberdeen, Kirkwall and Lerwick. Board members met with local judiciary and staff, who provided a tour of the court buildings. This provided an opportunity for Board members to discuss how business was managed within each court and to view the updated technology installed in courtrooms. Those visiting the islands were keen to understand the complexities associated with conducting business from remote locations.

3.2 Discussions were held with a number of local court users, including the procurator fiscal and solicitors. The Board were very impressed with the professionalism, motivation and enthusiasm of the staff they met and the strong working relationships established locally.

4. Financial Results 2017-18 (SCTS/Jul17/39)

4.1 The Board considered a report on financial performance to the end of May 2017. In addition to detailing expenditure and income to date, the report listed the in-year budget transfers that would be concluded with the Scottish Government in the autumn. The Board were content that expenditure was on track for the first quarter. The budget would be reviewed at the next Board meeting, based on a full quarter's data.

5. Spending Review 2018-20 (SCTS/Jul17/40)

5.1 The Executive advised that the Scottish Government had commenced preparation for the 2018-20 spending review. This would set the budget for SCTS and other Scottish public sector bodies for the next one to three years. It was anticipated that budgets would remain very tight, with organisations being asked to identify flexibilities and efficiencies where possible. The Board accepted this position, whilst noting that the organisation had already managed a period of significant financial restraint over the past few years.

5.2 Further analysis of the potential impact of budget restrictions was being developed by the Executive to demonstrate the challenges that would be faced in managing either a flat or reducing budget. The Board agreed that such an analysis should be developed. It would keep developments under review at future meetings.

6. Business Plan Delivery Report and SCTS Board Scorecard – Q4 2016-17 (SCTS/Jul17/41)

6.1 The Board carried out its quarterly review of organisational performance, considering the current position on the delivery of the outcomes in the 2017-18 Business Plan and the Board Scorecard for Q4 of 2016-17.

6.2 Work had commenced on a review of the KPI measures used in the Board scorecard. This would ensure that the measures reviewed by the Board remained as meaningful and relevant as possible in providing an overall assessment of performance. The revised scorecard would be presented to the Board later in the year and would be back-dated to report on performance from Q1 of 2017-18.

7. Inverness Justice Centre (SCTS/Jul17/50)

7.1 Members of the Estates Committee confirmed that the amendments to the full business case proposed by the Board at their last meeting had been incorporated. The business case had been reviewed in detail at the June Estates Committee meeting.

7.2 The Board were assured that funding was in place to support the accommodation requirements of other justice and third sector organisations within the overall design. This would ensure delivery of a fully integrated justice centre with the benefits that co-location of services would bring. The main construction works would commence in October 2017. It was anticipated that the centre would be operational by autumn 2019.

7.3 A recent Scottish Government-led Gateway review had considered the full business case and governance arrangements in detail. This had confirmed that the project was fully viable and was being managed effectively. The Board welcomed the positive feedback received on the project governance, management protocols and systems.

8. Glasgow Integrated Tribunals Project – draft Business Case (SCTS/Jul17/42)

8.1 The Executive presented a business case that proposed the co-location of tribunal hearing and support services currently provided from one SCTS and several of Her Majesty's Courts and Tribunals Service (HMCTS) tribunals' centres in Glasgow. The proposal would allow the delivery of a more efficient and effective service to all tribunal users. The business case had been discussed by the Estates Committee at their meeting in June, with the preferred option approved in principle.

8.2 The Board reviewed and discussed the options and recommendations made in the business case. The benefits of providing high-quality facilities for tribunals, and of co-locating hearing and support services, were recognised. The Board discussed the importance of the premises being easily accessible to all those who would need to use them, ensuring access to justice.

8.3 The Board stressed the importance of the preferred option striking the optimal balance between providing accommodation of an appropriate size whilst using all space to the greatest

possible effect. The Board observed that the options available involved agreeing to a significant lease that would be entered into by SCTS, as tenant provided an appropriate separate agreement had been reached between SCTS and HMCTS. That agreement would require to include provisions relating to the usage of, and payment for, the facilities by both SCTS and HMCTS.

8.4 Subject to these observations the Board approved the recommended option set out in the business case in principle. The Executive confirmed that further work would be carried out to address the observations made by the Board before final approval was sought.

9. Fees Review (SCTS/Jul17/43)

9.1 The Board discussed a draft fees review report that had been produced by the Executive. The purpose of the report was to provide information on the operation of the current fees regime to assist the Scottish Government in developing its proposals for the next fees order, which would be laid before Parliament in 2018.

9.2 The Board observed that the fees order passed in 2016 had included increases in the fees charged for a number of business types, particularly in the Court of Session. The impact of those increases on business levels and distribution would be kept under review. The Sheriffs Principal would continue to consider whether further amendments could be made to the fee regime to encourage the most effective management and disposal of business.

10. The Scotland Act – Devolution of Reserved Tribunals (SCTS/Jul17/44)

10.1 The Board reviewed a progress report on the work to transfer the administration of several tribunals (in particular, employment, social security and tax) from HMCTS to SCTS. Agreement on the timing, phasing and practical arrangements for the transfer was yet to be reached between the UK and Scottish Governments. It was hoped that, following the general election, UK Ministers would be in a position to provide their views in the coming weeks. The Board agreed that planning for the transfer should continue so far as possible in the meantime.

11. ICMS – Progress Update and Plans for Development (SCTS/Jul17/45)

11.1 The current position of the new Integrated Case Management System (ICMS) project was discussed by the Board. A number of changes, which were required to complete the “early life development” of the system, had been rolled out. More were planned during July.

11.2 During the visits to the courts, the Board had received feedback from staff on the introduction and functionality of ICMS. The Board stressed the importance of communicating the changes that had been made and those planned, to ensure that staff and the judiciary were aware of improvements in functionality as these were rolled-out, and of areas where changes would take longer to implement.

11.3 The Board discussed the interaction of Simple Procedure with ICMS, noting that a workshop had been arranged to assess the operation of the system and to identify where improvements could be made.

11.4 In addition to the interim lessons learned report reviewed at the May Board meeting, a technical review had now been completed. Its recommendations would be considered by the Audit and Risk Committee in August, alongside a review of the contract with the system developer.

12. SCTS Committee Updates

People Committee

12.1 The Committee Chair advised that two new Committee Members, appointed in May, had attended their first meeting. An induction programme covering corporate governance, a court visit and a demonstration of current and developing HR systems had taken place.

Estates Committee

12.2 An update on the last meeting of the Estates Committee was provided. A Tribunals Representative had been appointed to the Committee in June and an induction programme had been developed.

12.3 The main focus for the Committee in June had been the Glasgow Integrated Tribunals Project and the accommodation constraints at Kirkcaldy Sheriff Court. The Board agreed that it should consider the options available in order to manage the constraints posed by the facilities in Kirkcaldy at its next meeting.

13. Any Other Business

13.1 The Board discussed the arrangements currently in place to promote transparency in its own affairs. It was noted that minutes of all Board meetings were published, open consultation took place on matters of significant public interest such as the Evidence and Procedure Review, and performance reports against organisational KPIs and the delivery of business plan outcomes were published on the SCTS website. It was agreed that the arrangements would be reviewed before the end of the year with a view to determining whether certain Board papers could be published on the website.

13.2 An update was provided on the steps taken to ensure that appropriate fire safety arrangements were in place across the estate following the Grenfell Tower tragedy. A full estate assessment had been conducted. This had confirmed that the existing arrangements and risk mitigation remained appropriate. Follow-up action was being taken to ensure that all drills continued to be completed appropriately and that all fire risk assessments remained accurate and up to date.

14. Papers for Scrutiny/Exception Reporting Only

14.1 The following papers had been circulated for scrutiny:

- Court Programming
- Mobile Judiciary
- ICT Programme High Level Risks
- the SCTS Decision Tracker
- Draft minutes of the SCTS Committees held since March

No matters were raised by exception.

15. Date of the Next Meeting

15.1 Monday 28 August 2017 in Parliament House, Edinburgh.

Workshop Session – Evidence and Procedure Review, legislative and progress update

16.1 Kay McCorquodale, Chief Development and Innovation Officer, joined the Board and delivered a short presentation, outlining the current position on the work of the Evidence and Procedure Review.

16.2 Roadshow events, aimed at publicising, discussing and developing the proposals set out by the Review, had taken place in each Sheriffdom during May and June. Attendees had included local judiciary, justice organisations and members of the public. Feedback from the events was currently being analysed and would be shared with the Board in due course.

16.3 An update was provided on the cross-justice system working group that had been established to finalise recommendations to the Scottish Government. The Board noted that a High Court Practice Note, intended to improve the process of taking evidence by a Commissioner, had come into effect from 8 May. The Board thanked Kay for her update on the various strands of work.