



SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD
MEETING: MONDAY 19 August 2019, Parliament House, Edinburgh

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

Attended: Tim Barraclough, Executive Director, Judicial Office for Scotland
Noel Rehfisch, Corporate Secretary, SCTS

Apologies: Rt Hon Lady Dorrian, Lord Justice Clerk
Rt Hon Lady Smith
Sheriff Aisha Anwar

1. Minutes of the SCTS Board Meeting on 24 June 2019

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 Following visits to the courts in Airdrie, Dumbarton and Paisley in June the Board received an update on security arrangements for members of staff and the judiciary moving between secure and public areas in court buildings. These arrangements were reviewed periodically by the Estates, Health and Safety, Fire and Security sub-committee. The SCTS Security Manager had carried out additional consultation in Airdrie to ensure that the views of those using the facility were taken into account and that all appropriate measures were in place.

2.3 The Board considered an update on the operation of the court custody and prisoner escort service contract, which had transferred to GEOAmey in January 2019. A number of performance issues had arisen in recent months, as a result of the new service provider experiencing some staffing challenges. Discussions had taken place and a range of actions were planned to ensure that the level of service required by the courts would be met.

3. Financial Results (SCTS/Aug19/27)

3.1 The Board considered a report on financial performance to the end of June 2019. The total budget for 2019-20 was projected to be £134.5m. At this early stage in the financial year, total net expenditure was currently forecast to be over budget. This reflected pressures around

pension costs and increasing business levels in the devolved tribunals. The Executive would continue to discuss these areas with the Scottish Government, to ensure that pressures were understood, appropriate in-year budget transfers were made, and budgets were managed effectively.

3.2 The Board acknowledged that budgets remained tight across the organisation. The task of managing budgets was made more complex as SCTS had to cope with a degree of volatility in the levels of court fees and retained fines collected. These accounted for around a third of the organisation's funding.

4. Spending Review (SCTS/Aug19/28)

4.1 The Board discussed the current position in relation to the Scottish Government's spending review process, which will set the revenue budget for SCTS and other Scottish public sector bodies for 2020-21. The process was at an early stage but, as in previous years, SCTS had been asked to illustrate how it would cope with potential budget reductions and how its work supported the priorities set by the Government.

4.2 The Board reiterated their view that the organisation had already managed a period of significant financial restraint. Further reductions would have a detrimental impact on the service delivered across courts, tribunals and the OPG. Discussions with government would continue over the coming months, with final budget allocations likely to be published towards the end of the year.

5. SCTS Audit and Risk Committee – Annual Report to the Board and SCTS Annual Report and Accounts 2018-19 (SCTS/Aug19/29)

5.1 The Chair of the SCTS Audit and Risk Committee provided a summary of the matters discussed at its last meeting. He reported that steady progress had been made on the implementation of internal audit recommendations over the past year. Committee oversight of these would continue. Whilst the audit of the 2018-19 accounts had been completed successfully it had identified a number of actions that could be taken to strengthen controls. Internal audit would conduct a review in this area. Progress would be advised to the Committee at future meetings.

5.2 The Committee's Annual report was presented. This reflected the work of the Committee during the 2018-19 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, allowing the Committee to explore areas of particular interest in more detail with the Executive.

5.3 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 2018-19. A draft of the Strategic Report section of the Annual Report had been circulated to the Board for comment in May. The final version of the Report and Audited Accounts was presented for approval.

5.4 Having considered the Committee's Report and its recommendation, **the Board approved the Scottish Courts and Tribunals Service Annual Report and Accounts for 2018-19**. 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.

6. Quarterly Performance Review and SCTS Board Scorecard (SCTS/Aug19/30)

6.1 The Board carried out its quarterly performance review, which considered progress to date on the outcomes set in the 2019-20 Business Plan. The Board Scorecard for Q1 of 2019-20 was scrutinised. It was agreed that the measures in the scorecard should be kept under periodic review to ensure that they remained relevant and stretching.

6.2 The Board congratulated the Executive on achieving the “Employers Network for Equality and Inclusion Gold Award” in this year’s Talent Inclusion and Diversity Evaluation benchmarking exercise. Of the 79 organisations that took part in the exercise SCTS was one of only nine to achieve the gold award. SCTS was the highest ranking of all organisations in the categories of Leadership & Accountability and Procurement.

7. Tribunal Reform (SCTS/Aug19/31)

7.1 Tim Barraclough provided an update on the work of the Tribunals Reform Programme, which had been established to manage the implementation of a range of projects that would support the transition of Scotland’s devolved tribunals into an integrated structure as set out in the Tribunals (Scotland) Act 2014.

7.2 The programme was overseen by the Tribunals Reform Programme Board, which had been established in 2018. Strong programme governance arrangements were in place. The tribunals that had transferred into the new chamber structure were operating effectively.

7.3 The Board reviewed the current position, observing that the migration of some devolved tribunals into the new chamber structure had been delayed, because migration required regulations to be made and government legal resources had been focused on Brexit-related activities.

7.4 Future business levels were discussed. Whilst there had been a general increase in all tribunals’ business over the past few years, the Social Security Chamber posed a particular challenge for SCTS in the coming 2-3 years. As the responsibility for additional categories of benefits was devolved from the UK to the Scottish Government, the workload of the tribunal is forecast to increase significantly. The Board discussed the importance of both judicial and administrative capacity being adequately resourced and established ahead of that increase.

7.5 The Board reviewed the current position on the transfer of the administration of reserved tribunals from HMCTS to SCTS. Whilst some progress had been made in relation to the development of the draft orders that would be required to facilitate the transfer, work remained largely on hold, pending further progress in the negotiations between the Scottish and UK Governments.

8. SCTS Committee Update

People Committee

8.1 The Chair of the People Committee gave an update on the last meeting held on 14 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.

9. Any Other Business

9.1 There was no other business.

10. Papers for Scrutiny/Exception Reporting Only

10.1 The following papers had been circulated for scrutiny:

- Court Programming update;
- 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 7 October 2019.

Scottish Courts and Tribunals Service
August 2019