



MINUTES

SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD

MEETING: MONDAY 5 December 2016, Parliament House

- Present:** Rt Hon Lord Carloway, Lord President (Chair)
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
Joe Al-Gharabally
Simon Catto
Professor Hugh MacDougall
Colonel David McIlroy
Eric McQueen
- Attended:** Noel Rehfisch, Corporate Secretary, SCTS
Karen Lawrie, Secretariat Business Manager, SCTS, (Minutes)
- Apologies:** Rt Hon Lady Dorrian, Lord Justice Clerk

1. Minutes of the SCTS Board Meeting of 17 October 2016

- 1.1 The Minutes of the last meeting were approved.

2. Matters Arising

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

Launch of Housing and Property Chamber

2.2 The functions of the Private Rented Housing Panel and the Homeowner Housing Panel were transferred to the Housing and Property Chamber (“HPC”) of the First-tier Tribunal for Scotland on 1 December. The Housing and Property Chamber would exercise the jurisdictions previously exercised by those panels, including disputes in relation to rents, repairs and landlords’ access and between homeowners and property factors. Appeals would be to the new Upper Tribunal for Scotland, the statutory provisions for which also came into force on 1 December 2016. In December 2017 a range of private rented sector cases, including the new letting agents’ regime and disputes currently determined by the sheriff courts, would also transfer to HPC

3. Finance Report (SCTS/Dec16/61)

3.1 The Board considered the financial position based on the expenditure to the end of October 2016. While expenditure in several areas remained slightly behind the forecast for the year to date, the full-year forecast remained that the total budget of £108.4m would be fully utilised.

3.2 As previously agreed, any budget flexibility identified would be directed to progress the Courtroom Technology Refresh and Mobile Technology programmes.

4. Spending Review (SCTS/Dec16/62)

4.1 It was reported that, following the UK Autumn budget statement on 23 November, the Scottish Government was finalising budget allocations for Scottish public sector bodies, including SCTS, for 2017-18. Publication of the draft Budget for 2017-18 was anticipated in mid-December.

4.2 The Scottish Government's Court Fees Order was approved at the Justice Committee on 22 November 2016 and came into effect on 28 November 2016.

5. The Scotland Act – Devolution of Reserved Tribunals (SCTS/Dec16/63)

5.1 A draft feasibility report setting out options for the devolution of reserved tribunals had been developed over the course of the autumn. Further progress was dependent on agreement being reached between the UK and Scottish Governments on the most effective way to manage the transfer process. The Board would receive the full report for consideration when a decision had been reached.

6. ICMS Update – Readiness for 'go live' (SCTS/Dec16/64)

6.1 The Integrated Case Management System (ICMS) had been successfully launched across the Sheriff Courts on 31 October. The system had been enhanced following launch to accommodate Simple Procedure cases from 28 November.

6.2 Further system development was ongoing to allow ICMS to be launched in the Supreme Courts and for the Civil-online portal to be introduced. A number of law firms were taking part in preparation and testing of the online portal. Indicative timetables for completing this work would be discussed by the ICMS Project Board.

6.3 Members welcomed news of the significant achievement made in launching the new ICMS system and commended the flexibility and preparation shown by staff involved in both development of the project and roll-out of the new system to the courts.

7. Quarterly Performance Review and Scorecard (SCTS/Dec16/65)

7.1 The Board carried out its quarterly review of performance of the organisation, including a progress review of the outcomes in the 2016-17 Business Plan.

7.2 Members discussed the Board Scorecard for Quarter 2 of 2016-17. The measurement used to assess the Well Supported Judiciary category was discussed. It was agreed that incorporating the views of Tribunal Judges and Chamber Presidents in this measure would be important in future. The Executive confirmed that the measure would be reviewed as part of the periodic review of the Board Scorecard, with any recommendations for change submitted to the Board.

7.3 It was agreed that, once implemented, the on-line process for the submission of expense claims under development for tribunal members would be reviewed in order to consider whether a similar system might be developed for use by Justices of the Peace.

8. SCTS Corporate and Business Plan Development (SCTS/Dec16/66)

8.1 Board members reviewed the work underway to develop the new 3-year SCTS Corporate Plan which was due to be published in April 2017. A working group of Board members had been established and had met to review activity to date. Consultation on the plan was taking place with a range of partners and staff. A draft of the plan would be presented for consideration at the next Board meeting.

9. SCTS Staff Survey – High Level Results 2016 (SCTS/Dec16/67)

9.1 The 2016 UK Civil Service Staff Survey results for SCTS were presented. Members welcomed the results which showed that SCTS had the highest engagement index score in Scotland. The Board recognised the value of the positive partnership approach with the PCS Union in responding to the survey, both at a national level and in the development of local action plans. It was agreed that a detailed analysis of the results and local action plans would be submitted to the People Committee for consideration. The Board would receive a summary of the analysis in due course.

10. Customer Service Excellence Accreditation (SCTS/Dec16/68)

10.1 Board members considered a summary of the 2016 Customer Service Excellence (CSE) Accreditation Report. SCTS had retained its CSE accreditation with an increase in the number of areas assessed as “compliance plus” and a reduction in the number of “partially compliant” areas. Planning work had been undertaken to integrate Tribunals Operations into future assessments and this was welcomed. It was agreed that the accreditation process was a good measure of the high standards of service provided by SCTS staff.

11. Inverness Justice Centre (SCTS/Dec16/76)

11.1 Progress made on the Inverness Justice Centre (IJC) project was reported. It was now in the detailed planning phase and the final business case would be developed incorporating any adaptations required by interested parties when their final funding position was confirmed.

11.2 It was confirmed that Tom Gorman from the SCTS Estates Committee had accepted appointment to the IJC Project Board. This would allow the Estates Committee to be regularly appraised of progress.

12. SCTS Board Operation (SCTS/Dec16/69)

12.1 Members reviewed and approved the structure of the existing four Committees - People, Estates, Audit and Risk and Remuneration – and confirmed that support of the operation of the Board remained effective and would be maintained for 2017. Membership of the Committees would be kept under review to ensure it reflected the priorities faced across courts, tribunals and the Office of the Public Guardian.

12.2 The Board agreed a shortlist of workshop sessions, visits and development activities for 2017 which had been informed by the Board appraisal process. Workshop sessions would provide oversight of key issues and the opportunity to engage with committee colleagues and staff.

13. SCTS Committee Updates (SCTS/Dec16/70 and SCTS/Dec16/71)

13.1 The Board considered the Annual Reports submitted by both the People Committee and the Estates Committee. The reports outlined decisions made during the year and identified key priorities for the coming year.

13.2 The Committee Chairs for the Audit and Risk Committee and People Committee advised that three external members were approaching the end of their second term of appointment. A recruitment campaign had commenced to appoint new members.

13.3 It was accepted that the nature of the interests of tribunals were such as to merit tribunal representation on the relevant committees.

Remuneration Committee

13.4 The Committee met immediately before the Board meeting. It had reviewed the fees paid to those members of the Board and its Committees not already remunerated from public

funds. It had agreed that the daily fee be increased by 1% in-line with the cap set out in the Scottish Government's Public Sector Pay Policy for Senior Appointments in 2016-17.

13.5 The timing of the annual meeting of the Remuneration Committee was discussed. It was agreed that, subject to the availability of the Scottish Government's Public Sector Pay Policy, the Committee would meet in advance of the Board meeting in August.

14. Any Other Business

14.1 There was no other business raised.

15. Papers for Scrutiny/Exception Reporting Only

15.1 The following papers had been circulated for scrutiny:

- Court Programming Update
- Mobile Judiciary Update
- ICT programme Milestones and High Level Risks
- the SCTS Decision Tracker
- Draft minutes of the SCTS Committees held since October

No matters were raised by exception.

16. Date of the Next Meeting

16.1 Monday 6 February 2017 in Parliament House, Edinburgh.

Discussion Session – Evidence and Procedure

17.1 Following the formal Board meeting, members were joined by Tim Barraclough (Chief Development and Innovation Officer) who gave a presentation on the work flowing from the reports of the Evidence and Procedure Review

17.2 A Programme Board made up of representatives from justice bodies and led by SCTS had oversight of the two main project workstreams.

17.3 The first of these was exploring a fundamental redesign of summary criminal court procedures which had the potential to reduce significantly levels of churn, increase judicial oversight and management of cases and ensure that witnesses are only cited in cases when a trial is highly likely to proceed. SCTS had been leading a multi-agency working group which is developing these proposals. Whilst it will take some time, and continuing co-operation, for these changes to be introduced, the Board agreed that they would be of real benefit and that SCTS should continue to lead work in this area.

17.4 The second workstream had developed short-term proposals for improving the process of taking evidence on commission in High Court cases and proposed significant reforms to the way in which evidence is gathered from child and vulnerable witnesses. This work had explored the processes for interviewing and cross-examining witnesses – posing questions such as who is best placed to ask questions of a child witness; and how the rights of the accused would be protected if evidence was not heard in court. The inspiration for this work was the “Child’s House” model used in Scandinavian countries, which was now being applied in a number of European jurisdictions, including a pilot in London. Board members discussed the progress made by the working group and noted the strong political support for changes along these lines.

17.5 The Board thanked Tim for his informative presentation.

Scottish Courts and Tribunals Service