



MINUTES

SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD

MEETING: Monday 22 June 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 Grant McCulloch
Colonel David McIlroy
Eric McQueen
Morna Rae, JP
Anne Scott
Rt Hon Lady Smith
Sheriff Principal Craig Turnbull

Attended: Noel Rehfisch, Corporate Secretary, SCTS
Karen Lawrie, Secretariat Business Manager, SCTS

Apologies: None

1. Minutes of the SCTS Board Meeting on 23 March 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 the meeting remotely.

2.3 Dr Sophie Flemig was welcomed to her first Board meeting following her appointment in May.

3. Coronavirus (COVID-19) Update (SCTS/Jun20/18)

3.1 The Board reviewed a report which provided a detailed overview of the co-ordination and response arrangements in relation to the COVID-19 outbreak. It outlined the sequence of significant events and the wide ranging response which had been taken by the organisation in response to the outbreak. Oversight of the organisation's response had been provided by the Strategic Incident Management Team, which had met on over 55 occasions since the outbreak began. The SIM Team had ensured that the situation was kept under review, key information was shared and sound decisions made.

3.2 The Board were informed that the outbreak had resulted in the consolidation of essential business into ten hub Sheriff and Justice of the Peace courts. Non-essential business had been

postponed during the lockdown period, in order to minimise travel and support the public health response. An extensive programme of risk assessment and associated works was completed ahead of the re-opening of premises in line with Phase 1 of the Scottish Government's route map out of lockdown. This ensured that court and tribunals premises were safe and capable of observing physical distancing rules. The extensive move to working from home, and the development of a range of new and innovative approaches to allow business to resume, were welcomed by the Board.

3.3 The Board praised all staff involved in the response to this unprecedented situation. The members agreed that the development of new approaches to manage business, such as the use of virtual hearings, should continue. The extra capacity which they could provide would help to address case backlogs, when court and tribunal buildings could not run at their usual capacities because of the need to protect public health through physical distancing. Some of these approaches had been dependent on emergency legislation. Where this legislation had led to improvements in resilience and capacity, that would be sustainable in the longer term, a case should be made for permanent legislative provision.

3.4 The Board assessed the risks that had emerged as a result of the outbreak. Chief amongst them was the challenge of tackling significant case backlogs that had developed, and were continuing to increase, at a time when capacity continued to be limited. Trial business, which required the physical presence of a large number of parties in a courtroom at the same time, had been most affected. Jury trials presented a particular challenge. The chair emphasised the seriousness of the situation, the continued need for physical distancing would significantly reduce the capacity of courts and tribunals in the short to medium term.

3.5 The Board noted the opportunities arising from new ways of working that had been successfully used. These involved much greater use of video links, the hearing of procedural business by teleconference, the electronic transfer of documents and a significant increase in home working. The Board would continue to monitor both the response and the longer-term recovery. These would be a key priority for the organisation in the coming months.

4. Finance Report (SCTS/Jun20/19)

4.1 The Board considered the provisional year-end outturn for the 2019-20 financial year. Total Net Expenditure was projected to be £119m, with a £0.5m underspend, subject to final confirmation of figures with External Audit.

4.2 The Board welcomed the diversion of identified underspends to a planned overspend on building maintenance. Despite the additional expenditure, the outstanding backlog maintenance costs had risen by £0.5m to £34.8m. Funding to address backlog maintenance would be pursued through future spending settlements.

5. Quarterly Performance Review and SCTS Board Scorecard (SCTS/Jun20/20)

5.1 The Board carried out its quarterly performance review. The final position on delivery of the outcomes in the 2019-20 Business Plan was scrutinised.

5.2 The Board Scorecard for Q4 of 2019-20 was reviewed. As lockdown had occurred towards the end of Q4, its impact had been relatively limited. The prolonged lockdown and ongoing physical distancing restrictions were likely to have a significant impact on a number of the operational KPIs in future quarters. The indicators would be reviewed in order to identify how best to use them to anticipate issues and support the most effective response.

5.3 The Board agreed that the 2020-21 Business Plan should be reviewed, taking into account the impact that the COVID-19 outbreak would have on the capacity of the

organisation to deliver the objectives currently set and the need to incorporate new priorities that had arisen as a consequence of the outbreak.

6. Standards of Services for Witnesses (SCTS/Jun20/21)

6.1 The annual report on the operation of shared standards of service for victims and witnesses was reviewed. The report provided a summary of how the standards, which had been agreed between the SCTS, Police Scotland, COPFS, the Scottish Prison Service and the Parole Board for Scotland, had worked during the last 12 months. The Board acknowledged that the overall standards had continued to be effectively achieved. There was nothing of concern during the past year which had been raised through the formal complaints procedure or by correspondence.

6.2 Due to the significant impact of COVID-19 on the operating model of the courts, SCTS was working closely with Victim Support Scotland and other participants in the justice system. The standards which were measured would be revised for future reports. Consideration would be given to the layout and presentation of the document to ensure that it was as informative and accessible as possible to all audiences.

7. Inverness Justice Centre (SCTS/Jun20/22)

7.1 The Board had previously been advised of the good progress that had been made in the construction of the Inverness Justice Centre. Due to the emerging COVID-19 restrictions towards the end of March, the Executive took the strategic decision to relocate the Sheriff Court to the Justice Centre immediately. The Justice Centre became one of the ten hub sheriff courts during lockdown. This allowed staff to benefit from the improved facilities and technology.

7.2 The Board commended all those involved, both in the detailed development and construction of this major project. It had been delivered broadly on time and within budget. Special thanks were recorded to those involved in the short notice move to the Justice Centre immediately prior to lockdown.

8. Annual Review of Standing Orders (SCTS/Jun20/23)

8.1 The Board conducted its annual review of the SCTS Standing Orders. A number of minor updates were proposed to ensure that they remained accurate.

8.2 The revised SCTS Standing Orders were approved for publication, superseding the current version.

9. SCTS Committee Update

Audit and Risk Committee

9.1 The Committee Chair reported on the key discussions from the last Committee meeting in April. Scrutiny of the SCTS Annual Report and Accounts for 2019-20 would be a key focus at the next meeting in August.

9.2 The Chair advised that Simon Cunningham had recently been appointed as a non-executive member of the Audit and Risk Committee.

10. Any Other Business

Board Membership

10.1 Sheriff Anwar had been appointed to the role of Sheriff Principal for South Strathclyde, Dumfries and Galloway on 1 April. She had therefore stepped down from her position as a Sheriff

Member of the Board. Sheriff McCulloch's appointment to the Board was due to end in September. An exercise to recruit two new sheriff/summary sheriff members would commence shortly.

11. Papers for Scrutiny/Exception Reporting Only

11.1 The following papers 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 17 August 2020.

Scottish Courts and Tribunals Service
June 2020