



SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD MEETING: Friday 19 November 2021 (Inverness Justice Centre)

- Present:** Lord Carloway, Lord President (Chair)
Joe Al-Gharabally
Simon Catto
Lady Dorrian, Lord Justice Clerk
Dr Kirsty Hood QC
Colonel David McIlroy
Eric McQueen
Sheriff Jillian Martin-Brown
Sheriff Olga Paspornikov
Sheriff Principal Craig Turnbull
Lord Woolman
- Attended:** Noel Rehfisch, Interim Deputy Chief Executive, SCTS
Karen Lawrie, Head of Secretariat, SCTS
- Apologies:** Dr Sophie Flemig
Morna Rae, JP
Anne Scott

1. Minutes of the SCTS Board Meeting on 4 October 2021

- 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.

3. Coronavirus (COVID-19) Update

3.1 The Board reviewed recent events and the ongoing response and recovery activity of the SCTS in relation to the COVID-19 pandemic. Oversight of the response continued to be provided by the Strategic Incident Management Team. This ensured that the situation was kept under review, key information was shared and appropriate decisions were made.

3.2 Developments since the last meeting in October were outlined. A review of safety measures across the SCTS estate had taken place at the end of October. The Board agreed that the existing measures should be retained until at least the end of January. They recognised that levels of transmission remained relatively high and that SCTS premises should continue to have arrangements in place to minimise risk.

3.3 The continued delivery of the court recovery programme, alongside contingencies that were put in place during the COP26 conference, were discussed. The low level of custody cases and the contingency plans that SCTS had put in place had ensured there was minimal impact on the courts from the conference. Criminal trial business returned to normal operating levels at the end of the conference.

3.4 The Board acknowledged the continuing pressures faced. They commended everyone's efforts to maintain safe operations, whilst managing backlogs and change.

4. Finance Report

4.1 The Board considered a report on financial performance to the end of September 2021. The total budget for 2021-22 was £176.6m. Civil court fee income continued to show a steady recovery. Expenditure on COVID safety and cleaning measures continued to be necessary, but was offset by reduced expenditure in other areas.

4.2 The Board agreed that, should any resource become available over the coming months, it should be redirected into areas requiring additional funding such as estates backlog maintenance and digital priorities. Robust forecasting and reporting would continue so that funds could be allocated to meet the areas of greatest need.

5. Spending Review

5.1 The Board discussed the timescale and key elements of the forthcoming Scottish Government Spending Review. The Scottish Government would publish the Scottish Budget on 9 December, setting budgets for 2022-23. The Executive had been in regular communication with the Scottish Government to set out in detail the financial requirements of SCTS for the coming year and the potential implications, should these not be met.

5.2 The Board supported the approach taken; specifically the need for continued funding for the court recovery programme and digital investments, to ensure that case backlogs would continue to be addressed and the benefits delivered from changes introduced during the pandemic would not be lost.

6. Business Plan Delivery Report and SCTS Board Scorecard – Q2

6.1 The Board carried out its quarterly performance review. The current position on the delivery of the outcomes in the 2021-22 Business Plan was scrutinised.

6.2 The Board Scorecard for Q2 had been amended, as agreed at the October meeting, to align with the COVID-19 court recovery programme. The revised measures were reviewed.

6.3 The Board acknowledged that staff had recently had the opportunity to participate in the annual UK Civil Service Staff Survey. A summary of the key findings from the survey would be presented to the Board in February.

7. SCTS Board Operation

7.1 The Board reviewed the structure of its existing four Committees: People, Estates, Audit & Risk and Remuneration. The Committees had supported the Board in discharging their role to good effect over the past year. It was agreed that the structure would be maintained for 2022.

7.2 A schedule of workshop sessions, visits and development activities, which would coincide with each Board meeting in 2022, was considered. The Board approved the shortlist of topics for the sessions and proposed visits. The visits and workshop sessions may be altered during the year to comply with the COVID-19 restrictions in place at that time.

7.3 The Scheme of Delegation, that outlined how the committees support the Board in the discharge of their functions within their areas of responsibility, was discussed. Consideration would be given to the responsibilities delegated to the Audit and Risk Committee to ensure that the full range of work carried out by the committee was properly reflected.

8. SCTS Committee Update

Audit and Risk Committee

8.1 The Committee Chair updated the Board on discussions at the November meeting. Good progress had continued with the Finance and Procurement Team restructure. The Assurance and Best Value Framework had been scrutinised. The Framework provided a good overview of the assurances in place. Due to the ongoing pandemic, the Committee agreed that the focus for their Deep Dive session in January would be the Criminal Justice Recover, Renew, Transform programme.

Estates Committee

8.2 The Committee Chair submitted the Committee's Annual Report. This described the decisions which had been made during the year. These included: a review of the Property and Services Unit Business Plan objectives and their staff survey results; oversight of the creation of the Remote Jury Centres in cinemas; the annual review of the work of the Health, Safety and Security Committee; and scrutiny of the outline business case for the Edinburgh Justice Sector Property Rationalisation Programme. Members had scrutinised the renewal of the lease at Hadrian House in Falkirk and the Bothwell House lease for Tribunals in Hamilton. The Committee had approved the estates budget priorities for 2021-22 and the list of "shovel ready" projects which was maintained to ensure effective use of any late release of funding from the Scottish Government.

People Committee

8.3 The Committee Chair presented the Committee's Annual Report. The Committee's priorities for 2022 would include: monitoring progress of organisational development and design, culture and leadership; progress of the People Strategy 2018-23; workforce planning; succession planning; and talent management. They would continue to monitor the impact of COVID-19 in terms of staff capacity, development of new ways of working, people management and wellbeing, including hybrid working. Analysis of the results of the Staff Survey 2021 would be completed by the Committee with their findings presented to the Board in March.

8.4 The Chair thanked all Committee Members and staff of the SCTS who had supported their work over the last 12 months.

9. Office of the Public Guardian (OPG) – Investment and Transformation

9.1 Tim Barraclough (Executive Director, Tribunals and OPG) and Fiona Brown (Public Guardian and Accountant of Court) joined the meeting and led a presentation on the work of the Office of the Public Guardian and Accountant of Court. The Board discussed the breadth and considerable volume of the OPG's work. They considered the impact of the pandemic and proposals to improve the OPG services through the development of a modern digital system that would improve reliability, efficiency and the level of service.

9.2 The Board supported the approach set out and agreed that proposals should be developed with a view to securing investment from the Scottish Government that would allow real improvements to be made.

10. Any Other Business

10.1 The Chair of the Audit and Risk Committee had recently visited the SCTS Run Operations Centre (ROC) based in Parliament House. He confirmed that the level of monitoring of the SCTS digital systems was outstanding and provided assurance that the SCTS was maturing digitally. This was essential due to the increased reliance on digital approaches necessitated by the pandemic.

10.2 The Board viewed a video demonstrating the work carried out in the ROC and the level of monitoring that was now available within the SCTS.

10.3 In closing the meeting, the Chair thanked Dr Kirsty Hood QC and Simon Catto for their contribution to the Board and its Committees over the last 8 years as their tenure was due to end on 31 December 2021.

11. Papers for Scrutiny/Exception Reporting Only

11.1 The following paper 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 7 February 2022.

13. Tour of the Inverness Justice Centre

13.1 For the first time since February 2020 the Board held an in-person meeting. This was at the new Inverness Justice Centre. Board members received a tour of the facilities. The Board met court staff and other court users, who gave an insight into their experience of working in the new Justice Centre in practice as well outlining a number of local issues.

13.2 The Board were very impressed with the professionalism of the staff whom they met and the strong working relationships with local partners. The tour provided the opportunity for the Board to see the state of the art facilities. Board members agreed that these were of a consistently high standard, setting a benchmark for any future developments.

14. Post Meeting Discussion – SCTS Strategic Direction post-COVID

14.1 Following the formal Board meeting members took some time to explore the direction and priorities for SCTS over the next 2 to 5 years. Drawing on the experience of the pandemic, and the Scottish government's programme for the coming 5 years, the Board considered provisional high-level priorities under the 4 key business areas of: (i) Criminal; (ii) Civil; (iii) Tribunals and OPG; and (iv) Corporate development.

14.2 The Board reviewed suggested priorities and outcomes and agreed to return to these as work commenced on development of the Corporate Plan for 2023-26.