

MINUTES

SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD MEETING: MONDAY 19 OCTOBER 2015, BALBIRNIE HOUSE, GLENROTHES

Present: Rt Hon Lord Carloway (Chair)
Eric McQueen
Rt Hon Lady Smith
Sheriff Grant McCulloch
Johan Findlay OBE JP
Tony McGrath
Sheriff Iona McDonald
Dr Kirsty Hood QC
Professor Hugh MacDougall
Joe Al-Gharabally
Sheriff Principal Duncan Murray

Attended: Noel Rehfisch, Corporate Secretary, SCTS
Margaret Peattie, Secretariat Business Manager, SCTS, (Minutes)

Apologies: Simon Catto
Dr Joe Morrow QC

1. Minutes of the SCTS Board Meeting of 24 August 2015

1.1 The Minutes of the last meeting were approved.

2. Matters Arising

2.1 There were no outstanding actions from the last meeting.

Board Member Recruitment

2.2 The selection panel had received a good response to the recent advertisement for a non-judicial/non-legal Board member to succeed Tony McGrath when he steps down in December. A sift would be carried out shortly to identify a short list of candidates to be taken forward to the interview stage of the process.

3. Observations from Visits

3.1 Prior to this meeting, three groups of Board members had visited the courts at Kirkcaldy and Dundee and the Office of the Public Guardian in Falkirk to engage with local judiciary and staff, see the accommodation and hear about the business conducted there. Members shared their observations from these visits with the Board.

3.2 Those who visited Kirkcaldy reported a number of issues arising from the standard of accommodation in both the sheriff court and justice of the peace court buildings there. The existing accommodation gave rise to security issues and while this was being well managed locally, **it was agreed** that a health safety and security risk assessment should be carried out to look at how risk was being managed and mitigated. A report should be submitted to the SCTS Estates, Health & Safety, Fire and Security Committee's for consideration. The Committee would then report to the Board.

3.3 In the 2013 consultation on court closures, Fife had been identified as an area for the development of a justice centre. A feasibility study had been carried out by the

Executive. However, it was recognised that any justice centre development to replace the courts at Kirkcaldy would require funding from Scottish Government. The Board and the Executive would continue to press for that in any discussions with Ministers or officials on budget provision.

3.4 The Board asked that the Executive reassure the sheriff clerk and staff at Kirkcaldy that it was acutely aware of the accommodation issues there and that Kirkcaldy continued to be a priority for justice centre development.

4. Finance Report (SCTS/Oct15/27)

4.1 The Board received the Report on financial performance to the end of September. In-year funding transfers from Scottish Government arising from the merger with the Scottish Tribunals Service were being finalised and would be effected through the autumn and spring budget revisions.

4.2 Following discussion of the Report, **the Board agreed** that the £0.4m held in Reserve should remain unallocated at this stage. The Executive should bring forward proposals for its utilisation for consideration at the December meeting.

5. Audit Scotland Report - Efficiency of Prosecuting Cases through the Sheriff Courts (SCTS/Oct15/28)

5.1 Audit Scotland's Report, published in September, was a follow up to their 2011 Report '*An overview of Scotland's criminal justice system*'. It gave an assessment on whether court and prosecution efficiency had improved since that was published.

5.2 Much of the statistical data in the Report had been provided by the SCTS. The report also reflected some of the findings of the Evidence and Procedure Review led by the Lord Justice Clerk, consultation on which was ongoing ahead of it being submitted formally to the Scottish Government. Audit Scotland would provide a presentation on its Report and findings at the November meeting of the SCTS Audit & Risk Committee.

5.3 Board members noted the Report's findings and agreed that work should continue to address system efficiency in both the short and longer term. In response to the main recommendations set out in the Report, SCTS would continue to work with justice partners to ensure that the impact of policy changes on the system was well understood. It would provide the public with a broader view of system efficiency and achieve optimum waiting periods for summary criminal cases. These issues would be explored further in the post meeting workshop session.

6. Operation of Standards for Victims and Witnesses (SCTS/Oct15/29)

6.1 Earlier this year, the Board approved service Standards for Victims and Witnesses and agreed to the publication of these Standards along with those of Scottish Government and other justice organisations in a single document. An update on the operation of the Standards was provided. The Board was updated on the extension of the provision of special measures to a wider range of victims and witnesses from September.

6.2 The Board heard that SCTS was working with Victim Support Scotland, Scottish Women's Aid and other organisations as well as providing training for operational staff who would be working with vulnerable people coming to court or giving evidence by TV links. Plans were in place for performance reporting against published service standards, with the first annual report scheduled to be published in the spring of 2016.

7. Evidence and Procedure Review Project (SCTS/Oct15/30)

7.1 A summary of the main findings of the Review was received. The Board noted that the findings would be included in the Report to be submitted to the Justice Board for

consideration shortly. It would be for Scottish Government to determine what further development, if any, should be undertaken to consider the implications of the Review's findings for potential reform of the criminal justice system.

8. The Scotland Bill – Devolution of Reserved Tribunals (SCTS/Oct15/31)

8.1 This paper provided an update on the activity and progress made since the August meeting. A working group of officials of the UK Government, the Scottish Government and SCTS had been established to provide a forum for discussion on legislative provisions and issues concerning the complex transfer of functions. Board members noted the update. A programme management structure would be put in place to ensure the effective management of both the work involved in devolving reserved tribunal functions and the continuing implementation of the new devolved tribunal structure.

9. Mid-Year Review of Corporate Risks (SCTS/Oct15/32)

9.1 Earlier in the year the Board held a risk workshop involving members of the Audit & Risk Committee to consider the challenges facing the organisation, whether these were adequately captured in the Corporate Risk Register and whether the proposed controls and actions were appropriate.

9.2 The Risk Register had been updated to reflect the outcome of the workshop and had been reviewed and updated as appropriate throughout the year by the Executive Team. The Audit and Risk Committee now receive the Register at each of their meetings. Board members reviewed the current version of the Register and, subject to a number of minor amendments, agreed that it accurately reflected the high level corporate risks at this point in the year.

9.3 **It was agreed** that a working group be set up involving Board members Joe Al-Gharabally, Sheriff Principal Duncan Murray and Dr Kirsty Hood QC to consider ICT and Digital issues which were key to the successful delivery of a number of the outcomes in the Corporate Plan. Their input would help inform next steps and give assurance to the Board. The group would report to the Board early in the New Year.

10. Update on Staff Engagement Strategy 2014-17 (SCTS/Oct15/33)

10.1 The Board received an update on the staff engagement strategy and plans for reporting on results from this year's staff survey, which was now underway.

10.2 Common themes raised by staff during the Executive Team's summer tour were reflected in the report. Staff briefings published on the Intranet addressing the main issues raised were shared with the Board for information.

11. SCTS Committee Update

People Committee

11.1 A copy of the draft Minutes from the last meeting of the Committee had been circulated. Johan Findlay reported that the Committee had also discussed what support systems were available to SCTS staff affected by hearing distressing evidence in historic sexual abuse trials.

Estates, Health & Safety, Fire and Security Committee

11.2 Sheriff McCulloch updated the Board on matters discussed at the meeting in September when the Committee agreed the priority list of estates "shovel ready" projects should additional funding become available. The Committee had also received the annual report from the Executive's Health, Safety and Security Works Committee.

12. SCTS Board Appraisal (SCTS/Oct15/34)

12.1 The Executive had prepared a summary of members' observations provided in response to their annual appraisal questionnaire. Common themes were highlighted in the summary. **It was agreed** that the Corporate Secretary would work with Sheriff McDonald and Sheriff McCulloch to identify a shortlist of proposals/actions that had the potential to improve Board performance.

13. Papers for Scrutiny/Exception Reporting Only

13.1 The following papers had been circulated for scrutiny:

- Court Programming Update
- ICT programme Milestones and High Level Risks
- the SCTS Decision Tracker
- Minutes of Committee meetings

No matters were raised by exception.

14. Any Other Business

14.1 None.

15. Date of the Next Meeting

15.1 Monday 7 December 2015 in Parliament House.

Workshop Session – Developing Our Spending Review Challenges

16.1 Following the formal Board meeting Eric McQueen led Board members through a workshop session in which they considered:

- the key findings from Audit Scotland's Report *Efficiency of Prosecuting Cases through the Sheriff Courts*;
- data on the numbers and levels of cases being heard in the Scottish Courts – highlighting the greater number of more complex cases going to trial; and
- the key findings of the Evidence and Procedure Review, aimed at changing the way in which evidence is collected and cases are prepared for trial.

By considering these three perspectives Board members were able to offer their views on the short, medium and longer term steps that SCTS ought to take in order to address the budget pressures that were likely to arise as a consequence of the Spending Review.

16.2 Board members were of the view that the organisation should continue to take steps to identify efficiencies where possible, whilst seeking to influence the approach taken to criminal prosecution at a system-wide level to ensure it is as effective as it can be. It was recognised that appropriate use of alternatives to court prosecution could influence system costs in the short to medium term. The Board was supportive of the radical ideas proposed in the Evidence and Procedure Review, which could ultimately lead to a complete redesign of the criminal justice system. They had the potential to address systemic challenges that present themselves as inefficiencies. It was acknowledged that reforms of this nature would take time, political will and changes in culture to deliver.