

MINUTES

SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD MEETING: MONDAY 29 August 2016, Parliament House, Edinburgh

- Present:** Rt Hon Lord Carloway, Lord President (Chair)
Rt Hon Lady Dorrian, Lord Justice Clerk
Sheriff Principal Duncan Murray
Sheriff Iona McDonald
Sheriff Grant McCulloch
Johan Findlay OBE JP
Dr Kirsty Hood QC
Simon Catto
Professor Hugh MacDougall
Colonel David McIlroy
Joe Al-Gharabally
Eric McQueen
- Attended:** Noel Rehfisch, Corporate Secretary, SCTS
Karen Lawrie, Secretariat Business Manager, SCTS, (Minutes)
- Apologies:** Rt Hon Lady Smith
Dr Joe Morrow QC

1. Minutes of the SCTS Board Meeting of 27 June 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 and no matters arising.
- 2.2 The Chair advised that Lady Smith had been appointed to lead Scotland's independent public inquiry into the abuse of children in care. She would retain the role of President of Tribunals and, as such, remained a member of the Board.

3. Finance Report 2016-17 (SCTS/Aug16/38)

- 3.1 A report was provided detailing the financial performance to the end of July 2016. Whilst a small number of expenditure lines were behind profile, it was anticipated that these would return to budget and full year expenditure would remain as predicted in the overall budget. Confirmation of the agreed autumn budget transfers by the Scottish Government was expected during September. At which point the budget would be recast and a further forecast completed in collaboration with the business units.
- 3.2 The Board accepted the recommendation of the Executive to retain £0.5m reserve until October when the half-year budget position would be fully assessed.

4. Spending Review 2017-20 (SCTS/Aug16/39)

4.1 The Board reflected on the challenges faced by SCTS in the Scottish Government spending review for the 2017-18 budget allocation. The process would require departments to assess their financial position and assess how they would manage various levels of budget reduction should these be imposed.

4.2 As the spending review would be challenging for all justice organisations, a joint approach was under consideration to ensure that the system continued to deliver and improve in the most effective way. Initial proposals developed by justice organisations would be refined and enhanced over the next few months to align the developing strategy with the spending review.

5. SCTS Audit and Risk Committee Annual Report to the Board (SCTS/Aug16/40)

5.1 The Chair of the SCTS Audit and Risk Committee provided a summary of the matters discussed at its last meeting. Audit Scotland had commended SCTS on the very high quality of the draft annual report and accounts produced by SCTS, which had been used as an exemplar to other organisations.

5.2 The Committee's Annual report to the Board was presented. The report reflected on the work of the Committee over the over the year 2015-16 and laid out its priorities for the year ahead.

5.3 The Committee, based on its scrutiny and the assurances provided by the Executive, Audit Scotland and Internal Audit, recommended that the Board approve the SCTS Annual Report and Accounts 2015-16.

SCTS Annual Report and Accounts 2015-16

5.4 A draft of the Strategic Report section of the Annual Report had been circulated to the Board for comment in May. The finalised version of the Report and Audited Accounts was now presented for approval.

5.5 Having considered the SCTS Audit and Risk Committee's Report and its recommendation, **the Board formally approved the Scottish Courts and Tribunals Service Annual Report and Accounts for 2015-16** and agreed the arrangements for publication.

5.6 The SCTS Accountable Officer would now sign the Governance Statement. Arrangements would be put in place for the Annual Report and Accounts 2015-16 to be published and laid before the Scottish Parliament.

6. Business Plan Delivery Report and Revised SCTS Board Scorecard (SCTS/Aug16/41)

6.1 The Business Plan Delivery Report, Board Scorecard and the Safer Communities and Justice Brief were considered.

6.2 The uptake in the usage of video conferencing between courts and prisons was discussed. Whilst the video conference (VC) usage levels were currently low, it was anticipated that through the use of more reliable equipment, and by embedding VC in the culture of organisations, levels of usage would accelerate.

Action: The Executive would provide an update on the levels of video conference usage at courts at the next meeting.

6.3 The rollout of Wi-Fi throughout the SCTS estate had now been completed with the exception of Lochgilphead. All managed SCTS devices had been configured to make

use of Wi-Fi. Guest accounts for all SCTS staff and judiciary ensured that access was available in all court buildings. An identified pilot group involving solicitors and media representatives would be granted guest access to test the system during September.

7. The Scotland Bill – Devolution of Reserved Tribunals (SCTS/Aug16/42)

7.1 An update was provided on the development of a feasibility report for the devolution of reserved tribunals. The report would be submitted to the Board for consideration in the autumn.

7.2 A response was awaited from both the UK and Scottish Governments in relation to the sequencing and timescale of any proposed transfer of functions. The Tribunals Programme Board would meet in September to consider the options for transfer and to continue to develop the feasibility study and outline operating model under which currently reserved tribunals would operate once devolved.

8. Inverness Justice Centre – Business Case (SCTS/Aug16/43)

8.1 The Board considered the Interim Full Business Case for the Inverness Justice Centre. It was noted that significant progress had been made in relation to site acquisition, Centre design and consultation – with other justice related organisations wishing to co-locate in the Centre. Board members agreed that the project should now enter the detailed design phase. The final full business case would be submitted to the Board for approval in April, ahead of commitment to the full construction costs.

9. ICMS Update – Readiness for ‘go live’ (SCTS/Aug16/44)

9.1 An update was presented on the readiness of the organisation to proceed with the launch of the new ICMS system. System testing would take place during September, with courts from every Sheriffdom taking part. Subject to successful testing, the system would be launched in the sheriff courts on 31 October. The introduction of the Simple Procedure and the facility to submit cases subject to that procedure electronically would take place on 28 November. Further development was being considered for the Court of Session model.

9.2 The Board welcomed the detail provided on the product and functionality, and requested that future updates provided detail on system security, resilience and capacity.

10. Mobile Judiciary (SCTS/Aug16/45)

10.1 In order to secure Public Service Network (PSN) and Police National Network (PNN) accreditation in 2015, it had been necessary for SCTS to restrict some mobile working facilities for the judiciary that had previously been in place. Following the removal of this access, the Executive had been working to identify a suitable alternative recognising that the current level of remote working provision was unsatisfactory. Several Board members and the Judicial ICT Committee had expressed frustration at the current position and stressed the need to identify a suitable alternative as a priority.

10.2 Members were updated on feasibility work under way to identify and develop alternative provision. Progress was being made towards the delivery of an enhanced mobile IT solution for all tiers of the judiciary and the provision of enhanced secure email services for Justices of the Peace and Board members.

11. Programme for October Meeting and Board Appraisal (SCTS/Aug16/46)

11.1 In advance of the October Board meeting members would visit courts in Ayr, Dumfries and Kilmarnock. Members were content with the programme for the October meeting.

12. Any Other Business

12.1 The Chair confirmed that Sheriff McCulloch had accepted reappointment to the Board and would serve a further 4-year term.

12.2 There was no other business raised.

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

No matters were raised by exception.

14. Date of the Next Meeting

14.1 Monday 17 October 2016.

Workshop Session – Scottish Sentencing Council

15.1 Ondine Tennant, Secretary to the Scottish Sentencing Council and Andrew Ruxton, Principal Legal Officer, joined the meeting for this session. They gave a presentation which provided an overview of the creation of the Scottish Sentencing Council (SSC) in October 2015, business objectives, functions and powers. The main business of the the SSC would be the creation of sentencing guidelines and the process of how this would be carried out was explained. Board members noted the work that had been carried out to date in order to establish the Council and discussed the varying approaches taken in other jurisdictions which the Council had reviewed in preparation for developing Scottish guidelines.

Scottish Courts and Tribunals Service