

**SCOTTISH CIVIL JUSTICE COUNCIL**  
**INFORMATION AND COMMUNICATIONS TECHNOLOGY COMMITTEE**  
**MINUTES**

**PARLIAMENT HOUSE, 4.15PM, MONDAY 27 JANUARY 2014**

**Members present:** Lord Tyre (Chair)  
Gavin MacColl, Advocate  
Lauren Wood, Citizens Advice Scotland, SCJC Member  
Craig McCorkindale, Scottish Court Service, Director for Civil Courts Reform  
Marie-Louise Fox, Scottish Legal Aid Board  
Cara Archibald, Criminal Justice IT Coordination Manager, Scottish Government

**In attendance:** Yvonne Anderson (Depute in Charge of the Offices of Court)  
Liz Gardiner (Sheriff Clerk, Lanark Sheriff Court)  
Ondine Tennant (Deputy Secretary to the Scottish Civil Justice Council)  
Chris Nicholson (Deputy Legal Secretary to the Lord President)  
Neil Robertson (SCJC Secretariat)  
Marisa Strutt (Policy Manager, Judicial Office for Scotland)

**Apologies:** Sheriff Ian R Abercrombie, QC, SCJC member  
Duncan Murray, Solicitor, SCJC Member

**Item 1: Introduction, welcome, apologies and private papers**

1. The Chairman welcomed those present to the first meeting of the Information and Communications Technology (ICT) Committee and noted apologies.
2. **The Committee agreed not to publish the following papers: 3.1, 3.1C and 3.1F.**  
*After the meeting Craig McCorkindale advised the chair that he was content for paper 3.1F, which had been submitted in confidence, to be published.*

## **Item 2: Proceedings**

*Item 2.1: Scottish Civil Justice Council (Standing Orders and committee structure) [Papers 2.1 and 2.1A]*

3. **The Committee noted the Standing Orders of the Scottish Civil Justice Council (SCJC) and in particular the standing orders applicable to committees. The Committee also noted the intention of the SCJC to review the detail of these procedures in spring 2014.**

*Item 2.2: ICT Committee remit and membership [Papers 2.2 and 2.2A]*

4. **The Committee noted the remit and membership of the ICT Committee.**

*Item 2.3 Freedom of Information (Scotland) Act 2002 [Papers 2.3 and 2.3A]*

5. Members were advised that the SCJC has been added to the list of Scottish Public Authorities to whom the Freedom of Information (Scotland) Act 2002 (FOISA) applies. **The Committee noted that information, including e-mails, produced in the course of its business would be subject to FOISA.**
6. **The Committee noted the terms of the Publication Scheme and Guide to Information adopted by the SCJC and that the SCJC Secretariat would produce FOISA guidance for members in due course.**

## **Item 3: Future Business**

*Item 3.1 Making Justice Work overview [Oral]*

*Item 3.2 Scottish Court Service IT update [Oral]*

7. Craig McCorkindale spoke to items 3.1 and 3.2, which were taken together. Mr McCorkindale provided an oral update on the Scottish Government's Making Justice Work (MJW) Programme, explaining the timescale of the programme, the various work-streams, and how the work of the SCJC and its committees is incorporated within the MJW Programme, with particular regard to the MJW project 1.2.
8. On behalf of Lawrie MacDonald, Mr McCorkindale also provided an update on SCS IT initiatives, noting in particular that the SCS IT Strategic Plan was currently being prepared for publication in June 2014. The Strategic Plan will outline the future of IT

development within the SCS with a view to researching, designing and implementing the new IT facilities that will modernise the SCS and how justice is delivered.

9. The Strategic Plan also covers the procurement and development of a generic data platform over the next 12 months to support future development of applications including a new Case Management System for civil cases. This generic data platform is a collection of hardware and software (the software consisting of a series of interlinking databases) that sits under the applications used by the SCS. Developing a generic platform will make it easier to build and design applications that can interact with each other.
10. **The Committee noted that development of a new Case Management System will require engagement between the SCS ICT Steering Group and the SCJC in developing the specification and user requirements of the new system.**

*Item 3.3 Justice Digital Strategy update [Oral]*

11. Cara Archibald provided an update on the MJW Project 4: the Justice Digital Strategy (JDS). Three working groups have been set up (Civil, Criminal and Administrative) with a view to preparing a strategy document in May 2014 outlining what digital delivery of justice services should look like in 10 years' time.
12. It was recognised that Civil covered a wide range of practices and procedures over a range of different case types and that account would have to be taken of this in preparing a JDS that would meet the needs of all end users.
13. **Ms Archibald undertook to provide the Committee with a copy of the JDS Project Initiation Document once it has been agreed.**

*Item 3.4 Future Business of the ICT Committee [Papers 3.1 and 3.1A-G]*

14. **The Committee discussed and noted the remit, membership and on-going work of other related groups and of initiatives, in particular, those being taken forward through the Scottish Government's Making Justice Work (MJW) Programme.**
15. In light of the range of groups that were currently considering the use of ICT in court, there was some discussion as to what members considered the ICT Committee's role and priorities should be within that context. It was thought that the Committee could usefully play a role in harnessing and co-ordinating some of the initiatives underway. Going forward, it was thought that it would be useful to map out how the various groups relate to each other to assist the Committee in

considering how best to formalise links and information flow with these groups. **Craig McCorkindale to provide a paper on this for the next meeting.**

16. Members discussed a vision for what technology in courts should look like in the future. The Committee noted that the strategic direction of the SCS was to move towards a paperless court environment. **The Committee supported this strategy.**
17. It was remarked that a paperless online system might be able to guide parties through a civil process, alerting them to timelines and providing the appropriate forms to complete. This could potentially impact on rules as instead of being written, rules could be coded into the software of the online system. It was noted that this would require careful consideration, in light of the inherent jurisdiction of the court to provide relief from failure to comply with the rules and obligations under ECHR.
18. It was agreed that comparative research could be undertaken to help scope what might be done with available and potential technology and to better understand what the barriers to the use of technology are. **The Secretariat was asked to prepare a research brief in this regard and to liaise with members as to suitable areas for research, including as to a court visit to England and Wales and to the Scottish Legal Aid Board to view their online system for the processing of Legal Aid applications.**
19. It was remarked that the lack of Wi-Fi in most courts was a barrier to accessing and using technology. This is an issue particularly in outlying courts where access to legal books can be an issue. **Gavin MacColl undertook to produce a paper outlining the issues access to Wi-Fi in courts and Craig McCorkindale agreed to provide a progress update on the provision of Wi Fi in courts at the next meeting.**
20. It was also noted that there were wider barriers to online services, such as the lack of broadband availability and speed in remote locations. **Lauren Wood agreed to produce a paper outlining the issues.**
21. There was some discussion of how the language of court rules could enable the use of technology going forward. It was noted that the work of the Rules Rewrite Working Group in developing a style guide for the rules would have implications in this regard. **The Secretariat was asked to ascertain from the Rules Rewrite Working Group what input from the Committee might be required in this regard.**

22. The Committee noted that MJW Project 3 (Access to Justice) covered the provision of legal information to the public. This would include electronic provision of information. There is an overlap in this area between the work of the Access to Justice Committee and this Committee. However, it was agreed that it would be helpful to have information on this Project so that it might keep itself informed of developments. **Marie-Louise Fox to liaise with the Secretariat to make arrangements for an update to be provided at a future meeting.**

**Item 4: A.O.C.B**

23. No other was business raised.

**Item 5 Date of next meeting**

24. The next meeting was scheduled for 29 April 4.15 p.m.

**Scottish Civil Justice Council Secretariat  
January 2014**