

**Judicial Appointments Board for Scotland  
Meeting: Monday 10 September 2018, Thistle House, Edinburgh**

**MINUTES**

**Present**

Mrs Nicola Gordon, Chairing Member  
Mrs Alison Mitchell  
Mrs Liz Burnley  
Mrs Deirdre Fulton\*  
Professor Stephen Tierney  
Sheriff Michael O'Grady, QC  
Sheriff Principal Derek Pyle  
The Honourable Lady Wise  
Mrs Neelam Bakshi

\*Mrs Fulton joined the meeting by telephone.

**Apologies**

The Honourable Lord Minginish, QC  
Mr James McNeill, QC  
Mr Alistair Morris  
Mrs Erica Clarkson, Chief Executive

**In Attendance**

Mr John Wallace, Tribunals and Governance Manager  
Miss Ashleigh Meikle, Court Appointments Manager and Board Secretary  
Miss Rachel Craig, Appointments Team Leader  
Miss Katy Mitchell, Appointments Administrator  
Ms Ruth Bryan, Progressive Partnership (For agenda item 5)  
Ms Sarah Ainsworth, Progressive Partnership (For agenda item 5)

**1. Welcome and Apologies**

1.1 The Chairing Member informed the Board that apologies were received from Lord Minginish, Mr McNeill QC and Mr Morris. Apologies were also received from Mrs Clarkson, JABS Chief Executive.

## **2. Minutes of the Previous Meeting and Action Tracker Update**

### **2.1 Minutes of the Previous Meeting**

2.1.1 The Board suggested some amendments to the minutes of the meeting held on 13 August 2018. Subject to these changes being made, the minutes were approved.

2.1.2 It should be noted that at this point the Board Members held a private session.

### **2.2 Matters Arising and Action Tracker Update**

2.2.1 Mrs Bakshi asked the BMU that Action 5 from the April Board Minutes be added to the action tracker.

2.2.2 Mrs Gordon informed the Board that Action 9 was not closed as stated on the action tracker, as the meeting that was planned did not happen.

**Action Point: BMU to amend the action tracker with the above points.**

## **3. Oral Updates**

### **3.1 Chairing Member General Update**

3.1.1 The Chairing Member updated the Board on the recent Summary Sheriff round.

3.1.2 The Chairing Member also updated the Board on the recruitment of two new Legal Board Members. The chairing member also confirmed that Mr McNeill QC has been reappointed until 31<sup>st</sup> January 2019.

3.1.3 The Chairing Member informed the Board that she intends to meet with Mrs Fulton in the next two weeks to discuss the next steps in Lay Assistant recruitment. It was agreed by the Board that they would present next steps at the October Board Meeting for full Board consideration.

3.1.4 The Chairing Member informed the Board that due to a busy agenda, the October meeting will be scheduled to finish at a slightly later time of 14:00.

3.1.5 The Chairing Member informed the Board that she will be meeting with Ms Ash Denham, Minister for Community Safety and Mr Humza Yousaf, Cabinet Secretary for Justice on 13 September 2018 at their request.

3.1.6 The Board discussed the Law Society Scotland Annual Conference. It was agreed that the Chairing Member would present a plan detailing the Board's involvement at the October Board Meeting.

**Action Point: The Chairing Member and Mrs Fulton to present next steps for Lay Assistant recruitment at the October Board Meeting.**

**Action Point: The Chairing Member should create a plan for the Law Society Conference and present this to the Board at the October Board Meeting.**

### **3.2 Business Management Unit General Update**

3.2.1 The BMU informed the Board that unconscious bias training has been arranged to take place on 19<sup>th</sup> November 2018, within the Board Workshop. This training will last for three hours.

### **4. Monthly Budget Update**

4.1 The Chairing Member reminded the Board of the slight forecasted overspend. She confirmed that both she and the BMU have had discussions with the Scottish Government and this is seen as manageable in reference to work that has been undertaken and where JABS are moving towards.

4.2 The Chairing Member informed the Board that a business case is in development for an increased budget in the next financial year. She confirmed that this has received positive feedback so far.

4.3 Mrs Bakshi informed the Board that the column titled “Current Over/Under Spend” does not detail what it should. The Board agreed that this column was not necessary with the small scale of the budget and should be removed from the report.

4.4 Mrs Bakshi noted that there was no budget to cover the risk workshop.

4.5 Mrs Bakshi raised the question of why the stationery budget was already overspent. Miss Meikle explained to the Board that due to a purchase order that did not go through properly in the last financial year, this had to be paid for in this financial year.

**Action Point: BMU to remove the “Current Over/Under Spend” column.**

**Action Point: Miss Meikle to check that the position of the stationary budget is reflected in last year’s final statement.**

### **5. Research Results – Presentation and What Next?**

5.1 The Chairing Member welcomed Ms Bryan and Ms Ainsworth to the meeting and thanked them for the work they have done for the Board. She informed the Board that the presentation shown today would be a summary of findings, and a full version of the research would be uploaded to Huddle for Board Members to access.

5.2 Ms Bryan and Ms Ainsworth presented the Board with a summary of findings from their research. The Board took these insights into consideration and agreed to return to this at a later date once the full report could be read and digested.

5.3 Mrs Burnley asked Ms Bryan if there was any potential bias by people volunteering for the research. Ms Bryan reassured Ms Burnley that those chosen to

take part in interviews were picked at random from those who had volunteered to take part.

5.4 Mrs Burnley also asked if there was any analysis which splits out views of those who were unsuccessful and those successful at gaining a recommendation. Ms Bryan informed the Board that this was not carried out due to the consistency of feedback across both groups.

5.5 Mrs Bakshi asked about the validity of stakeholder views as only a small number (five) were interviewed. Ms Bryan confirmed that although the focus of the research centred on applicants, and thus only a small number of stakeholders were interviewed, the views between the stakeholders were highly consistent.

**Action Point: BMU to upload full research findings to Huddle for Board Members to access.**

**Action Point: The Board to thank those that agreed to take part in this research and agree the feedback to give to them on this process.**

## **6. Update on the Diversity Steering Group**

6.1 Mrs Gordon informed the Board that the next Diversity Steering Group (DSG) meeting would be held on 13 September 2018. She also informed the Board that Mrs Burnley would be joining the Group, in light of Professor Tierney stepping down. *(Please note the DSG meeting was re-scheduled to 1<sup>st</sup> October 2018).*

6.2 It was agreed that the update on the DSG would be moved to the October Board Meeting.

## **7. Legal Skills and Knowledge Qualities**

7.1 The Board agreed that the title would be changed to read “Formulation of Legal Competence Qualities”. Subject to this change, the Board approved this paper.

## **8. Scope for Assessing Judicial and Personal Qualities**

8.1 Mrs Burnley presented the Board with an updated version of the selection matrix. She asked the Board to give feedback on this matrix by 5<sup>th</sup> October. This should include thoughts on if we are capturing the correct parameters.

8.2 The Board discussed whether a similar matrix would be helpful for legal competencies. It was agreed that this would be beneficial.

8.3 Lady Wise shared with the Board that having a matrix for all competencies could work as a way of giving candidates slightly more detailed feedback which would help with responding to the research results.

8.4 It was agreed that Lord Minginish would be asked to work with Mrs Burnley to create a matrix for legal competencies.

**Action Point: BMU to email all Board Members asking for their feedback on the matrix by 5<sup>th</sup> October 2018.**

**Action Point: The Chairing Member to ask Lord Minginish to help Mrs Burnley in creating legal competencies matrix.**

## **9. Annual Competitions – Feedback from QAG**

9.1 The Board discussed the recommendations provided by QAG. It was agreed that timings of the Shrieval/Senator annual competitions would be revisited as current recommendations would overlap with the potential launch of a Senator competition in April 2019. All other recommendations were accepted by the Board.

## **10. Forward Look/Any Other Business**

10.1 The Chairing Member informed the Board of the upcoming event held in conjunction with SYLA, ‘So you want to be a...judge?’ to be held at the Law Society Offices on 19<sup>th</sup> September.

10.2 The Chairing Member informed the Board that she has made contact with TANQ to organise an introductory discussion and suggest holding an event with them in the same vein as the SYLA event.

10.3 Ms Bakshi, as Chair of the ARMC, circulated the minute and the Chair’s notes of the meeting in August. The Chairing Member informed the Board that the ARMC minutes from 31<sup>st</sup> July would be added to the September board papers on Huddle for reference.

## **11. Meeting Closed**

11.1 Meeting closed at 12:20.