

**Judicial Appointments Board for Scotland  
Meeting: Monday 19 October 2018,  
Thistle House, Edinburgh**

**MINUTES**

**Present**

Mrs Nicola Gordon, Chairing Member  
Miss Alison Mitchell  
Mrs Deirdre Fulton  
Professor Stephen Tierney  
Mrs Neelam Bakshi  
Mrs Liz Burnley, CBE

Mr Alistair Morris  
The Honourable Lady Wise  
The Honourable Lord Minginish, QC  
Sheriff Principal Derek Pyle  
Sheriff Michael O'Grady, QC

**Apologies**

Mr James McNeill, QC

**In Attendance**

Mrs Erica Clarkson, Chief Executive  
Miss Ashleigh Meikle, Court Appointments Manager and Board Secretary  
Miss Katy Mitchell, Appointments Administrator  
Miss Rachel Craig, Appointments Team Leader (*for agenda items 8 and 9*)

**1. Welcome and Apologies**

1.1 The Chairing Member welcomed the Board Members to the meeting and noted that apologies had been received from Mr McNeill QC.

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

2.1 The Board reviewed the minutes of the September Board meeting. Subject to amendments requested, the minutes were approved.

2.2 The Board reviewed the action tracker and confirmed that all actions are up-to-date. The Board agreed that there is still room for improvement in the format of the tracker.

2.3 The Chairing Member informed the Board that the risk workshop would likely be held within the January 2019 Board Meeting.

### **3. Oral Updates**

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

3.1.1 The Chairing Member provided an update on the recruitment of two new Legal Members to the Board.

3.1.2 The Chairing Member gave an update on upcoming meetings and events, as follows:

- She and the Chief Executive will meet Lorna Jack and Alison Atack, Chief Executive and President of the Law Society of Scotland (LSS).
- The Chairing Member will be attending an audit and risk workshop on behalf of SEPA, and has invited Mrs Bakshi to attend on behalf of the Board.
- The Chairing Member will have a telemeet with Vice-Dean of the Faculty of Advocates, Angela Grahame QC.

3.1.3 The Board explored the possibility of two Members attending the LSS Annual Conference to represent the Board. It was agreed that the Chairing Member and Chief Executive would seek further details from the LSS and report back to the Board before taking a final decision on the matter.

3.1.4 The Chairing Member informed the Board that a visit from the Northern Ireland Judicial Appointments Commission (NIJAC) Chief Executive and Chairing Member has been scheduled for 26<sup>th</sup> November, and welcomed all Board Members to attend if they wish to do so.

3.1.5 Lady Wise updated the Board on the next Senator Information event. It was noted that the event may be deferred until February 2019.

#### **3.2 Chief Executive General Update**

3.2.1 The Chief Executive informed the Board of her recent meeting with the Chief Executive of the Judicial Appointments Commission (JAC). She assured the Board that the working relationship between both organisations remains very positive. The Chief Executive stated that there is potential to begin a quarterly video conference to share learning and best practice between the JAC's Secretariat and the Board's Business Management Unit (BMU).

3.2.2 The Chief Executive informed the Board that she had an introductory telemeet with Tonya McCormack, newly appointed Chief Executive of NIJAC.

3.2.3 The Chief Executive shared feedback from the recent event the Board held in conjunction with the Scottish Young Lawyers Association, to which approximately 30 people attended. Feedback was extremely positive, with eight out of nine surveyed participants stating that they were more likely to apply for judicial office after attending the event. The Chief Executive informed the Board that preparations for a similar event with the Trainee and Newly Qualified Society of Scotland are now underway.

3.2.4 Mr Morris queried whether the Board should take this event to the Highlands and Islands. The Board agreed that this should form part of the 2019 Engagement Strategy.

**Action Point (1): Chief Executive to add a Highlands and Islands event to the 2019 Engagement Strategy Plan.**

3.2.5 The Board discussed the Operational Plan. The Chief Executive informed the Board that the BMU are making good progress on all actions and there are currently no red flags. Mrs Bakshi noted that there was no flag for actions that had been started but delayed. The Board agreed to add delayed action flags to the plan.

**Action Point (2): Chief Executive to add a flag to the operational plan for actions that have been started but delayed.**

3.2.6 The Board reviewed the updated Sheriff and Summary Sheriff role profiles provided by Judicial Office. It was agreed that the Board should work together with Judicial Office to help define the differences in the roles.

**Action Point (3): Chairing Member to arrange a meeting with Judicial Office to discuss role profiles and collaborate to agree refined distinctions between the roles.**

3.2.7 The Chief Executive informed the Board of a recent article regarding an ex-Board Member claiming a total of 376 working days in one year. The article states that 20 to 30 of these days were working for the Board. The Board noted this and agreed that no action was necessary.

#### **4. Monthly Financial Update (JABS 2018 33)**

4.1 The Board discussed its current financial position. It was noted that although the Board Members' Fees budget line would be overspent, this could be balanced by other areas with underspend. The Board felt that there is room for improvement in the clarity of the financial spreadsheet.

#### **5. Research – next steps? (JABS 2018 34)**

5.1 The Board discussed the findings from the independent research. It was agreed that the Chairing Member would work with the Chief Executive to prepare a report for publication.

**Action Point (4): Chairing Member and Chief Executive prepare the research report for publication. BMU to seek approval from the Board before publishing.**

## **6. Update on the Diversity Steering Group and where next for JABS Diversity Policy? (JABS 2018 30)**

6.1 The Board discussed the current Diversity Policy and how the it currently encourages diversity. It was agreed that a good way to broaden diversity of applicants is to host targeted outreach events for under-represented groups.

6.2 The Board agreed that the diversity policy should be refreshed. Based on today's discussion, the Chairing Member would work on drafting an updated policy with the Chief Executive. With current workload taken into consideration, this would be brought back to the Board at the December Board Meeting.

**Action Point (5): Chairing Member and Chief Executive to refresh the Diversity Policy and bring to the Board for consideration in December.**

## **7. Lay Assistant Recruitment**

7.1 The Board discussed Lay Assistant recruitment. It was agreed that this would be deferred for six months and discussed again at the April 2019 Board Meeting.

**Action Point (6): BMU to add Lay Assistant Recruitment to the agenda for April 2019.**

## **8. Approach to Feedback (JABS 2018 35)**

8.1 The Board discussed improving post-interview feedback to applicants in future recruitment rounds. It was agreed that feedback would be provided to all interviewees.

## **9. Social Media Policy (JABS 2018 36)**

9.1 The Board discussed the updated Social Media Policy and Social Media Statement. The Board decided there should be a published Policy and internal operating guidelines. The Board agreed that it should have a proactive approach to Social Media, and that a content plan would be helpful. Subject to other amendments being made, the Social Media Policy was approved.

**Action Point (7): Miss Craig to combine the Social Media Policy and Statement.**

**Action Point (8): Miss Craig to work with Mrs Fulton to produce a content planner.**

## **10. Review of Policy Documents (JABS 2018 37)**

10.1 The Board reviewed a number of listed policies for re-adoption. Subject to amendments, all policies were approved.

## **11. Assessment Matrix**

### **11.1 JABS 38 2018 – Personal and Judicial Qualities**

11.1.1 The Board considered Mrs Burnley's latest version of the matrix, which had been amended after feedback from Board Members. The Board approved this matrix, noting that it would be helpful to have a separate version for Senator competitions which would include a column for presentation.

**Action Point (9): Mrs Burnley to separate the matrices with a column for presentation in the Senatorial matrix.**

### **11.2 JABS 39 2018 – Legal Qualities**

11.2.1 It was agreed that a column for presentation would remain only for Senatorial rounds, with the Board creating a dual marking system. This would involve lay members testing communication skills of an applicant while legal members could simultaneously test the legal knowledge within their presentation.

**Action Point (10): Lord Minginish to make required amendments to the legal matrix and share with the Board for further review.**

## **12. Forward Look/AOB/Finish**

12.1 The Board was presented with a quarterly Forward Look for reference.

12.2 The Chief Executive informed the Board that priority actions for the BMU in the coming month would be:

- Pre-sift tools and rolling recruitment.
- Taking forward recommendations from the independent research as agreed with the Board.
- Planning for the November meeting and Unconscious Bias workshop.

**Action Point (11): BMU to share Forward Look meeting dates for 2019 at November Board Meeting.**

**Meeting Closed: 13:45**