**Judicial Appointments Board for Scotland**

**Governance Meeting Monday 15 July 2019, Thistle House, Edinburgh**

**MINUTES**

**Present**

Mrs Nicola Gordon, Chairing Member

Ms Neelam Bakshi

Mrs Liz Burnley, CBE

Mrs Alison Mitchell

Professor Stephen Tierney

The Hon. Lord Minginish, QC

The Hon. Lady Wise, QC

Sheriff Principal Marysia Lewis

Sheriff Michael O’Grady, QC

Ms Morag Ross, QC

Ms Eilidh Wiseman

**Apologies**

Mrs Deirdre Fulton

**In Attendance**

The Rt. Hon. Lady Anne Smith, PC (for item 9 only)

Mr John Craig, Chief Executive

Court Appointments Manager and Board Secretary

Business Support Officer

Appointments Administrator

# Welcome & Apologies/Declarations of Interest

## The Chairing Member (the Chair) welcomed everyone to the governance meeting, noting that apologies had been received from Mrs Fulton. There were no declarations of interest.

# Recommendations for Summary Sheriff

## The Board discussed the letters received regarding the recent Enhanced Disclosure process for summary sheriff recommendations. The Board agreed that the consultation/disclosure process for recommendations to judicial appointments should be reviewed during the forthcoming shrieval panel “wash-up” meetings followed by further discussion with the Board. The Board will also address how best to manage confidential communications between panel members, the Board and the BMU.

**Action Point (1):** The Board will review the shrieval consultation/disclosure process following the forthcoming panel “wash-up” meetings.

# Minutes of the Previous Meeting & Action Tracker Update

## Subject to minor amendments, the minutes of the previous meeting were approved by the Board.

## The Board reviewed the Board Action Tracker. It was agreed that the deadline for Action 13 should be extended until 19 August 2019.

# General Updates

## The Chair gave an oral update to the Board:

* Scottish Government has decided that JABS will not be required to recommend a President of the Mental Health Tribunal for Scotland in 2019. The Chair will enquire as to how JABS could support the process.
* The Chair updated the Board on the prospect of recommendation for tribunal members to the new Social Security Chamber.
* The Chair had recently attended a Women in the Law UK event for a panel discussion on career development within the legal profession; the event had been well-attended with positive feedback.

## The Chief Executive (CE) gave an oral update to the Board:

* The Appointments Administrator post has been regraded from A3 to A4.
* The BMU met recently with the Law Society of Scotland (LSS). Discussion focused on JABS/LSS partnership working to enhance LSS training for judicial appointments. Seven joint actions/events were suggested by LSS which the BMU will share on Huddle with Board Members. The Board noted the update and welcomed this joint working approach with LSS. The CE will discuss with the Chairing Member how best to progress the joint actions between JABS/LSS and invite Board Members to participate.
* The BMU met recently with Neil Mackenzie, Head of Training at the Faculty of Advocates (FoA) to discuss training for Faculty members. The CE will engage with Mr Mackenzie to seek opportunities to enhance FoA training for those seeking judicial appointment.

# Operational Risks/Plan

## The Board reviewed the updated Operational Plan/Risks and noted that:

* Operational Plan #6 - the Annual Report has been delayed slightly due to BMU working on the recent shrieval rounds. There is no change to the risk profile.
* JABS Risk #4 - Current Risk Likelihood should be escalated to reflect the current issues with the online recruitment IT system.
* BMU Task Tracker - The Board noted Professor Gee and Professor Malleson will join the Board on 21 October 2019 to brief on their recent seminar on Judicial Recruitment and Judicial Remuneration in Challenging Times.

# Assurance of Financial Activity

## The Business Support Officer briefed the Board with the 2019/20 budget allowance. It was noted that although no budget increase is shown, an authorised overspend of £44,000 over the financial year had been confirmed by our SG Sponsor Unit.

## The CE has sent a letter to the SG seeking formal approval for a 2% increase in Board Member fees as in SG Pay Policy for 2019 and back-dated to 1 April 2019.

## The Board were satisfied that they could discharge their governance responsibility for assuring financial activity but asked for a format making the comparison of budget and actual spend clearer. The Board reiterated that, following up the business case that was approved by Scottish Government last autumn, money is allocated to improve the accessibility and efficiency of the application process. The Chairing Member will work with the BCLO and the new format will be used at the Board’s next governance meeting on 21 October 2019.

**Action Point (2):** The Board asked the Chairing Member to share with Scottish Government the Board’s discomfort with the way in which the additional budget allocation we requested and apparently secured is now being reported to SG at their request as an authorised overspend.

# Assurance of Governance

## The Board noted the Assurance of Governance paper presented by the CE. The CE welcomed comments to ensure the paper provided members with an appropriate level of oversight for governance.

## The Board agreed that quality assurance would be addressed following the shrieval “wash-up” meetings in July/August and come back to the Board Meeting on 23 September.

# Policy Updates

## The Board noted that with further reworking the Equal Opportunities Policy could be included in the Diversity Policy. The BMU will consult with Ms Bakshi to make changes for the next governance meeting on 21 October 2019.

## The Board noted that the BMU would redraft the JABS Feedback Policy to reflect the shrieval “wash up” sessions, for discussion at the Board meeting about quality assurance on 23 September, with final policy approval on 21 October 2019.

## The Board approved the JABS Freedom of Information Policy.

## The Board reviewed the JABS Records Management Plan and noted that considerable change, including use of Huddle and GDPR, had taken place since the last external report in 2015. With an external review due in 2020; the BMU were requested to review and report back on the RMP on 21 October 2019.

# President of the Scottish Tribunals

## The Board welcomed The Rt. Hon. Lady Anne Smith, PC, President of Scottish Tribunals to the Board Meeting for her briefing on current/future Scottish Tribunals.

# AOB - Nil

**The Board Meeting Closed at 13:00 hrs**