

**Judicial Appointments Board for Scotland**  
**Meeting: Monday 19 August 2019, Thistle House, Edinburgh**

**MINUTES**

**Present**

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

The Hon. Lord Minginish, QC  
Sheriff Principal Marysia Lewis  
Ms Eilidh Wiseman  
Ms Morag Ross, QC

**Apologies**

Sheriff Michael O'Grady, QC  
The Hon. Lady Wise, QC

Ms Neelam Bakshi

**In Attendance**

Mr Steven D'Arcy, *Judicial Office (for item 6 only)*  
Mr Ryan McRobert, *Scottish Government (for item 6 only)*  
Ms Jane McAteer, *Scottish Government (for item 6 only)*  
Mr John Craig, *Chief Executive*  
Head of Business Management Unit  
Business Support Officer  
Appointments Administrator

**1. Welcome and Apologies**

- 1.1. The Chairing Member welcomed all attendees to the meeting, noting that apologies had been received from three Board Members.
- 1.2. The Board noted pre-submitted comments from Ms Bakshi which would be discussed at relevant points throughout the meeting.
- 1.3. There were no declarations of interest throughout the course of this meeting.

**2. Minutes of the Previous Meeting**

- 2.1. The Board discussed Ms Bakshi's comments on the minutes of the previous meeting. The Board agreed that the wording of section 6.3 should be amended to further specify how spend would be allocated.

**BMU Task:** *Amend July Minutes Point 6.3 to further specify how spend would be allocated.*

- 2.2. The Board discussed Mrs Fulton's note and Ms Bakshi's comments in relation to 7.2 of the previous minutes. It was agreed that the note would be amended to include reputational risk.

**Action Point (1):** *Mrs Fulton to amend note of Board only discussion to include further detail on reputational risk.*

- 2.3. The Board discussed Ms Bakshi's comments on the Board minutes in general. Members agreed that it is important that the essence of the discussion is captured in the minutes, rather than every detail. They also reiterated that any Board decision is made following due consideration and that the Board takes ownership for its decisions.
- 2.4. Subject to requested amendments, the minutes of the previous meeting were approved by the Board.
- 2.5. The Board noted the Action Tracker and agreed that no further changes were required.

### 3. General Summary – Oral Updates

#### Chairing Member Oral Update

- 3.1. The Chairing Member updated the Board on relevant news and engagement over the last month. This included:
  - The Chairing Member met with Sheriff Principal Stephen, QC to discuss engagement between Sheriffs Principal and the Board. It was agreed that the Chairing Member and a number of other Board members will attend the Sheriffs Principal meeting on 28 October for a joint session.
  - The Chairing Member met with the Lord President. The Lord President will join the Board at the November meeting.
  - The Chair opened discussion on the upcoming Board workshop and invited suggestions for what it may focus on. It was agreed that workshop would focus on "how we interact as a Board", and would reflect back on discussions of a similar nature which took place at the beginning of 2019.
  - The Chairing Member informed the Board that assistance had been offered to the Scottish Government (SG) with the upcoming recruitment round for President of the Mental Health Tribunal. A panel has already been identified and no further JABS action is required.
  - The Board noted a recent article in The Journal. The Board agreed that it would seek the views of the editor of The Journal on running a story featuring the experience of new Sheriffs and Summary Sheriffs with the recruitment process.

**BMU Task:** *BMU to identify Board Member volunteers to attend the Sheriffs Principal meeting on 28 October with the Chairing Member.*

**Action Point (2):** *Ms Wiseman to speak to The Journal editor to seek his views on a JABS article.*

#### Chief Executive Oral Update

- 3.2. The Chief Executive updated the Board of recent BMU activity. This included:
  - The Chief Executive recently met with the SG Sponsor Unit to discuss the Social Security Chamber. Three officials from SG and the Judicial Office of Scotland (JO) will join this meeting to discuss the future of this tribunal.

- The BMU recently spent a morning observing Sheriff O’Grady at Edinburgh Sheriff Court to gain insight on court workings. This proved very helpful and the BMU thanked Sheriff O’Grady for his time.
- The Chief Executive informed the Board of planned future engagement with key partners including the Judicial Appointments Commission and the Crown Agent.
- The Chief Executive will join the Chairing Member to meet later this week with the SG Sponsor Unit to discuss the Framework Agreement and JABS governance.
- The Chief Executive thanked Ms Wiseman and Mrs Burnley for agreeing to assist as key Board contacts in the JABS project to enhance applicant engagement and information with the Law Society of Scotland. The Board agreed that the Chief Executive would contact the Faculty of Advocates with a view to involving it in this project at an early stage, supported by Ms Ross.
- The Chief Executive informed Board Members that a fee increase of 2% had been approved by the SG Sponsor Unit and is now with the Public Pay Unit for final approval. If approved, this will be back dated to the beginning of this financial year.

*Action Point (3): Chief Executive to discuss the potential for a joint project with the Faculty of Advocates and the Law Society of Scotland to enhance applicant engagement and information.*

#### **4. Current Recruitment Update**

- 4.1. The Chairing Member informed the Board that she had received a letter from the First Minister accepting all Sheriff recommendations. Summary Sheriff recommendations are still with SG. The Board agreed that this timescale was not acceptable and the Chairing Member would write to SG to reflect this.

*Action Point (4): Chairing Member to write to SG expressing disappointment with the timescale of the final stages of the Summary Sheriff recommendations.*

- 4.2. The Chairing Member updated the Board on the ongoing Senator recommendation round. The sift is currently underway and an interview planning meeting has taken place within the last week. A mock interview has been arranged for 26 August. The Board agreed that a Board Member should be identified as moderator for the Senator round.

*Action Point (5): Chairing Member to identify a moderator for Senator round.*

#### **5. Annual Report**

- 5.1. The Board discussed the draft 2018/19 Annual Report. Subject to minor agreed amendments, the Annual Report was approved.

*BMU Task: BMU to make agreed amendments to the Annual Report before final approval.*

## 6. Future Scottish Tribunals

### Briefing/Q&A by SG/JO Officials

- 6.1. The Board welcomed officials from SG and JO for this item, who offered the Board an overview of the upcoming Social Security Chamber. The arrangements for the chamber and any JABS recommendations which might be required were discussed. It was agreed that JO would provide JABS with a demographic of the age ranges of those who are currently employed under the reserved system.
- 6.2. The Board thanked both SG and JO for their time.

### Board Discussion

- 6.3. The Board reflected on key points from the discussion. Current plans caused the Board concern and it was agreed that the Board would write a letter to Lady Smith, President of Scottish Tribunals reiterating the Board's commitment to dialogue.

*Action Point (6): Board Members to email Lord Minginish with key points or concerns. Lord Minginish to draft a letter to Lady Smith outlining key concerns.*

## 7. GRC Action Plan Progress

- 7.1. The Board discussed Ms Bakshi's comments surrounding the clarity of some points on the Plan. The Board agreed to rephrase these points to increase clarity of ongoing actions.

*BMU Task: BMU to rephrase points in GRC Action point to increase clarity of ongoing actions.*

- 7.2. The Board agreed that a process map should be included in the Board Member Induction Plan. The BMU should begin initial work on this and bring to a future meeting for Board comments.

*BMU Task: BMU to begin work on process mapping recruitment rounds for the Board Member Induction Plan and bring to a future Board Meeting for comment.*

- 7.3. Subject to requested amendments, the Board agreed that it was satisfied with the Plan in its current state.

## 8. Strategic Look

- 8.1. The Board discussed upcoming improvement projects. The Chairing Member asked members to consider over the next month to enable a comprehensive discussion during the September meeting. The intention is to agree priorities and allocate a Board Sponsor for each project.

*Action Point (7): All Board Members to consider topics and priorities for upcoming Board projects for September meeting.*

**9. Any Other Business**

**9.1.** Due to the timing of the Opening of the Legal Year on 23 September, the Board agreed to have an afternoon Board meeting which would begin at 12pm.

**9.2.** The Board reviewed the meeting. The following was identified:

- It was agreed that a rolling list of upcoming Board agenda topics would be put on Huddle for Board Member information.
- It was agreed that where possible, meeting guests would be invited for the end of the agenda to allow extra time if necessary.
- The Board discussed the time allowed for Board meetings, and whether sufficient time was being allocated to get through all business. It was agreed that the Board needs to be efficient with its use of members time but meeting timing must never be pulled so tight that the business suffers. Forward meeting timings will be reviewed and adjusted as required.

**BMU Task:** *BMU to add future Board agenda topics to Huddle*

**10. Meeting Closed – 12:50pm**