

BOARD MEETING MINUTES
Monday 16 March 2020, Thistle House, Edinburgh

Present

Mrs Nicola Gordon, Chairing Member

Mrs Deirdre Fulton

The Hon. Lord Minginish, QC

Sheriff Michael O'Grady, QC

Ms Morag Ross, QC

The Hon. Lady Wise, QC

By Telephone

Ms Neelam Bakshi

Mrs Elizabeth Burnley

Mrs Alison Mitchell

Professor Stephen Tierney

Ms Eilidh Wiseman

Apologies

Apologies were received from Sheriff Principal Marysia Lewis.

Business Management Unit in Attendance

Mr John Craig, Chief Executive
Head of Business Management Unit
Board Secretary

1. The Board held a private session.
2. **Welcome & Apologies / Declarations of Interest**

The Chairing Member (the Chair) welcomed all attendees to the meeting. There was the standard declaration of interest from Ms Bakshi in relation to the Social Security Tribunal recruitment. There was a declaration of interest from Mrs Gordon, Ms Wiseman, Ms Bakshi and Mrs Mitchell in relation to applicants of the Lay Assistant recruitment.

3. **Minutes of the Previous Meeting & Action Tracker Update**

The minutes of the February Board Meeting were approved by the Board subject to amendments to item 4.1.1 and 6.2. The Board reviewed the Board Action Tracker and there was one amendment to item 36.

BMU Action (1): Amend wording to item 4.1.1 and 6.2 of the February Board Meeting Minutes and point 36 of the Board Action Tracker.

4. General Updates

4.1. The Chair gave an oral update to the Board:

- The Chair met with the Cabinet Secretary for Justice on Wednesday 19 February 2020 for their annual meeting.
- The Chair met with the Lord President on Tuesday 3 March 2020.
- A consultation request had been received from the Lord Chief Justice for England and Wales for a panel member for the recruitment of the Senior President for Tribunals.
- The Chair met with Lady Smith on Monday 9 March 2020.
- The Scottish Government Sponsor Unit have proposed a meeting with Judicial Office and JABS to discuss a five year recruitment plan. The meeting is scheduled for Wednesday 8 April 2020.
- Ms Ross and the Chair contributed to a meeting with Faculty of Advocates members on Monday 9 March 2020 regarding Shrieval recruitment.
- The Chair recently attended a Chair Mentoring Scheme workshop hosted by the Scottish Government.

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

- The CE provided a written update to the board in advance of the meeting.
- A draft contingency plan for the current COVID-19 pandemic had been prepared.
- The CE will co-ordinate a webinar event for Autumn 2020.

BMU Action (2): Head of BMU to add webinar to Communication and Engagement plan for Autumn 2020.

4. Recommendations for Appointments

4.1. Lay Assistant Recruitment

4.1.1. Candidates for the post of Lay Board Assistants were presented to the Board and a list in order of merit was fully discussed and agreed. The Board agreed to recruit the five recommended individuals to post of Lay Board Assistant.

4.1.2. Twenty six applications were received and the panel shortlisted 11 people for interview. Of the 11 applicants invited to interview, one did not attend. The panel created an interview process specific to the nature of the position. The assessment comprised of a competency based interview assessment, an assessment of a mock application form and general interview.

4.1.3. The Board agreed that due to the COVID-19 pandemic, they could not offer a firm timetable on induction and therefore would delay the start date to 1 July 2020.

5. Appointment Rounds Updates

5.1. New Lay Assistant Induction & training

5.1.1. The Board discussed the paper prepared by Mrs Fulton and Mrs Burnley on the assessment of demand for the JABS Lay Board Assistants. The paper considered the expected recruitment for 2020-21 and a forecast of how many Lay Board Assistants will be required to meet the demand.

5.1.2. The proposed induction includes the opportunity for the new Lay Board Assistants to shadow the Shrieval recruitment process and observe a tribunal hearing. The board approved the recommendation and will begin detailed planning subject to COVID-19 limitations.

5.2. Parallel Competitions 2020

5.2.1. The current Shrieval competitions are underway and the application period will close on 17 March 2020.

5.2.2. The Board discussed contingency planning and agreed that the application period would not be extended, and they will proceed with the published timetable for shortlisting applications and issuing outcome letters.

5.2.3. It was agreed that an email should be sent to all shrieval applicants informing them of the latest position, and that the website should also be updated.

5.2.4. It is very unlikely that interviews will be able to go ahead on the current timetable. The Board discussed the possibility of holding the interviews using video conferencing, but decided it was not currently appropriate, given the importance of the roles. Reasons are: potential issues with internet connection / IT difficulties, possible impact on the candidate's ability to perform at their best and the limitations of assessing performance remotely. However, this decision will be kept under review.

5.2.5. Once the position is clearer and there are updated government guidelines, the Head of the BMU will prepare an amended timetable. The Head of the BMU will also update key partners on the Board's decision and actions.

BMU Action (3): Email Shrieval applicants with an update in relation to recruitment and the COVID-19 pandemic, and update website.

BMU Action (4): Head of BMU to draft revised interview timetable once the position is clearer and government guidelines have been updated.

BMU Action (5): Head of BMU to notify key partners of the Board's decisions.

5.3. Social Security

5.3.1. The CE has drafted a Consultation letter for the SPT and requested feedback from Board Members on this.

6. Annual Operational Delivery Plan 2020-21

6.1. Draft Annual Operational Delivery Plan 2020-21

6.1.1. The Board reviewed the Annual Operational Delivery Plan for 2020-21. It was agreed that this would be brought back to the next Governance Board Meeting in April 2020.

Board Action (1): Board to review and revert with any queries no later than the Wednesday before the April board meeting.

6.2. JABS Risk Register

6.2.1. The Board reviewed the JABS Risk Register. It was highlighted that all risks in the current Risk Register have been carried over into 2020-21. It was agreed that the CE would include the COVID-19 pandemic into the risk assessment.

BMU Action (6): CE to update the risk assessment to include the COVID-19 pandemic.

7. Quality Assurance

7.1. Recruitment Feedback Policy

7.1.1. The Board reviewed the Recruitment Feedback Policy.

7.1.2. It was agreed that the policy should be updated to include the Board decision that individualised feedback at shortlisting stage would be offered to Sheriff Principal and Tribunal President applicants.

7.1.3. Individualised feedback for the shrieval applicants will be limited to one of a suite of letters reflecting individual performance across the competencies.

7.1.4. Feedback would not be offered to applicants not shortlisted for interview in Tribunal recruitment exercises.

7.1.5. Professor Tierney will update the policy and the draft letters for use in the current Shrieval recruitment.

7.1.6. The finalised Recruitment Feedback Policy for the website will be brought back to the April Board Meeting.

Board action (2): Professor Tierney to amend the Recruitment Feedback Policy as agreed for use in the current Shrieval recruitment.

BMU action (7): BMU to update the website with the feedback policy when agreed.

7.2. Sheriff Principal Feedback

7.2.1. The Board reviewed the feedback received from applicants in the recent Sheriff Principal recruitment round.

7.3. Diversity Action Plan

7.3.1. It was agreed that Board Members will review the Diversity Action Plan following the meeting and provide feedback to the Chair.

Board Action (4): Board Members to review the Diversity Action Plan and provide any feedback to the Chair before the April board meeting.

8. Any Other Business

8.1. Criminal convictions policy update

8.1.1. It was agreed that the criminal convictions policy would be covered at the April Board Meeting.

8.2. After Action Review

8.2.1. The Board carried out an After Action review to learn how best to run virtual meetings and noted the difficulties of a large number of people on VC/TC at the same time. The BMU will look into alternative options and will trial with Board Members before the next meeting.

9. Board Meeting closed at 14:05.