

BOARD MEETING MINUTES
Monday 19 August 2024
9:15 am to 15:30 pm
Thistle House

Present:

Dr Lindsay Montgomery CBE, Chairing Member
Mr Jonathan Barne, KC
Mrs Liz Burnley CBE (by VC)
Mr Paul Cackette, CBE
Mrs Wilma Canning (by VC)
Sheriff Principal Kate Dowdalls, KC
President May Dunsmuir (by VC)
Mr Paul Gray
The Hon. Lady Shona Haldane, KC
Ms Emma Marriott
Dr Fiona McLean
Mr Gareth Morgan, QPM (by VC)
Mr Peter Murray
The Hon. Lord Robert Weir, KC
Sheriff David Young, KC

Attendees:

Ms Paula Stevenson, Chief Executive
Mr Billy Love, Head of Operations
Mr Stuart Scott, Digital and Continuous Improvement Manager (DCIM)
Mrs Julie Tarbet, Appointments Manager
Ms Deirdre Fulton, Lay Appointment Adviser (for agenda item 10 only)

1. Welcome

1.1 The Chairing Member (CM) welcomed everyone to the meeting and introduced the Lord President who thanked the Board for the invitation.

1.2 The Lord President welcomed the opportunity to discuss judicial appointments, particularly in the context of the needs and challenges being faced by Courts over the next few years. He shared his thoughts on the future needs of the senatorial and shrieval benches. He suggested a number of potential barriers that may be preventing eligible and well qualified candidates from applying for judicial roles. He indicated his support and appreciation for the increasing level of collaborative interaction with JABS over the past two years. The CM thanked the Lord President for sharing his insights.

1.2 There were no declarations of interest raised by Board members.

2. Business from previous meeting

2.1 Minutes of the 17 June 2024 meeting

2.1.1 The Board approved the minutes of the previous meeting.

2.2 Action Tracker

2.2.1 The Chief Executive updated the Board on the positive progress on completing the actions in the Tracker. Two items were included in on the tracker that would be discussed later in the meeting. The Board were content with the Tracker.

3. Chairing Member Update

3.1 The CM updated the Board on a range of matters, including a very productive meeting which he, Lady Haldane and the CE attended with the Lord President and the Lord Justice Clerk, around JABS approach to senatorial recruitment. He provided an update on the recruitment exercise for the new Lord President and Lord Justice Clerk and the progress on recruiting a new legal member for the JABS Board.

3.1.2 The CM confirmed that a further seminar for the legal and judicial members is planned before Sheriff Young steps down and members will be contacted to arrange a suitable date. A separate seminar will be arranged for all members on the P&J elements of our recruitment process.

3.1.3 The CM and Board wished to record their thanks to Sheriff Young for all of his hard work and support of the Board. He will be stepping down in November and Sheriff Jane Farquharson will replace him.

Action point 1: Chief Executive to arrange dates for seminars for legal and judicial members and separately for all members on P&J.

4. Chief Executive Update

4.1 The Board noted the contents of the Chief Executive's report, including the additional note issued last week about the public sector financial position and potential new spending freeze. Discussions with the Scottish Government (SG) will take place to understand how this may impact on the work of JABS.

5. Assurance of Governance

5.1 Assurance of Governance

5.1.1 The Chief Executive spoke to the paper which provided the standard quarterly governance update for April to June 2024. The Board noted the contents of the paper and were content.

5.2 Budget Update

5.2.1 The Chief Executive gave a brief overview of the budget paper which provided an update on year to date spend and showed the final projections for the year ending 31 March 2025.

5.2.2 The Board briefly discussed the budget paper and finance process. The Chief Executive confirmed that discussions with the Scottish Government continue in relation to the final budget figures for this year as this will be dependent upon the competition ask.

5.2.3 Board members were asked to submit any outstanding estimated expense claims for the period August to October as soon as possible, and also now to provide actual claims for August where an estimated claim had been provided previously. This will assist BMU in monitoring and reporting our budget accurately to SG whilst the new finance system is put in place.

Action point 2: Board members are asked to submit their expense claims as soon as possible.

5.3 Risk register

5.3.1 The Chief Executive introduced the paper and asked the Board to note that there will be a full review of the Risk Register in 2025. She indicated that there was no indication that any of the risks had increased, however, it was proposed that changes to Risks 1 and 5 be agreed due to the reducing risk in those areas. The Board was content to approve the proposed changes.

6. Corporate

6.1 Annual Report

6.1.1 The Chief Executive provided the Board with an updated draft of the Annual Report. She explained that the Diversity section had been reviewed to give greater prominence to this aspect of the Boards' work. In addition, more detail had been added, in line with reporting requirements, on expenditure and in relation to the role the Business Management Unit.

6.1.2 The Board discussed the Diversity section and the CM confirmed that more detailed information on diversity from competitions delivered over the last 6 years will be published in a standalone Diversity Report. The Board was content to approve the Annual Report subject to proof reading and minor amendments.

Action point 3: The Chief Executive to update the draft Annual Report taking into account the Board's comments.

6.2 Business Plan 2024/5

6.2.1 The Chief Executive introduced the paper highlighting that changes to the format had been incorporated in line with comments provided at the April Board meeting.

6.2.2 The Board discussed the paper and suggested that the resourcing review in 2025 should be included in the actions. The CM requested that it should be clearer that JABS is a demand led organisation and because of the budget situation there is a degree of uncertainty about this year's programme of work.

Action point 4: The Chief Executive to update the Business Plan in line with the Board's comments.

6.3 Website update

6.3.1 The DCIM gave a brief overview of the paper and explained that approval to proceed with the procurement of a new website had been received and work on scoping what the new website would look like had started.

6.3.2 The Board briefly discussed the paper and the DCIM outlined the approach being taken, including stakeholder engagement. The DCIM is keen to work closely with the Board on the development of the new website and asked if any members would like to join a focus group to share their views.

Action point 5: Board members are asked to let the DCIM know if they would like to join the website development group by the end of August 2024.

6.4 Eligibility update

6.4.1 The Chief Executive gave a brief oral update on this issue and informed the Board that this paper will now be carried forward to the October Board meeting.

6.5 Special Case update

6.5.1 The Chief Executive provided a short overview on the potential for a special case being brought forward in relation to eligibility issues. This action would require additional funding from the Scottish Government. The Board discussed the paper and agreed with the recommended approach.

Action point 6: The Chief Executive will discuss the special case with the Scottish Government

7. Policies

7.1 Policies Update

7.1.1 The Chief Executive informed the Board that good progress had been made in reviewing, developing and updating Board policies. Work would continue on this

process but was subject to the capacity of Board members and BMU. The Board noted the progress.

7.2 Merit policy

7.2.1 The Chief Executive introduced the paper on merit which had been updated following the discussion at the last Board meeting. The CM had reviewed the paper and had written an overarching statement in relation to the purpose behind the policy.

7.2.2 The Board discussed the paper and subject to minor changes in relation to inclusion of terminology relating to tribunals, was content with the policy.

7.3 Communications and Engagement

7.3.1 The Chief Executive confirmed that the Board had approved the Communications and Engagement strategy in April 2024 and updated the Board on the progress made on a number of the priorities for since then. The Board was content with the paper.

7.4 Social and other Media checks - update

7.4.1 The DCIM reminded the Board that they agreed that social and general media checks should be included as part of JABS assessment of candidates' good character at their meeting in June 2024. Following feedback from the Board, a policy and process note to support this was provided for discussion and agreement. The Board was content with the paper.

8. Current and Future Competitions

8.1 Sheriff 24 decision/recommendation paper

8.1.1 Liz Burnley, the Chair of the Sheriff 24 panel, provided an overview of the Sheriff 24 decision/recommendation paper. The Board discussed the paper in detail and accepted the recommendations made by the panel for the role of Sheriff.

8.2 Current and upcoming rounds

8.2.1 The HoO gave a brief overview of the paper and details on current and upcoming rounds. The HoO advised that discussions on options for the delivery of tribunal competition rounds are continuing with Scottish Government. There is a meeting planned with the Sheriffs Principal to discuss the longer term requirements of the shrieval bench. The Board noted the paper.

8.3. Standing Orders update

8.3.1 The DCIM informed the Board that the standing orders covering the structure and format of competitions had been updated to reflect the Board's feedback. A further document providing more detail on steps and actions undertaken to deliver the specific

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stages and tasks required to deliver competitions will be developed. The Chairing Member confirmed that this will be a live document to be updated to reflect any changes and approaches to the Bord competition work. The Board were content with this approach.

9. Diversity Action Plan

9.1 The Chief Executive updated the Board on the progress made on diversity issues and on the legal advice sought about the definition of diversity as it applies to the work of JABS. The Board discussed the paper and noted the update.

10. Programme for Change

10.1 Programme for Change – Oral update

10.1.1 Deirdre Fulton gave a brief overview of the work to date, which mostly concerned the work covered at item 10.2.

10.2 Consultation/references/application forms

10.2.2 Deirdre Fulton introduced the paper providing an update on the progress to develop the consultation policy.

10.2.3 The Board discussed the paper in detail in particular the introduction of independent assessment, the importance of confidentiality, the timing of consultation requests, and the level of detail consultees should provide. The Board felt that given the time constraints for this agenda item they would like more time to consider the paper and provide comments.

Action point 7: Board members to provide comments to Deirdre Fulton by the end of September 2024.

11. Any Other Competent Business

11.1 The Chairing Member raised the scheduling of agenda items and suggested rearranging the agenda for future meetings to have the more challenging papers in the morning and standing routine papers in the afternoon. The Board supported this change.

Action point 8: Chief Executive to review the format of the agenda for the next Board meeting.

12. Date of Next Meeting

12.1 The next meeting is on 21 October 2024.