

BOARD MEETING MINUTES
Monday 21 October 2024
9:15 am to 15:30 pm
Thistle House
Edinburgh

Present:

Dr Lindsay Montgomery CBE, Chairing Member
Mr Jonathan Barne, KC
Mrs Liz Burnley CBE
Mr Paul Cackette, CBE
Mrs Wilma Canning
Sheriff Principal Kate Dowdalls, KC
Mr Paul Gray (by VC)
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

Apologies:

President May Dunsmuir

1. Welcome

1.1 The Chairing Member (CM) welcomed everyone to the meeting and introduced Lady Wise, the President of the Scottish Tribunals, who thanked the Board for the invitation.

1.2 Lady Wise welcomed the opportunity to share her thoughts on Judicial appointments, particularly in the context of the needs and challenges being faced by the Tribunals over the next few years.

1.3 Lady Wise gave a presentation, covering the history of the tribunals, diversity and the increasing caseloads of the various tribunals. The Board had a positive discussion with Lady Wise about the future recruitment needs of the Tribunals and both she and the Board supported stronger collaborative working to encourage the best qualified and able candidates to apply to become members of the judiciary. Lady Wise agreed to nominate tribunal members to sit on the recruitment panels and invited Board

members to visit the tribunal administration centres and attend tribunal hearings. Lady Wise and the Board supported sending a joint letter to the President of the Law Society and the Dean of Faculty about tribunal outreach. The Board thanked Lady Wise for her very helpful presentation.

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

2. Business from previous meeting

2.1 Minutes of the 19 August 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. She explained that the conflict of interest policy had been revised and will be circulated to the Board by written correspondence for their consideration. The Board noted the good progress being made on actioning of action points and content with the Tracker.

Action point 1: DCIM to share the revised conflict of interest policy with the Board for their comments.

3. Chairing Member Update

3.1 The CM thanked Sheriff Young, on behalf of the Board, for his sterling work over the last four years and stated that his wealth of legal knowledge and experience supporting the work of the Board had been greatly appreciated. The Board congratulated Sheriff Young on his appointment to the Sheriff Appeal Court.

3.2 The CM advised that he had attended a range of events since the last Board meeting, including feedback discussions with a number of successful senator candidates and a morning sitting in the Sheriff Appeal Court. He had been present at the opening of the new legal year at Parliament House at which the Lord President (LP) had said some very positive things about JABS. This is helpful in raising JABS profile as the leaders of the legal professional bodies, senators and others were there and the event was live screened. The CM and a number of Board members had also attended a meeting with the LP and the Sheriffs Principal about shrieval recruitment. He also explained that work is continuing on the LP and Lord Justice Clerk recruitment exercises.

3.3 Sheriff Jane Farquharson KC will join the Board on 4 November 2024 and the advert for a new legal member had been published by the SG Public Appointments Team with an appointment expected in January 2025.

3.4 Forthcoming events will include the legal assessment seminar on 28 October 2024 and Programme for Change Day on 4 November. Planning is in hand for a similar session for P&J. The Chief Executive and team are arranging for court and tribunal visits for the new Board members.

3.5 The CM provided an update on the meetings that will be held over the next month with key partners: SEMLA, Society of Solicitor Advocates, the Law Society, the Women's Network in Aberdeen and the Diversity Reference Group.

4. Chief Executive Update

4.1 The Chief Executive introduced her update report and explained that the financial position had changed and work was ongoing to update the costs and timetabling to take into account the tribunal recruitment exercise requested by the Scottish Government. The Board noted the contents of report and were content.

5. Programme for Change

5.1 Programme for Change – Oral update

5.1.1 The CM provided an oral update on Programme for Change. There had been insufficient time at the last Board meeting to discuss the approach to consultation in detail although some comments on the paper had been received from Board members. This will be discussed further, along with a plan on how to take forward Programme for Change actions, on 4 November 2024. Board members were asked to add any additional comments on the consultation paper to Huddle as soon as possible.

5.2 Communications and Engagement update

5.2.1 The Communications and Engagement strategy was approved in April 2024 and the CE confirmed that progress had been made on a number of those priorities. The Board agreed that it was helpful to have more regular oversight of the strategy, and it should be brought back as an agenda item to meetings on a quarterly basis.

Action point 2: Chief Executive to add the Communications and Engagement update to the agenda on a quarterly basis.

6. Diversity Action Plan

6.1 The Chief Executive spoke to the paper updating the Board on the progress made on diversity issues and confirmed that it was anticipated the draft report on JABS diversity competition information will be shared with members around the end of October 2024.

6.2 A Diversity Reference Group Data Subgroup meeting took place in September. JABS have shared their applicant's diversity questionnaire with members of the Group so they can consider incorporating similar questions in their own surveys, if

appropriate. This will provide a starting point for future comparative work. The CM and CE will meet with individually with members of the group to discuss their data collection. The Board discussed the paper and were content.

7. Current and Future Competitions

7.1 Current and upcoming rounds

7.1.1 The HoO gave a brief overview of the paper and details on current and upcoming rounds. He advised that discussions on options for the delivery of tribunal competition rounds are continuing with Scottish Government. The Board noted the paper.

7.2 Feedback Report

7.2 The DCIM introduced the paper giving an update about the Sheriff 24 pilot survey which had been successful. This survey had been sent to those candidates who had been invited to interview but prior to being notified of the outcome of the competition. There was a positive return rate and the feedback was generally very positive and comments were helpful. These and any future results will inform the Programme for Change. The Board discussed the paper and agreed that this feedback process should be implemented for Sheriff 25 and extended to all applicants as well as those invited to interview.

Action point 3: DCIM to oversee implementation of a feedback process for all applicants for the Sheriff 25 round.

8. Policies

8.1 Policies Update

8.1.1 The Chief Executive spoke to the paper providing an update on the development of key policies. Some corporate policies require input from 3rd parties and completion may be delayed. More complex policies can take some time to develop particularly when competition work must take priority. However, JABS is making good headway on some policy approaches such as diversity and merit. The Board noted the progress.

8.2 Reserves Policy

NB - There was a change in the meeting agenda order and item 8.2 Reserve Policy was moved forward to ensure that all members could be present, given the importance of the subject matter.

8.2.1 The HoO spoke to the paper which considered whether any changes are required to the existing reserve policy and specifically how this should apply to current competitions.

8.2.2 The Board considered and discussed the reserve policy which was complex in light of the different sizes, types, specific requirements of roles and geographical requirements for competitions. The Board proposed a further discussion with the SG and JO about the reserve policy before any amendments are made.

8.3 Social and other Media checks - update

8.3.1 The DCIM spoke to the paper. He had now met with three suppliers and gave an overview of their proposals. It was suggested that wider media checks were not required as these are picked up in online papers, but it was agreed that for the pilot we should take this option so we can assess the position for ourselves. The Board noted the update and were content to proceed.

8.4 Eligibility Update

8.4.1 The Chief Executive introduced the paper and explained that it was intended as an advice note for the SG on the eligibility issues which the Board has considered over the last few months. The Board were content for the note to issue in that form.

8.5 Special Case update

8.5.1 The Chief Executive introduced the paper providing the Board with an update on the position regarding the Special Case. She confirmed that Law Society will not be intervening and both Senior Counsel and the Faculty have agreed the revised wording which is set out in the paper. The Board discussed the paper and confirmed they were content with the draft and that Senior Counsel can now be instructed to proceed with the case.

Action point 4: DCIM to proceed with process to allow for social media and other checks for the Sheriff 25 round.

Action point 5: The Chief Executive to issue the note on eligibility to Scottish Government.

Action point 6: The Chief Executive to instruct Senior Counsel to proceed with the Special Case.

9. Corporate

9.1 Records Retention

9.1.1 The HoO spoke to the paper providing an overview of the work that had been undertaken to comply with JABS and SG policies in this area. He explained the approach to the retention of historical records and that this work had prompted consideration of the need for a specific policy on the retention of character and conduct information. The Board discussed the paper and asked for the development of a retention of character and conduct information policy.

9.2 Health and Safety Update

9.2.1 The HoO introduced the paper explaining that good progress on Health & Safety matters had been made. A detailed Health and Safety Report will be produced by the Health and Safety Liaison Officer for the December Board meeting. The Board noted the contents of the paper and requested quarterly Health and Safety updates.

Action point 7: HoO to bring back a draft policy on the retention of character and conduct information for the next Board meeting.

Action point 8: The Chief Executive to add a quarterly Health and Safety report to the Assurance of Governance report.

10. Assurance of Governance

10.1 Assurance of Governance

10.1.1 The Chief Executive spoke to the paper which provided the standard quarterly governance update for July to September 2024. The Board noted the contents of the paper and were content.

10.2 Budget Update

10.2.1 The Chief Executive introduced the paper providing an overview of the budget paper updating on spend for the second quarter with final projections for year ending 31 March 2025. She asked the Board to note that JABS are still waiting for final confirmation of the budget figures which may be revised to reflect changes in SG requests for further judicial competitions. The Board noted the contents of the paper.

10.3 Risk register

10.3.1 The Chief Executive introduced the paper indicating that after a review of the risk register and discussions with the Chairing member, they do not believe that any risks have changed. The Board noted that update and were content with the paper.

11. Any Other Competent Business

11.1 No items were raised by the Board.

12. Date of Next Meeting

12.1 The next meeting is on 16 December 2024.