

**Judicial Appointments Board for Scotland
Board Meeting Monday 18 November 2019, Thistle House, Edinburgh**

MINUTES

Present

Mrs Nicola Gordon, Chairing
Member

Ms Neelam Bakshi

Mrs Liz Burnley, CBE

Mrs Deirdre Fulton

Sheriff Principal Marysia Lewis
(Teleconference)

Mrs Alison Mitchell

Ms Morag Ross, QC

Professor Stephen Tierney

The Hon. Lady Wise, QC

Apologies

The Hon. Lord Minginish, QC
Ms Eilidh Wiseman
Sheriff Michael O'Grady, QC

In Attendance

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

1. Welcome & Apologies / Declarations of Interest

- 1.1. The Chairing Member (the Chair) welcomed all attendees to the meeting.
- 1.2. There was one declaration of interest from Ms Bakshi in relation to the Social Security Tribunal recruitment.

2. Minutes of the Previous Meeting & Action Tracker Update

- 2.1. The minutes of the October Board Meeting were approved by the Board.
- 2.2. The Board reviewed the Board Action Tracker:

- Action 12 - The Board noted that eligibility for judicial roles was in legislation and the Board do not have a role in determining this. However the Board agreed that it will continue to challenge their processes to ensure that no-one is disadvantaged by them. This action was closed.
- Action 25 – The Chairing Member raised the timescales with Scottish Government. The CE provided an update to the Board following the JABS/Judicial Office/Judicial Institute/ Scottish Government meeting on 7 November. This action is now closed.
- Action 19, 21, 23 and 25 are specific agenda items.

BMU Task (1): Update Board Action Tracker.

3. General Updates

3.1. The Chair noted that issues for update were covered under agenda items.

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

- The SSI for Ordinary Members with Disability experience is due to be laid in Parliament on 22 November 2019, with an effective date of 10 January 2020. The SSI will provide clarity on eligibility and will include previous experience of caring/having a disability.
- The JABS/JO/SG Tripartite meeting was held on 7 November 2019. One of the main items for discussion was future recruitments for sheriffs in 2020/21, JO estimate that more than 30 sheriffs will be over the age of 65 next year. SG and JABS will meet to discuss future planning.
- The CE assisted the Judicial Institute with the Chinese delegation visit on 12 November and is due to support the Ukrainian Delegation visit on 29 November.
- The CE gave an update on the current procurement process for the new IT recruitment system. JABS has followed the SG procurement guidance and an independent technology assessment of the tenders has been completed by SG IT services; SG Procurement will conclude their independent financial assessment and a contract is expected to be awarded this week. The CE has been delegated authority from our SG Sponsor Unit to sign the contracts. The CE confirmed that with independent assessments the exposure to risk for JABS is extremely low and the tendering process fully complies with the SG procurement process.

4. Quality Assurance

4.1. QA Senator Recruitment

The Board reviewed the recent Senator recruitment round. The main areas for consideration were around the skills and criteria which were on the agenda for the Board workshop in the afternoon.

The Board discussed candidate feedback at each stage of the recruitment process. Professor Tierney noted that he will cover this in his paper due to the December meeting.

In terms of clarifying the role of the panel and the role of the Board in the process of recommending candidates for appointment, the Chair noted that Ms Wiseman has agreed to prepare a paper for the December meeting.

BMU Task (2): Paper on Candidate Feedback to be delivered by Professor Tierney at the December Board Meeting.

Board Action: Professor Tierney to prepare a paper on Candidate Feedback for the December Board Meeting.

Board Action: Ms Wiseman to prepare papers on the roles of the panel, the moderator and the Board for the December Board Meeting.

4.2. Finalising the Qualities Framework (including Tribunals and Sheriffs Principal)

The Judicial Skills and Qualities will be discussed at the Board Workshop as part of Improving Candidate Assessment. The Tribunals Skills and Qualities will be addressed in due course as required and when Lord Minginish is available given his key role in the work to date (together with Mrs Mitchell and Mrs Burnley).

4.3. Selection Panel Creation

The Chair will contact Board Members over the next week for their support on upcoming recruitment.

The Board discussed the range of considerations for making up panels. The Board acknowledged that given the Board make up gender balance may not always be achieved.

5. Recruitment Update

5.1. Recruitment Update

Professor Tierney provided an update of the upcoming Sheriff Principal recruitment round. The panel have held their first planning meeting and will hold the second planning meeting on 19 November to finalise the skills and qualities (following the board workshop in the afternoon of the 18th), application form, guidance and will consider the assessment material for interview. Professor Tierney thanked SP Lewis, in particular, for her work on the Leadership and Management exercise. The advert is due to be published on Tuesday 26 November 2019.

5.1.1. Sheriffs Principal meeting

The Chair provided an update on the recent meeting with the Sheriffs Principal Group on 28 October 2019 (also attended by Mrs Burnley, Mrs Fulton, Mrs Mitchell, Sheriff O'Grady, and SP Lewis)

The Sheriffs Principal were supportive of the Board's plans for Annual Parallel Competitions. They were also looking for ways to streamline the current internal recruitment procedures.

The Chair thanked SP Lewis for facilitating the meeting. SP Lewis said that the Sheriffs Principal group were pleased with the outcome of the meeting and expressed a hope that this type of engagement would continue in the future.

The Chair updated the Board that she and the Chief Executive had met with the Law Society for Scotland where they discussed reaching out to a wider pool of candidates. JABS proposed dedicated information meetings hosted by the Law Society where a Sheriff Principal and a member of the Board will discuss the role and the recruitment process. JABS is invited to continue to participate in President's roadshows in the various local faculties if we wish. In addition, the Chair will meet with the editor of the LSS Journal with a view to an article on JABS being in the February edition.

BMU Task (4): CE to contact Lorna Jack from LSS to find out planned dates for the information events.

5.2. Social Security Tribunals

The Board discussed the comparison of qualities between JAC and JABS in order to prepare for the move of members from the reserved tribunal and supported the views provided in writing by Lord Minginish and Mrs Wiseman. The Board agreed to progress interim procedures that would allow JABS to make appropriate recommendations to the Scottish Government for new SCTS tribunal members from existing HMCTS tribunal members and noted that these interim procedures should precede a further social security tribunal recruitment round due in 2020-21.

5.3. Recruitment Planning

The Board noted the proposed timetable for the 2020 recruitment.

6. Lay Assistants recruitment update

Mrs Fulton presented the paper on the planning for Lay Assistant recruitment.

The Board agreed it was a challenge to make the advert accurate and realistic as in terms of the number of days an assistant would actually be expected to work. The number is likely to increase in future years as more tribunals are devolved. Mrs Burnley will work on the criteria to reflect current duties and bring this back to the Board in December.

The Board agreed that Mr Cummings should be asked to be on the recruitment panel for the lay assistants. The paper proposed that assistants should be recruited in time for training during the parallel competitions. Mrs Fulton informed the Board that on current plans the newly recruited assistants would be invited to sit in on sift meetings, the mock interview (possibly interviews) and decision meetings. There is a planning meeting scheduled in December and Mrs Burnley will update the Board at a later stage.

BMU Task (6): Lay Assistant Criteria to be included in December Board Meeting Agenda.

Board Action: Mrs Burnley to work on the criteria for Lay Assistants to reflect current duties and update the Board on the planning meeting at the December Board Meeting.

7. Any Other Business

7.1. The Chair provided the Board with the letter that had been sent to the Minister for Community Safety on 28 October.

7.2. The Chair provided the Board with the letter that had been sent to the First Minister on 22 October.

8. Board Meeting closed 1200 hours.

9. The Board welcomed the Lord President. The Lord President and Board Members discussed continuous improvement for appointment to judicial office.

10. The Board held a workshop in the afternoon on 'improving candidate assessment' and 'how we interact as a board with the BMU'.