

Judicial Appointments Board for Scotland
Meeting: Monday 4 June 2018, Thistle House, Edinburgh

MINUTES

Present:

Mrs Nicola Gordon, Chairing Member
Dr Michael Ewart
Mrs Alison Mitchell
Mrs Deirdre Fulton*
Mrs Neelam Bakshi
Professor Stephen Tierney
The Hon Lady Wise
The Hon Lord Minginish
Sheriff Principal Derek Pyle
Sheriff Michael O'Grady, QC
Mr James McNeill, QC

* Mrs Fulton joined the meeting by telephone.

Attended:

Mrs Erica Clarkson, Chief Executive
Miss Ashleigh Meikle, Court Appointments Manager and Board Secretary
Mr John Wallace, Tribunal Appointments and Governance Manager
Miss Katy Mitchell, Appointments Administrator

Apologies:

Mr Alistair Morris

1. Welcome and Apologies

1.1 The Chairing Member welcomed everyone to the meeting and confirmed that apologies were received from Mr Morris. A special welcome was given to Sheriff O'Grady following a period of absence.

2. Minute of the JABS Board Meeting of 23 April 2018

2.1 Mrs Bakshi presented an amendment to section 3.13 to the end of section 3.16. This was accepted and the minute from the previous meeting was agreed.

3. Matters Arising and Action Tracker Update

3.1 The Board agreed that matters arising would be picked up in the agenda.

3.2 The Board reviewed the Action Tracker. Action 4 was addressed in the oral updates.

3.3 The Chief Executive advised that the format of the action tracker was not yet set, and welcomed any suggestions to make it more helpful to the Board.

3.4 Mrs Bakshi informed the Board that she was working with the Business Management Unit to ensure format cross-over between the ARMC's action tracker and the Board's.

4. Oral Updates

4.1 Mrs Neelam Bakshi

4.1.1 Mrs Bakshi updated the Board on the Skills Matrix, explaining that there were some outstanding issues surrounding involvement of the Lay Assistants. Mrs Bakshi has had a conversation with Mrs Fulton (Lay Assistant Mentor) around their possible involvement in unconscious bias training and legal/judicial roles.

4.1.2 The Board agreed that unconscious bias training should be arranged for the last quarter of this financial year.

4.1.3 Mrs Bakshi gave a brief update on the work of the ARMC. The committee had been unable to consider the draft Annual Report due to member availability and the need for a truncated agenda at their last meeting. Approval of the Annual Report was referred to the Board.

Action Point: Mrs Fulton to speak to the Lay Assistants about their involvement going forward.

4.2 Chairing Member

4.2.1 The Chairing Member told the Board that with the lack of planned recruitment rounds in the current year, a focus could be put on projects such as the Skills Matrix.

4.2.2 The Chairing Member updated the Board on the ongoing recruitment for three new Board Members. She was happy to share that Public Appointments received 18 applications for the Lay position, with four shortlisted for interview. For the Advocate position, four applications were received, of which three have been shortlisted for interview. The Chairing Member also shared that only three applications were received for the solicitor position. Two of these have been shortlisted for interview. The number of applications received for the solicitor position concerned the Board. It was agreed that some reflection would be needed on this. The daily rate for a practising solicitor on the Board is not an obvious attraction which may be adding to the lack of applications received.

4.2.3 Interviews were due to be held on the 14 and 15 June, with hopes of gaining Ministerial approval before the recess of Parliament on the 30 June. The panel will consist of the Chairing Member, Neil Rennick (Director, Justice), Gavin Henderson (Deputy Director, Civil Law and Legal System Division) and Susan McPhie (Independent).

4.2.4 The Chairing Member informed the Board that she had reviewed the Annual Report and Strategic and Operational Plans and was very encouraged with the work that had been put into both. She hoped that the Board would share her views and be in a position to approve them.

4.2.5 Lady Wise informed the Board that she had been asked by the Lord President to run another Senator information session. Possible dates for this session are in late October or early November which would allow roughly four to five months before the advert launch for a Senator appointment round.

4.2.6 The Chairing Member spoke to the topic of Board Members expenses. The current policy is under review with ongoing discussions with the Scottish Government, and a new, clearer policy is close to completion. She hoped that we could move to working from the new policy by the end of July, however this depended on feedback from the Scottish Government and would not be backdated.

Action Point: Although currently in the early stages, Lady Wise will come back to the Board with any further information on the Senator information events.

4.3 Chief Executive

4.3.1 The Chief Executive wished first of all to thank Board Members for their feedback on the topic guides for the research project. She informed the Board that interviews with past and potential future applicants were well underway. As current plans stand, the questionnaire will be ready to use to gather Summary Sheriff reflections. Stakeholder interviews seem positive, however findings will be given at the August Board if possible.

4.3.2 The Chief Executive informed the Board that the new branding was now complete, however it was decided that we should wait until the 'Go Live' date on the website to release this, so as not to cause confusion. The Board approved the designs for the new website.

4.3.3 The Chief Executive informed the Board that she has received formal confirmation from the Scottish Government that there would be no requirement for a Social Security Chamber recruitment round this year.

4.3.4 The Chief Executive updated the Board on the meeting she and Miss Meikle had with the Head of Training at Law Society Scotland about scripts for training and the new website. They discussed the fact that many potential applicants would like the option of Webinar training to protect their confidentiality when considering a judicial role.

4.3.5 The Chief Executive also updated the Board about the meeting which she, Mrs Gordon and Mrs Fulton attended at the Faculty of Advocates surrounding the issue of diversity. There they met with Irene Henery, Senior Solicitor for Equality and Human Rights Commission Scotland, who has offered to hold a further meeting with the BMU to discuss how best to handle diversity data.

4.3.6 The Chief Executive updated the Board on GDPR. The BMU have created a policy document with advice from lawyers and discovered that updates in data laws mean that we have wider exemptions than we did previously. The Chief Executive made it clear that the current policy document is still evolving, and there will most likely be another version yet to come.

4.3.7 The Chief Executive informed the Board that the BMU have now all completed their mandatory online GDPR training, and will be receiving further training from Brodie's in the coming weeks.

4.3.8 Ms Bakshi advised that the ARMC had referred the issue of work in relation to GDPR to the Board for possible consideration by QAG i.e. retention periods, good character and conduct. The Board agreed this would be dealt with by the BMU and referred back to the ARMC. Ms Bakshi also advised that the ARMC had noted that the GDPR documents covered applicants but did not yet include staff or board members.

Action Point: BMU to provide findings from the research at the August Board meeting if possible.

Action Point: BMU to arrange a meeting with Irene Henery and members of the BMU.

Action Point: BMU to carry forward work in relation to GDPR including retention periods, good character and conduct and refer back to ARMC as required.

Action Point: BMU to check with Scottish Government if we need a statement to cover data held on staff and Board Members.

5. Summary Sheriff Board Decision

5.1 The Board considered the interview panel's report, in compliance with the Judiciary and Courts (Scotland) Act 2008, with regard to the selection for recommendation of suitable applicants for the office of Summary Sheriff. The Board agreed the seven applicants to be recommended to the First Minister.

5.2 At the request of the Judicial Office for Scotland, the Board agreed to create a small reserve list for up to six months. This will help to address any unexpected vacancies that arise in the office of Summary Sheriff. The Board agreed the two applicants to be placed on the reserve list.

5.3 Lord Minginish informed the Board that at the selection panel meeting, following the completion of interviews, Lady Wise's input was extremely helpful in

drilling down on any decisions made by the interview panel and interrogating all that they had done.

5.4 Mrs Fulton shared her view that going forward, there should be a clear option in location preferences for candidates to declare that they are not willing to work in a location. In the current round, the panel found that many candidates were stating a choice as a number six, when in fact they were not willing to consider this as an option. The Board agreed with this point.

5.5 The Chairing Member wished to recognise the enormous amounts of hard work that Board and BMU have undertaken for this appointment round.

Action point: BMU to forward the recommendations to the Scottish Government.

6. Operational & Annual Plans

6.1 Strategic Plan

6.1.1 Board agreed that the plans looked very professional.

6.1.2 In the strategic plan, Mrs Fulton suggested that the word 'appointment' be changed to 'recruitment' on pages seven and eleven.

6.1.3 Dr Ewart suggested that the value of 'Altruism' be changed to 'Inclusion.' This was agreed by the Board.

6.1.4 Lady Wise shared her view that page five, number three should be changed to "have regard to the need to encourage." On page 9, third bullet point it should be encourage not secure. The Board agreed with this point.

6.1.5 Mrs Bakshi raised her concern that she did not recognise the last three values and that the full set of values issued for consultation with Board members via email in April did not match the currently presented set. The Chief Executive confirmed that all values had been agreed by the Board at a previous meeting, but would check these with APS.

Action Point – Mrs Clarkson to check with APS regarding the last three values.

Action Point: BMU to liaise with APS to make the required amendments.

6.2 Operational Plan

6.2.1 The Board discussed the operation plan and suggested some amendments.

Action Point – Mrs Clarkson to soften the language surrounding the Parole Board.

Action Point – Heading “Physical Environment” on page 13 to be changed to “Working Environment”

Action Point: BMU to liaise with APS to make the required amendments.

6.3 The Board supported the change of name from Secretariat to the Business Management Unit (BMU), as they believe it fits the role much better as well as helping with the modernisation of the organisation.

6.4 The Chairing Member notified the Board that moving forward, the BMU would be scheduling as much as they can into a Monday Board meeting to reduce the need for additional meetings.

6.5 The Chairing Member requested that Doodle Polls are dealt with more efficiently.

6.6 Annual Report

6.6.1 The Chief Executive reiterated to the Board that it had been agreed at a previous Board meeting that the format would stay the same this year, and all statistics and information had been updated. The Annual Report would be presented in the style of the new brand refresh next year.

6.6.2 The Chairing Member asked for support from the Board.

6.6.3 Lord Minginish shared his view that in the membership section of the document, “Chair of a Tribunal” should be changed to “Tribunal President.” The Board agreed with this point.

6.6.4 Mrs Fulton shared with the Board that it should be made clear within the section of ARMC that there was a change in Chief Executives within the year.

6.6.5 The Chairing Member asked that the meeting held with the Society of Solicitor Advocates be added to the list of people we have met.

6.6.6 Dr Ewart shared his view that within the list of people appointed, he did not think it necessary to give a person’s alternative name and asked if this should be removed. The Board agreed with this point.

6.6.7 The Board agreed the Annual Report for 2017-18

Action Point – BMU to make the required amendments and send the final report to SG.

7. Any Other Business

7.1 Forward Look

7.1.1 The Chief Executive gave the Board an overview of what was planned in the coming month, as follows:

- The Chief Executive will be meeting with the Chamber President of the Housing and Property Chamber, Aileen Devanny in Glasgow in the coming weeks, as well as having a follow-up meeting with the Parole Board.
- There is an upcoming Tripartite Meeting which will include discussions about rolling recruitment.
- She also informed the Board of plans to update our current office space. This includes plans to move the Chief Executive office and decorate rooms which will work in conjunction with the modernisation of JABS.

7.2 The Chairing Member informed the Board that the recent interview she gave to the Law Society Journal was due to be published next week.

7.2.1 Sheriff O'Grady shared with the Board that there was a letter published in the Law Society Journal within the last three issues. The letter was written by retired Sheriff, George Lawrence Allen, about an unsuccessful candidate who has claimed to be mistreated by the Board at interview. He stated that the feedback he was given said that the reason he did not get the role was due to something very minor.

Action Point – Sheriff O'Grady to share the article with the Board.

8. ARMC Minutes of 23 April 2018

8.1 The approved minutes of the ARMC of 23 April were presented and noted by the Board.

9. ARMC Data Protection Policy

9.1 The updated draft versions of the GDPR documents were presented following amendment (which had been delegated by the ARMC to the Chair and BMU staff). These were approved for publication with the Board noting that further revisions would be required as matters progressed.

10. Date of Next Meeting

10.1 Monday 16 July 2018 at Thistle House, Edinburgh. (Update: July Board Meeting cancelled. The next Board Meeting will take place on Monday 13 August 2018 at Thistle House, Edinburgh.)

Meeting Closed: 12:40