**Judicial Appointments Board for Scotland**

**Meeting: Monday 18 March 2019, Thistle House, Edinburgh**

**MINUTES**

**Present**

Mrs Nicola Gordon, Chairing Member

Mrs Alison Mitchell

Professor Stephen Tierney

Mrs Liz Burnley, CBE

Ms Neelam Bakshi

Mrs Deirdre Fulton

The Hon Lady Wise

Sheriff Principal Marysia Lewis

Sheriff Michael O’Grady

Ms. Morag Ross, QC

Ms. Eilidh Wiseman

**Apologies**

The Hon Lord Minginish, QC

**In Attendance**

Mr John Craig, Chief Executive

Mrs Angela Simpson, Head of BMU

Miss Katy Mitchell, Appointments Administrator

# Welcome and Apologies

## The Chairing Member welcomed all attendees to the meeting, noting that apologies had been received from Lord Minginish. Particular welcome was given to Ms. Wiseman, who joins her first Board Meeting since appointment in February.

# Minutes of the Previous Meeting, Matters Arising & Action Tracker

## The Board reviewed the draft minutes of the Board meeting on 18 February 2019. Subject to a minor amendment, the minutes were approved for publication.

## There were no matters arising.

## The Board reviewed Action 2 regarding Lay Assistants. It was agreed that two members would arrange to share further thoughts on this matter and return to the September Board Meeting with recommendations for the rest of the Board.

***Action Point (1):*** *Mrs Fulton and Mrs Burnley to share thoughts on Lay Assistants - Next Steps and bring findings to September Board. The Chairing Member will update Mr. Cummings.*

# Oral Updates

## **Chairing Member Update**

### The Chairing Member updated the Board on her recent meetings and engagements:

* The Northern Irish Judicial Appointments Commission (NIJAC) visited JABS to meet with the Chairing Member, three Board Members and the BMU on 21st February. The meeting proved very insightful and both parties exchanged knowledge and learnings about the appointments process.
* The Judicial Office for Scotland (JO) held two Judicial Seminars on 27th & 28th February in Glasgow and Dundee at which JABS was invited to speak. The Chairing Member welcomed the manner in which the event was formatted.
* The Chairing Member met with the Head of Public Appointments within Scottish Government, to reflect on recent Board appointments.
* The Chairing Member noted that an invitation had been received from Professor Graham Gee to attend a Seminar in London on Judicial Recruitment and Judicial Remuneration in Challenging Times. Although no Members could attend, it was agreed to invite Professor Gee to speak at a future Board Meeting.

***Action Point (2):*** *Professor Tierney to work with the BMU to find a suitable date for Professor Gee to speak at a future Board Meeting.*

## **Chief Executive Update**

### The Chief Executive updated the Board on recent meetings/matters:

* Scottish Government (SG) partnership planning for the event to celebrate 100 years of women in law is progressing well. The event will be hosted at Parliament Hall on 10th June 2019. Lady Wise is also involved in event planning.
* Tripartite meetings between JABS/SG/JO are continuing successfully at regular intervals. In future, the Chief Executive will report only on significant matters arising.
* The Chief Executive attended a diversity event hosted by the Judicial Appointments Commission in Newcastle on 21st February. The briefing from the event was shared with the Chairing Member and Lady Wise.
* A candidate for the role of Courts Appointments Manager has been identified and should be in post by late April.
* The independent research report has now been published on the website.
* An updated fee claim form has been circulated, and subject to approval, these forms will be in use from next month. The Board approved use of the new claims form.
* The Chief Executive provided the Board with up to date figures on the number of online open applications for the offices of Sheriff and Summary Sheriff.

# Monthly Financial Update

## The Chief Executive requested that the Board note the current Monthly Financial Update and that a £7,000 repayment request from Transport Scotland had been made for work carried out to recommend the President of the General Regulatory Chamber.

# GRC President Recommendation

## As Panel Chair, Mrs Mitchell provided the Board with an overview of the round from planning stage to interviews. Ms. Wiseman declared knowledge of one interviewee after working with them in a professional capacity. The Chairing Member and Sheriff Principal Lewis declared knowledge of a second candidate.

## Mrs Mitchell presented to the Board the panel’s recommended candidate for the judicial office of President of the General Regulatory Chamber.

## The Board agreed to make a recommendation to the Scottish Government for the judicial office of President of the General Regulatory Chamber.

## The Board completed a top level review of the process. Further review will follow in due course.

## The Chairing Member thanked Mrs Mitchell and the BMU for their hard work, time and effort in completing a successful round.

# Annual Operational Plan 2019/2020

## The Chief Executive introduced the Board to the first draft annual operational plan for the upcoming financial year, with a draft budget attached.

## It was noted that objectives 2 & 3 of the plan were not SMART objectives that could easily be measured, but were more of a way in which we wish to operate. It was noted that they would be more detailed as SMART tasks in the BMU Action Tracker.

## The Board noted the supporting documentation in the JABS Risk Assessment and Risk Dashboard Report prepared by the Chief Executive. The Board agreed the new JABS Risk Assessment process and noted that the Scottish Government Risk Management Guidance is available to members on Huddle.

## The Board approved the Annual Operational Plan and budget for 2019/2020 and thanked the Chief Executive for his work.

# Members Fees and Claims Policy

## The Board reviewed the updated draft Fees and Claims Policy. It was agreed that the Chief Executive would take onboard comments provided by board members to further simplify the policy. The draft will be sent to Sheriff Principal Lewis for independent review. The policy would then be brought to the May Board Meeting for approval.

***Action Point (3):*** *Chief Executive to further simplify the Members Fees and Claims Policy and present it to the May Board Meeting for final approval.*

# Diversity Policy

## Lady Wise introduced the updated draft Diversity Policy. Subject to a few minor amendments, the policy was approved by the Board for publication on the JABS website.

## The Chairing Member thanked Lady Wise for her efforts and the Board agreed how important it was that we have an updated policy for this critical aspect of the Board’s responsibilities.

# JABS Social Media Policy

## Subject to one minor amendment, the policy was approved by the Board for publication.

# JABS Governance Arrangements

## The Board reviewed a discussion paper proposing a refreshed governance arrangement more proportionate and better suited to current working practices. Proposals included that the separate Quality Assurance Group (QAG) and the Audit and Risk Management Committee (ARMC) would no longer be required and that, instead, the Board would address risk and governance at Board Meetings on a quarterly basis. The Board itself would address quality and assurance of recruitment matters. The Chairing Member confirmed she had not appointed any members to the current vacancies in QAG and ARMC following the departure of two board members at the end of January.

## Following a question about the absence of the Board risk workshop which was recommended by the ARMC and previously approved by the Board, the Chairing Member informed the Board that this would no longer be required. Following discussion, Board members sought assurance and further information about the governance proposals including assurance about adequate time to undertake the proposed arrangements within Board business, articulation of risks, controls, mitigations, how these proposals would operate in practice, how the Board would achieve independence of perspective and what was included in the term “governance”. In particular, assurance was sought by way of written confirmation from the Sponsor Department that the relevant section of On Board Guidance for Advisory NDPBs requiring an audit committee to be set up did not apply to JABS. The Chief Executive indicated he would bring forward an example draft “governance agenda” for consideration.

***Action Point (4):*** *Chief Executive to bring forward example draft “governance agenda” to April board meeting to provide further assurance to the board around proposed arrangements.*

***Action point (5):*** *Chief Executive to seek written confirmation from Sponsor Department that JABS can indeed demonstrate it is fulfilling governance responsibilities without a formal separate Audit and Risk Committee.*

# Shrieval Recruitment

## As Sheriff and Summary Sheriff Panel Chair respectively, Professor Tierney and Mrs Fulton provided the Board with a progress update.

# Consultation – Questions and Information

## The Board discussed the Lord President’s request that more information is given about a candidate when asking for consultation. It was agreed that Mrs Burnley and Ms. Wiseman would look into this further and report their findings to the Board at the April meeting.

***Action Point (6):*** *Mrs Burnley and Ms. Wiseman to share thoughts on the consultation process and bring findings to the April Board Meeting.*

# AOB

## The Board was updated on progress with planning the 10th Anniversary event:

### Ms. Ash Denham MSP, Minister for Community Safety, has been confirmed as a speaker.

### Members should make any relevant comments on the draft invitation list by the end of this month for invitations to go out at least 6 weeks prior to the event.

## The Board noted the paper provided regarding a speech given by the Lord Chief Justice in relation to a changing judiciary in the modern age.

## Lady Wise informed the Board that a date for the Senator Information event has been settled for the 2nd May 2019.

**Meeting Closed: 12:40**