**Judicial Appointments Board for Scotland**

**Meeting: Monday 24 June 2019, Thistle House, Edinburgh**

**MINUTES**

**Present**

Mrs Nicola Gordon, *Lay Chairing Member*

Mrs Deidre Fulton

Mrs Alison Mitchell

Professor Stephen Tierney

Ms Neelam Bakshi

The Hon Lady Wise

The Hon Lord Minginish, QC

Sheriff Principal Marysia Lewis

Sheriff Michael O’Grady, QC

Ms Eilidh Wiseman

Ms Morag Ross, QC

**Apologies**

Mrs Liz Burnley, CBE

**In Attendance**

Mr John Craig, *Chief Executive*

Mrs Angela Simpson, *Head of Business Management Unit (BMU)*

Miss Aimee Law, *Court Appointments Manager and Board Secretary*

Miss Katy Mitchell, *Appointments Administrator*

# Welcome and Apologies

## The Lay Chairing Member (Chair) welcomed everyone to the meeting and noted that apologies had been received from Mrs Burnley. There were no declarations of interest.

# Minutes of the Previous Meeting & Action Tracker Update

## The Board agreed amendments to the May Board minutes. Subject to these changes, the minutes were approved for publication. It was agreed that a note of the “Board only discussion” at the last meeting would be produced by Mrs Fulton for the July meeting.

Action Point (1): Mrs Fulton to produce a brief note of the Board Only Discussion on 20 May for the next meeting.

## The Board reviewed the three open actions on the tracker and agreed:

* A new Huddle folder would be created containing key reference documents to allow easy access for members.
* As already agreed, a paper regarding Lay Assistants will be brought to the Board meeting by Deirdre Fulton.
* The BMU Task List would be part of the review at each quarterly governance meeting and a link will be provided to give members visibility of BMU tasks from Board meetings.

# General Summary – Oral Updates

## The Chair updated the Board that, with the Chief Executive (CE), she had met with the Scottish Government (SG) Sponsorship Deputy Director, SG Social Security and Judicial Office (JO) on 19 June 2019 to discuss the likely future need for a large number of social security tribunal members. SG are scoping the best way to transfer existing reserved tribunal members; the CE will be involved in future discussions with SG/JO and will update the Board as work progresses. The Chair also met recently with The Hon Lady Smith who will attend the July Board meeting to give a presentation on current/future Scottish tribunals. The Chair and Lady Smith discussed future JABS recommendations for tribunals in 2019-2020 and will update the Board on 15 July. The BMU will upload an earlier Board paper on the Scottish Tribunals landscape to Huddle for newer members to get some background before the July meeting.

## The Chair met with Mr Neil Rennick, the SG Director of Justice on 21 June 2019, for her annual meeting. Mr Rennick shared his congratulations on the successful JABS 10th Anniversary event. Mr Rennick asked if the Board had an agreed Deputy Chair to ensure resilience; the Board agreed that Mrs Fulton would be the Deputy Lay Chairing Member. (*Afternote: As provided for in the Judiciary and Courts (Scotland) Act 2008 (asp 6) Schedule 1 Paragraph 10)*. The Chair informed the Board that Mr Rennick had responded to the JABS Governance Discussion Paper, that he is content with the proposals in the paper. BMU will track follow-up actions as requested. (*Afternote. A copy of the email from Mr Rennick dated 21 June 2019 has been placed on Huddle with the June meeting papers for members information*).

## The CE asked the Board to note that the BMU had been extremely busy over the last month with the parallel recruitment rounds. The CE updated the Board that he had meet with the Judicial Appointments Commission (JAC) Deputy CE and senior staff to discuss how JAC was dealing with large numbers of applicants for judicial appointments and would be attending the Law Society of Scotland training session for applicants on competency based interviews. He would participate in a Q&A session.

# Recommendations for Appointments

## **Summary Sheriff** – Candidates for the Office of Summary Sheriff were presented to the Board and a list in order of merit was fully discussed and agreed. Due to circumstances outside the Board’s control, the appointment recommendation would be postponed for a short time.

## **Sheriff** – Candidates for the Office of Sheriff were presented to the Board and a list in order of merit was fully discussed and agreed.

# Letter to the First Minister - The Board reviewed a letter it had received from the First Minister. It was agreed that a response would be drafted by the Chief Executive for approval by the Chairing Member and returned to the First Minister as soon as possible. (*Afternote. A letter was sent on 26 June and a copy has been placed on Huddle with the June meeting papers for members information).*

Action Point (2): Chair and CE to draft a response letter to the First Minister.

# Continuous Improvement

## **GRC Lessons Action Plan** - The Chair congratulated the BMU on having consolidated the learning points discussed at previous meetings in to a clear Action Plan. She invited members to respond before the next Board meeting should there be any further comments. The Action Plan will now be progressed and monitored using existing governance procedures.

Action Point (3): Board Members to respond should there be any further comments. Action Plan to be incorporated in Board and BMU tracker.

## **Am I Ready** - The Chair invited members to respond with comments by the end of the week (i.e. close on 28 June 2019) due to the imminent opening of the competition for new Senators.

Action Point (4): Board Members to respond with comments on the Am I Ready questions by the end of this week.

## **Recruitment Planning** - The Chair informed the Board that, in addition to her earlier comments, planning for future recruitment is ongoing and that further details will be given at the next Board meeting.

# Remuneration, Allowances and Expenses Policy - The Board approved the draft policy. (Afternote: The BMU will forward the draft policy to SG for agreement).

# Diversity Steering Group (DSG) - The DSG Chair (Lady Wise) provided an oral update that due to historic concerns around barriers faced by solicitor advocates being appointed to the Office of Senator of the College of Justice, the DSG had invited Mr John Scott, QC to talk at a recent DSG meeting in order to listen to and better understand these concerns. The DSG Chair also updated the Board on the 100 Years of Women in Law event, which was organised by the Scottish Government to celebrate the first centenary since females were able to enter the law profession. The Board noted that a question was raised at the event involving the barriers in place for a tribunal member of high status moving into a Senatorial role with the eligibility criteria currently in place. The BMU will upload a previous Board paper on the role of QC to Huddle for members to review and the matter will be further considered by the Board in due course. The Board agreed that the DSG Chair would assist the BMU to check the statistics for professional qualification for the current shrieval round.

*Action Point (5): DSG Chair to assist the BMU to check the professional qualification statistics*

*for the current shrieval round.*

*Action Point (6): Board to consider its role regarding eligibility for senator roles as part of the review after the upcoming competition.*

## The Board discussed the potential attendance of Professor Graham Gee at the August Board meeting. It was agreed that it would be beneficial to meet with him but a later date would be preferred.

*Action Point (7): CE to consultation with Professor Tierney and arrange a later date with Professor Gee to attend a Board Meeting.*

# AOB - Due to the amount of business to be covered next month, the start time for Board meeting on 15 July will be confirmed as soon as possible.

# The Meeting Closed at 2.35 pm