

BOARD MEETING MINUTES
Monday 20 April 2020, video / teleconference

Present

Mrs Nicola Gordon, Chairing Member	Mrs Alison Mitchell
Ms Neelam Bakshi	Sheriff Michael O'Grady, QC
Mrs Liz Burnley, CBE	Ms Morag Ross, QC
Mrs Deirdre Fulton	Professor Stephen Tierney
Sheriff Principal Marysia Lewis	The Hon. Lady Wise, QC
The Hon. Lord Minginish, QC	Ms Eilidh Wiseman

Business Management Unit in Attendance

Angela Simpson, Interim Chief Executive
Board Secretary
Business Support Officer
Appointments Administrator

1. Welcome & Apologies / Declarations of Interest

- 1.1. The Chairing Member (the Chair) welcomed all attendees to the meeting with everybody attending remotely for the first time. There was a standard declaration of interest from Ms Bakshi in relation to Social Security Tribunals.
- 1.2. In order to manage the impact of the COVID-19 pandemic, the Board decided to deal with certain items by email. The Board agreed that protocols were required for email decision-making and for dealing with video/audio conference calls to ensure transparent and good governance arrangements, clarity about priorities for selecting items for discussion at meetings or by email, and to provide a clear audit trail to demonstrate valid decision-making. The Board agreed that simple guidelines would be helpful to steer the process in future.

Board Action (1): Chair and Interim Chief Executive (CE) to draft simple guidelines in support of interim arrangements for transparent good governance and board decision-making by email and video-audio conference meeting protocols.

2. Minutes of the Previous Meeting & Action Tracker Update

- 2.1. The minutes of the March Board Meeting were approved by the Board with the addition 'The Board held a private session'.

BMU Action (1): Addition before item 1 of the March Board Minutes.

- 2.2. The Board reviewed the Board Action Tracker. Action 33: The additional wording of 'Sheriff Principal' should be added to the description. It was agreed that the action date would be changed to September 2020. Action 36: will be updated to reflect that Mrs Burnley will draft the guidelines based on experience gained with the pilot during the upcoming competitions.

BMU Action (2): Update action 33 and 36 on the Board Action Tracker.

3. General Updates

3.1. The Chair gave an oral update to the Board:

- Sheriff O'Grady has announced his retirement and will leave the JABS Board at the end of July this year. The Lord President has nominated Sheriff David Young QC as his successor. The Chair has had an introductory conversation with Sheriff Young and the BMU will now begin preparing the induction process.
- The Chair and Mrs Burnley met with all of the recently appointed Lay Assistants to the JABS Board and an induction plan is underway.
- The Chair and the Board congratulated and thanked Mrs Simpson, Interim CE for her hard work since taking up post.

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

- The Interim CE provided a written update to the board in advance of the meeting. There were no questions or comments from Board members.

4. Assurance of Governance

- 4.1. The Interim CE provided the Board with an Assurance of Governance paper for the reporting Period: Q4 (January to March) 2019-2020. Following questions on points 2.2 and 2.3 of the paper, the Interim CE confirmed that the enquiries related solely to whether additional quotations or a full tender process may be required, or whether a non-competitive approach was acceptable. She also confirmed that any proposal would come back to the Board for discussion and approval before commissioning.

4.2. Operational Plan / Risk

- 4.2.1. The Board reviewed the Operational Plan provided by the Interim CE. There were no comments on the proposed Operational Plan for 2020-2021 and the associated risk register.

4.3. JABS Risk Register

- 4.3.1. The updated JABS Risk Register 2019-20 was reviewed by email. The current COVID-19 pandemic has been added to the Risk Register following the March Board Meeting.

4.4. BMU Action Tracker

4.4.1. The Board reviewed the BMU Action Tracker by email. There were no comments made on the BMU Action Tracker.

5. Assurance of Financial Activity

5.1. JABS Budget 2020-21

5.1.1. The Board previously approved the 2020-21 JABS Budget. The Board noted the updated budget proposal.

5.2. Board Members Fees

5.2.1. The Board Members discussed the option to uplift the daily fee rate by 3% as agreed in the Scottish Government budget. It was agreed that the Board Member fees would not be increased this year.

6. JABS Policy Update

6.1. Policy Update

6.1.1. The Board reviewed the policy tracker.

6.1.2. Mrs Mitchell had volunteered to participate in an extensive consultation on the Scottish Governments Code of Conduct for Board Members document. She and Ms Bakshi will continue to review this and decide whether to respond.

6.2. Conflicts of Interest Policy

6.2.1. The policy has been amended as requested at the January Board Meeting. The Board approved the re-drafted policy.

6.3. Recruitment Feedback Policy

6.3.1. The policy has been amended following the March Board Meeting. The Recruitment Feedback Policy was approved subject to minor amendments. The Board thanked Stephen Tierney for the work on the policy.

BMU Action (3): Interim CE to arrange publication of policy on website and creation of shrieval outcome letters.

7. Appointment Rounds Updates

7.1. Annual competitions progress

7.1.1. The current Shrieval recruitment round is underway and both panels are in the process of sifting applications.

7.1.2. The Summary Sheriff interim moderation meeting was held on Tuesday 7 April and the Sheriff interim moderation meeting was held on Thursday 9 April.

7.1.3. The Sheriff sift period ends on Tuesday 28 April and the shortlisting meeting is scheduled for Friday 1 May.

7.1.4. The Summary Sheriff sift period ends on Wednesday 29 April and the sift meeting is scheduled for Monday 4 May.

7.2. JABS COVID Contingency Plan & interview options

7.2.1. The Board discussed the JABS COVID contingency plan and options for the shrieval interviews.

7.2.2. It was agreed that the Shrieval panel chairs will work with the Interim CE to produce contingency options for holding interviews and will update the Board after the meeting.

[Board Action \(2\): Shrieval panel chairs Mrs Burnley and Mrs Fulton to work with Mrs Simpson to produce contingency options for interviews and update the Board after the meeting.](#)

7.3. Social Security

7.3.1. The SPT wrote to the Scottish Government on 9 April 2020 stating that they are now in a position to take forward the light touch recruitment exercise for the First-tier Tribunal for Scotland, Social Security Chamber. The Chair informed the Board the BMU will progress this and she will respond to the SPT and Lady Smith this week acknowledging the response and to discuss a revised timetable.

Post Meeting Note: The process launched on Thursday 23 April and will close on Thursday 14 May.

8. Quality Assurance

8.1. Role of the Board / Panel / Moderator

8.1.1. The Board thanked Ms Wiseman for her work on the amended paper which clarifies the role of the Board, the role of the Panel and the role of the Moderator during the process of recommending candidates for appointment.

It was agreed that the Board will:

- Continue to have access to the initial list of names of candidates who have applied. All Board members should complete the Knowledge/Conflict section of the spreadsheet in line with the published policy.
- The full Board will be given access to the shortlisting spreadsheet following the shortlisting meeting. This will allow the full Board to see the scores

awarded to each candidate and to have an understanding of the pool in real time and rather than waiting until the Board decision report.

- The full Board will continue to have access to the Character and Conduct report that the BMU produce before the shortlisting meeting.

8.2. Pros and Cons - Panel Composition

8.2.1. The Board thanked Lady Wise for preparing the paper and it was agreed that the Board will discuss the paper at the September Board Meeting.

BMU Action (4): Discussion of Pros and Cons – Panel Composition to be added to agenda for September Board Meeting.

8.3. Assessment of legal competence update

8.3.1. The legal and judicial members of the Board have met to discuss the assessment of legal competence during recruitment rounds. It was agreed that Lord Minginish will provide the Board with a summary for consideration at the May Board Meeting.

Board Action (4): Lord Minginish to provide the Board with a summary of assessment of legal competence for the May Board Meeting.

9. Any Other Business

9.1. Diversity Action Plan

9.1.1. The Diversity Action Plan requires further clarification of the role of the Diversity Steering Group (DSG) and the Board. Lady Wise will work with the Interim CE to revise the plan for the May Board Meeting.

Board Action (5): Lady Wise to work with Mrs Simpson to redraft the Diversity Action Plan with further clarification of the role of the DSG and JABS for the May Board Meeting.

9.1.2. The Board held an After Action review of the remote Board Meeting.

10. Board Meeting closed at 12:15.