

BOARD MEETING MINUTES
Monday 17 April 2023
9:15 am to 15:30 pm
Hybrid, Thistle House

Present:

Mrs Liz Burnley CBE representing Dr Lindsay Montgomery CBE, Chairing Member
Ms Neelam Bakshi (by VC)
Mrs May Dunsmuir (by VC)
Mrs Deirdre Fulton
The Hon. Lady Haldane, KC
Mr Graeme Hill (for agenda item 10)
Professor Stephen Tierney (by VC)
The Hon. Lord Weir, KC
Sheriff David Young, KC

Attendees:

Ms Paula Stevenson, Chief Executive
Mr Billy Love, Head of Operations
Mrs Julie Tarbet, Appointments Manager

Apologies:

Dr Lindsay Montgomery CBE, Chairing Member
Sheriff Principal Aisha Anwar
Ms Cat Maclean
Ms Emma Marriott

1. Welcome, Apologies and Declaration of Interest

1.1 Liz Burnley welcomed everyone to the meeting, noted the apologies and informed the Board that Graeme Hill would join the meeting for agenda item 10.

1.2 Neelam Bakshi made her standard declaration regarding membership of the Social Entitlement and Employment tribunals and excused herself from the Social Security Chamber recruitment agenda item 7.1.

2. Business from the previous meeting

2.1 Minutes of the March meeting

2.1.1 The Board asked for one amendment to the minutes of the meeting held on 17 March 2023 but were otherwise content.

Action Point 1: BMU to amend the minutes of the last Board meeting as agreed and to publish.

2.2 Action Tracker

2.2.1 The Chief Executive updated the Board on the Action Tracker. The Board noted the progress made to complete the actions.

3. Acting Chairing Member Update

3.1 Liz Burnley provided an oral update about the absence of two board members and the progress with finalising the Lay Appointment Advisers' terms and conditions.

4. Chief Executive Update

4.1 The Chief Executive updated the Board on the progress being made on updating and developing key policies. Moving to a two monthly Board meeting cycle will allow more time for this work.

5. Assurance of Governance

5.1 Assurance of Governance

5.1.1 The Chief Executive summarised the Assurance of Governance quarterly update paper. Making progress on the Framework Agreement is a priority for next month and she anticipates a final draft of the Corporate Plan will be available at the June Board meeting.

5.2 Budget Profile for 2023/24

5.2.1 The Chief Executive provided an overview of the detailed budget paper which provided an explanation and breakdown of budget planning, including contingencies being considered.

5.2.2 It was noted that the contingency for flexi/overtime payments for the BMU was predicted to reduce. The Chief Executive advised that this was due to the BMU now being fully staffed which should improve well-being. The Board suggested the introduction of a staff survey around well-being and the Chief Executive agreed to look at options. The Head of Operations confirmed that monthly 1-2-1s were in place for all staff which had welfare as a primary focus.

5.2.3 It was noted that the figures for tribunal recruitment were separate as these are subject to recharge to the respective SG policy areas. The Board were pleased to have received the level of detail provided and were content to approve the budget forecast for submission and discussion with the Scottish Government.

Action Point 2: The BMU will clarify the position in relation to travel and subsistence rates.

Action Point 3: The Chief Executive will look at additional ways of monitoring staff well-being.

5.3 Operational Plan

5.3.1 The Chief Executive provided an update and advised that good progress was being made overall. She confirmed that the next step was to develop the Operational Plan for 2023/24.

5.4 Risk register

5.4.1 The Chief Executive provided an update on the Risk register. The Board discussed Risk 1, the Governance and Operating model and Risk 2 Operations Management. The Board noted progress but agreed that there should be no changes to the risk scores.

Action Point 4: The Chairing Member and Chief Executive to review the Risk Register.

6. Policies

6.1 Policies paper

6.1.1 The Chief Executive summarised the Policies paper and the progress that had been achieved. The Board noted the update on the position.

6.2 Records Management Update

6.2.1 The Head of Operations provided an overview of the Records Management update paper and confirmed that the BMU should be in a position to submit a revised Records Management Plan for approval to the Keeper of the Records for Scotland, by the agreed deadline.

6.3 Draft Record Management Plan

6.3.1 The Head of Operations provided the Board with an overview of the Records Management Plan which follows the guide provided by the Keeper. He explained that each of the 15 sections is being updated and it should cover the full suite of documents being prepared. A final draft including a version control table will be provided for the Board at the June meeting.

6.4 Draft Record Management Policy

6.4.1 The Head of Operations talked through the Records Management Policy setting out the approach to the handling of all records and in particular storage, retention, security and personal responsibilities. The principle is that no electronic records or paper versions of documents containing personal information are retained beyond competition closure.

6.5 Data Retention and Destruction Procedures Policy

6.5.1 The Head of Operations explained the Data Retention and Destruction Procedures Policy. The Board discussed the process and suggested that a recording tool would be helpful to monitor and provide an audit function for the printing and destruction of documents by Board members and advisers.

Action Point 5: The BMU to issue guidance to all members and advisers regarding the creation of an audit trail of documentation they hold and dispose of.

6.6 Information Security Policy

6.6.1 The Head of Operations stressed the importance of the Information Security Policy and how personal information is managed. The Board discussed the process for submitting details about an information security incident including the hierarchy of escalation/action.

Action Point 6: The BMU to provide guidance on logging information security incidents and create a log that all Board members, advisers and BMU can access.

6.7 Business Classification Policy

6.7.1 The Head of Operations explained that the newly introduced Business Classification Policy provided a comprehensive list of security classifications for handling information. Documentation would be considered and classified under two categories – Corporate and Competition.

6.8 Data Protection Policy

6.8.1 The Head of Operations provided a summary of the Data Protection Policy and confirmed that the BMU is looking at the requirement for Data Protection Impact Assessments. The Board provided comments on the draft policy and discussed appropriate training for the Board on this issue. It was confirmed that the term 'JABS' refers to the Board, BMU and advisers collectively. Further updates and the final plan would be provided for the Board's consideration at its meeting in June.

Action Point 7: The Head of Operations to incorporate suggestions from the Board on records management. Policy documents would be reviewed to ensure a consistent approach to references. All documents will have numbered pages and paragraphs for ease of reading.

7. Current and Future Competitions

7.1 Upcoming Rounds

7.1.1 The Head of Operations gave a brief overview of the paper and details on upcoming rounds. The Board noted the contents of the paper.

7.1.2 Deirdre Fulton (Panel Chair) provided an update about the Sheriff 2023 round about the shortlisting approach and the preparations for interviews.

7.1.3 Liz Burnley (Governance and Oversight Panel Chair) provided a short update about the Social Security Chamber recruitment. The light touch recruitment had closed and the BMU had moved on to completing the due diligence checks. The Board should receive the recommendation report by correspondence by the end of May. The main SSC competition is progressing with the legal member role advertised, webinars held and videos developed to support outreach.

8. Programme for Change

8.1 Stephen Tierney, subgroup chair, updated that a note had been issued to the Board and work is ongoing with some rescheduling and reprioritisation because of the current competition work.

9. Any Other Competent Business

9.1 No items were raised by Board members.

The meeting was suspended for lunch and resumed to consider two areas of work in more detail.

10. Corporate Governance

10.1 Governance Review Presentation

10.1.1 Graeme Hill joined the meeting and provided an update on the progress on the Governance Review.

10.2 Governance Report

10.2.1 Graeme Hill provided an overview of the work he had been carrying out on behalf of JABS, reiterating the need for good governance and that it was essential for demonstrating effective management of Scottish Public Bodies. He noted the difference between an executive and advisory (JABS) NDPB, and the different levels of governance, particularly around financial reporting that this requires. He detailed for the Board the methodology used as part of his Governance Review. He reported that stage 1 of the review had been completed and the focus is now on finishing the supporting governance documentation. The Board then had a discussion on the governance report.

10.3 Interim report for the Board Appendix 1

10.3.1 The Board noted the contents of the Interim report.

10.4 Updated report for the Board Appendix 2

10.4.1 The Board noted the contents of the Update report.

10.5 Draft Standing Orders Appendix 3

10.5.1 Graeme Hill confirmed that the Standing Orders were in draft and will be updated with comments from the subgroup before being brought back to the Board.

10.6 Draft Governance Framework Appendix 4

10.6.1 Graeme Hill explained that the Governance Framework sets out the legislative and administrative context within which the JABS operates and references the key documents, describes roles and responsibilities, structure and organisation, as well as key policies and control arrangements. The Board had a short discussion and recommended that the complaints policy should be refined. The Board also agreed that the introduction of a regular Board performance review process would be helpful.

Action Point 8: The Chief Executive to provide a revised draft complaints policy for consideration by the Board.

Action Point 9: The Chief Executive will discuss arrangements for a performance review session with the Chairing Member.

10.7 Draft Scheme of Delegation Appendix 5

10.7.1 Graeme Hill confirmed that the Scheme of Delegation is based on the current Framework Document between JABS and Scottish Government and it details the range of decisions reserved to the Board and those delegated to the Chairing Member and Chief Executive. The Board noted the Scheme of Delegation was in draft and will be updated with their comments.

10.8 Key Governance Papers Document Appendix 6

10.8.1 The Board noted and agreed the development of the Key Governance papers.

Action Point 10: The Board were asked to provide comments on the governance papers on Huddle as soon as possible.

11. Diversity

11.1 Discussion of JABS approach to diversity, equity and inclusion

11.1.1 Liz Burnley explained that at the last Board meeting there had been a positive discussion about diversity and the Board had provided helpful comments and emphasised the importance of diversity being central to all the work of JABS. The Board had a discussion about:

- the definitions of diversity, equality and inclusion,

- The importance of language, including the use of equity rather than or as well as equality,
- the background to the diversity steering group,
- the challenge of introducing a change programme and
- how to work with partners to understand the barriers to applying for a judicial role.

11.1.2 It was suggested diversity be placed on the agenda as a standing item at future Board meetings. The Board agreed the importance of continuing to progress diversity work and will continue to develop its policy work paper, looking at any potential actions it can take.

Action Point 11: The Chief Executive to consider how to best undertake key stakeholder research and provide an update for the Board meeting in June.

12. Date of Next Meeting

12.1 The next meeting is on 19 June 2023 and is a full day.