

## **BOARD MEETING MINUTES**

**Monday 28 April 2025**

**9:15 am to 15:15 pm**

**Thistle House**

**Edinburgh**

### **Present:**

Mr Lindsay Montgomery CBE, Chairing Member

Mr Jonathan Barne, KC

Mrs Liz Burnley CBE

Mr Paul Cackette, CBE

Mrs Wilma Canning

Sheriff Principal Kate Dowdalls, KC (by VC)

President May Dunsmuir

Mr Paul Gray

The Hon. Lady Shona Haldane, KC

Ms Emma Marriott

Dr Fiona McLean

Mr Gareth Morgan, QPM

Mr Peter Murray

### **Attendees:**

Ms Paula Stevenson, Chief Executive (CE)

Mr Billy Love, Head of Operations (HoO)

Mrs Julie Tarbet, Appointments Manager

Ms Vanessa Inman, Appointments Manager, virtually for item 5.

Mr Daniel Trail, Appointments Manager, virtually for item 5.

### **Apologies:**

Sheriff Jane Farquharson, KC

Ms Denise Loney

The Hon. Lord Robert Weir, KC

### **Guest Attendees:**

Lord Ericht attended virtually for item 5.

Mr Graeme Hill attended for item 10.1.

## **1. Welcome**

1.1 The Chairing Member (CM) welcomed everyone to the meeting.

1.2 There were no declarations of interest raised by Board members.

## **2. Business from previous meeting**

### **2.1 Minutes of the 17 February 2025 meeting**

2.1.1 The Board approved the minutes of the previous meeting. The December 2024 minutes had been updated and finalised.

### **2.2 Action Tracker**

2.2.1 The CE updated the Board that good progress had been made especially on the issues that were raised at the February Board meeting. The Board was content with the update.

## **3. Chairing Member Update**

3.1 The CM spoke about a range of meetings he had with key stakeholders, including with the new Lord President, Lord Pentland and the DG Education & Justice. He subsequently, with the CE, had a very informative discussion with Kate Owen the Chief Executive of the Civil Service Commissioners.

3.3 The CM and CE will meet with the Cabinet Secretary in May to discuss an overview of the work of the Board, JABS's priorities, an overview of appointments and upcoming recruitment.

3.4 The CM explained that the June Board meeting would allow for time to look at the outcomes of the 2024 Judicial Attitudes Survey, a copy of which was sent out to Board members on 2 April 2025, a survey from England and Wales on the Motivations for Applying for Salaried Judicial Office, the report from the recent survey of KCs and the JABS feedback reports from recent recruitment rounds.

## **4. Chief Executive Update**

4.1 The CE introduced the update report and confirmed that the Judicial Office had asked to meet with JABS and Scottish Government in May 2025 to advise on the priorities for recruitment for 2025 onwards. The Board noted the report.

There was a change to the agenda and paper 6.5 was taken at this point in the meeting.

### **6.5 Late Applications Policy**

6.5.1 The CE talked to the paper saying that on a number of occasions in the past, JABS had been asked to consider whether to accept late applications from candidates. These requests would have been considered by a variety of panel chairs and it was thought helpful that there be more detailed guidance to support a consistent approach to such requests. She had reviewed the methodology employed by our sister organisations in the UK and JABS' own existing policy. She suggested that it was not necessary to set up a committee to look at this issue, if sufficiently detailed guidance

was provided, and subsequent decisions recorded for future reference. The draft policy was a pragmatic approach to deal with these issues.

6.5.2 The Board discussed the different scenarios for late applications and how they might be handled. A minimum advertising period of three weeks would assist potential applicants, alongside early signposting of future competitions. They felt that the policy provided a framework but it did not necessarily guarantee consistency. It was agreed that senior BMU staff should make a recommendation to the Panel Chair on cases covered by the guidance in the first instance, which need not go to the full panel. The BMU will record the outcome decisions for each request to help with consistency. For more complex/exceptional requests and that which fall outside the guidance, the Panel Chair will consult the panel and the Chairing member/Moderator.

**Action point 1: The CE to update the late applications policy with the Board's comments on advance requests and a permanent record of decisions.**

## **5. Board Recommendation Decision**

### **5.1 Upper Tribunal Decision**

5.1 The CM welcomed the attendees joining the meeting for this paper. Paul Gray, Panel Chair, spoke to the paper explaining their approach and the basis for the recommendations of the Panel. It was agreed that the Board could not reach a concluded view at this stage. The Panel chair sought the Board's agreement to reconvene the Panel to consider matters further. This was agreed.

**Action point 2: BMU to arrange an Upper Tribunal Panel meeting.**

## **6. Policies**

### **6.1 Retention policy**

6.1.1 The CE spoke to the paper explaining that the Board considered this policy at its last meeting and was mainly content but had requested additional legal advice on the retention of information in relation to character and conduct issues. The Board discussed the additional legal advice and the revised draft of the policy. They provided feedback on the draft policy which was then approved.

**Action point 3: The CE to update the draft retention policy, in relation to character and conduct issues based on the Board's feedback.**

### **6.2 Consultations update**

6.2.1 The CE spoke to the paper explaining that it provided further legal advice in relation to consultations. The Board discussed the paper and it was agreed the guidance to consultees be amended and strengthened to reflect the legal advice. The Board noted the paper and was content.

### **6.3 Character and Conduct (Competitions update)**

6.3.1 The CM referred to the papers issued to the Board about Character and Conduct issues identified during recent competitions. The Board discussed the issues and concluded that no further action was required.

### **6.4 Character and Conduct Policy**

6.4.1 The CE introduced the paper which addressed matters raised at the February Board meeting. She had considered the existing policy which seemed a little dated in light of recent discussions of the Board. She had proposed minor changes to the existing policy, including references to the new Character and Conduct Committee, however, felt that the new Committee would be best placed to take forward detailed amendments. They would then make recommendations on any updates required to the Standing Orders. On that basis, the Board requested that the policy should be marked up as 'interim'. The Board approved the interim policy. The CM had been giving some thought to the membership of the Character and Conduct Committee and would contact members to discuss their participation.

**Action point 4: The Character and Conduct Committee to consider and make recommendations for any revisions to the Character and Conduct policy and related procedures and bring this back to a future meeting.**

### **6.6 Outcome measures**

6.6.1 The CE introduced the paper, providing the context around the use of Key Performance Indicators (KPIs) or outcome measures. She advised that it was unusual for Scottish Advisory NDPBs to have KPIs. However, as part of the Corporate Plan for 2023 to 2026, one of the priorities in year two is to 'complete the development of a process for actively monitoring outputs, including the collection of statistical information to better inform approaches'. The Board discussed this complex area of work and whether it would be possible to develop meaningful and robust outcome measures.

6.6.2 The CM explained that the new CE will look to develop a range of outcome measures for consideration. He was looking for Board members to volunteer to assist in developing possible meaningful KPIs and outcome measures for inclusion in JABS next Corporate Plan.

**Action point 5: Board members to let the CM know if they wish to volunteer to assist in developing KPIs/outcome measures.**

### **6.7 Eligibility**

6.7.1 The CE introduced the paper looking at the ramifications of the Special Case. She and the CM had a meeting with Brodies to discuss how the outcome of the Special Case could potentially affect the eligibility criteria for other roles. The Board agreed that eligibility guidance is required for each role and this needs to be publicised to inform potential future applicants.

6.7.2 The CM advised that he and the CE will meet with the relevant stakeholders to discuss dissemination of the guidance. The Board was content with this approach.

**Action point 6: HoO to review and update the eligibility section of the application form and the website also to be updated to provide additional eligibility guidance for applicants and others.**

## **7. Programme for Change Update**

7.1 The CM spoke about the progress made in taking forward the PfC work and the key areas of work which will be covered at various meetings up to December 2025. The Board noted the paper and was content.

## **8. Business Plan 2025/6**

8.1.1 The CE spoke to the paper. The Board saw a first draft of the business plan at the February Board meeting and this has been updated following Board members comments. These included the development of a more strategic approach to judicial appointments and embedding efficiency measures identified as part of the PfC process. The Board was content and agreed it should be published on JABS website.

**Action point 7: The BMU to publish the JABS Business Plan for 2025/6 on the website.**

## **8.2 Communications and Engagement**

8.2.1 The CE explained that the paper provided an update on progress with the key aims for 2024/5 as set out in the Communications and Engagement Strategy. The Strategy has been updated with key aims for 2025/6 based on the likely recruitment workload and business priorities for the year ahead. The aim is to update the key aims and any allied challenges on an annual basis.

8.2.2 The new website, our key communication tool, should be up and running by the end of the year. Outreach events are another major part of the engagement plan, and JABS will be looking for volunteers from the Board to participate in them. The Board provided some comments on the Strategy and approved the priorities for 2025/6.

**Action point 8: Board members to let the CE know if they wish to volunteer to take part in outreach events to represent JABS.**

## **9. Current and Future Competitions**

9.1.1 The HoO gave a brief overview of the paper and details on current and potential upcoming rounds. The Board noted the paper.

## **10. Assurance of Governance**

### **10.1 Annual Corporate Governance report**

10.1.1 Graeme Hill joined the meeting and introduced the report highlighting the main points and recommendations. His view was that there was now a very good governance framework and policies in place. The main recommendations were that the CE should take forward an annual review of policy changes and that there should be an external audit every second year. The Board approved the governance recommendations.

**Action point 9: The CE to share the Corporate Governance report with the SG.**

## **10.2 Assurance of Governance**

10.2.1 The CE spoke to the paper to seek the Board's approval. She explained that the standard quarterly governance paper included a Health and Safety update for January to March 2025 and that otherwise, there were no matters of significance to raise. The Board was content to approve the report.

## **10.3 Budget Update 2024/5 and 2025/6**

10.3.1 The HoO gave an overview of the two papers. The first paper followed on from the additional information sent to the Board by email earlier in the month. It sets out the final budget position for the 2024/5 financial year.

10.3.2 The second paper provided an outline of an initial budget profile for 2025/6 which is predicated on a flat cash budget. This will cover the ongoing competition work and corporate costs and some of the anticipated costs of forthcoming competitions. The Board discussed the budget lines. The HoO confirmed that this year's budget will change once JABS had been given more definitive information on the competition demands for the coming year. The Board noted the papers.

## **10.4 Risk Register**

10.4.1 The CE introduced the paper with the only potential change being to the operational/staffing risk, but the Board was content with the current scoring. The Board discussed the risk register in full and agreed the CE's recommendation that a full review be taken forward when a new Chief Executive is in post. The Board was content.

## **10.5 Policies**

10.5.1 The CE explained that some policies are still to be finalised as input is needed from other parties and she is in regular contact with them. She provided an update on the Board Code of Conduct and its application to judicial members. The HoO has received the response from the Keeper of the Records for Scotland which impacts on a number of policies and he will bring a paper to the Board at a future meeting. The Board noted the update and was content.

**Action point 10: The HoO to update the Board on the outcome of the response on a number of policies from the Keeper of the Records for Scotland.**

## **11 Any Other Competent Business**

11.1 Emma Marriot raised that the relaunch event for Women in Law Scotland at The Scotsman Hotel, on 4 March 2025 was well attended. An event involving JABS would be helpful.

11.2 The Board thanked the CE for all of her hard work and wished her a happy retirement.

## **12. Date of Next Meeting**

12.1 The next meeting is on 16 June 2025.