

## BOARD MEETING MINUTES

Monday 20 December 2021,  
videoconference

### Present:

Professor Stephen Tierney (Chairing, in Deirdre Fulton's absence)  
Ms Neelam Bakshi  
Mrs Liz Burnley, CBE  
The Hon. Lady Wise, QC  
The Hon. Lord Minginish  
Ms Morag Ross, QC  
Sheriff David Young, QC  
Ms Emma Marriott

### Apologies:

Sheriff Principal Marysia Lewis  
Mrs Deirdre Fulton, Interim Chairing Member

### In attendance:

Ms Heather Tully, Interim Chief Executive (ICE)  
Ms Angela Kirkwood, Interim Head of Operations (IHoO)  
Miss Nicole Dickson, Appointments Administrator  
Mr Stuart Scott, Appointments Manager

## 1. Welcome & Apologies / Declarations of Interest

1.1 Apologies from SP Lewis and Deidre Fulton had been received. Ms Bakshi made her standard declaration on social security.

## 2. Consent Agenda Items

### 2.1 Minutes of Previous Meeting

2.1.1 The minutes were agreed, subject to paragraph 5.1.3 being rephrased for clarity. Ms Bakshi noted that the names of all recommended candidates should be excluded from the published version of the minutes, as they were currently embargoed.

### 2.2 CE Report

2.2.1 The ICE presented her report to the Board and its contents were noted. She advised that, given current public health guidance, meetings would continue to be conducted by videoconference for the time being.

### **3. Interim Chairing Member's Update**

3.1.1 The Board welcomed the appointment of Lindsay Montgomery as JABS' new Chairing Member, and looked forward to working with him once he joined the Board in January 2022.

3.1.2 The Board had planned to hold a strategy workshop on the afternoon of its January Board meeting: it was now proposed that this be arranged for February, once the Chairing Member had had the opportunity to settle in to JABS. It was observed that the afternoon of the February Board meeting (21 February) might be problematic for those members involved in the Sheriff Principal competition, as that date is the end of the sift.

*Action 2: BMU to explore whether an alternative date would be workable.*

### **4. Board Operating Model**

4.1.1 Ms Kirkwood presented her report, and it was noted that the issues and suggestions it raised could be discussed further at February's strategy session.

4.1.2 Ms Bakshi observed that JABS' Board had moved to taking more of an oversight role for tribunals recruitment. However, she noted that at JABS' inception there had been a clear intention that Board members would be directly involved in recruitment, which potentially created a tension with moves for the balance of the Board's role to shift from hands-on recruitment towards oversight.

4.1.3 Ms Burnley agreed that JABS should consider technology-driven approaches to sifting candidates, but highlighted that they were resource-intensive to develop and that issues of fairness, consistency, and credibility with the professions needed to be carefully considered. Ms Bakshi observed that experience had suggested that technological assessments could be useful in sifting out lower-performing candidates, but did not aid with the "bunching" of higher-performing candidates.

### **5. Review of recent Shrieval Competitions**

#### **5.1 Learning from full- and part-time competitions**

5.1.1 The lessons learned from the recent full- and part-time shrieval competitions were discussed. It was agreed that the legal and judicial members would discuss the development of case studies between themselves in more detail, and that the issue of agreeing a longlisting 'cut off' policy should be placed on January's agenda.

*Action 3: BMU to add longlisting to the agenda for January's Board meeting.*

*Action 4: legal and judicial members to report back to the Board on approach to case studies following further discussion.*

## **5.2 Diversity Statistics**

5.2.1 Ms Bakshi noted that the language on disability was not consistent across competition diversity reports.

*Action 6: BMU to ensure that language on diversity is adopted consistently in future diversity reports, and aligns with legislation.*

5.2.2 Ms Ross suggested that the Board could hold an engagement event on diversity, and Lady Wise noted that at its recent meeting the DSG had discussed the idea of holding a diversity conference.

## **6. JABS Governance Review**

6.1 The ICE provided a brief update on the planned Governance Review of JABS. Sponsor Unit had received a proposal from a supplier, and this would be discussed further at January's meeting.

## **7. Competition updates**

### **7.1 Current competitions**

7.1.1 The ICE gave update on the current number of applications for open recruitment rounds. The BMU had increased use of social media platforms to advertise these posts.

### **7.2 Sheriff 2022- provisional plans**

7.2.1 The ICE presented provisional plans for the Sheriff 2022 competition, for which a formal request had not yet been received from Judicial Office.

*Action 7: BMU to prepare a finalised competition proposal, including proposed panel, for the January Board meeting for approval.*

## **8. 2022: a look ahead**

8.1 The ICE presented a visual overview of the 2022 competition schedule, to illustrate the demanding programme for the year ahead.

*Action 8: BMU to put the overview of the 2022 competition schedule on Huddle.*

## **9. DSG**

9.1. Lady Wise updated the Board on the DSG meeting held on 13 December. The Board had asked the DSG to consider whether, in light of new SG guidance, JABS should make any changes to its approach on collecting and using data on gender, sex and trans status. The DSG had noted that there was ongoing legal challenge in this area, and advised that JABS should continue with its current approach pending the outcome of that challenge. This was agreed by the Board.

9.1.2 The DSG had also examined the diversity statistics for the recent competitions, and had cautioned against drawing firm conclusions from one set of part-time competitions, particularly as part-time roles could attract certain groups of applicants more than others and so were not necessarily representative.

## **10. Any Other Business**

11.1 Mr Tierney concluded the meeting by formally welcoming the Board's new lay member, Ms Marriott, who had been appointed on 1 December.

11.1.2 It was noted that John Cumming's would be leaving JABS when his second term as a lay assistant concluded on 5 January, and the Board formally noted its thanks to him for his contribution to JABS.

## **11. Meeting Close**