

BOARD MEETING MINUTES
Monday 18 December 2023
9:15 am to 15:30 pm
Thistle House

Present:

Lindsay Montgomery CBE, Chairing Member
Ms Neelam Bakshi
Mr Jonathan Barne
Mrs Liz Burnley CBE (by VC)
Mr Paul Cackette
Sheriff Principal Dowdalls, KC
Mrs May Dunsmuir
Mr Paul Gray
The Hon. Lady Haldane, KC
Ms Emma Marriott
The Hon. Lord Weir, KC
Sheriff David Young, KC

Attendees:

Ms Paula Stevenson, Chief Executive
Mr Billy Love, Head of Operations (HoO)
Mr Stuart Scott, Digital and Continuous Improvement Manager (DCIM)
Mrs Julie Tarbet, Appointments Manager
Ms Lorna Johnston, Executive Director, Standards Commission for Scotland (for agenda item 7 only)
Mr Richard Wilson, Standards Commission for Scotland (for agenda item 7 only)

Apologies:

Ms Cat Maclean

1. Welcome

1.1 The Chairing Member welcomed everyone to the meeting, and in particular the three new Board members, Jonathan Barne and Paul Cackette the new legal members and Paul Gray a new lay member to their first Board meeting.

1.2 The Chairing member thanked Neelam Bakshi for all her work as a Board Member over the last 8 years as this was her last Board meeting. He commented that Neelam brought real insight from her background in public appointments and her role in the reserved Social Entitlement Chamber. The Board congratulated Neelam on her appointment as a member of the First-tier Tribunal, Social Security Chamber from 1 January 2024.

1.3 The Chairing member also thanked Denise Loney, who had now stepped down from her role as temporary legal member, for her support and work for the Board.

2. Business from the previous meeting

2.1 Minutes of the October meeting

2.1.1 The Board asked for a minor amendment, relating to notification of interest for the meeting, to the minutes of the Board meeting held on 16 October 2023 but were otherwise content.

2.2 Action Tracker

2.2.1 The Chief Executive updated the Board on the significant progress on completing the actions in the Action Tracker. The Board were content.

3. Chairing Member Update

3.1 The Chairing Member updated the Board on a range of matters, including positive meetings with key stakeholders held about the diversity action plan, planned meetings for early 2024 and progress with the appointment of a Legal Appointment Adviser.

3.2 The Chairing member confirmed that unconscious bias training will be held on 6 and 20 February 2024 for Board members.

4. Chief Executive Update

4.1 The Board noted the contents of the Chief Executive's report, including the update about staffing, the Civil Service Pay Award for 2023-24 and 2024-2025, the change to the Scottish Government Public & Privilege Holiday policy and the update on JABS budget.

5. Policies

5.1 Records Management Plan

5.1.1 The HoO updated the Board on the records management plan. He confirmed that the aim was to submit the records management plan in January 2024 once all the evidence to support the plan had been collated.

5.1.2 The HoO informed Board members they would receive further guidance and training on the Record Management Policy in the new year.

5.1.3 The Board were content to approve the records management plan and for its submission to the Keeper.

Action point 1: DCIM to arrange training for Board members on the Records Management Policy in the new year.

5.2 Conflict of interest

5.2.1 The DCIM explained that following the October Board meeting a revised conflict of interest paper covering the new policy and process and which referenced the Board Code of Conduct had been produced.

5.2.2 The Board discussed the revised conflict of interest form and agreed it would be helpful to give applicants guidance on what constitutes a level of knowledge with a Board member. It was suggested that a declaration of interest form could be completed, if the need arose, as part of the interview process, if there was a late declaration.

5.2.3 The Board approved the process but amendments are required to the policy. The DCIM confirmed that the revised policy would be made shared on Huddle.

Action point 2: DCIM to revise the wording in the conflict of interest policy and share on Huddle.

Action point 3: The BMU to create a new huddle folder containing all updated policies.

Action point 4: The Judicial Code of Ethics to be added to the JABS website and recruitment guidance notes and referred to in application forms.

5.3 Criminal convictions

5.3.1 The HoO provided an update about the treatment of criminal convictions as part of the character and conduct assessment.

5.3.2 Following a discussion, the Board agreed to the revision of the wording in the application form and guidance and to update the statement of principles.

Action point 5: The HoO will update the statement of principles and amend the wording in applications forms, where appropriate.

5.4 Character and Conduct Checks – Social Media

5.4.1 The DCIM introduced the paper discussing the potential use of social media checks as part of JABS character and conduct assessment. The Board asked for a paper on this subject.

5.4.2 The Board agreed that there was a potential risk in not checking an applicant's social media accounts, however, this needs to be balanced by the resources required to undertake this type of check. The Board discussed the potential positive and negative effects of introducing this policy.

5.4.3 The Board approved the direction of travel and asked for a further discussion paper at a future Board meeting.

Action point 6: The DCIM to provide a further discussion paper on Media checks for the next Board meeting.

Action point 7: BMU to consider and prepare a paper on character and conduct assessment for a future meeting.

5.5 Disclosure checks

5.5.1 The DCIM outlined the current JABS Enhanced Disclosure process undertaken as part of recruitment competitions and the approaches taken by JAC and NIJAC in relation to the timing and payment for Enhanced Disclosure checks.

5.5.2 The Board agreed with proposals in the paper that JABS continue to request Enhanced Disclosure checks at the interview stage as part of the character and conduct process for all competitions. Payment for the check would continue to be the responsibility of applicants. However, for non-waged applicants applying for tribunal appointments, JABS would pay the cost of the Enhanced Disclosure checks.

5.6 Complaints

5.6.1 The Chief Executive explained that the original paper on the Complaints policy had been revised and takes into account comments made by the Board. There is still work to be done to finalise the policy, but it is important for an interim policy to be put in place which will cover the majority of issues.

5.6.2 The Board discussed the updated policy and agreed that the interim complaints policy should be put in place.

5.7 Eligibility Criteria

5.7.1 The Chief Executive updated the Board about a number of eligibility queries from recruitment rounds.

5.7.2 Whilst it is the candidates responsibility to properly answer the question in the application form of whether they consider themselves to be eligible to apply, it was agreed more information on eligibility would assist candidates. In future, fuller details of the eligibility criteria for each role within JABS remit will be set out on the JABS website.

6. Current and Future Competitions

6.1 Current and upcoming rounds

6.1.1 The HoO gave a brief overview of the paper and details on upcoming rounds. The Board noted the contents of the paper.

6.2 Operational Systems update

6.2.1 The DCIM provided an overview of the paper updating the Board about the ongoing work with JABS website, the Scottish Government Procurement process and timescale for the development of a specification for the website.

6.2.2 He also explained the proposed revisions to the scoring system in the new Applicant Tracking System (ATS) with work continuing this. He provided information on a new flowchart format which can be used alongside the existing timeline for competitions.

6.2.3 The Board were content with the paper and agreed the aim of implementing the ATS system for the Sheriff 2024 competition. Full training will be provided.

6.3. Allocation of candidates

6.3.1 The HoO gave a brief overview of the paper on the approach to be used for recommending candidates to particular locations in Sheriff and Summary Sheriff competitions.

6.3.2 Sheriff Principal Dowdalls provided an overview of the internal judicial transfer process that is undertaken before the Scottish Ministers make a request to JABS for recruitment.

6.3.3 The Chairing member confirmed that enhancing the information flow between JABS, Judicial Office, Judicial Institute and the Scottish Government was a priority to assist the planning and timing of competitions.

6.3.4 One paragraph required amendment and would be copied to members for consideration, but the Board were otherwise content to agree the process for considering geographical allocations. This process would be shared with Judicial Office and Scottish Government.

Action point 8: HoO to amend and circulate new paragraph of the allocations policy for approval to members and subsequently share with Judicial Office and Scottish Government.

7. Code of Conduct

7.1 Code of Conduct – Scottish Standards Commission

7.1.1 The Chairing Member welcomed Lorna Johnston, Executive Director, and Richard Wilson from the Standards Commission for Scotland. They provided the Board with a very helpful presentation about the Scottish Standards Commission code of conduct and the responsibilities of Board members. They confirmed that JABS Board members are covered by the Ethical Standards Framework.

Action point 9: SSC agreed to confirm the position of rental income in relation to Category 5 of the Code of Conduct.

Action point 10: SSC agreed to consider and advise on the Code of Conduct and its application to judicial members.

8. Diversity

8.1 Equality Impact Assessment Policy

8.1.1 The Chief Executive explained that JABS was not on the list of bodies set out in legislation that are required to carry out a formal Equality Impact Assessment, however, it was proposed that an appropriate form of Equality Impact Assessment could be introduced.

8.1.2 The Board discussed the contents of the paper and were content with the approach to Equality Impact Assessment.

9. Programme for Change

9.1 The refreshed Programme for Change subgroup will meet on 19 December 2023. The Chairing member and Deirdre Fulton plan to visit NIJAC and JAC in February 2024 to gather relevant information for the group.

10. Any Other Competent Business

10.1 Neelam Bakshi reflected on her time with the Board and thanked the members for their support over the last eight years.

11. Date of Next Meeting

11.1 The next meeting is on 19 February 2024. It will be in JABS boardroom.