

**BOARD MEETING MINUTES**  
**Monday 16 December 2024**  
**9:15 am to 15:30 pm**  
**Thistle House**  
**Edinburgh**

**Present:**

Dr Lindsay Montgomery CBE, Chairing Member  
Mr Jonathan Barne, KC  
Mrs Liz Burnley CBE  
Mr Paul Cackette, CBE  
Mrs Wilma Canning  
President May Dunsmuir  
Sheriff Jane Farquharson, KC  
Mr Paul Gray (by VC)  
The Hon. Lady Shona Haldane, KC  
Ms Emma Marriott (by VC)  
Dr Fiona McLean  
Mr Gareth Morgan, QPM (by VC)  
Mr Peter Murray  
The Hon. Lord Robert Weir, KC

**Attendees:**

Ms Paula Stevenson, Chief Executive (CE)  
Mr Billy Love, Head of Operations (HoO)  
Mr Stuart Scott, Digital and Continuous Improvement Manager (DCIM)  
Mrs Julie Tarbet, Appointments Manager

**Apologies:**

Sheriff Principal Kate Dowdalls, KC

**1. Welcome**

1.1 The Chairing Member (CM) welcomed new judicial member, Sheriff Jane Farquharson to her first Board meeting. The CM explained that it was helpful to have Gillian Russell, acting Director of Justice, attending the meeting before the Board's Strategy Day on 20 January 2025 so the Board could be updated on changes in the justice system, any further transfers to the Scottish Tribunals (which will then fall in our remit), and how we can collectively ensure better communication and future planning for competitions.

1.2 Gillian Russell joined the Board and thanked them for their hard work over a very busy year and welcomed the opportunity to provide the Board with an update on the areas it had raised. She agreed that a better understanding of the work of JABS is required in the Scottish Government and Judicial Office. The use of workforce planning tools would help the process, not just in determining the number of posts required, but also the skill sets needed. There needs to be a whole system approach of which JABS is a key part. She then explained the background to the set up of the Sexual Offences

**16.12.09**

Court, increasing the need for judges working with a trauma informed approach, and the wider pressures on the justice system which may create different demands for JABS.

1.3 JABS budget is based on demand led workflows, with competitions running over more than one financial year. She acknowledged that this can make budgeting difficult but there had been a positive outcome in 2024/5 with further monies made available to cover the additional competition demands. She agreed to look again at the budget if there were any further uncosted demands, but we are in a one-year budget cycle at present – it would be helpful if we could move to a three-year cycle. It would be helpful to look at longer term projections and assumptions for future recruitment. She agreed that better collaborative working was required. Gillian acknowledged the outreach work the Board was undertaking in relation to broadening the diversity of the pool of potential applicants and agreed that this did not all fall to JABS and that a partnership approach with other stakeholders was important. JABS will have a strategy day in the New Year and will then engage with the new Lord President, Lord Justice Clerk, SCTS and SG to share what a strategic approach to appointments might look like, as previously discussed with Lord Carloway. The Board thanked Gillian Russell for her very helpful presentation and the opportunity to discuss concerns with her.

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

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

### **2.1 Minutes of the 21 October 2024 meeting**

2.1.1 The Board approved the minutes of the previous meeting.

### **2.2 Action Tracker**

2.2.1 The Chief Executive updated the Board on the progress on completing the actions in the Tracker. Due to the additional competing competition work there has been slow progress in some areas. Work on refreshing the Risk Register will begin in 2025.

## **3. Chairing Member Update**

3.1 The CM referred the Board to his note which had been issued in advance of the meeting given the very full agenda for today. In addition, he advised that announcements on the new Lord President and Lord Justice Clerk will likely be made early in New Year. The Tripartite meeting in London is now set for February and whilst the agenda is still to be formalised JABS has been asked to discuss its work on 'merit'. He also emphasised how incredibly thankful he felt for the support of both Board members' and staff during a very busy period.

## 4. Chief Executive Update

4.1 The Chief Executive introduced the update report and explained that good progress was being made to fill the BMU team vacancies. This is being treated as a priority due to high flexi and annual leave balances amongst existing staff as a result of the overlapping competition work. Planning for new competitions in the next financial year would take into account the need for both staff and Board members to take leave.

4.2 As a result of issues with the finance system it had not been possible to prepare a budget outturn report. The HoO, however, provided the Board with a high-level budget overview based on BMU input information. The Board noted the contents of the report.

## 5. Diversity Action Plan

5.1 The Chief Executive spoke to the paper updating the Board on the further progress made on diversity matters. Senior Counsel had confirmed that JABS does not have a duty to take diversity matters into account in the selection process as that can solely be on the basis of merit, but it does have a continuing obligation to encourage as wide range of individuals as possible to apply for judicial office. JABS will continue to do that and as part of our communications and engagement strategy we will look for new and different ways to engage with less well represented groups. It is a strong driver for other key partners to take part in the work of the Diversity Reference Group.

5.2. The CM updated the Board on the collation of data over the last five years to develop a Diversity Data Report which, depending on staff capacity, will be issued before the next Diversity Reference Group meeting in February 2025.

**Action point 1:** Chief Executive to prepare a diversity position paper for a future Board meeting and issue the revised Diversity Data report to the Board as soon as it is available.

## 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 current and upcoming rounds. The Board noted the paper.

## 7. Policies

### 7.1 Record Retention policy

7.1.1 The HoO spoke to the paper and explained that it had been the intention as part of this update to provide further information on the character and conduct issues which arose in relation to a previous round. As it would be helpful to have all Board members present for this, this will be added to the agenda for the next Board meeting.

**16.12.09**

7.1.2 The HoO confirmed that it has proved very challenging to finalise the record retention and character and conduct issues policy paper. It would be worthwhile to obtain legal advice on certain elements which can further inform the paper, and this will be moved forward as soon as possible. The Board noted the update.

**Action point 2: HoO to add character and conduct issues and development of the policy paper to the next Board meeting agenda.**

## **7.2 Health and Safety Update**

7.2.1 The HoO introduced the paper which the Health and Safety Liaison Officer (HSLO) had produced as unfortunately, the HSLO was not able to attend the meeting. Good progress had been made with a risk assessment covering JABS offices included in the Health and Safety Report. This will be incorporated into the future Assurance of Governance reports. The Board noted the update and were content.

## **Programme for Change**

### **8.1 Programme for Change**

#### **8.1.1 Programme for Change – Consultation policy**

8.1.1 Deirdre Fulton introduced the paper about the consultation policy which was an agenda item at the last meeting but unfortunately there was insufficient time to do it justice. She had revisited the subject and produced a new cover paper. The Board discussed the confidentiality of responses and the advantages and disadvantages of adding independent assessment to the consultation process. The Board's view was that with appropriate safeguards, the process, more appropriately named personal/professional assessment, would be valuable in seeking evidence about candidates' suitability from personal/professional referees/assessors. This would be separate to the existing judicial consultations. It would also be helpful to sharpen and clarify the consultation processes and guidance for consultees.

**Action point 3: The consultation policy to be updated and guidance for and requests for information from consultees to be updated.**

**Action point 4: A policy and process for independent assessments to be prepared.**

## 8.2 Programme for Change Update

8.2.1 Deidre Fulton provided information on the background to the PFC and a detailed update progress to date with the key themes of

- benchmarking
- stakeholder engagement
- outreach
- candidate feedback
- appointments policies
- the consultation process
- skills and qualities
- candidate assessment

8.2.2 She updated on a range of meetings with key stakeholders and Board members which had been held to support benchmarking of JABS' processes. There was lots of learning that can help to inform the PFC work. There is potential to include some of the things counterpart bodies do. This may assist the JABS skills and qualities framework and the development of person specifications. The next steps are to go back with follow up questions to JAC and NIJAC and including information on costs.

8.2.3 Stakeholder engagement has been enhanced with discussions with the SPs about their request for more specialisation in sheriff role profiles. A discussion also took place with the Lord President about the role of Senator. The aim is to draft a stakeholder engagement plan by the second quarter of 2025.

8.2.4 JABS takes forward outreach relevant to the round but there are fewer outreach activities which are not linked to particular competitions. It would also be helpful to engage with previous and to potential candidates about the work of Board and appointments process and we plan to do this through a series of focus groups to help inform the Programme for Change. The challenge for further outreach activity is that it is time consuming and needs resources.

8.2.5 Candidate feedback surveys for Sheriff 2024 were issued and the feedback was positive. Surveys have been issued for Sheriff 2025 and a feedback report will be produced. The surveys will provide a good body of evidence, and we will be able to see any impact of the results of change in the feedback.

8.2.6 Standing Orders for Panels have been introduced and along with the moderator role have provided greater clarity and consistency of approach across panels, competition change process and appointment process papers.

8.2.7 The Board were provided with an update on JAC and NIJAC candidate assessment approaches.

### **8.3 Programme for Change – Introduction to Testing**

8.3.1 Deirdre Fulton spoke to a PowerPoint presentation which gave information on qualifying tests and evidential tests, both of which are used by JAC and NIJAC in their assessment processes. The Board had a discussion about the positive and negative aspects of the assessment methods and where this may be beneficial to the JABS appointment process. There was insufficient time to cover role play in testing. This will be brought back to the Board for the February meeting.

8.3.2 The Board noted the update, and the good progress made so far in PFC and thanked Deirdre Fulton for all of her work on PFC.

**Action point 5: BMU to add the Introduction to Testing presentation to Huddle.**

### **9. Any Other Competent Business**

9.1 The CM updated on the Special Case which will be heard in the Court of Session on 20 December 2024.

9.2 The CM asked the Board to note the Strategy Day on 20 January 2025 and that the Business Plan will be looked at in February 2025.

9.2 The Board thanked the BMU for all of their hard work over the last year.

### **10. Date of Next Meeting**

10.1 The next meeting is on 17 February 2025.