

BOARD MEETING MINUTES
Monday 19 February 2024
9:15 am to 15:30 pm
Thistle House

Present:

Dr Lindsay Montgomery CBE, Chairing Member
Mrs Liz Burnley CBE (by VC)
Mr Paul Cackette, CBE
Mrs Wilma Canning
Sheriff Principal Dowdalls, KC
President Dunsmuir
Mr Paul Gray (by VC)
The Hon. Lady Haldane, KC
Ms Emma Marriott
Dr Fiona McLean
Mr Gareth Morgan, QPM
Mr Peter Murray
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 Deirdre Fulton, Lay Appointment Adviser (by VC for agenda item 10 only)

Apologies:

Ms Cat Maclean
Mr Jonathan Barne, KC

1. Welcome

1.1 The Chairing Member welcomed everyone to the meeting, and in particular the four new lay Board members, Wilma Canning, Fiona McLean, Gareth Morgan and Peter Murray, to their first Board meeting.

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

2.1 Minutes of the 18 December 2023 meeting

2.1.1 The Board asked for a minor amendment, relating to the title of a Board member, 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 with the Action Tracker.

3. Chairing Member Update

3.1 The Chairing Member updated the Board on a range of matters, including productive meetings with the President of the Scottish Tribunals and the Chief Executive of the Scottish Legal Aid Board. He also provided an update on the new Applicant Tracking System which will be trialled as part of the next recruitment round.

4. Chief Executive Update

4.1 The Board noted the contents of the Chief Executive's report, including the update about staffing, a recruitment exercise for a UK Judge of the European Court of Human Rights and that dates for training and strategy days were being arranged.

Action point 1: Chief Executive to confirm a date for Board members for a strategy day as soon as possible.

5. Assurance of Governance

5.1 Assurance of Governance

5.1.1 The Chief Executive explained that the Scottish Government are currently working on updating the draft Framework Agreement. The Board noted the paper and agreed compliance with paragraphs 9-14 of the Framework Agreement.

5.2 Budget update

5.2.1 The Chief Executive explained the development of the two budget papers and provided the Board with an update on the current budget position for 2023-24. Further analysis is being done on the 2024/25 budget estimate. The Chief Executive will provide an update on any significant changes to the 2024/25 budget estimate shown in the Board paper. The budget will then need to be agreed with the Scottish Government. The Board noted the papers and were content.

5.3 Business Plan

5.3.1 The Chief Executive explained that good progress had been made in a number of areas of the Business Plan, however, capacity issues for the team limited the completion of some of the actions. The Chief Executive will bring the 2024/25 Business Plan to the Board meeting in April 2024.

5.4 Risk Register

5.4.1 The Chief Executive provided the historical background on the approach JABS had developed to the risk register and it was agreed that good progress has been made. The Board discussed and agreed the proposed changes to the Risk Register scores. The Risk Register will be an agenda item for the April meeting to enable a fuller discussion of JABS approach to risk.

6.1 Board Effectiveness Review

6.1.1 The Chairing Member introduced the paper and explained that the most recent Board Effectiveness Review was undertaken in August 2023, and it was good practice to review progress every 6 months. The next full review will be conducted in August 2024. The Board noted that good progress had been made over the last six months.

6.1.2 The Board agreed that it should promote JABS successes with stakeholders and the wider public with a view to improving awareness and perceptions of how judicial recruitment is undertaken. It was noted that JABS is developing a stakeholder engagement strategy.

Action point 2: Chief Executive to bring the stakeholder engagement strategy to the Board meeting in April 2024.

7 Policies

7.1 Policy Update

7.1.1 The Chief Executive gave a brief overview of the paper which showed the good progress which has been made in reviewing JABS policies. She confirmed that Board members can access the policies, including the Wellbeing policy on Huddle.

7.1.2 The Board discussed the development of an approach to the use of social media. A paper will be brought to a future Board meeting. The Chief Executive will review the existing Social Media Policy (approved by the Board in August 2023) to see if further amendment is required to be provided to Board members

7.1.3 It was noted that a number of policies would be coming up for review, however, it is anticipated that this should now be a more straightforward process.

Action point 3: The Head of Operations to ensure all Board members are sent the link to the key policy documents folder on huddle.

Action point 4: DCIM to bring forward a paper on Social Media.

Action Point 5: The Chief Executive to consider the scope of JABS social media policy and if further amendment is required for Board members.

7.2 Records Management Plan

7.2.1 The Head of Operations updated the Board on progress with the records management plan. He confirmed the records management plan had been submitted to the Keeper and that it is anticipated a response will be received from the Keeper sometime in May. An interim report will be sent to JABS, providing an opportunity to respond to any queries before the Plan is published on the JABS and the Keepers' websites.

7.2.2 The Head of Operations confirmed that guidance on record management for Board members has been provided by the DCIM and has been included in the induction for the new Board members.

Action Point 6: The DCIM will liaise with Board members individually to review their records management requirements and arrangements.

7.3 Business Continuity Plan (BCP)

7.3.1 The Head of Operations provided an oral update confirming that the Board had previously agreed the BCP subject to some minor amendments. He confirmed that the BCP will be updated again following the review of the Standing Orders. An alternative location for interviews and Board meetings was being sought in the event of Thistle House being closed due to an unforeseen incident. The Board would prefer a contingency building and suitable arrangements to be identified as soon as possible.

7.3.2 The Chief Executive confirmed that a survey of Thistle House had been undertaken and no reinforced autoclaved aerated concrete (RAAC) had been found.

Action point 7: Head of Operations to confirm a contingency location in the event of JABS not being able to use Thistle House.

7.4 Whistleblowing

7.4.1 The Chief Executive provided a brief overview of the paper which was first brought before it at the October 2023 meeting. The Chief Executive advised that legal advice was sought which confirmed that the whistleblowing provisions apply to all Board members including judicial members and lay and legal appointment advisers.

7.4.2 The Board discussed the inclusion of a whistleblowing champion in the policy for staff and a Board member volunteered to take on this role. It was agreed that a further meeting to discuss this role would be helpful.

7.4.3 The Board asked for one amendment to paragraph 9 of the policy but otherwise confirmed that they were content with the revised Whistleblowing policy.

Action point 8: Head of Operations and Paul Cackette to discuss a Whistleblowing champion role for the policy.

Action point 9: Paragraph 9 of the whistleblowing policy to be amended.

7.5 Legal Advice on status and obligations of the Board

7.5.1 The Chief Executive outlined the paper based on the legal advice that had been received on the Status of the Board and member's obligations. The Board discussed the implications of the legal advice; that it may necessitate amendments to the Scottish Government Framework Agreement and approved the recommendations in the paper.

Action Point 10 – The Chief Executive to obtain additional advice from Brodies on the obligations of the Board.

Action Point 11 – The Chief Executive to advise the Scottish Government of the advice received regarding the status and obligations of the Board and will discuss possible amendments required to Framework Agreement and terms and conditions.

7.6 Legal advice on eligibility

7.6.1 The Chief Executive explained that the Board previously agreed that legal advice should be sought on a number of questions surrounding the eligibility criteria for the range of roles which fall within JABS remit. This had now been received.

7.6.2 The Board discussed the additional legal advice, agreed to seek further clarification on certain aspects of the advice.

Action point 12: The Chief Executive to seek further legal advice on eligibility matters.

7.7 Conflict of Interest Policy

7.7.1 The Digital and Continuous Improvement Manager provided a brief update on the minor amendments to the Conflict of Interest Policy following the Board's feedback at the December meeting. The Board discussed the application of the policy and were content.

7.8 Website Update

7.8.1 The DCIM provided a brief overview of the paper and explained the progress to develop a new website for JABS and the next steps in the procurement process. Part of the plan is to engage with Board members and key stakeholders on design features for the site.

8. Current and Future Competitions

8.1 Current and upcoming rounds

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

8.2 Tribunals Update

8.2.1 The Head of Operations provided an outline of the paper describing a very positive meeting with the President of the Scottish Tribunals, covering a number of aspects, including steps to improve consultation on competitions and an update on the 2024 tribunal recruitment programme.

9. Diversity Action Plan

9.1 The Chief Executive introduced the paper and highlighted the progress being made with setting up the proposed Judicial Diversity Reference Group (JDRG) which would be expected to meet three or four times a year. Further work on diversity is being undertaken by the BMU. The Board noted the contents of the paper and were content with the plan, membership and remit of the JDRG.

10. Programme for Change

10.1 Deirdre Fulton joined the meeting online and talked to the paper providing background to the development of the Programme for Change (PfC) workstream. She explained the three key areas of work for PfC, the setup of the steering group and gave an outline of the PfC project timescale and approach. The Board discussed the PfC project and were content with the direction of travel.

Action point 13: Dates need to be agreed for the PfC steering group meetings to fit with Board meeting timetable.

11. Any Other Competent Business

11.1 There were no items raised by Board members.

12. Date of Next Meeting

12.1 The next meeting is on 15 April 2024.