

BOARD MEETING MINUTES
Monday 17 February 2025
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 (by VC)
Mr Paul Cackette, CBE
Mrs Wilma Canning
Sheriff Principal Kate Dowdalls, KC
President May Dunsmuir (by VC)
Sheriff Jane Farquharson, KC
Mr Paul Gray
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

To note, Sherrif Principal Dowdalls left the meeting at agenda item 6.1; Gareth Morgan and Liz Burnley left at the lunchbreak; President Dunsmuir and Lord Weir joined after the lunchbreak.

Attendees:

Ms Paula Stevenson, Chief Executive (CE)
Mr Billy Love, Head of Operations (HoO)
Mr Stuart Scott, Digital and Continuous Improvement Manager (DCIM) (for item 8.3 only)
Mrs Julie Tarbet, Appointments Manager

Apologies:

Ms Denise Loney

Guest Attendee:

Ms Christine O'Neill KC of Brodies attended for item 5.3 only

Pre-meeting

The Board had a private discussion about staffing with the Chief Executive and Head of Operations before the meeting started.

1. Welcome

1.1 The Chairing Member 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 16 December 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.

3. Chairing Member Update

3.1 The CM provided an update from the recent Tripartite event between JABS, JAC and NIJAC. Lady Hadane and Liz Burnley joined him and the CE in what proved to be a very productive day. It was agreed it would be helpful to do more collaborative work in future as all three organisations are grappling with similar issues. JAC gave a presentation on their forward looking three year strategy for judicial appointments. The NIJAC presentation focussed on a new Engagement Strategy. NIJAC are about to launch their five-year Corporate Plan (2025-30) and running alongside that a new Engagement Strategy Plan – with its key Strategic Theme for 25-30 ‘Engaging with Others’. The CE’s presentation on the development of JABS Merit Policy well received.

The CM spoke of a recent meeting he and the CE had with the Director of Learning and Education of the Faculty of Advocates. The Faculty agreed that it would be very helpful to have a session with JABs including some of its judicial members looking at beneficial approaches for those interested in gaining the experience necessary to apply for a judicial appointment. This would be quite separate from any outreach sessions for particular competitions.

In addition, he advised that JABS had been asked to join recruitment panels for the role of Deputy President of the Supreme Court and Justice and the UK Senior President of Tribunals.

The Chief Executive of JABS is retiring at the end of June and an SG recruitment process to appoint her replacement will begin as soon as possible.

4. Chief Executive Update

4.1 The Chief Executive introduced the update report and stated that reasonable progress had been made in the short time available since December 2024 and given the very substantial competition work currently underway. She explained that good headway had been made in filling staff vacancies and that scheduled staff wellbeing

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checks had taken place in January 2025. Procurement of the new JABS website is continuing and tenders were being reviewed by JABS and the Scottish Government.

4.2 The Board stressed its thanks to the staff for all of their hard work and effort over the last months, with the overlapping competitions, and asked for this to be reflected in the minute of the meeting.

5. Policies

5.1 Character and Conduct Committee

5.1.1 The Chief Executive spoke to the paper to propose to the Board a different approach to dealing with character and conduct matters. She explained that it would be helpful to develop enhanced guidance for panels and to consider setting up a Standing Committee on character and conduct. The Board agreed in principle and asked for a more detailed paper on the subject.

Action point 1: Chief Executive will update the proposal and bring back to a future Board meeting.

5.2 Records retention and consultations update

5.2.1 The Chief Executive introduced the paper on records retention and consultations. The Board noted the contents of the paper and were content with the principles of the policy but suggested some matters which required further legal clarification. These would come back to the next Board meeting.

Action point 2: BMU find out how JAC and NIJAC deal with information relating to consultations.

Action point 3: CE to engage with Brodies on outstanding questions and then look to review the Privacy Policy and guidance.

N.B. Agenda item 7 – the item on Diversity was taken at this point in the meeting.

7. Diversity

7.1 Diversity Update

7.1.1 The Chief Executive spoke to the paper updating the Board on recent activity in relation to Diversity issues. A second meeting of Judicial Appointments Diversity Reference Group (DRG) took place on 6 February 2025 and the minute in the Board paper sets out the full discussion. The CE will prepare a think piece for the DRG on options for the way forward. It was hoped that the planned summary report on diversity statistics would be available soon, but this was dependent on the availability of resources, given that JABS was heavily involved in competitions. The Board noted the contents of the paper.

5.3 Eligibility - Special Case Update

5.3.1 The Chairing Member explained that Christine O'Neill KC had been invited to the meeting to discuss the outcome of the Special Case. She talked through the paper she had provided and answered questions on the implications for eligibility requirements. The Board felt that the decision meant that there was the potential for more discretion in their decisions on eligibility.

Action Point 4: The CE will take further legal advice re potential impact on eligibility in relation to other judicial roles.

6. Programme for Change

6.1 Programme for Change – Testing

6.1 Emma Marriott introduced the agenda item and referred the Board to the Programme for Change (PfC) slides discussed at the December 2024 meeting. She explained that PfC had looked at how JAC and NIJAC undertake candidate testing. Role play is used at an early qualifying stage and the Board discussed the value of this as an assessment tool. It can be used in addition to case studies to give another source of evidence. The Board agreed that there was merit in looking at role play further as part of the PfC.

8. Corporate

8.1 Draft Business Plan 2025/6

8.1.1 The Chief Executive spoke to the paper advising that the draft Business Plan was developed taking account of the discussion at the Board Strategy Day and how it supported the Corporate Plan. She asked the Board for their views and if there were any gaps in the draft Business Plan. The Board discussed the Business Plan and suggested some areas for inclusion. The final draft will come back to the Board for agreement.

Action point 5: The Chief Executive to revisit the Business Plan and share the revised draft with the Board.

8.2 Communications and Engagement annual review

8.2.1 The Chief Executive explained that the Communications and Engagement Plan is reviewed annually. A broader plan of outreach activity will be helpful to assist in the recruitment of ordinary judicial office holder roles for the Scottish Tribunals. The Chief Executive will revise the Communications and Engagement Plan and bring it back to the Board at the April meeting.

Action point 6: The Chief Executive to bring a revised 2025/6 Communications and Engagement Plan to the April Board meeting.

8.3 Social Media Update

8.3.1 The Digital and Continuous Improvement Manager (DCIM) introduced the paper and explained JABS social media approach. The Board discussed the social media channels currently used by the Scottish Government and other organisations and how this could inform the development of a social media engagement plan and content with a view to increasing the reach and engagement of the JABS target audience. The Board were content with the approach and asked for the social media policy to be brought back at the next Board meeting.

Action point 7: DCIM to bring back the social media policy to the June Board meeting.

8.4 Competition plan Budget Plan 2025/6

8.4.1 The Chief Executive explained that it had been the intention to produce a draft competition programme plan for the meeting, based on the provisional set of priorities provided by SG, but as the HoO and the full team have been fully occupied in competition work it has not been possible to complete this work in full. Once complete, the plan will be shared and agreed with the Scottish Government and Judicial Office and an indicative budget will be produced.

9. Current and Future Competitions

9.1 Current and upcoming rounds

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.

Agenda item 8.5 was moved to follow the competitions update.

8.5 Policies update

8.5.1 The Chief Executive introduced the paper and explained that some policies are still to be finalised as input is needed from other parties.

8.5.2 We are making some headway on the operational policies as these are within our control. The only limitations are on capacity, both for Ms Fulton in relation to the PfC work and staff. But pleased to see that some of the more complex areas such as merit and diversity have now been addressed. New policies on late applications and the menopause will be drafted as soon as capacity allows.

The Keeper of the Records has now responded to the JABS submission and an update will be provided at the next Board meeting. The Board were content with the update.

Action point 8: The BMU to include hyperlinks to individual policies in the next Policies update paper.

10. Assurance of Governance

10.1 Assurance of Governance

10.1.1 The Chief Executive spoke to the paper explaining that it was the standard quarterly update for October to December 2024 and there were no significant matters for the Board to discuss. The Board noted that update and were content to approve the report.

10.2 Budget Update 2024/5

10.2.1 The Chief Executive confirmed that she had sent Board members an email on 14 February 2025 with an update on the 2024/25 budget position. Given the challenges which had resulted from the introduction of the new SG finance and HR system, the CE and team were reviewing the financial information to prepare a budget report and will provide the Board with an update as soon as possible.

Action point 9: The Chief Executive to send the updated budget report to the Board.

10.3 Risk Register

10.3.1 The Chief Executive introduced the paper indicating that after a review of the risk register and discussions with the Chairing member, they think that the operational/staffing and budget risks have increased. She highlighted the work to mitigate the operations management risk and that the Risk Register will be reviewed later in 2025. The Board noted that update and were content with the paper.

11. Any Other Competent Business

11.1 Emma Marriot raised the relaunch event for Women in Law Scotland at The Scotsman Hotel, Edinburgh on 4 March 2025. She is happy to arrange an invite for any Board member who wishes to attend.

12. Date of Next Meeting

12.1 The next meeting is on 28 April 2025.

12.2 Sheriff Jane Farquharson tendered her apologies for the next Board meeting.