

BOARD MEETING MINUTES
Monday 19 June 2023
9:15 am to 15:30 pm
Thistle House

Present:

Dr Lindsay Montgomery CBE, Chairing Member
Mrs Liz Burnley CBE
The Hon. Lady Haldane, KC
Ms Denise Loney
Professor Stephen Tierney
Sheriff David Young, KC

Attendees:

Ms Paula Stevenson, Chief Executive
Mr Billy Love, Head of Operations
Stuart Scott, Digital and Continuous Improvement Manager
Mrs Julie Tarbet, Appointments Manager
Mr Graeme Hill (for agenda item 6)

Apologies:

Ms Neelam Bakshi
Sheriff Principal Dowdalls, KC
Mrs May Dunsmuir
Mrs Deirdre Fulton
Ms Cat Maclean
Ms Emma Marriott
The Hon. Lord Weir, KC

1. Welcome and Apologies

1.1 The Chairing member welcomed Denise Loney to her first meeting of the Board, in her capacity as a temporary member, noted the apologies and informed the Board that Graeme Hill would join the meeting for agenda item 6.

2. Business from the previous meeting

2.1 Minutes of the April meeting

2.1.1 The Board were content with the minutes of the meeting held on 17 April 2023.

2.2 Action Tracker

2.2.1 The Chief Executive updated the Board on the Action Tracker. There were two points to note:

- Members should contact the BMU to arrange any hotel accommodation for the best rates and that any requests for hotel accommodation above the standard rate would require authorisation from the Chief Executive.
- An update to the risk register will be provided at the next meeting.

3. Chairing Member Update

3.1 The Chairing Member thanked Liz Burnley for stepping in for him during his recent absence. He advised the Board that the Lord President had written to him to confirm that the new Sheriff Principal on the Board will be Kate Dowdalls. The Board thanked Sheriff Principal Aisha Anwar for her contribution and wished her well in her new role as the President of the Sheriff Appeal Court.

3.2 The Chairing Member updated the Board on the recruitment for new Board members and legal appointment advisers. He provided information on upcoming meetings and thanked everyone for their hard work over recent weeks for the Sheriff recruitment round.

3.3 He confirmed that it has been agreed with the Judicial Appointments Commission and Northern Ireland Judicial Appointments Commission that the tripartite will take place on Tuesday 10th October.

4. Chief Executive Update

4.1 The Chief Executive confirmed that she had been in discussions with Brodies Solicitors, the Board's legal advisers, about the potential for training events for members.

4.2 She made the Board aware of the positive feedback received from the legal appointment advisers on BMU processes and staff support for both the Sheriff and SSC recruitment rounds.

4.3 Guest wi-fi has now been set up on the first floor for all members to use. As the password changes regularly, updated information will be provided in the Hub.

4.4 The Chief Executive advised the Board of a range of stakeholder meetings which will take place in the coming months and that a training plan was being developed which would include visits to courts and tribunals.

4.5 The Board noted the contents of the Chief Executive's report, including the finance update.

5. Corporate

5.1 Corporate Plan

5.1.1 The Chief Executive explained that the corporate plan was largely that which was discussed at the March Board meeting but has now been updated to include the Charing Member's feedback. After a brief discussion, the Chief Executive asked

Board members to respond with any final comments as soon as possible. The cover page and formatting will be finalised, with a view to final publication in August.

5.2 Business Plan

5.2.1 The Chief Executive updated the Board on the development of the business plan which included budget information. The Board requested recharge details for the Social Security Chamber competition be included in the plan. The Board confirmed that they were otherwise content with the business plan.

5.3 Annual Report

5.3.1 The Chief Executive talked to the first draft of the Annual Report. She confirmed that the draft is following the same format as last year's report for consistency and that further analysis will be included for the diversity figures at Appendix A.

Board members are asked to provide any comments by 7th July so that a final version, can be brought to the August Board meeting for approval, with a view to publication in September.

5.4 Code of Conduct – Standards Officer paper

5.4.1 The Chief Executive advised the Board that the Scottish Ministers had approved the Board Code of Conduct last year. The Standards Officer role, as set out in the Code, is intended to support Board members and provide advice and assistance when required. It was suggested that it would be helpful to ensure paragraph 11 be revised to reflect Board member's operational duties as set out in the Code of Conduct.

5.4.2 The Chief Executive advised that the Standards Commission had offered to conduct training on the Code and suggested, particularly with new members coming onto the Board, that this could be delivered at the October Board meeting. The Board supported training on the Code of Conduct.

Action point 1: The Board are requested to provide any final comments on the corporate plan as soon as possible.

Action point 2: The BMU will update the business plan with information on the Social Security Chamber costs.

Action point 3: The Board are requested to provide any comments on the Annual report by the 7 July 2023.

Action point 4: The BMU to revise paragraph 11 of the Standards Officer paper to reflect the Board's operational duties as set out in the Code of Conduct.

Action point 5: The Chief Executive to arrange training on the Code of Conduct for the October Board meeting.

6. Corporate Governance

6.1 Governance Review update paper

6.1.1 Graeme Hill provided an update on progress since the April Board meeting which he attended and talked through items 6.2-4.

6.2 Draft Standing Orders

6.2.1 Graeme Hill provided an update on the Standing Orders and confirmed that the governance review subgroup had provided additional feedback. The Board discussed the Chairing Member's suggestion of having of a deputy Chairing Member role and how this could be taken forward. Members agreed it would be helpful to discuss this matter with the Scottish Government. The Board approved the Standing Orders, subject to one duplication being removed, which will be dated 19 June 2023.

6.2.2 It was agreed that a separate piece of work codifying the governance arrangements for competition panels is required.

6.3 Draft Scheme of Delegated Authority

6.3.1 Graeme Hill explained that the Scheme of Delegated Authority had been updated following the Board's comments. The Board were content with the Scheme of Delegated Authority.

6.4 Draft Governance Framework

6.4.1 Graeme Hill explained how the Governance Framework set out all of the governance arrangements for JABS. Work is ongoing to develop the anti-fraud policy. The Board confirmed that they were content with the Governance Framework.

6.4.2 The Chairing Member thanked Graeme Hill for his advice and work on the corporate governance arrangements.

6.4.3 The Board were advised that the Scottish Government had agreed to a short extension to Mr Hill's contract as the governance review work had been delayed due to the Chairing Member's absence.

Action point 6: The Chairing Member will speak with the Scottish Government about possible options to appoint a deputy Chairing Member.

Action point 7: The governance review subgroup will consider codifying governance arrangements for competition panels.

7. Policies

7.1 Records Management Update

7.1.1 The Head of Operations provided an overview of the Records Management update paper and confirmed that information on the records management policy will be included in induction training for all in JABS. It is intended that the Board review this policy annually. The Head of Operations clarified that Huddle would remain the platform for sharing information with Board members.

7.2 Draft Record Management Plan

7.2.1 The Board confirmed they were content with Record Management Plan. The Head of Operations confirmed that it would now be submitted to the Keeper thus meeting the agreed deadline for submission. The Keeper will provide feedback in due course.

7.2.2 The changes to Huddle, the G: Drive and ERDM (which will be the repository for JABS documents of record) will likely take to the end of the year to complete. The Board asked for clarity on the accessibility of information stored on ERDM from outwith JABS – ERDM is facilitated by the Scottish Government, but access is strictly limited to JABS.

7.2.3 Discussions are ongoing as regards a transfer agreement with the Keeper. Any personal data shared with the Keeper, under such an agreement, could not be released for 84 years.

7.2.4 Training and guidance is being developed to assist members and appointment advisers regarding the security and disposal of documents (including electronic documents).

7.3 Draft Record Management Policy

7.3.1 The Board were content with the Record Management Policy.

7.4 Data Retention and Destruction Procedures Policy

7.4.1 The Board confirmed they were content with the Data Retention and Destruction and Procedures policy.

7.5 Information Security Policy

7.5.1 The Board were content with the Information Security policy.

7.6 Business Classification Policy

7.6.1 The Board confirmed that they were content with the Business Classification Policy.

7.7 Data Protection Policy

7.7.1 The Board confirmed that they were content with the Data Protection Policy.

7.8 Business Continuity Policy

7.8.1 The Head of Operations confirmed that the Business Continuity Policy gives a robust, comprehensive internal business continuity management system to ensure that essential functions and services are maintained and can be delivered following any significant incident, failure or disruption.

7.9 Business Continuity Plan

7.9.1 The Head of Operations outlined the content of the draft Business Continuity Plan. The plan will be developed further, with more detail on processes and a revised draft will be brought back to the August Board meeting.

Action point 8: The Digital and Continuous Improvement Manager (DCIM) to provide information on the security and accessibility of ERDM.

Action point 9: BMU to contact each Board member and appointment adviser to discuss security and disposal of all documentation (paper and electronic formats) and appropriate training and guidance provided.

8. Current and Future Competitions

8.1 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.

8.1.2 The Head of Operations provided an update about the Sheriff 2023 round.

8.1.3 Liz Burnley (Governance and Oversight Panel Chair for the SSC recruitment) provided a short oral update about the Social Security Chamber recruitment. The light

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touch recruitment is proceeding to conclusion and the Board should receive the recommendation report by correspondence during July. The full competition is proceeding well and moving to the interview stage.

The meeting adjourned for a lunch break.

8.2 Applicant Tracking System

8.2.1 The Digital and Continuous Improvement Manager (DCIM) provided an update on the development of the Applicant Tracking system. He is hopeful that this should be in place in time for the Summary Sheriff round with training for the DCIM starting at the end of July with a roll out for the BMU after that date. The aim is to make the system easy to use for all Board and panel members with bespoke training developed to support them. The Board discussed the scoring system and how this could work in the new system. The DCIM will look at options for consideration with assistance from Board members.

Action point 10: Those Board members who would wish to volunteer to assist with the development of the new ATS system should email the DCIM.

9. Diversity

9.1 The Chief Executive provided an update on the Diversity Action Plan which took into account the Board's comments from its April meeting. The Board discussed the diversity statistics, including the number of applications from those with protected characteristics. As part of the plan, the BMU will collate diversity information as part of the wash-up sessions after each round closes, which will inform subsequent outreach activities. The Board agreed that further research would be helpful in this area. There was a discussion about the future of the Diversity Steering Group and the role of a new Reference Group. The Board approved the Diversity Action Plan and for it to be issued for discussions with key stakeholders.

Action point 11: Chief Executive to consider options for survey work on under-represented cohorts.

10. Programme for Change

10.1 Update

10.1.1 The Chairing Member advised that the only the Governance Review Subgroup had been able to make significant progress over the last few months as it had an external adviser, who had been doing much of the review work and drafting. The remaining PfC subgroups had found it difficult to make progress due to the competing recruitment work which had to take priority. He suggested that some time at Board meetings will be allocated to take forward this work and that additional resources would be brought in to support the PfC work, and any updates will go directly to the Board.

10.2 2019 Research Paper

10.2.1 The DCIM provided an overview of a 2019 research paper. He explained that JABS is looking carefully at the additional research required to support the PfC work.

10.3. 2019 Research paper – review

10.3.1 The Board noted that the research in 2019 had identified some key themes, which could be built upon for the PfC work. The Board discussed how various parts of the recruitment process could be strengthened. More information on timelines for competitions should be made available and more robust feedback processes should be considered.

Action point 12: BMU to look at options for analysing information on the professional background of unsuccessful applicants and long-term trends.

Action point 13: BMU to provide potential applicants with more advance information on recruitment rounds and more information for applicants on the timelines involved in each round should be provided in the acknowledgement email and throughout the process.

Action point 14: BMU to prepare a detailed end to end process map to share with key stakeholders to explain the steps required for a successful competition and to assist in planning.

Action point 15: BMU to review feedback processes and to consider the approaches used by other jurisdictions which may assist.

Action point 16: Chairing member and Chief Executive to consider what additional research work would assist with the PfC work.

11. Any Other Competent Business

11.1 No items were raised by Board members. The Chairing member flagged the ongoing employment tribunal case involving the Judicial Appointments Commission.

12. Date of Next Meeting

12.1 The next meeting is on 21 August 2023 and is a full day.