

BOARD MEETING MINUTES

**Monday 24 May 2021,
videoconference**

Present:

Mrs Deirdre Fulton, Interim Chairing Member	Professor Stephen Tierney
Mrs Liz Burnley, CBE	The Hon. Lady Wise, QC
Sheriff Principal Marysia Lewis	Sheriff David Young, QC
Mrs Alison Mitchell (until 11.05)	
Ms Morag Ross, QC	

Apologies

Ms Neelam Bakshi
The Hon. Lord Minginish

In attendance:

Ms Collette Paterson, Chief Executive (CE)
Ms Aimee Law, Acting Head of Business Management Unit (SHBMU)
Mr Andrew Cairns, Business Support Officer
Ms Eilidh Wiseman (item 2 only)

1. Welcome & Apologies / Declarations of Interest

- 1.1 The Interim Chairing Member welcomed all attendees to the remote meeting and noted apologies from Ms Neelam Bakshi and Lord Minginish. Lord Minginish had provided extensive comments in writing which had been shared with the Board. It was confirmed items would be taken in a new order as per the revised agenda.

2. Interim Chairing Member

2.1 IC Update

- 2.1.1 The IC and CE had met with Scottish Government colleagues, as Scottish Ministers are close to launching the Public Appointments process for the Chairing Member and other board positions. The IC has asked to be a member of the panel for the new Chairing Member.
- 2.1.2 In the next period, the IC and CE will meet with the incoming President of the Law Society of Scotland and the Dean and Clerk of the Faculty as part of the ongoing relationships with the professional bodies.

3. Consent Agenda Items

The following items were covered under the consent agenda and noted and approved as appropriate by the Board:

3.1 Minutes of the Previous Meeting

Approved.

3.2 CE Report

Noted.

3.3 Assurance of Governance

- 3.3.1 The Q4 report was agreed. The IC noted that it was important to take the time to review the assurance of governance provided by the CE, and it was agreed these items should be 'for agreement', in line with the CE and Board's respective responsibilities under the Framework Agreement.

3.4 Risk Register

- 3.4.1 The CEO had substantially reviewed this. The Board approved this for Q4 review and noted that further discussion on the Board's risk appetite, and consideration of corporate and strategic risk would be the focus of the risk workshop being planned.

3.5 Policy Update

- 3.5.1 Approved.

BMU Action (1): To ensure full BMU undertake Data Protection and FOI training.

4. Sheriff Recommendations

4.1 Sheriff Recommendations 2021

- 4.1.1 The original request from Judicial Office was for 19 Sheriff vacancies. This was revised to 20 vacancies during the application process. 114 applications were received for these posts. The longlisting process was used for this competition as outlined in the candidate paperwork and on our website. Longlisted candidates were then shortlisted and 29 candidates were then put forward for interview for 20 posts.
- 4.1.2 Following the quality assurance discussion, the Board accepted all proposed recommendations made by the panel and recommended 19 out of 29 candidates for appointment, subject to final discussions with JO on the matching of those to be recommended to Sheriffdoms.
- 4.1.3 Deirdre Fulton thanked Eilidh Wiseman for her contribution to the work of JABS which ends today.

- 4.1.4 The Chief Executive thanked staff for their exemplary efforts during this competition.

BMU Action (3): CE to consult with JO and Board to finalise recommendations either by correspondence or by extraordinary meeting depending on JO response.

5. Urgent requests for recruitment/extraordinary appointment of Legal Assistants

5.1 Part-time Sheriff and Summary Sheriff competition: next steps

- 5.1.1 Following informal notification on requirements updated regularly since January, JABS received the official request from Scottish Government on 21 May 2021 for 15 part time Summary Sheriffs and 15 part time Sheriffs.
- 5.1.2 Following extensive discussion, the Board confirmed the start date in December 2021 was unlikely to be able to be met, given that there would be a need to run two appointment rounds, rather than just one in light of the requirement for part time Sheriffs in addition to part time Summary Sheriffs. The Board discussed the potential size of the pool and whether longlisting would need to be applied, and that it could commit to a start date of end January 2022, subject to the preparation of an updated timeline and draft panel allocation.
- 5.1.3 The Board agreed a number of principles will apply to the competitions: (i) all JABS standards will be maintained as whilst the commissions are part-time, these judicial office holders undertake the full range of duties associated with the relevant office and are renewable on a five year cycle; (ii) the principle of self-selection will apply whereby candidates can apply for only one office; (iii) previous applicants to permanent judicial office will require to re-submit their application; (iv) the competitions will run in parallel; (v) ideally the interview time will not be cut down and ideally case studies will be dealt with on the day of the interview.

BMU Action (4): The CE to advise the Judicial Office for Scotland and the Scottish Government that the start date of December 2021 cannot be met and that JABS can commit to a start date of end of January 2022.

BMU Action (5): to remodel the competition and project plans and present to June Board for review and agreement to proceed with launching the part time shrieval competitions.

5.2 VAC President: next steps

- 5.2.1 The President of the Scottish Tribunals requires the President of the Chamber to be in place by December 2021 and requires that person to be involved in developing the regulations for the new Chamber and recruiting the members. Confirming undertakings already given to the Scottish Government in writing that will inform advice to the Cabinet Secretary on the timescales for the transfer of this tribunal from the SG to the SCTS, the Board confirmed next steps and asked for a detailed model and project plan for the competition to be produced. The IC and CE will meet with the President of the Scottish Tribunals to discuss the composition of the panel, but Lord Minginish had already requested to be involved on the panel given his role as President of the Lands Tribunal for Scotland.
- 5.2.2 The Board touched on the future recruitment of the VAC members, confirming there would need to be discussion on the role of longlisting.

BMU Action (8): IC and CE will meet with the President of the Scottish Tribunals to discuss the composition of the panel for the VAC President.

BMU Action (9): To produce a detailed competition model and project plan for the VAC Members competition.

6. Legal Assistants

6.1 Legal Assistants: Options Appraisal

- 6.1.1 Following the paper and extensive discussion, the Board agreed to consider mock paperwork for the recruitment campaign for Legal Assistants.

BMU Action (9): CE to bring mock paperwork for a recruitment campaign to a future Board meeting.

7. Any Other Business

The CE raised that the detailed specification for the 2021 Review would be circulated by correspondence in early course.

8. Close and Review

The meeting closed at 12:50.