

BOARD MEETING MINUTES
Monday 31 October 2022,
Hybrid, Thistle House

Present:

Dr Lindsay Montgomery, CBE, Chairing Member
Sheriff Principal Aisha Anwar
Ms Neelam Bakshi,
Mrs Liz Burnley, CBE
Mrs Deirdre Fulton
The Hon. Lady Haldane, KC
Ms Cat Maclean
Ms Emma Marriott
Ms Morag Ross, KC
Sheriff David Young, KC
Mrs May Dunsmuir (by VC)
Professor Stephen Tierney (by VC)

Attendees:

Ms Paula Stevenson, Chief Executive
Mr Billy Love, Head of Operations
Mr Stuart Scott, Interim Digital and Continuous Improvement Manager (for item 7)

Secretariat:

Ms Julie Tarbet, Appointments Manager

Informal meeting between the Chief Executive, Head of Operations and Board Members

The Chief Executive (CE) introduced the new Head of Operations (HO), Billy Love and together they had a private meeting with Board members to discuss staffing capacity and well-being.

1. Welcome and Declarations of Interest

- The Chairing Member (CM) welcomed Billy Love, HO, to his first Board meeting.
- Ms Bakshi made her standard declaration regarding membership of the Social Entitlement and Employment tribunals. She later excused herself from the Social Security Chamber Light Touch Recruitment agenda item 7.3.

2. Review of Minutes and Action Tracker

- The Board approved the minutes from the previous meeting on 12 September 2022.
- The CM confirmed that the Action Tracker had been reviewed with the focus now on actions that are outstanding.
- The Board were content with the Action Tracker.

3. Chairing Member Update

The CM provided the following update:

Visit to NIJAC

- The CM and CE visited NIJAC in Belfast. Although their legislation is different there are similarities and learning that can be shared with JABS. NIJAC has very developed staffing arrangements with experienced senior managers. The presentation from the meeting will be shared with the Board.
- The CM and CE intend to arrange a visit to JAC in the future.

Action 1: BMU to issue the presentation from the NIJAC meeting to the Board.

Board Appointments

- The CM confirmed that Deirdre Fulton, Morag Ross and Stephen Tierney were leaving the Board early next year and thanked them for their excellent work, and commitment to JABS.
- The CM confirmed if departing colleagues were content, they may remain part of a recruitment panel for 6 months.
- The Regulations would shortly be passed to increase the size of the Board. In total, the Public Appointments Team will be asked to take forward an exercise for a replacement Advocate member and two Lay members, two additional Lay members and a Legal member. The Lord President will appoint an additional Senator.
- The CM recognised that it was important to appoint the right mix of people to the Board and will undertake a skills assessment which could help inform the recruitment process.
- The Board discussed the implications of the loss to the Board of three experienced members with a significant round of appointments in 2023 and the importance of their early replacement. They were keen for clarity about their level of commitment for the next 12 to 18 months.
- The CM confirmed that there would be continued engagement with Scottish Government, Judicial Office and the Judicial Institute on a more appropriate planning process.

Action 2: The BMU will develop and issue a skills assessment to the Board for comments.

4. Chief Executive Update

- The Board noted the content of the CE report and that further discussion about Assurance of Governance was tabled at agenda item 5.
- Since the report was drafted, Scottish Government officials responsible for the Parole Board for Scotland had asked for information about the timing of candidates being informed of the outcome of the appointments process. An in depth discussion followed by the Board. They recognised that the 2008 Act only required JABS to make a recommendation to Ministers. However, given its status as an independent decision-making body, it was JABS policy to inform successful

and unsuccessful interview candidates of the Board's recommendation. The independence of JABS, the need for openness and transparency was stressed.

- The CE confirmed that a paper would be drafted to confirm JABS' policy.

Action 3: CE to prepare a paper clearly setting out the process for notification of JABS recommendations to candidates for consideration by the Board before issue to Scottish Government officials.

5. Assurance of Governance

Finance Update

- The CE explained that the six monthly Finance report had been enhanced to provide a more comprehensive overview of the Board's financial position.
- For clarity the CM confirmed that the Director General is the Accountable Officer for JABS, the budget holder is the CE and the Board has a responsibility to monitor spending.
- The Board discussed the importance of understanding the costs of all competitions, not just those that are rechargeable. There also needs to be a mechanism for recording Judicial members' time as, in the main, they do not claim fees for JABS work.
- Moving forward, this approach will assist the CE in being able provide a clearer indication of the JABS performance against budget and inform discussion with the Scottish Government.
- Some Board members were unclear about claiming travel and subsistence expenses.

Action 4: BMU to draft a new claim for all Board members which ensures a clearer breakdown of fees between rechargeable and standard Board work and expenses.

Action 5: BMU to provide guidance to all Board members on their eligibility for and process of claiming fees and expenses. This would be included as part of JABS induction going forward.

Action 6: BMU to look a process for estimating time spent by Judicial members on all JABS work, including competitions.

Operational Plan

- The CE informed the Board that work had progressed with risk management and finance management and reporting. Work is well underway to ensure new BMU staff are recruited which should bring the BMU to its full complement.
- The Board noted the revised timescales in the Operational Plan.

Risk Management

- The Board thanked the CE for the risk management presentation and the new format of the Risk Register.

- The Board discussed the principle of risk appetite, that the risk process should be proportionate and each risk in detail. IT equipment and access issues remained a concern.
- The Board agreed a number of changes to the risk likelihood scores, revising a number of overall scores, and the CE agreed to produce a revised dashboard for the next meeting.

Action 7: Stuart Scott to contact Board members to find out what IT equipment members are using and any access issues.

Action 8: CE to produce a revised risk register and dashboard.

6. Policy papers

- The Board noted that the work to update and develop JABS policies is progressing.

7. Current and Future Competitions

- The Board noted the contents of the paper. The CM updated the Board on the Land Chair and Sheriff Principal Competitions. Neelam Bakshi provided an update on the Parole Board Scotland competition and the Stuart Scott on the other current and future competitions.

Action 9: BMU to review the appointment rounds timings and confirm Board members' availability for the 2023 appointment rounds.

Reserve Policy

The Board discussed the draft Reserve Policy, and they agreed that due to the complexity of the matter a further discussion with JO and Scottish Ministers was required. The period of time a candidate can remain on a reserve list may differ depending on the role.

Action 10: BMU to review comments on the Reserve Policy, to include a discussion with JO to ascertain their needs, and revert policy back to the Board.

Social Security Chamber Light Touch Recruitment

- The CE explained that the JO has asked if the Board would consider the feasibility of a "light touch" recruitment round for the Social Security Chamber similar to that conducted with the reserved Social Entitlement Chamber members in 2020.
- On this occasion, the intention would be to recruit from both the reserved Social Entitlement Chamber membership and, if appropriate, from the medical membership of the Mental Health Tribunal for Scotland.
- It was estimated that this approach could fill fifteen vacancies reducing the scale of the wider SSC competition.
- The Board approved a "light touch" recruitment approach for SEC applicants.

Action 11 – BMU to undertake a comparison exercise for MHTS members and prepare a paper for the Board to consider.

8. Annual Report

- The CE is working on a draft of the Annual Report and will circulate to the Board for comments.

Action 12: CE to circulate the draft Annual Report by email to the Board for comments.

9. Programme for Change

- The CM confirmed that the Programme for Change Subgroup Chairs are developing project plans and work is moving forward. They plan to have a further meeting to discuss these plans to avoid there being unnecessary overlaps or gaps. The aim will be for the subgroups to identify early improvements to be brought to the Board.

10. AOB

- No matters were raised under AOB.

11. Date of Next Meeting

- The date of the next Board meeting is 21 November 2022.