

BOARD MEETING MINUTES
Monday 16 October 2023
9:15 am to 15:30 pm
Thistle House

Present:

Lindsay Montgomery CBE, Chairing Member
Ms Neelam Bakshi
Mrs Liz Burnley CBE
Sheriff Principal Dowdalls, KC
Mrs May Dunsmuir (by VC)
The Hon. Lady Haldane, KC
Ms Denise Loney
Ms Emma Marriott
The Hon. Lord Weir, KC
Sheriff David Young, KC
Andrew Veitch (by VC for agenda item 8.1)

Attendees:

Ms Paula Stevenson, Chief Executive
Mr Billy Love, Head of Operations
Mrs Julie Tarbet, Appointments Manager (by VC)
Geoff Garner (by VC for agenda item 8.1)
Peter McGrath (by VC for agenda item 8.1)
Alanna Lowles (by VC for agenda item 8.1)
Deirdre Fulton (by VC for agenda item 9)

Apologies:

Ms Cat Maclean
Professor Stephen Tierney

Pre meeting

The Board and Chief Executive had a private discussion on staffing at the start of the meeting.

1. Welcome and Apologies

1.1 The Chairing Member welcomed everyone to the meeting and noted the apologies.

2. Business from the previous meeting

2.1 Minutes of the August meeting

2.1.1 The Board were content with the minutes of the meeting held on 21 August 2023. The Board appreciated that the minutes had been issued well in advance of the meeting papers.

2.2 Action Tracker

2.2.1 The Chief Executive updated the Board on the progress on completing the actions in the Action Tracker.

2.2.2 The Head of Operations gave an update about the reasonable adjustments provided to candidates during the Social Security Chamber round.

3. Chairing Member Update

3.1 In his absence, the Chairing Member and Board thanked Stephen Tierney for all his hard work and support for the Board for over the last 8 years. This was his final meeting as a Board Member, although he would continue to be involved in the current Senator round.

3.2 The Chairing Member updated the Board on a range of matters, including the appointment dates for the seven new Board members and progress with the appointment of a Legal Appointment Adviser.

3.3 He confirmed that he and the Chief Executive had met with Cabinet Secretary and discussed the Board priorities for the next year and JABS' work around diversity. The Cabinet Secretary passed on her thanks for the hard work done this year given the scale of the programme taken on.

3.4 The Chairing Member advised that he had attended the Future of the Legal Profession Working Group hosted by the Law Society. He provided an update about the remit of the group and how the work will be developed. The third and final meeting of the group is to take place in December.

3.5 The Chairing Member also provided information on a number of successful outreach events including one for the Society of Solicitor Advocates and another run in conjunction with the Judicial Office in advance of the Senator competition.

3.6 He and the Chief Executive had met with two of the Sheriffs Principal and discussed diversity, consultations and formalising the process for recommendations with a geographical element. They had also met with the Judicial Institute to discuss training and other matters. The Chairing Member spoke of a presentation he gave at an event run by the Judicial Institute for a delegation of Austrian judges who were interested how judges are appointed in Scotland.

3.7 The Chairing member and Chief Executive had a productive meeting with the Lord President and the Lord Justice Clerk and the new Executive Director of the Judicial Office. Areas of discussion included the timetabling of competitions and the Diversity Action Plan.

16.10.24

3.8 The Chairing Member also reported on the annual Tripartite meeting with the Judicial Appointments Commission (JAC) and the Northern Ireland Judicial Appointments Commission was held on 10 October 2023, and which had been hosted by JABS. A number of Board Members participated in the event which all agreed had been very successful. He thanked the Chief Executive and BMU for all their work in arranging the meeting. JAC will host the tripartite next year. The Chairing Member confirmed that following the Tripartite meeting, the three Chief Executives have agreed to hold regular meetings to discuss matters of mutual interest. The Chairing Member also provided information on various upcoming meetings.

3.9 The Board discussed their obligations to staff and the LAAs which recent papers had highlighted and it was agreed that legal advice would be sought from Brodies.

3.10 The Board were keen to have a written protocol for recommendations for competitions particularly those with geographical elements.

Action point 1: The BMU will produce a note of the tripartite meeting and will issue for comments to all who attended.

Action point 2: The BMU to produce a paper setting out the process for making recommendations to the Scottish Ministers for roles with a geographical element.

Action point 3: The BMU to obtain legal advice on the extent of JABS responsibilities to the LAAs and staff.

4. Chief Executive Update

4.1 The Board noted the contents of the Chief Executive's report, including the update about the Diversity Report and providing unconscious bias training for Board members.

4.2 The Head of Operations provided an update about an e-mail received from the UK Government's Digital Service about the JABS website.

4.3 The Head of Operations confirmed that the recruitment for a replacement Appointments Manager had been successful, and a new member will join the team by November 2023.

5. Assurance of Governance

5.1 Assurance of Governance

5.1.1 Board members noted the contents of the Assurance of Governance Report and were content.

5.2 Budget Update

16.10.24

5.2.1 Board members noted the Budget update and the Chief Executive confirmed the slight increase in costs was due to a pay award for staff, by the Scottish Government.

5.3 Business Plan

5.3.1 Board members noted the contents of the Business Plan,

5.4 Risk Register

5.4.1 The Chief Executive talked the Board through suggested changes to the Risk Register. The Board reviewed each risk and agreed a number of revisions.

Action point 4: The BMU will develop a written guidance manual on all recruitment processes for Board members and advisers which will be updated as the Programme for Change work progresses.

6. Corporate

6.1 Staffing capacity/resilience

6.1.1 The Head of Operations spoke to his paper which reflected on the past year, including the fact that the BMU is now fully staffed and the team have built up a level of experience. However, he also stressed it had been a very busy year for staff with overlapping competitions, impacting on their down time. He expects the situation will ease in 2024 but this will depend on whether current projections about workload turn out to be correct.

6.1.2 The Board agreed that the Head of Operations should continue to keep the staffing position under review, to ensure that BMU staffing levels were commensurate with JABS workloads.

6.2 Health and Safety

6.2.1 The Chief Executive updated the Board on the development of the formal Health and Safety policy for JABS. The Board noted the contents of the Health and Safety policy and requested a few amendments. Overall, the Board were content with the policy.

7. Policies

7.1 Policies update

7.1.1 The Head of Operations updated the Board on the good progress that had been made on developing a number of corporate policies.

7.2 Records Management Plan update

16.10.24

7.2.1 The Head of Operations stated that the draft Records Management Plan had been submitted to the Keeper and that he had received positive comments. These would be incorporated in the plan where appropriate. There were some process notes still to be developed as part of the evidence that is required for the final submission to the Keeper. The final Records Management Plan with an outline of the supporting evidence will be brought back to the Board meeting in December.

Action point 5: The final Records Management Plan to be brought back to the Board for approval in December.

7.3 Business continuity plan

7.3.1 The Head of Operations explained that the focus of the Business Continuity Plan is to put contingencies in place to ensure we can continue to run our business critical functions such as recruitment competitions.

7.3.2 The Board had a short discussion about the Business Continuity plan and requested further detail about the contingency plan if Thistle House was not able to be used and the resilience of panels for recruitment rounds.

Action point 6: The Head of Operations to review the Business Continuity Plan re Thistle House not being available and update the wording relating to the resilience of panels in the Standing Orders for Panels.

7.4 Publication Scheme

7.4.1 The Head of Operations provided an overview of the JABS Publication Scheme. Following a short discussion, the board were content.

7.5 Whistleblowing policy

7.5.1 The Chief Executive explained the basis for the Whistleblower policy and that it was recommended as part of the Governance Review.

7.5.2 The Board had a short discussion about the Whistleblowing policy and approved the same.

7.5.3 Given certain elements of the policy do not cover Board members, they asked for clarification on the process for the escalation of a complaint and how this would work in practice.

Action point 7: The Chief Executive to clarify the position on complaints as part of the whistle-blowing process.

7.6 Anti-fraud policy

16.10.24

7.6.1 The Chief Executive explained the Anti-fraud policy. There is little scope and low risk for any fraudulent activity in JABS, but it was still appropriate to have a policy as part of JABS suite of governance documentation.

7.6.2 The Board noted the contents of the policy and agreed the same.

7.7 Procurement policy

7.7.1 The Chief Executive advised the Board about the new Procurement policy and confirmed that the BMU follow Scottish Government processes to procure goods and services on behalf of JABS.

7.7.2 The Board noted the contents of the policy and agreed the same.

7.8 Conflict of interest

7.8.1 At the June meeting the Board had requested that the conflict of interest form be reviewed and the Head of Operations spoke to the paper.

7.8.2 The Board had a short discussion on the new form and requested that the descriptors were made clearer and that categories where Board members did not have to note a conflict of interest were included.

Action point 8: The Head of Operations to update the Conflict of Interest policy.

7.9 Criminal convictions

7.9.1 The Head of Operations provided an update about information provided by Scottish Government regarding self-disclosure.

7.9.2 The Board had a short discussion on the approach to disclosing criminal convictions and requested that further legal advice is sought.

Action point 9: The Chief Executive to seek further legal advice on the criminal convictions policy.

7.10 Character and Conduct Checks – Social Media

7.10.1 This agenda item will be carried forward to the December Board meeting.

8. Current and Future Competitions

8.1 FtT - SSC Decision for Legal and ordinary (medical) and ordinary (disability) members

8.1.1 The Chairing Member welcomed Andrew Veitch, the President of the Social Security Chamber, who was joining the Board for the purposes of taking a decision on the Social Security Chamber recruitment round.

16.10.24

8.1.2 The Chair of the Governance and Oversight Panel for the Social Security Chamber (SSC) recruitment, Liz Burnley, provided an overview of the SSC recruitment exercise and thanked the Governance and Oversight Panel members, the Lay Appointment Advisers and BMU for all their work on this competition.

8.1.3 Geoff Garner, Chair of the Disability Panel and Peter McGrath, Chair of the Legal Panel provided updates on the legal and disability recruitment approaches.

8.1.4 Andrew Veitch confirmed he was content with the outcome of the competition.

8.1.5 The Board were requested to approve the recommendations as outlined by the Governance and Oversight Panel.

8.1.6 It was confirmed that the BMU had issued a conflict of interest form for Board members to complete. Interests declared by Board Members were not 'relevant interests' for this appointment round.

8.1.7 The Board were content to approve the recommendations noting that these were subject to the completion of satisfactory Enhanced Disclosure Checks.

Action Point 10. BMU to carry out Disclosure checks on all SSC recommended candidates.

8.2 Upcoming Rounds

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

9. Diversity

9.1 The Equality Impact Assessment Policy agenda item will be carried forward to the December Board meeting.

10. Programme for Change

10.1 Deirdre Fulton, who will be the Programme for Change project lead, joined the meeting to inform the Board about the scope and remit of the Programme of Change work. The work programme will be divided into three areas: attracting candidates, application process and assessment process.

10.2 The Board discussed the contents of the proposal and were content with the direction of travel of the Programme of Change work.

Action point 11: The Chairing Member requested nominations from Board members to join the Programme of Change reference group.

11. Any Other Competent Business

11.1 No items were raised by Board members.

12. Date of Next Meeting

12.1 The next meeting is on 18 December 2023.