

**Judicial Appointments Board for Scotland
Board Meeting Monday 23 September 2019, Thistle House, Edinburgh**

MINUTES

Present

Mrs Nicola Gordon, Chairing Member	Mrs Alison Mitchell
Ms Neelam Bakshi	Ms Morag Ross, Q.C.
Mrs Liz Burnley, CBE	Professor Stephen Tierney
Mrs Deirdre Fulton	The Hon. Lady Wise, Q.C.
Sheriff Principal Marysia Lewis	Ms Eilidh Wiseman
The Hon. Lord Minginish, Q.C.	

Apologies

Sheriff Michael O'Grady, Q.C.

In attendance

Mr John Craig, Chief Executive
Head of the Business Management Unit
Board Secretary

1. Welcome and Apologies

- 1.1. The Chairing Member (the Chair) welcomed all attendees to the meeting. Apologies had been received from Sheriff O'Grady.
- 1.2. There was one declaration of interest from Ms Bakshi upon discussion of the Social Security Tribunal recruitment.

2. Minutes of the Previous Meeting & Action Tracker Update

- 2.1. The Board discussed the changes suggested by Ms Bakshi and agreed the August minutes would be amended accordingly.
- 2.2. Subject to minor amendments (Sections 2.3, 6.3 and 8.1), the minutes of the previous meeting were approved by the Board.
- 2.3. The Board reviewed the Board Action Tracker. Action 2 and 14 were covered under Agenda items 5.4 and 7. Lord Minginish provided an update on Action 17, noting that this had been overtaken by events and he and the Chairing

Member had spoken to Mrs Anne Scott and a short letter has been sent to Lady Smith.

BMU Task: Ensure previous minutes of meeting are available on the website. Re-circulate the July minutes. Amend August Minutes (2.3, 6.3 and 8.1).

3. General Updates

3.1. The Chairing Member gave an oral update to the Board:

- The Chairing Member discussed the recruitment of new members to the Social Security Chamber with Mrs Anne Scott, who agreed to join the Board at the October meeting or later in the year.
- The Scottish Government are taking forward the recruitment of the President of the Mental Health Tribunal.
- The Chairing Member gave an update on the Justice Leaders Network, including the issues discussed and the speech given by the Cabinet Secretary for Justice.
- JABS awaits formal notification from the Scottish Government to recruit for an anticipated vacancy amongst the Sheriffs Principal. Work is underway to prepare for recruitment and the meeting with the Sheriffs Principal group next month will help inform this work. Sheriff Principal Lewis, Mrs Burnley and Mrs Gordon will attend. The Chairing Member opened the invitation to the rest of the Board.

Action Point (1): Board Members to contact the BMU if they would like to attend the Sheriff Principal Group meeting in October.

3.2. The Chief Executive gave an oral update to the Board:

- The fee increase of 2% has been approved by the SG Sponsor Unit and the Public Pay Unit. Members will received backdated pay to the beginning of the financial year (April), this will be paid within the September payroll.
- The Judicial Appointment Commission have forwarded copies of their online questionnaires which have been shared with the Chairing Member and Mrs Burnley.
- The tripartite meeting took place on 5 September 2019. The Chief Executive provided a brief update on the topics discussed.
- The Chief Executive has discussed a new online recruitment system with Hallmark Solutions. It was agreed that Hallmark Solutions would be asked to visit JABS in early October.
- The Chief Executive recently attended the Faculty of Advocates Women in Law 100 event.
- Preparation has started for JABS contribution to the Law Society of Scotland Annual Conference. The Chairing Member asked Board Members to contribute to this event and notify the BMU if they were able to support the stand and be available for private discussions with interested parties.

- The Faculty of Advocates have confirmed current plans in Continuing Professional Development do not include preparing to apply for judicial appointments but discussions with the Chief Executive will continue.
- The Annual Report has been sent to Scottish Ministers, but has not yet been laid before parliament.

Action Point (2): Board Members to contact the BMU if they are able to support the stand at the Law Society of Scotland annual conference.

BMU Task: Board Secretary to provide the Chairing Member with more details of the conference.

4. Recommendations for Senator

- 4.1. The Board discussed the Scottish Government's additional formal request, sent on 7 September 2019, to increase the number of individuals to be recommended for appointment from three to five. The Board had a full discussion about the implications of the request, noting that there is likely to be a further Senator recruitment in 2020. The Board agreed that if the merit order identified five appointable candidates, appropriate recommendations could be made.
- 4.2. The Board also agreed that in future all adverts should include wording that further vacancies may arise during the process.

Action Point (3): The Chairing Member to contact Gavin Henderson to discuss the additional request and update the Board at the Extraordinary Board meeting on Monday 7 October 2019.

BMU Task – add potential further vacancy wording to the generic advert template.

5. Quality improvement activities

5.1. Initial engagement on quality assurance approach

The Board discussed an outline of a new Quality Assurance scheme. It was agreed that whilst quality assurance is an aspect of governance, it should continue to be explicitly addressed separately from other board business and governance.

5.2. Universal Qualities Framework

- 5.2.1. The Board discussed the Universal Qualities Framework. Improvements and learnings from recent recruitment will be incorporated and brought back to the October meeting.

Action Point (4): Mrs Burnley to propose an amended Universal Qualities Framework to the Board in October.

5.2.2. Skills and qualities for tribunal roles have been drafted and it was agreed that Mrs Mitchell and Lord Minginish will work with Mrs Burnley to finalise them. The Charing Member thanked Mrs Burnley for her work.

Action Point (5): Mrs Burnley to co-ordinate work on skills and qualities for tribunal roles to be brought back to the Board in November.

5.3. New IT

5.3.1. The Board discussed the current online recruitment system and the proposal for going forward. It was proposed to move to the GetGot system provided by Hallmark Solutions, currently used by NIJAC. The Board discussed the options and agreed that the Chief Executive should pursue the proposal.

5.3.2. The Board requested the Chief Executive to obtain staff and candidate feedback from NIJAC and further information on compatibility with other platforms with a view to developing online assessments in the future.

5.3.3. The Chief Executive informed the Board that he would deliver a Project Initiation Document (PID) at the next board meeting. The Board also requested an overview of the Hallmark Solutions system.

5.3.4. The Chief Executive requested that the panel chairs for the 2020 shrieval round work with the BMU on implementing the new system.

5.3.5. If it is not ready in time, use of email could be a contingency.

5.3.6. It was agreed that the existing system was no longer fit for purpose. .

Action Point (6): Chief Executive to deliver a PID and demonstration of the Hallmark Solutions system at the next board meeting in October. This should include feedback from NIJAC users.

5.4. Assistants

5.4.1. The Board discussed the recruitment of Assistants. It was agreed that preparations to recruit three Lay Assistants would begin in quarter 4, to allow recruitment and training during quarters 1 and 2, 2020.

5.4.2. The legal and judicial Members of the Board agreed to provide the Board with clarity in respect of Legal Assistants.

5.4.3. Mrs Fulton and Mrs Burnley agreed to review the materials used in the last recruitment of Lay Assistants to bring to the Board before end 2019.

5.4.4. It was agreed that Mr Cummings will be used to support this process.

Action Point (7): Mrs Fulton and Mrs Burnley to review materials used in the last recruitment of Lay Assistants and brief the Board again before the end of the year.

5.5. Planning for work on other strategic elements.

5.5.1. The Board discussed improving candidate assessment. It was agreed that going forward a standardised approach will be developed and that small (legal members, lay members and BMU) groups should be created to take forward each action.

5.5.2. It was confirmed that the legal and judicial members would meet to discuss assessment of legal qualities.

Action Point (8) Legal and judicial members to address protocols for assessment of legal qualities.

6. QA Shrieval

6.1. The Board discussed the lessons learnt from the recent shrieval recruitment round and agreed to review the actions as part of continuous improvement. A small number of actions were highlighted for discussion at this meeting:

6.1.1. The Board agreed that a paper laying out the pros and cons of running the competitions in parallel was required.

Action Point (9): Professor Tierney to draft with input from the Chairing Member and SP Lewis.

6.1.2. The Board agreed that, as far as possible, standardised documents should be created for all rounds. This work has been started and the Board agreed a small working group would be established to review these.

Action Point (10): Professor Tierney, Ms Ross and the Chairing Member to work with the BMU.

6.1.3. The Board discussed the cost of advertising within the Scottish Legal News (SLN) and agreed that they would continue to advertise within SLN.

BMU Task: Chief Executive to negotiate advertising costs with SLN.

6.1.4. The work required for pre-sift and amendments to the criteria will be taken forward as part of the Qualities Framework work.

6.1.5. The Board agreed the work on assessment will inform how they evidence scoring and it reaches a holistic conclusion on individuals.

6.1.6. The Board agreed a maximum of four interviews a day and that interviews should not run for more than three consecutive days.

BMU Task: BMU to draft a new interview timetable.

6.1.7. Professor Tierney agreed to draft a paper on feedback for candidates and the approach that should be taken.

Action Point (11): Professor Tierney to draft a paper on feedback for candidates.

6.1.8. The Board agreed to monitor progress of the action plan at the quarterly QA meetings.

BMU Task: Add Action Plan to QA quarterly agenda for monitoring.

BMU Task: Add Action Plan to “Key Documents” folder in Huddle. Mrs Simpson to capture the above discussion in the plan.

7. Media Comments

7.1. The Board discussed a paper on responding to comments in the media.

BMU Task: Head of BMU to prepare a communications plan and engagement strategy for the December meeting.

8. Policy Update

The JABS Register of Interest was approved and will be uploaded to the website.

BMU Task: Upload Register of Interest to website.

9. Any Other Business

The Board discussed judicial talks at universities and the process following recommendations for appointment.

Action Point (12): Chairing Member to raise announcement timescales with SG Sponsor Unit.

10. The Board Meeting closed at 1700 hours.