

BOARD MEETING MINUTES

Monday 18 October 2021,
videoconference

Present:

Mrs Deirdre Fulton, Interim Chairing Member	Ms Morag Ross, QC
Ms Neelam Bakshi	Professor Stephen Tierney
Mrs Liz Burnley, CBE	The Hon. Lady Wise, QC
Sheriff Principal Marysia Lewis	Sheriff David Young, QC
The Hon. Lord Minginish	

Apologies

In attendance:

Ms Heather Tully, Interim Chief Executive (ICE)
Mr Andrew Cairns, Business Support Officer
Mr Stuart Scott, Appointments Manager, (Items 2.5 and 5 only)

Business conducted by correspondence since previous Board meeting

As agreed at September's Board meeting, the Board approved plans to re-run the LTC President competition by correspondence, at the beginning of October. All Board members confirmed that they were content with the plans (subject to assurances on timetabling sought by the Panel chair), and the advert was accordingly launched on 7 October.

1. Welcome & Apologies / Declarations of Interest

Ms Bakshi made the standard declaration in relation to Social Security.

2. Consent Agenda Items

2.1 Minutes of Previous Meeting

2.1.1 The minutes were agreed with no changes.

2.2 CE Report

2.2.1 The ICE presented her report to the Board and its contents were noted.

2.2.2 Morag Ross queried whether, given JABS' significant competition workload which had to take immediate priority, it was realistic to consider a proposal on JABS' approach to collecting and using data on sex, gender and trans status at November's Board meeting, in order to respond to guidance for public bodies issued by the Chief

Statistician. It was agreed that a response would be prepared for consideration but that JABS might need to take a holding position, pending fuller consideration and to ensure sensible alignment with partners' approaches.

2.2.3 Neelam Bakshi suggested the development of wellbeing principals and (in the longer term) a Wellbeing Policy covering Board members, noting that BMU staff were covered by SG policies.

BMU Action (1) – Develop a wellbeing policy to cover board members

2.3 Assurance of Governance Q2

2.3.1 The Q2 report was agreed.

2.3.2 There was discussion on how best to publish the Register of Board members' interests and the need for clarity on what should be included on the Register. The Board would agree by correspondence a short written statement explaining the scope of the Register and members would update their entries on the Register by the next Board meeting to allow the BMU to publish an updated version on the JABS website. It was agreed that, in future years, the Annual Report could include a copy of the Register of Interests as it stood at the end of that reporting year.

BMU Action (2) – to circulate a proposed written statement on what should be included in the Register, for approval, and to receive updates from Board Members to the Register of interest, publishing the updated Register on our website.

2.4 Annual Report

2.4.1 Several comments and suggested changes to the Annual Report had been made by email and further suggestions were discussed. Members were asked to continue to provide any feedback on the draft on Huddle, to allow the report to be finalised by the end of October if possible.

2.4.2 There was discussion on how to most meaningfully present diversity statistics for the competitions conducted in 2020-21, which the ICM would reflect on further.

BMU Action (3): BMU to circulate report again and members to feed back any further changes to the draft Annual Report

2.5 Programme Plan

2.5.1 The Board discussed its programme plan for 2022.

2.6 Board Meeting Dates 2022

2.6.1 The Board agreed to keep Board Meetings to Mondays only. If recommendations are needed where a Monday falls on a Public Holiday, then a separate recommendations meeting will be set up for a time to accommodate all.

3. Interim Chairing Member

3.1 IC Update

3.1.1 The ICM provided the Board with an update on ongoing Public Appointments rounds to fill current Board vacancies.

3.1.2 JABS received official notification from the Lord President that Sheriff Principal Lewis will be stepping down from the Board at the end of December, and that Sheriff Principal Anwar will be joining the Board from January 1 2022.

4. Contingency planning and risk management

4.1 Legal member vacancy: contingency planning

4.1.1 There was a discussion of the challenges of attracting interest in roles such as the solicitor member position and legal assistants amongst the legal profession, given the pressures on those in practice currently.

4.1.2 The ICM will write to the Scottish Government setting out the Board's position on the current vacancy.

4.2 Risk register

4.2.1 Risk 1 and 2 has been updated, on the risk register. The Board requested a discussion around the BMU resourcing on Risk 2.

BMU action (5) Add BMU resourcing for discussion to November Agenda

4.3 Competitions contingency plan

4.3.1 Scottish Government has experienced issues with IT networks recently, which may affect the BMU when admitting the panel and candidates to interviews. The BMU has been in contact with IT and has system contingency arrangements in place, including hosting and admitting participants by phone if necessary.

4.3.2 The Board decided that it would not be necessary to place lay assistants 'on call' for interview dates and agreed that precise contingency arrangements could not be specified for last-minute interview panel member availability, as individual circumstances would dictate the level of rescheduling necessary. The contingency plan would be updated accordingly.

BMU Action (6) Update contingency plan on the highlighted points raised.

5. Competitions

5.1 Current competitions

5.1.1 Competitions are underway for Part Time Sheriff, Summary Sheriff and full time Sheriff vacancies in Dumfries and Dunoon, with interviews beginning in mid-October. The LTC President round launched on Thursday 7 October and will remain open until Thursday 4 November.

5.2 Upcoming competition: 2022 Sheriff Principal

5.2.1 The Board approved the proposed panel and timeline.

6. Board Protocols

6.1 Board decision-making protocols

6.1.1 To be developed into draft standing orders, which are to be added to November discussion for approval.

BMU Action (7) - To send members a message directing them to the decision protocols paper, and asking them to provide any comments, which will be brought into a standing order paper for November. Add draft standing orders to November agenda for discussion.

6.2 Remuneration of mock interview candidates

6.2.1 The Board agreed that mock interview candidates who are fee paid should receive a fee for their participation (set at the half-day rate of a lay member), to reflect the preparation time necessary and aid in securing suitable participants.

7. Diversity Steering Group

7.1 Oral Update

7.1.1 The Diversity Steering Group last met on July 5th, and Lady Wise provided an update on the latest speakers and discussions. The next DSG meeting will be planned for December 13th.

BMU Action (8): BMU to issue Doodle Poll to DSG members for DSG meeting on 13/12/2021.

BMU Action (9): To finalise DSG minute and share with board.

8. 2021 Review

8.1 Oral Update – 2021 Review

8.1.1 This was covered in the ICE's Report.

9. Any Other Business

9.1 AOB

9.1.1 Scottish Government and Thistle House guidelines mean that it is still not possible to hold in-person interviews, and it is unlikely this will change for the rest of the year. The Board is keen to return to in-person interviews and will be regularly reviewing the guidance.

10. Meeting Close

The meeting closed at 12.40