



Judicial Appointments Board
for Scotland

BOARD MEETING

MINUTES OF THE MEETING HELD ON

MONDAY 15th FEBRUARY 2016 at 10:00 AM

THISTLE HOUSE, 91 HAYMARKET TERRACE, EDINBURGH

- Present: Sir Muir Russell, Chairing Member
The Rt Hon Lady Dorrian
Mrs Deirdre Fulton
Mr James McNeill QC
The Hon Lord Minginish
Mrs Alison Mitchell
Mr Alistair Morris
Sheriff Principal Pyle
Mrs Neelam Bakshi
- In attendance: Mr Michael Garden, Chief Executive
Miss Kerry Love, Secretary to the Board
Mrs Dorothy Smith, Policy Officer
Mr Michael Johns-Perring, Appointments Team Leader
- Apologies: Dr Michael Ewart
Sheriff Mackie
Professor Stephen Tierney

1. Welcome and Apologies

1.1 The Chairing Member welcomed the Board Members to the meeting. He gave a special welcome to Mrs Neelam Bakshi who was attending her first Board Meeting since being appointed on 1st February 2016. Apologies had been received from Dr Ewart, Sheriff Mackie and Professor Tierney.

2. Minutes of the 18th January Board Meeting

2.1 The minutes of the Board Meeting were approved by the Board.

3. Matters arising from the minutes

3.1 There were no matters arising that would not be covered elsewhere in the agenda.

4. Chairing Member and Chief Executive Updates

4.1 The Chairing Member informed the Board that a meeting between the new Lord President and the Board had been confirmed. It would take place on the same date as the April Board Meeting.

4.2 The Chairing Member updated the Board that the sift meeting for the Lord Justice Clerk appointment round had taken place. Interviews are scheduled to take place on 29th February 2016.

4.3 The Chief Executive informed the Board that the Senator sift meeting had now taken place and nine applicants had been invited to interview. He advised the Board that the Scottish Government had been in touch to let the Board know that there was a possibility that the number of vacancies would be increased from three to four. This is dependent on the outcome of the Lord Justice Clerk exercise, and the leaving date of a retiring Senator. The Scottish Government cannot exceed the maximum number of Senators, therefore the potential fourth vacancy cannot be filled until the post becomes vacant.

4.4 The Chief Executive provided feedback to the Board on a tripartite meeting he and the Board Secretary had attended with the Scottish Government and the Judicial Office for Scotland. It was confirmed that the Board would not be asked to run a tribunal appointment during 2016. The Judicial Office for Scotland hopes to confirm the number of vacancies for the next summary sheriff appointment round by the end of March 2016.

4.5 The Chief Executive provided feedback to the Board on a recent meeting with Sheriff Duff, the Director of the Judicial Institute, to discuss the prospect of a Board visit. The Board visit will be arranged for May 2016, and there will be an opportunity for the Board to hear about the training the Institute deliver to applicants appointed to the offices the Board recommends to. This will be followed by an opportunity to discuss any live issues.

4.6 The Chief Executive provided feedback to the Board on a housing tribunal mock interview he had been invited to observe. He encouraged the Board to take the opportunity to observe current tribunal exercises when offered.

4.7 The Chief Executive informed the Board that Mr Morris and Dr Ewart would represent the Board at a meeting of the Society of Solicitors in the Supreme Courts of Scotland on 1st March 2016, at Parliament House.

4.8 The Chief Executive informed the Board that a meeting had been arranged on 18th February 2016 between Lady Smith, the Judicial Office, the Scottish Government, Dr Ewart, Lord Minginish, and members of the Secretariat to discuss the way forward with tribunal appointments.

5. Review of Assistant and Summary Sheriff 2015 Appointment Rounds: Recommendations from the Quality Assurance Group (JABS 2016 06)

5.1 The Board reviewed the conduct of the appointment rounds and considered recommendations from the Board's Quality Assurance Group (QAG). It noted that these were the first Assistant and Summary Sheriff exercises that the Board had undertaken since the roles were created in the Court Reform (Scotland) Act 2014. The Board agreed the following key refinements to its processes:

Assistant Appointment Rounds

- Future application packs should be clear on the likely time commitment, and the job title should be amended to Selection Panel Member rather than 'Assistant'. The eligibility requirement relating to residency in Scotland should also be made clear in future appointment packs.
- Future selection and interview panels should be made up of three people; a lay/legal balance is not necessary.
- The Board agreed some changes to the criteria for the post.
- Following a successful trial in this exercise, the Board will trial the use of an online aptitude test in a large court/tribunal appointment round. The results would not be shared with the selection panel in advance of the sift meeting, and it would not be used to sift people out. The QAG would review its success at the end of the appointment round and present its findings to the Board.
- The Board will produce its own recording of a mock interview for future practical tests.
- For future exercises the Board will not offer feedback to successful applicants, as it is the responsibility of the Board to ensure there is an induction and feedback process in place for those who are appointed.

Summary Sheriff Appointment Rounds

- If part-time salaried appointments are to be included in the next appointment round, then the selection panel should consider further advertising routes to target the right people. It should also consider advertising on the COPFS website.
- The role description should be run past the Judicial Office for Scotland in advance of the next exercise.
- The Board agreed to trial a new sifting process during the next large scale appointment round, to lighten the load on individual selection panel members, provide more consistency between members' assessments, and introduce further quality assurance into the process. It also discussed how it might involve Assistants in future exercises.
- The Board agreed changes to the criteria for the post and reduced the number of criteria from eight to five.
- The Board agreed some changes to the mock interview to make the exercise a bit more realistic for members to deal with.

- A separate meeting will take place between legal and judicial members of the selection panel, to discuss and agree an approach to the case studies in advance of the interview planning meeting and mock interview.
- The Board agreed a timetable to enable a selection panel to interview four applicants per day during large scale exercises.
- If more than one interview panel is running, both panels, rather than only the panel chairs, will meet at the end of the first day to consider the consistency between panels.
- An additional paragraph will be added to the declarations page of the application form seeking the applicant's permission for the Board to approach consultees and for the consultees to share information with the Board.

Action point: Board Secretary to update the administrative guidelines and appointment documentation to reflect the agreed changes.

6. Records Management Plan (JABS 2016 07)

6.1 The Board considered the draft response to the interim report of the Board's Records Management Plan. It also considered a consultation paper about proposed supplementary guidance on proper arrangements for archiving public records issued by the Keeper. Mrs Smith will now finalise the interim report and make further enquiries regarding the archiving guidance before submitting to the Keeper of the Records.

Action point: Mrs Smith to finalise the interim report of the Board's Records Management Plan, make some additional enquiries regarding the archiving guidance and submit to the Keeper of the Records.

7. Any other business

7.1 There was no other business to discuss.

8. Minutes of the Quality Assurance Group Meeting on 18th January 2016 (JABS 2016 08)

8.1 The Board noted the minutes of the meeting. The content of which was discussed under item 5.

The meeting closed at 12:00