



BOARD MEETING

**MINUTES OF THE MEETING HELD ON
WEDNESDAY 27TH JULY 2016 at 10:00AM
THISTLE HOUSE, 91 HAYMARKET TERRACE, EDINBURGH**

- Present: Sir Muir Russell, Chairing Member
Dr Michael Ewart
Mrs Alison Mitchell
Mrs Deirdre Fulton
Professor Stephen Tierney
The Hon Lord Minginish
Sheriff Mackie
Mr Alistair Morris
- 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: Ms Neelam Bakshi
The Hon Lady Wise
Sheriff Principal Pyle
Mr James McNeill QC

1. Welcome and Apologies

1.1 The Chairing Member welcomed the Board Members to the meeting. Apologies had been received from Ms Bakshi, The Hon Lady Wise, Sheriff Principal Pyle and Mr James McNeill QC.

2. Minutes of the 20th June 2016 Board Meeting

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

3. Matters arising from the minutes

3.1 Following on from the Board's recent visit to the Judicial Institute for Scotland, the Chief Executive is meeting with their Director, Sheriff Duff, on the 4th August. He will report back at the next Board Meeting.

4. Chairing Member, Chief Executive and Other Updates

4.1 Mrs Mitchell provided a progress update on the exercise to identify a new Chairing Member of JABS.

4.2 Mr Garden provided the Board with the following updates:

- The new Sheriff Principal for Glasgow and Strathkelvin has been formally announced and he will take up post on 1st September 2016.
- The Board will take a decision today on who to recommend for the Sheriff vacancy in Aberdeen.
- The Summary Sheriff 2016 benchmarking meeting will take place on Friday 29 July. The Chief Executive recorded his thanks to the Secretariat for the work they had undertaken during the preliminary stages of the appointment round. He drew particular attention to the extensive profiling of the field done to make the benchmarked sample as representative as possible. In addition the Members said how helpful they had found the individualised timetables.
- He and Mr Johns-Perring are meeting with Scottish Government Housing colleagues on 9th August to discuss the PRS/Lettings appointment round.
- Sir Muir has formally written to Lady Smith inviting her to discuss the forthcoming exercise to identify a Chamber President for the Scottish Tax Tribunal.

5. Sheriff Aberdeen Appointment Round – Board Decision meeting (JABS 2016 33)

5.1 The Board considered the selection panel report, in compliance with the Judiciary and Courts (Scotland) Act 2008, with regard to the selection for recommendation of suitable applicants for the office of Sheriff.

5.2 The Board agreed the applicant to be recommended to the First Minister. The Board will inform all applicants who were interviewed of the outcome of the process once the Royal Warrant has been received.

Action point: Mr Johns-Perring to prepare a draft recommendation report for the First Minister and issue a holding letter to all applicants who were interviewed.

6. Review of Senator 2016 Appointment Round and JAC/JABS Comparison Exercise - QAG Recommendations (JABS 2016 34)

6.1 The Board reviewed the Senator exercise and agreed the following refinements to its process:

- The interview panel size would be reduced from a six to a four person panel. The selection panel would remain a six person panel.
- Future adverts would be sent to the President of the Sheriffs Association for circulation to its Members. The Chief Executive would discuss the low number of female applicants at the next meeting with the Lord President. The Chair of the Diversity Steering Group, Sheriff Mackie, took an action for the Group to look at the job profile to identify if there is anything about the role that might be dissuading female applicants from applying.

- To revise the wording of the Case Management criteria for all appointment rounds to encourage applicants to provide evidence of both managing caseload, and managing their own cases.
- For all appointment rounds, the Written Work section in the Guidance Note should be reworded to ask applicants who submit lengthy pieces of written work, to confirm which paragraphs contain the analysis and application of the law which they wish the Board to consider.
- For all appointment rounds standard references would no longer be requested. Judicial references would continue to be sought for senior appointments including Senator, Sheriff Principal, First Tier Tribunal - Chamber President and Deputy Chamber President, and Upper Tribunal - Vice President. The Board agreed that references should continue to be requested for Board Assistant exercises.
- For all appointment rounds all of the case study documentation should be issued in advance, where possible. If not the preparation time and discussion with the panel would be run back to back.
- The time for the general interview would be reduced from 1hr to 50 minutes to bring it into line with all other appointment rounds.
- The Board asked the QAG to consider the assessment methods for Senator appointment rounds and the Board will discuss any recommendations at the next Board Workshop.
- For all appointment rounds feedback following sift would be by generic letter, but the Board would retain the option of offering tailored feedback in competitions with smaller numbers of applicants.

Action point: Board Secretary to amend the administrative guidelines, the website and the online application to reflect the agreed changes.

Action point: QAG to consider the assessment methods for Senator appointment rounds and the Board will discuss any recommendations at the next Board Workshop.

6.2 The Board noted a number of matters raised by Mr Johns-Perring as part of an on-going piece of work comparing the selection processes of the Board and the Judicial Appointments Commission (the Commission). It will consider further recommendations in due course, but at this stage it agreed a recommendation that Assistants should participate in character decisions when allocated to a selection panel.

7. Outreach event – Feedback from Attendees (JABS 2016 35)

7.1 The Board noted the feedback from the outreach events held in June. In light of comments from some delegates the Board considered changing the format for future outreach events. It agreed to look at alternative presentations and possible use of actors. It was agreed that Mr Johns-Perring would contact JAC on use of actors for role play presentations.

7.2 The Board also agreed to hold bespoke events for the areas of profession that had requested such events, it was agreed that these should be arranged at a time most convenient to the organisations who expressed an interest.

Action point: Mrs Smith to contact profession re bespoke events. Mr Johns-Perring to contact JAC re use of actors for role pay.

8. Any other Business

8.1 The Board agreed to the Assistants undertaking some modest shadowing of the Summary Sheriff exercise to retain their skills. It also agreed to them being involved in the moderation stage. It asked the Secretariat to provide the Board with costed options for consideration.

Action point: Mr Johns-Perring to provide the Board with costed options for involving the Board Assistants in the Summary Sheriff exercise, for consideration.

8.2 Mr Johns-Perring informed the Board that he would be resigning as of 15th September 2016. He is leaving to seek ordination as a vicar. The Board thanked him for his very helpful input during his time in the Secretariat and wished him well for the future.

8.3 The Board agreed to cancel the August Board Meeting, subject to agreement from the Board Members absent from the meeting today.

Action point: Board Secretary to contact Members not at the meeting to seek their agreement to cancel the August Board Meeting.

9. Minutes of the Quality Assurance Group Meeting on 18th July 2016 (JABS 2016 36)

9.1 The Board noted the minutes of the meeting.

The meeting closed at 13:05