

# Scottish Justices' Association

## Executive Meeting

Thursday 27 January 2022, starting at 7.00 p.m.

Utilising Zoom Meeting Technology

## Minutes

<b>Present</b>	Grace MacLeod (NS) – Chair	Richard Scott (NS) - Secretary
	David Donaldson (TC&F) – Vice-Chair	John Lawless (G&S)
	Phil Cropper (GH&I)	Sharon Flynn (NS)
	Robert Walsh (SSD&G)	Gary Watson (L&B)
	Dennis Barr (G&S)	David Caddick (GH&I)
	Gordon Hunter (SSD&G)	
<b>Apologies</b>	Sean Connor (G&S)	Sue Cook (L&B)

	<u>Agenda Item</u>	<u>Action</u>
1.	<b>Motion to permit recording for purposes of minutes</b>  There being no objections to the request from the secretary for permission to record the meeting, the secretary started recording the meeting.	
2.	<b>Welcome and Apologies</b>  The Chair welcomed everyone to the meeting and particularly welcomed Sharon Flynn who was attending her first meeting of the Executive. Dennis Barr, who had been Secretary until the last meeting of the Executive on 24 November 2021 offered his apologies to David Caddick for omitting to pass on David's apologies for absence at that meeting. Apologies for this meeting had been received from Sean Connor and Sue Cook.	
3.	<b>Review of Minutes of Meeting held on 24 November 2021</b>  The draft minutes of the meeting on 24 November 2021 were reviewed in detail. It was agreed that the minutes were accurate, but that an explanatory note should be inserted in the minutes regarding the matter of David Caddick's apologies.	Secretary
4.	<b>Approval of Minutes</b>  The minutes of the meeting on 24 November were approved.	

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	Proposed: Phil Cropper Seconded: David Donaldson	
5.	<p><b>Matters Arising from the Minutes</b></p> <p>(a) The Chair enquired if Phil Cropper had asked Martin Morley if he would continue to support Phil with the Scottish Justice Newsletter. Phil responded that he had not been able to do so, but that he thought it safe to assume that Martin would be willing to continue.</p> <p>(b) The Chair informed the meeting that on 8 December, together with the secretary and Dennis Barr, she had attended a meeting at the Crown Office. The Chair thanked Dennis Barr for making the arrangements. The meeting had been with Ruth McQuaid who has Crown Office responsibility for Sheriff Courts, JP Courts and for national marking. Ruth McQuaid had stated that in respect of domestic abuse cases the policy was clear – lower end offences could be dealt with in the JP Courts. Ruth had undertaken to investigate why this was not happening. There followed a wide ranging discussion of the treatment of domestic abuse and drink driving cases and it was noted that government policy with regard to domestic abuse was that such cases should be dealt with in specialist courts. The Secretary indicated that he would contact Ruth McQuaid to enquire how her investigation was proceeding.</p> <p>(c) With reference to invitations to external speakers to attend meetings of the executive, the Chair informed the meeting that through Kay McCorquodale she had invited David Fraser of SCTS to attend one of our meetings. The Chair explained that Mr Fraser is the Executive Director of Courts and reports directly to Eric McQueen, Chief Executive of SCTS.</p> <p>(d) The Chair noted that in an e-mail dated 28 November she had informed members of the executive of the SCTS structure and also referred members to an organisation chart on the Judicial Hub.</p> <p>(e) The Chair noted that progress of the UK parliament bill to, <i>inter alia</i>, raise the mandatory retirement age for judicial office holders could be found at <a href="https://bills.parliament.uk/bills/3032">https://bills.parliament.uk/bills/3032</a> It was anticipated that the legislation would pass by April of this year.</p> <p>(f) Following a lengthy discussion at the previous meeting about lack of support for the JP Courts, dwindling numbers of JPs and an apparent intent to run down the JP Courts, the Chair informed the meeting that there had been a proposal in North Strathclyde to recruit some additional JPs. However, the Chair further informed the meeting that the Sheriff Principal of North Strathclyde had turned down</p>	Secretary

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	<p>this proposal and that no recruitment would therefore take place for the time being.</p> <p>(g) The Chair thanked Phil Cropper for the latest issue of “Scottish Justice” which was published in December 2021.</p> <p>(h) In respect of our membership of the European Association of Lay Judges (EALJ) the Chair noted that there appeared to be little enthusiasm for continuing our membership and enquired when our membership was due for renewal. Dennis Barr informed the meeting that there was no subscription payable to EALJ and that our only financial commitment had been to pay €20.00 towards EALJ internet costs. Dennis informed the meeting that he had not heard anything from EALJ for some time and the secretary confirmed that he had heard nothing from them since beginning his term of office. Dennis believed that they had intended to organise a conference in May 2022, but that with the covid situation this must be uncertain. It was agreed that we would wait to hear from EALJ before deciding whether to continue our membership.</p> <p>(i) The Chair asked for the views of the meeting regarding possible attendance at the Commonwealth Magistrates and Judges Association (CMJA) in Accra, Ghana in autumn of 2022. The consensus view was that the covid situation would probably make it unwise to send a delegate. Gordon Hunter noted that the security situation in nearby countries was not good. The Chair observed that CMJA might allow online attendance as had happened last year and that we could consider nominating one or more delegates to attend in this manner if such a facility is offered.</p> <p>(j) It was noted that some members of the executive had still to send biographies and pictures to John Lawless for the website. The Chair reminded members to do so.</p>	<p>Ashley Ward David Donaldson Gary Watson Martin Morley Sue Cook Susan Fallone</p>
6	<p><b>Constitutional Review Sub-committee</b></p> <p>The Chair, who also chairs the constitutional sub-committee, informed the meeting that the group had met twice on 16 December 2021 and 12 January 2022. The work of the group had continued by e-mail between meetings and the group was due to meet again on 9 February 2022. So far three iterations of improvement had taken place. It was noted that Christine Buchanan, who is not a member of the executive, had been co-opted onto the sub-committee and her contribution had been valued.</p>	

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7	<p><b>Support for SJA Members experiencing Difficulty with Employers</b></p> <p>The Chair informed the meeting that in response to concerns raised by a member at the AGM concerning JPs being released by employers for court duties and a brief discussion of the matter at the previous meeting of the executive, she had asked Dennis Barr and Ashley Ward to draft letters that the SJA could send on behalf of JPs experiencing such problems. Each had produced a draft – a formal letter from Dennis and a more informal letter from Ashley. The Chair stated that she liked them both and that the style to be used would depend on the receiving employer. The Chair enquired of members of the committee how they would like to proceed. Sharon Flynn stated that she had personally experienced some difficulties with her employer (the NHS) who had reduced the number of days permitted for JP days from 12 to 5 per annum. Sharon pointed out that as the commitment for sitting days as a JP was 12, this situation was not tenable. The secretary observed that any letter sent on behalf of a JP would need to be tailored to the particular circumstances. He did not think it was possible to have a generic letter that could be used in all circumstances. The secretary stated that in Sharon’s case, he believed the NHS was acting unlawfully in restricting the available days to a number less than the minimum required for JP service. David Donaldson agreed with this point, but pointed out that an employer was required to release the JP but was not required to pay the JP. Robert Walsh observed that he had had to take time off without pay and that the loss of earning allowance paid by SCTS was woefully inadequate. Phil Cropper expressed his opinion that we should not attempt to create template letters to cover every situation, but that we should inform SJA members that if they should experience difficulties of this sort, the executive would support them in an appropriate manner. Dennis Barr agreed and stated that we should take account not only of the individual JP but also of the JP’s employer as different employers might react in different ways. Dennis went on to reiterate the view that the loss of earnings allowance is grossly inadequate, particularly for those who are self-employed. Dennis pointed out that JPs claiming loss of earning were in most cases subsidising the judicial system. His strong view was that this must be revisited with SCTS urgently as it was 2 years since it had been considered and that it was imperative that expenses for JPs be put on a sensible footing.</p> <p>The Chair said that she had raised the issue of support for JPs with Kay McCorquodale at their last meeting but would do so again at the next meeting.</p> <p>David Caddick quoted from the UK government website dealing with time off for Magistrate/JP duties and confirmed that there is an obligation on employers to release staff. David expressed surprise that the NHS was proving difficult and informed the meeting that two JPs in Inverness were NHS employees. However, he noted that the custom and practice might vary between health boards.</p>	Chair

	<u>Agenda Item</u>	<u>Action</u>
	<p>The Chair asked David Caddick and Sharon Flynn to liaise on the matter and to check the position with other NHS workers. Sharon Flynn agreed to contact her trade union to seek their views.</p> <p>The secretary asked if a link to the webpage to which David Caddick had referred could be put on the website to make it easy for members to find information on this topic.</p> <p>The secretary expressed the view that this topic merited further discussion at the next meeting so he would include this as an agenda item for that meeting.</p> <p>The Chair said that she would raise this matter with Kay McCorquodale in advance of their next meeting on 12 April to see if Kay had any suggestions.</p>	<p>Sharon Flynn David Caddick</p> <p>Sharon Flynn</p> <p>Secretary John Lawless</p> <p>Secretary</p> <p>Chair</p>
8.	<p><b>Communication with SJA Members</b></p> <p>The Chair introduced this topic by saying it had emerged from the work of the Constitution sub-committee as communication is one of the main aims of the SJA. She indicated that we were not suggesting the use of social media as that would require constant monitoring which we were not able to do. The Chair explained that we did fairly frequently receive communications from SCTS on operational matters, but that it was not reasonable to expect John Lawless to be on constant standby to distribute such messages via mailchimp. Further questions arose around how the Scottish Justice newsletter fitted in with the website, whether the website should be more interactive etc. The Chair observed that we were unlikely to be able to reach final conclusions on this topic in this meeting and that the possibility of a short life working group might be considered. The Chair then invited views from the meeting.</p> <p>Sharon Flynn wondered how the communication strategy fitted in with local forums which she said she found very useful. The secretary expanded on how the topic had emerged from the constitutional discussions and stated that communications worked in two directions, that there was a particular problem with incoming communications from SCTS and that we should get our outgoing communications as good as we could make them as well as doing all we can to get SCTS to communicate more effectively with us.</p> <p>The Chair recalled that at the AGM, there had been some comments about the website being out of date. She stressed that this was not the fault of John Lawless – rather we are all responsible for content or the lack of it. The Chair observed that we did have funding available as we are not really spending any significant amounts at present. The chair wondered if we should pay someone to review our website while acknowledging that this would not generate content.</p> <p>David Caddick suggested setting up a working group to look into this matter. Phil Cropper agreed that the idea of a working group made sense and felt that the website should be the primary means of communicating with our members. He observed that all of the information and articles in the newsletter could have been</p>	



	<b><u>Agenda Item</u></b>	<b><u>Action</u></b>
	<p>Grampian, Highland and Islands      <u>29</u></p> <p>Total    <u>199</u></p> <p>John reported that the decline in numbers was almost exclusively due to retireals. The Chair observed that as the mandatory retirement age was being increased, the decline should level out.</p>	
11.	<p><b>Scottish Justice</b></p> <p>Phil Cropper informed the meeting that he did not have any articles ready for publication but that if material were provided he could compile an issue at short notice.</p>	
12.	<p><b>Any Other Competent Business</b></p> <p>a. The Chair raised the topic of GDPR compliance. She had learnt at an earlier meeting that all organisations should have a Data Protection Impact Survey. The easiest way to deal with this was to obtain written permission from all members to use their personal contact details to communicate with them. Phil Cropper pointed out that if we obtained such permission, we would then be obliged to monitor the use of the data and ensure it was being used appropriately. The Chair considered this was something the communication sub-committee should look at.</p> <p>b. The Chair said she had received reports of utility companies seeking warrants with sums of £400 to £500 being included for costs. This was in excess of the agreement with Ofgem that such costs should be limited to £150. Dennis Barr explained that warrants seeking more than £150 in costs should not be signed. The limit only applied to domestic customers. The amount charged should be specified in the human rights letter – therefore JPs should ask to see the letter. The Chair considered that a link to this information could usefully be included on our website. The Chair asked the secretary to liaise with John Lawless to get the appropriate link included on the website.</p> <p>c. Phil Cropper reported that he had attended a meeting of the Judicial Welfare and Support Committee which is chaired by Lord Mulholland. The committee is developing a well-being strategy which will cover a range of topics. Of particular interest to JPs are security and mentoring. Lord Mulholland is keen to resurrect the Judicial Council on which the SJA has two representatives. Currently, Gordon Hunter and Dennis Barr are listed in these roles, however Dennis Barr pointed out that our representatives are the Chair and Secretary – i.e. Grace MacLeod and Richard Scott.</p> <p>d. Dennis Barr requested that the Chair seek clarity from SCTS of their plans for the provision of Legal Advisors to</p>	<p>Comms. Sub-Committee</p> <p>Secretary John Lawless</p>

	<b><u>Agenda Item</u></b>	<b><u>Action</u></b>
	<p>sheriffdoms. This was in response to the imminent retirement of the Glasgow and Strathkelvin SLA. The Chair responded that she had raised this previously but that she would do so again.</p> <p>e. David Caddick raised the issue of possible SJA ties and scarves. The Chair said this had been looked at in the past. Dennis Barr indicated that this topic was raised periodically. There was little enthusiasm in the meeting to consider this point further and no action was to be taken.</p>	Chair
13	<p><b>Date and Time of Next Meeting</b></p> <p>It was agreed that the next meeting would be held on 26 April 2022 at 7.00 p.m. The meeting would be held by Zoom and would be organised by the secretary</p>	Secretary

Richard Scott JP

Secretary

31 January 2022