



Judicial Appointments Board
for Scotland

Annual Report **2010–2011**



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Annual Report

2010–2011

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Our aims are:

To attract applicants of the highest calibre, recognising the need to encourage diversity in the range of those available for selection, and

To recommend applicants for appointment to judicial office on merit through processes that are fair, transparent and command respect.

Foreword



I am pleased to present the second Annual Report of the Judicial Appointments Board for Scotland as a statutory body. It is customary for the Board's Annual Report to be presented to the Scottish Ministers who then lay it before the Scottish Parliament.

The Board held four appointment rounds during the year under its statutory obligations in the Judiciary and Courts (Scotland) Act 2008.

We are committed to attracting the best applicants to recommend for judicial offices in Scotland and have held a number of information events across the country for members of the legal profession to explain our processes and procedures. The feedback we have received has proved very helpful and will assist when we plan our next information events.

I would like to thank our Board Members for their commitment to the Board over the past year. Three members, the Reverend John Miller, Sheriff Principal Sir Stephen Young and Mr Roy Martin QC, departed during the year and I pay tribute to their outstanding contributions. I welcome their successors, Dr Michael Ewart, Sheriff Principal James Taylor and Mr Iain Armstrong QC.

I would also like to welcome Mrs Dorothy Smith who joined the Board in June 2010 as our Policy Officer. Our Secretary to the Board, Mr Chris Orman, departed in March 2011 and I would like to record my thanks for his service to the Board over the past 5½ years. He is succeeded by Miss Kerry Love to whom I also extend a warm welcome.

A handwritten signature in black ink, appearing to read 'Muir Russell', with a long horizontal flourish extending to the right.

Sir Muir Russell KCB FRSE
Chairing Member

Introduction

This is the second Annual Report of the Judicial Appointments Board for Scotland as a statutory body and covers the period 1st April 2010 to 31st March 2011.

Membership

There are ten Board members, five judicial and legal members (a Judge of the Court of Session, a Sheriff Principal, a Sheriff, an Advocate and a Solicitor) and five lay members, one of whom is the Chairing Member. The Board membership during the period covered by this Annual Report was as follows:

Lay Members

Sir Muir Russell KCB FRSE (Chairing Member)

Ms Elspeth MacArthur

Mr Sandy Mowat

Professor Andrew Coyle CMG

Reverend John Miller (until May 2010)

Dr Michael Ewart (from August 2010)

Judicial Members

The Honourable Lady Smith

Sheriff Principal Sir Stephen Young Bt QC (until May 2010)

Sheriff Principal James A Taylor (from June 2010)

Sheriff Kenneth Ross

Legal Members

Mr Roy Martin QC (until May 2010)

Mr Iain Armstrong QC (from July 2010)

Mr Martin McAllister

Judiciary and Courts (Scotland) Act 2008

Following the implementation of the Judiciary and Courts (Scotland) Act 2008 (hereafter known as the '2008 Act'), the Board became an advisory Non-Departmental Public Body on 1st June 2009. The Board's functions, as set out in section 9 of the 2008 Act, are:

- To recommend to members of the Scottish Executive individuals for appointment to judicial offices within the Board's remit, and
- To provide advice to members of the Scottish Executive in connection with such appointments.

The judicial offices within the Board's remit are:

- Judge of the Court of Session
- Chairman of the Scottish Land Court
- Temporary Judge (with a number of statutory exemptions)
- Sheriff Principal
- Sheriff
- Part-time Sheriff

The 2008 Act also places the following responsibilities on the Board:

- selection must be solely on merit;
- the Board may select an individual only if it is satisfied that the individual is of good character; and
- in carrying out its functions, the Board must have regard to the need to encourage diversity in the range of individuals available for selection to be recommended for appointment to a judicial office.

The Board has adopted the following corporate documents in fulfilment of its responsibility as a public body:

- Framework Document (this sets out the relationship between the Board and the Scottish Government)
- Publication Scheme under the Freedom of Information (Scotland) Act 2002
- Complaint Procedures
- Code of Conduct for Board Members
- Code of Conduct for Secretariat Staff
- Data Protection Policy
- Policy on Confidentiality
- Statement of Principles on Criminal Convictions
- Business Continuity Plan

These documents are available on the Board's website at www.judicialappointmentsscotland.org.uk.

Committees and Groups

To assist in its work, the Board has established one Committee and two Working/Steering Groups.

Audit and Risk Management Committee

The Committee is responsible to the Board for:

- the adequacy of governance and risk management arrangements (including Business Plan and Risk Register, Business Continuity Plan, Information Security, and Annual Report);
- the arrangements for the review, monitoring and delivery of the Business Plan;
- the findings from any Scottish Government internal audit reports and proposed responses;
- the governance implications of major policy issues;
- corporate governance compliance;
- the arrangements for securing best value, regularity and propriety;
- the arrangements for delivering efficiency savings;
- the arrangements for delivery of anti-fraud policies and whistle-blowing processes; and
- the draft Annual Report prior to submission to the Board.

Committee Membership: Mr Sandy Mowat (Chair)
 Reverend John Miller (until May 2010)
 Dr Michael Ewart (from August 2010)
 Lady Smith
 Mr Martin McAllister

Officials in attendance: Chief Executive
 Secretary to the Board
 Policy Officer

During the period covered by this Annual Report the Committee met on two occasions. At these meetings the Committee received reports on the Board's actual and projected expenditure, reviewed the Business Plan and Risk Register, and considered the Business Continuity Plan and the Board's Annual Report to the Scottish Government on the Security Policy Framework.

Process Working Group

Following the Sheriff 2010 appointment round, the Process Working Group was established to review all aspects of the Board's appointment processes and procedures, including the application forms, the supporting material that applicants are expected to submit and the methods for communicating with applicants. It reported to the Board in June 2010 prior to the launch of the Sheriff 2011 appointment round and is involved in a continual review of the process and procedures adopted by the Board.

Working Group Membership: Sheriff Kenneth Ross (Chair)

Ms Elspeth MacArthur

Mr Sandy Mowat

Lady Smith

Officials in attendance:

Chief Executive

Secretary to the Board

During the period covered by this Annual Report the Working Group met on five occasions to review the process and procedures for appointment rounds carried out by the Board.

Diversity Steering Group

The Diversity Steering Group emerged from the recommendations of the Diversity Working Group (DWG) which was established in 2007 by the previous administrative Board. Membership of the Working Group included representatives of the Faculty of Advocates and the Law Society of Scotland. Its remit reflected the wording of the remit given by Ministers to the Board on its establishment in 2002:

“To assist the Board in considering ways of recruiting a judiciary which is as representative as possible of the communities they serve, through

- *the identification of evidence in relation to diversity among the legal profession in Scotland and whether that diversity is reflected in applicants for judicial office;*
- *consideration of gaps in that evidence and suggestions as to how they might be filled;*
- *practicable suggestions for increasing the proportion of people from under-represented groups who apply for judicial office;*
- *making a report to the Board covering the above issues.”*

The main focus of the Working Group was to devise, commission and oversee a major research survey of the legal profession in Scotland. The Working Group used the findings of the survey to inform its final report which was presented to the Board in February 2010. The Board accepted the report’s recommendations in full. A key recommendation was that the Board should seek to establish a ‘collaborative group’ involving other bodies or organisations which have an interest in encouraging diversity within the judiciary. The Chief Executive and the Secretary of the Board met representatives of the Faculty of Advocates and the Law Society of Scotland for an initial discussion about how best to take forward the recommendations in the DWG report. There was unreserved support from all parties for the recommendations in the report. The Faculty of Advocates and the Law Society of Scotland indicated their commitment to working jointly with Judicial Appointments Board for Scotland (JABS) to ensure that the necessary implementation work was progressed in a planned and sensibly paced way.

This meeting agreed to recommend to the Board the following working arrangements for the new ‘collaborative group’:

- the group should be known as the Diversity Steering Group;
- it should operate under the auspices of the Board, in view of its statutory duty to encourage diversity in the range of individuals available for selection to be recommended for appointment to judicial office;
- it should be chaired by a lay Board member;
- it should not be a committee of the Board and the Board should not be delegating to it any of its powers or responsibilities. Each organisation represented on the Group should remain responsible for actions within its own area of responsibility. There should be no specific budget for the Group. The organisations represented on it should bear the cost of their member’s attendance at meetings and of any specific work they decide to undertake in fulfilment of a task for which they have “ownership”;
- the Group’s function should be to co-ordinate and oversee the implementation of the recommendations in the report of the Diversity Working Group, ensuring that the various strands are prioritised, have ownership, and are being progressed to agreed timescales;
- it should be expected to meet up to four times a year;
- membership should be limited to JABS, the Judiciary, the Faculty of Advocates and the Law Society of Scotland. The Scottish Government should be invited to attend as observers;
- the Group’s modus operandi should be to commission work from the relevant organisations/ individuals around a series of themes linked to the recommendations in the Diversity Working group’s report, e.g. data collection, communication and outreach;
- a first task for the Group should be to prioritise the report’s recommendations, identify “owner” organisations for each recommendation, agree themes, consider who else needs to be involved, agree on a planned programme of work and the desired outcomes; and
- the Group should report progress regularly to their respective organisations.

The Diversity Steering Group was established and had its inaugural meeting on 24 June 2010.

Steering Group Membership: Professor Andrew Coyle CMG (Chair)
 The Honourable Lady Stacey, Court of Session
 Ms Ailsa Carmichael, Faculty of Advocates
 Mr Neil Stevenson, Law Society of Scotland
 Mr Colin McKay, Scottish Government (Observer)

Officials in attendance: Chief Executive
 Policy Officer

During the period covered by this Annual Report the Steering Group met on three occasions. At these meetings the Group adopted the remit outlined above and set about developing a Diversity Strategy and an Action Plan to take forward the recommendations of the Diversity Working Group. These were presented to and approved by the Board at its annual Away Day in March 2011.

Diversity

The Board has a duty under section 14 of the 2008 Act to have regard to the need to encourage diversity in the range of individuals available for selection to be recommended for appointment to a judicial office. The Board keeps this duty in mind in all that it does.

The Board has worked closely with the Judiciary, the Faculty of Advocates and the Law Society of Scotland to develop a shared understanding of the approach to be adopted to ensure that those who are eligible and wish to apply for judicial office are able to do so, irrespective of their background, with the confidence that their application will be treated equally and fairly.

This year the Board adopted a strategy to ensure that those who are appointed to judicial office are attracted from the widest possible pool of eligible applicants. The strategy statement is reproduced below.

Responsibility for implementing the strategy rests primarily with the Board. However, the Board recognises that it can only do so much, and must rely on other organisations within the legal profession playing their part. The Diversity Steering Group has been charged with overseeing the implementation of the strategy.

Diversity Strategy

The Board acknowledges that there should be equality of opportunity for those eligible to apply for judicial office, but in a democratic society the judiciary should reflect the diversity of society and the legal profession as a whole. A judiciary whose members are drawn from a wide range of backgrounds and life experiences will bring varying perspectives on legal issues and is likely to enhance public confidence in the judiciary.

The Board's Diversity Strategy has three broad elements:

- fair and non-discriminatory selection processes;
- outreach and awareness raising; and
- working with others to break down barriers and remove misperceptions.

Fair and non-discriminatory selection processes

Applications – The Board encourages and welcomes applications from the widest possible range of applicants regardless of sex, race, disability, sexual orientation, religion or belief, age, marriage and civil partnership, gender reassignment and pregnancy and maternity.

Application Forms and other documentation – The Board reviews its processes and procedures after each appointment round to discover where adjustments or improvements can be made. At the end of each appointment round applicants are asked to comment on their experience of the process. The Board equality-proofs its application forms and other documentation to ensure that they do not discriminate against any individual or group.

Qualities and abilities to determine merit – The Board has agreed with the Judicial Office for Scotland a range of qualities, possession of which constitutes merit and which successful applicants for judicial office must demonstrate. Broadly, these are: legal knowledge, skills and competence; intellectual capacity¹ and powers of reasoning; personal characteristics; efficiency and case management skills, and communication skills.

Diversity monitoring – The Board monitors the diversity profile of all appointment rounds and tracks applicants' progress at each stage of the process: after applications are received; after sifting; after short-listing and after interview. The Board is developing data on the 'eligible pool' and plans to benchmark performance against that for each appointment round. We will publish diversity statistics after each appointment round.

References – Candidates are normally asked to nominate three referees, two of whom must be legally qualified.

Consultation – The Board will consult the Lord President of the Court of Session, all Sheriffs Principal, the Dean of the Faculty of Advocates, the President of the Law Society of Scotland, and the Scottish Legal Complaints Commission, to enquire whether they are aware of any reason which might cause the Board to consider that an applicant is unsuitable or unfit for appointment to the office for which he or she has applied. For more senior judicial offices the Board may, in addition, seek a judicial reference from the Lord President.

Outreach and awareness raising

Informing ourselves – In 2009 the Board published the results of a major survey of the Scottish legal profession. The Board now has a better understanding of the attitudes of the population that is eligible to apply for judicial office, what encourages them to apply and what discourages them. Data sources held by the Board, the Law Society of Scotland and the Faculty of Advocates will be developed and updated regularly in order to maintain an up-to-date picture of the composition of the eligible pool. This is consistent with the Equality Act 2010 Public Sector Duty. In this way it will be possible to identify trends and changes in the eligible pool and the Board will be better placed to identify particular groups within the profession who might be encouraged to apply.

¹ The Board has noted that the Equality Act 2010 has provision for those discriminated against because of a disability e.g. learning difficulties. The Board is aware that it is discrimination to treat a disabled person unfavourably not because of the person's disability itself but because of something arising from, or in consequence of his or her disability. It is however, possible to justify such treatment if it can be shown to be a proportionate means to achieving a legitimate aim.

Outreach – The Board will hold information events across Scotland to inform members of the legal profession about the work of the Board and the judicial appointments process. These events will be timed to coincide with major appointment rounds in order to maximise their impact. The Board will run similar events for under-represented groups within the legal profession when such a need is identified. The Board will engage with Law Schools' Careers Advisors to promote to their students that a judicial career is open to them. The judiciary and the legal profession should also engage with schools and universities to promote the judiciary as a career.

Advertising – In future the Board will target its advertising of appointment rounds specifically at the eligible pool and those members of the profession who are about to become eligible to apply. It will do this by exploring with the Law Society, the Faculty of Advocates and others the use of their websites, email lists and other electronic communication systems.

Working with others to break down barriers and remove misperceptions

Barriers – The pool of candidates eligible for selection is limited. The legal professions lack comprehensive statistics on diversity. No hard data exists on disability, sexual orientation or ethnic background in relation to members of the legal profession in Scotland. Data in relation to gender shows that the number of women in the eligible pool is increasing faster than the number of applications for judicial office from women. The Board will work with the Law Society and the Faculty of Advocates to gather further information from these groups to learn more about their attitudes to judicial office and whether any barriers, real or perceived, need to be addressed or accelerators put in place to encourage people to apply.

The Board will work with the legal profession and judiciary to help them to become more active in promoting judicial office among those who are currently not coming forward, particularly good candidates from under-represented groups.

Appointment Rounds

The Board is responsible for recommending individuals for judicial offices within its remit (see page 3 of this Annual Report for a full list).

During the year we ran four appointment rounds.

Process and Procedures

Through its Process Working Group, the Board is continually reviewing the process and procedures used in its appointment rounds. This is to ensure that we follow the best practices and ensure that the selection process is fair to those who apply for judicial offices in Scotland.

A new element of the process introduced this year, following discussion with the Lord President, is that the Board now seeks judicial references for those who apply for appointment to the most senior judicial offices, namely Judge of the Court of Session and Sheriff Principal. This now happens before the interview stage. The Board seeks judicial references from the Lord President and (for any applicant who serves or has served as a Sheriff) from any Sheriff Principal under whom the applicant has served. The reason for this is to obtain input to the body of reference material from sources other than people nominated by the applicant. It is one of many pieces of information that will inform the interview and the Board's subsequent consideration of the suitability of the applicant for appointment. To enable the Lord President/Sheriffs Principal to respond without delay or duplication, details of the applicant's career as set out in the Application Form are provided, along with the names of those nominated by the applicant as his or her referees. The self assessment and other details given on the form are not disclosed.

The request for judicial references is distinct from the established set of consultations undertaken by the Board about the applicant's suitability or fitness for appointment and from the statutory consultation with the Lord President undertaken by the Scottish Government.

Where an applicant is not sufficiently well known to the Lord President for him to prepare the reference on his own, he may, on terms of strict confidentiality, consult the Lord Justice Clerk and another Judge of the Court of Session whom he considers is best placed to assist him in responding. The name of any Judge of the Court of Session contributing on this basis is made available to the Board, and is disclosed to the applicant before the interview; but the content of the judicial reference remains, as with other references, confidential to the Board.

If the circumstances of a particular applicant mean that judicial references cannot be obtained, for example if the applicant is not known to the Lord President/Sheriff Principal or those judicial colleagues from whom they may seek input, it does not count against the applicant.

Office of Judge of the Court of Session

In October 2009, the Board received 18 applications for three vacancies in the office of Judge of the Court of Session. The statistical information can be found in our last Annual Report and we are pleased to note the appointments of:

Mr Raymond Doherty QC, now Lord Doherty, appointed in May 2010

Mr Angus Stewart QC, now Lord Stewart, appointed in November 2010

Mr Colin Tyre QC, now Lord Tyre, appointed in May 2010

In January 2011, the Board invited applications from those eligible for appointment to the office of Judge of the Court of Session. We received five applications and the following table provides statistical information on these applications²:

Gender		Qualification		National Identity	
Male	3	Queen's Counsel	4	Scottish	3
Female	2	Solicitor Advocate	1	British	2
Ethnicity		Sexual Orientation*		Disability	
White British	5			Yes	0
				No	5
Marital Status		Age		Religion	
Married	3	46-55	2	Church of Scotland	1
Dissolved	1	56-65	3	Other Christian	1
None	1			None	3

* Where numbers are very small, diversity data will not always be published in order to maintain the confidentiality of individual respondents.

During the period of this Annual Report the appointment round was still in progress. We shall report on the outcome in our next Annual Report.

² All applicants for judicial office are invited to complete an Equal Opportunities questionnaire. The purpose of the questionnaire is to assist the Board in identifying trends in those applying and changes in the nature of the eligible pool of applicants. Completion of the questionnaire is voluntary – applicants may complete all, some or none of it. The questionnaire is separated from the application form upon receipt and is not seen by the Board.

Office of Sheriff Principal

In December 2010, the Board invited applications from suitably qualified individuals interested in appointment to two vacancies in the office of Sheriff Principal for the Sheriffdoms of Lothian and Borders and Glasgow and Strathkelvin. We received eight applications and the following table provides statistical information on these applications:

Gender		Qualifications		National Identity	
Male	7	Queen's Counsel	2	Scottish	7
Female	1	Advocate	2	British	1
		Solicitor	4		
Ethnicity		Sexual Orientation*		Disability	
White British	8			Yes	0
				No	8
Marital Status		Age		Religion	
Single	1	46-55	4	Church of Scotland	4
Married / Civil Partnership	7	56-65	4	Other Christian	1
				None	3

* Where numbers are very small, diversity data will not always be published in order to maintain the confidentiality of individual respondents.

During the period of this Annual Report the Board submitted its recommendations to the Scottish Government. We shall report on the outcome in our next Annual Report.

Office of Sheriff

In July 2009, the Board received 69 applications for appointment to the office of Sheriff and established a pool of nine individuals suitable for appointments during 2010. The statistical information can be found in our last Annual Report. During the period of this Annual Report, we are pleased to note the appointments of:

Mr William Summers to the Sheriffdom of Tayside, Central and Fife based at Stirling;
 Mrs Fiona Tait to the Sheriffdom of South Strathclyde, Dumfries and Galloway based at Airdrie;
 Mr Thomas Ward to the Sheriffdom of North Strathclyde based at Dunoon.

In July 2010, the Board invited applications from those eligible for appointment to the office of Sheriff. This was to establish a pool of individuals suitable to be recommended for appointment to vacancies arising during 2011. The Board received 67 applications and the following table provides statistical information on these applications³:

3 All applicants for judicial office are invited to complete an Equal Opportunities questionnaire. The purpose of the questionnaire is to assist the Board in identifying trends in those applying and changes in the nature of the eligible pool of applicants. Completion of the questionnaire is voluntary – applicants may complete all, some or none of it. The questionnaire is separated from the application form upon receipt and is not seen by the Board.

Gender		Qualifications		National Identity	
Male	51	Queen's Counsel	2	Scottish	39
Female	16	Advocate	16	British	24
		Solicitor Advocate	8	Irish	1
		Solicitor	41	Not declared	3
Ethnicity		Sexual Orientation		Disability	
White British	60	Heterosexual	64	No	64
White Other	2	Not declared	3	Not declared	3
Mixed	1				
Other	1				
Not declared	3				
Marital Status		Age		Religion	
Married	54	36-45	14	Church of Scotland	25
Separated	4	46-55	39	Roman Catholic	15
Dissolved	4	56-65	11	Other Christian	6
None	1	Not declared	3	Jewish	1
Not declared	4			Hindu	1
				None	16
				Not declared	3

Seventeen applicants were invited for interview and seven were selected to be included in a pool of applicants from which the Board would make recommendations when requested to do so by the Scottish Government. A further three applicants were included in a reserve list which would come into play if necessary.

During the period covered by this Annual Report the Board recommended five individuals from the pool and is pleased to note the appointments of:

Dr Alastair Brown to the Sheriffdom of South Strathclyde, Dumfries and Galloway based at Hamilton;
 Mr Peter Hammond to the Sheriffdom of Grampian, Highland and Islands based at Stonehaven;
 Mr John Mundy to the Sheriffdom of Tayside, Central and Fife based at Arbroath;
 Mrs Wendy Sheehan to the Sheriffdom of Glasgow and Strathkelvin;
 Mr Alastair Thornton to the Sheriffdom of Tayside, Central and Fife based at Kirkcaldy.

We shall report on subsequent appointments in our next Annual Report.

Office of Part-time Sheriff

In January 2011, the Board invited applications from those eligible for appointment to the office of Part-time Sheriff. This was to establish a pool of individuals suitable to be recommended for appointments arising from July 2011. We received 112 applications and the following table provides statistical information on these applications⁴:

Gender		Qualifications		National Identity	
Male	81	Queen's Counsel	5	Scottish	65
Female	31	Advocate	37	British	42
		Solicitor Advocate	15	Irish	2
		Solicitor	55	Other	2
				Not declared	1
Ethnicity		Sexual Orientation		Disability	
White British	103	Heterosexual	104	Yes	1
White Other	4	Homosexual	6	No	110
Asian Indian	2	Not declared	2	Not declared	1
Asian Pakistani	2				
Not declared	1				
Marital Status		Age		Religion	
Married	83	36-45	43	Church of Scotland	32
Separated	7	46-55	52	Roman Catholic	28
Dissolved	8	56-65	16	Other Christian	8
None	12	Not declared	1	Jewish	1
Not declared	2			Muslim	2
				Sikh	1
				Other	1
				None	32
		Not declared	7		

At the time of this Annual Report the appointment round was still in progress. We shall report on the outcome in our next Annual Report.

⁴ All applicants for judicial office are invited to complete an Equal Opportunities questionnaire. The purpose of the questionnaire is to assist the Board in identifying trends in those applying and changes in the nature of the eligible pool of applicants. Completion of the questionnaire is voluntary – applicants may complete all, some or none of it. The questionnaire is separated from the application form upon receipt and is not seen by the Board.

Meetings and Outreach

Board meetings and Away Day

The Board normally meets on the second Monday of each month. The Minutes of meetings are published on our website. During the period covered by this Annual Report the Board received reports from its officials and Scottish Government representatives.

In March 2011 we held our annual Away Day, when the Board took the opportunity to consider a range of issues. The Chief Executive presented a paper reviewing aspects of the appointment processes in light of feedback received from applicants and Board members following recent appointment rounds. The Board also discussed its approach to equality and diversity and in particular how to attract the best applicants from the eligible pool. The Board is indebted to Ali Jarvis⁵ for her constructive contribution to this discussion. The Board also welcomed Mr Colin McKay, Deputy Director, Legal System Division, Scottish Government and Mr Norman Egan, Chief Executive, Scottish Tribunal Service, for a discussion on the future of tribunals in Scotland and arrangements for making appointments to tribunals operating in Scotland.

Tripartite meeting with other Judicial Appointments Organisations

In April 2010, the Judicial Appointments Commission (for England and Wales) hosted a tripartite meeting in Canada House, London. Unfortunately travel disruption caused by the Icelandic volcanic ash cloud prevented representatives from the Northern Ireland Judicial Appointments Commission from attending. Eight of our Board Members and senior officials participated in a very useful discussion with their JAC counterparts on issues of common interest.

Information Events

The Board ran a series of information events for the legal profession in June 2010 in Aberdeen, Glasgow and Edinburgh. These events were in response to comments in the 2008 Diversity Survey that the profession would welcome more information about the Board and the judicial appointments process, and were timed to take place just before the launch of the 2011 Sheriff appointment round. They were well attended – 16 delegates in Aberdeen, 34 in Glasgow and 37 in Edinburgh. We received positive feedback on the seminars (see table below).

⁵ Ali Jarvis was appointed as an OCPAS assessor in May 2005. She has worked across the public, private and voluntary sectors. She spent the early part of her career in marketing and human resources for a number of international FTSE 100 companies working globally on strategy development, organisational change management and diversity. More recently she has been Director of the Commission for Racial Equality and of Stonewall in Scotland. She works as a freelance consultant and coach specialising in leadership and strategic change management, public engagement and equality.

Overall satisfaction		Satisfactory	Good	Excellent	Total Respondents
Seminar programme	Aberdeen	2	6	1	9
	Glasgow	5	13	2	20
	Edinburgh	3	8	4	15
	Total	10	27	7	44
Seminar speakers	Aberdeen	1	2	5	8
	Glasgow	1	11	6	18
	Edinburgh	1	4	9	14
	Total	3	17	20	40
Seminar venue	Aberdeen	1	6	2	9
	Glasgow	1	14	4	19
	Edinburgh	2	7	5	14
	Total	4	27	11	42
Overall event	Aberdeen	0	4	4	8
	Glasgow	2	13	1	16
	Edinburgh	1	10	4	15
	Total	3	27	9	39

Delegates were asked to comment on the most useful elements of the event. The consensus on what they found most useful was:

- finding out more about the criteria the Board applies;
- first hand information from the Board on the process and how it deals with application forms;
- understanding the interview process and improvements being made to try and ensure a more transparent process;
- what is expected from candidates in the application process;
- opportunity to ask questions (Q&A session); and
- explanation of the stages involved in the judicial appointment process.

Delegates were asked also for their comments on how the seminar could be improved and the consensus was:

- legally qualified Board members should speak to examples of evidence of competency and what type of examples of written work are required;
- to know how many vacancies there are likely to be before they apply;
- they would welcome examples of written work and a completed application form; and
- more emphasis on the skills that need to be developed in preparation for life on the bench.

The Board also held information events for the Faculty of Procurators in Glasgow in October and a similar event for the Faculty of Advocates in Edinburgh in December 2010. Feedback for both these events was also very positive.

Website

In conjunction with the information events to explain the appointments process, the Board re-launched its website in July 2010 with a more user friendly format, providing up-to-date information on the Board and its processes. This was complemented later in the year with the facility for visitors to subscribe to an email alert to advise them of new information on the website, particularly new appointment rounds and other relevant information. The Board's move to more targeted online advertising of its vacancies has seen a sharp increase in visitors to its website and is where the majority of applicants first learn of the Board's request to fill judicial vacancies. We are continuing to develop the website so that it becomes the legal profession's main source of information about all matters relating to judicial appointments in Scotland.

Meetings with interested parties

The Board continues to maintain close and effective relationships with a range of interested parties. Over the past year, the Board and its senior officials have held meetings with the following individuals and organisations to promote the work of the Board and to discuss matters of common interest:

- Scottish Government officials
- Lord President of the Court of Session
- Sheriffs Principal
- The Sheriffs' Association
- Judicial Office for Scotland
- Faculty of Advocates
- Law Society of Scotland
- The Scottish Legal Complaints Commission
- The Chair of the CBI in Scotland
- Judicial Appointments Commission (for England and Wales)
- Northern Ireland Judicial Appointments Commission
- Commissioner for Public Appointments in Scotland

Secretariat

Our members of staff are civil servants, assigned to the Board by the Scottish Government.

The period covered by this Annual Report saw the appointment of Mrs Dorothy Smith as Policy Officer and the departure of Mr Chris Orman as Secretary to the Board. He has been succeeded by Miss Kerry Love. We would like to thank Mr Orman for his work during his time with the Board and to welcome Mrs Smith and Miss Love to their new positions.

Chief Executive
Secretary to the Board
Appointments Manager and Secretary to the Board
Policy Officer
Administrators

Trevor Lodge
Chris Orman (until March 2011)
Kerry Love (from 14 March 2011)
Dorothy Smith (from June 2010)
Alessandra Asteriti
Arlene Gibson

Financial Statement

The Board is funded by the Scottish Government. The Board's expenditure during the financial year 2010–2011 is set out below:

Please note that the figures are taken from the Board's own records and may not reflect any figures subsequently published by the Scottish Government.

Expenditure	Year to 31st March 2011 (£)
Secretariat staff salaries	151,842.28
Chairing Member's salary and Members' fees	67,815.00
Travel and Subsistence – Board Members	6,578.83
Travel and Subsistence – Secretariat Staff	2,859.49
Training	10,789.38
Communications – Outreach Visits	5,448.37
Accommodation (including rent, maintenance and utilities)	25,334.84
Hire of Rooms for Interview Panels	6,135.97
Catering – Board and Interview Panels	2,941.48
Advertising (for judicial appointment rounds)	21,436.99
Office running costs	30,601.72
Annual Report 2009–2010 – Publishing costs	1,289.05
Professional services	9,031.29
Total	£342,105.69

Annex: Board Members

The Board comprises ten members with an equal number of lay and judicial/legal members, including a lay Chairing Member. The Board membership during the period covered by this Annual Report was as follows:

Lay Members



Sir Muir Russell KCB FRSE (Chairing Member)

Sir Muir was Principal of the University of Glasgow from 2003 to 2009. Prior to his appointment at the University of Glasgow, he was Permanent Secretary to the Scottish Executive. He was born in 1949 and was educated at The High School of Glasgow and Glasgow University, where he took a First Class honours degree in Natural Philosophy. He is a Deputy Chairman of the Governors of the Glasgow School of Art, a Member of the Board of the Moredun Research Institute, and the Chairman of the Dunedin Concert Trust. He was elected as a Fellow of the Royal Society of Edinburgh in 2000 and holds honorary degrees from the Universities of Strathclyde, Glasgow and Edinburgh. Sir Muir was appointed in October 2008 for three years.



Ms Elspeth MacArthur

Elspeth MacArthur's background is in human resources. She was Director of Human Resources at the University of Edinburgh until 2007. Ms MacArthur is also a member of the Board of Management at the John Wheatley College, Glasgow and a Director of the Scottish Community Development Centre. She is also a lay member of the Employment Tribunal (Scotland). Ms MacArthur was reappointed for a second term of three years in June 2010.



Mr Sandy Mowat

Sandy Mowat's background is in business as a Chartered Accountant. He was senior and managing partner of Alexander Sloan, Chartered Accountants until he retired in 2007. He now practises on his own account and holds a number of non-executive directorships and charity trustee appointments. In April 2008 Mr Mowat was appointed to the Investigation and Enforcement Committee of The Institute of Chartered Accountants of Scotland and in April 2009 was appointed as Secretary and Treasurer of The Baird Trust. Mr Mowat was reappointed for a second term of three years in December 2010.



Professor Andrew Coyle CMG

Andrew Coyle is Emeritus Professor of Prison Studies at the University of London and Visiting Professor at the University of Essex. He is also Director of the International Centre for Prison Studies, University of Essex. He is a prisons adviser to several United Nations bodies and to the Council of Europe. He is a member of the Foreign Secretary's Expert Panel against Torture and of the Administrative Justice and Tribunals Council.

He worked for 25 years at a senior level in the prison services of the United Kingdom. While in the Scottish Prison Service he was Governor of Greenock, Peterhead and Shotts Prisons. Between 1991 and 1997 he was Governor of Brixton Prison in London. He was appointed a Companion of the Order of St Michael and St George in 2003 for his contribution to international penal reform. He is a Fellow of King's College London. Professor Coyle was appointed in January 2009 for three years.



Reverend John Miller (until May 2010)

John Miller was born in 1941. After university he was a youth worker at a church in Niddrie, Edinburgh. He became a minister of Castlemilk East Parish in Glasgow in 1971. He and his wife Mary were closely involved in the life of the Castlemilk housing scheme for the next 36 years. From 2001 to 2002 he was Moderator of the Church of Scotland's General Assembly, representing the Church of Scotland at national and international

level. He then returned to parish life. In 2005 the Lord Provost awarded him the Glasgow Loving Cup for his contribution to the City. On retirement in 2007 John and Mary Miller spent 18 months working in Zimbabwe. Reverend Miller was appointed in March 2009 for three years.



Dr Michael Ewart (from August 2010)

Dr Ewart has a First Class honours degree from Cambridge and a DPhil from York University. He joined the then Scottish Office in 1977, where his career began in the Education Department. In 1991 he became Deputy Director of the Scottish Courts Administration and guided the Scottish Court Service to agency status, becoming its first Chief Executive in 1994. In 1999 he returned to the Education Department, first as Head

of Schools Group, and from 2002, as Head of the Education Department. From April 2007 until November 2009, he was Chief Executive of the Scottish Prison Service. Dr Ewart is now Director of the Scottish International Education Trust and a Board Member of the Scottish Ballet. Dr Ewart was appointed in August 2010 for four years.

Judicial Members



The Honourable Lady Smith

Lady Smith was appointed a Judge of the Court of Session in 2001. She is a graduate of the University of Edinburgh. She was admitted to the Faculty of Advocates in 1980 and was Standing Junior Counsel to the Countryside Commission. Lady Smith was appointed Queen's Counsel in 1993. She served as a Temporary Sheriff from 1995 to 1999. Lady Smith was appointed Chair of the Scottish Partnership on Domestic Abuse from 1998 to 2000 and served as Advocate Depute from 2000 until she was appointed a Judge. She has served as a member of the Court of Session Rules Council and is a past Chair of the Advocates Family Law Group and Chair of the Advocates Professional Negligence Law Group. Lady Smith chairs the Council of St George's School, Edinburgh. She also chairs the RSNO Foundation. Lady Smith was appointed in July 2008 for three years.



Sheriff Principal Sir Stephen Young Bt QC (until May 2010)

After qualifying as a solicitor, he worked in London and Glasgow for three and a half years. He then trained as an advocate and was called to the Bar in 1977. He was appointed as a Sheriff in 1984, serving in Glasgow and Greenock. In 2001 he was appointed Sheriff Principal of Grampian, Highlands and Islands, where he is responsible for the administration of justice in the sheriff courts throughout the North and North East of Scotland and the Western and Northern Isles. Sheriff Principal Young was appointed in June 2007 for three years.



Sheriff Principal James A Taylor (from June 2010)

James Taylor was appointed as a solicitor in 1977 and as a solicitor advocate in 1993. He was a solicitor in private practice, first in Aberdeen and then in Glasgow. Appointed Sheriff of Lothian and Borders at Edinburgh in 1998, he transferred to Glasgow and Strathkelvin in 1999 where he was designated Commercial Sheriff. In 2005 he was appointed Sheriff Principal of Sheriffdom of Glasgow and Strathkelvin. Other appointments include Law Society representative on the Court of Session Commercial Court Users Committee (1993-1998) and member of the Advisory Committee to the Scottish Law Commission in relation to the review of the law on Interest on Debt and Damages. Sheriff Principal Taylor was a member of the Project Board of the Scottish Civil Courts Review which reported in September 2009. Sheriff Principal Taylor was appointed in June 2010 for four years.



Sheriff Kenneth Ross

Sheriff Ross was appointed a Sheriff in 1997, serving at Linlithgow until 2000 and since then at Dumfries. He is a graduate of Edinburgh University and qualified as a solicitor in 1973. From 1975 until 1997 he was a partner in the firm of Gillespie, Gifford & Brown, Solicitors, Dumfries. He served on the Council of the Law Society of Scotland from 1987 until 1996, convening the Complaints and Guarantee Fund Committees. He was President of the Law Society of Scotland in 1994-95. He sat as a Temporary Sheriff between 1987 and 1997 and was a member of the Scottish Legal Aid Board between 2004 and 2010. Sheriff Ross was appointed in October 2008 for three years.

Legal Members



Mr Roy Martin QC (until May 2010)

Mr Martin was admitted to the Bar in Scotland in 1976 and in England and Wales in 1991. He became a Queen's Counsel in Scotland in 1988 and in England and Wales in 2008. He was the Dean of the Faculty of Advocates from 2004 to 2007. Mr Martin has served as a Temporary Sheriff, a part-time Chair of Industrial Tribunals, and he is a Chairman of the Police Appeals Tribunals. He is a Governor of Loretto School and was a Trustee of the National Library of Scotland. Mr Martin was appointed in June 2007 for three years.



Mr Iain Armstrong QC (from August 2010)

Mr Armstrong is a graduate of the University of Glasgow. He was admitted to the Scottish Bar in 1986 and was appointed Queen's Counsel in 2000. He was Standing Junior Counsel to the Department of Social Security from 1998 to 2000 and served as Crown Counsel from 2000 to 2003. He was a member of the Standing Committee on Legal Education in Scotland from 1995 to 1999 and has been a Governor of Fettes College, Edinburgh since 1991. In 2008, he was elected Vice Dean of the Faculty of Advocates. Mr Armstrong was appointed in July 2010 for four years.



Mr Martin McAllister

Martin McAllister is a partner with Taylor and Henderson Solicitors based in Saltcoats, Ayrshire. He is a former President of the Law Society of Scotland and has convened several of its Committees including Legal Aid, Professional Practice and Professional Conduct. Mr McAllister is currently a part time tutor at Strathclyde University and a part time Convenor of The Mental Health Tribunal for Scotland. Mr McAllister was appointed in September 2008 for three years.



Judicial Appointments Board for Scotland

For further information on the work of the Board, please visit our website at www.judicialappointmentscotland.org.uk.

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