



Judicial Appointments Board
for Scotland

Annual Report **2011–2012**



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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 third 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 three appointment rounds during the year under its statutory obligations in the Judiciary and Courts (Scotland) Act 2008.

The Board has also been engaged in a significant programme of reviewing how it conducts appointment processes. Although that piece of work is not concluded – and in one sense is continuous – it represents the Board's continued determination to ensure its processes are fair and transparent and that they command respect.

We also remain committed to attracting a diverse range of applicants from whom to recommend the best fitted to hold judicial offices in Scotland. To that end we have continued with our programme of information events across the country for members of the legal profession to explain our processes and procedures and the attractions and demands of judicial office. As this process of attraction can never begin too early we have been engaging with Law Schools Careers Advisors and indeed High School pupils considering a legal career. 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. Four members, The Honourable Lady Smith, Sheriff Principal James Taylor, Mr Sandy Mowat and Mr Iain Armstrong QC, stood down from the Board during the year and I pay tribute to their outstanding contributions. I welcome their successors, The Honourable Lady Dorrian, Sheriff Principal Bruce Kerr and Ms Jeane Freeman.

This year marked the retirement of Mr Trevor Lodge the Board's first Chief Executive. On behalf of the Board I would like to offer our thanks for his contribution in developing the valuable support provided by the Secretariat over the past 2½ years. We wish him well in his retirement and extend a welcome to Mr Michael Garden who became Chief Executive in February 2012.

Sir Muir Russell KCB FRSE
Chairing Member

Introduction and Membership

This is the third Annual Report of the Judicial Appointments Board for Scotland as a statutory body and covers the period 1st April 2011 to 31st March 2012.

Membership

There are ten Board members, five judicial and legal members (a Senator of the College of Justice, 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
 Professor Andrew Coyle CMG
 Dr Michael Ewart
 Mr Sandy Mowat CA (until December 2011)
 Ms Jeane Freeman (from November 2011)

Judicial Members

The Honourable Lady Smith (until July 2011)
 The Honourable Lady Dorrian (from July 2011)
 Sheriff Principal James A Taylor BSc LLB (until October 2011)
 Sheriff Principal Bruce Kerr (from November 2011)
 Sheriff Kenneth Ross

Legal Members

Mr Iain Armstrong QC (until March 2012)
 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:

- Senator of the College of Justice
- 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:

- a) selection must be solely on merit;
- b) the Board may select an individual only if it is satisfied that the individual is of good character; and
- c) 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) (until December 2011)
Dr Michael Ewart (Chair) (Chair from December 2011)
Lady Smith (until July 2011)
Mr Martin McAllister

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

During the period covered by this Annual Report the Committee has met on two occasions. At these meetings the Committee, in addition to providing general oversight of corporate governance, received reports on the Board's actual and projected expenditure, reviewed the Business Plan and Risk Register, and considered the Board's 2010 -11 Annual Report before submission for approval by the full Board.

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 2011 prior to the launch of the Sheriff 2012/13 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
 Lady Smith (until July 2011)
 Lady Dorrian (from July 2011)
 Mr Sandy Mowat (until December 2011)
 Ms Jeane Freeman (from December 2011)

Officials in attendance:

Chief Executive
 Secretary to the Board
 Policy Officer

During the period covered by this Annual Report the Working Group began a formal review of the Board's processes and procedures for appointment rounds. It met on five occasions. Work is ongoing, and recommendations will be made to the Board and changes implemented in advance of the next appointment round.

Diversity Steering Group

The Diversity Steering Group emerged from the recommendations of the Diversity Working Group which was established in 2007 by the previous non-statutory Board. Membership of the Steering Group includes representatives of the Faculty of Advocates, the Judiciary and the Law Society of Scotland. The Group's remit is:

- in discussion with interested parties, to develop an agreed approach that will encourage diversity in the range of individuals available for selection to be recommended to appointment to judicial office;
- to prioritise the recommendations of the final report of the Diversity Working Group, allocate lead responsibilities and to set timescales for delivery;
- to identify other relevant strands of work that should be pursued; and
- to provide regular progress reports to the Board.

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
 Ms Jill Clark, 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. It developed an Action Plan to take forward the recommendations of the Diversity Working Group, reviewed the diversity strategy and developed an outreach and communications strategy. For further details please see chapter **Meetings and Outreach**.

Diversity

The Diversity Steering Group, which has been in operation since June 2010, produced a diversity strategy which was approved by the Board in March 2011.

The strategy has three broad elements:

- Fair and non-discriminatory selection processes.
- Outreach and awareness raising.
- Working with others to break down barriers and remove misperceptions.

The Board has taken the following actions to implement the diversity strategy:

- monitoring the diversity profile of all appointment rounds and tracking applicants' progress at each stage of the process: after applications are received, after sifting; after short-listing and after interview;
- developing data on the 'eligible pool' with plans to benchmark performance against each appointment round;
- publishing statistics after each appointment round;
- holding outreach events across Scotland to inform the legal profession about the work of the Board and the judicial appointment process;
- reviewing its advertising strategy, adopting a more targeted approach by making use of professional networks and systems to contact potential applicants;
- developed an outreach and communications strategy in October 2011 (see chapter **Meetings and Outreach**); and
- continuing to gather information on the eligible pool, working with the Law Society and the Faculty of Advocates to learn more about their members' attitudes to judicial office and whether any barriers, real or perceived, need to be addressed or accelerated actions taken to encourage people to apply.

The Group has developed an action plan. Tasks completed to date include:

- Re-launch of JABS website.
- Profiles of Sheriffs on the website.
- Targeted advertising.
- Information leaflets designed.
- Seven outreach/information events held.
- Contact/links made with Law Schools Careers Advisers.
- Attendance at Law Society careers event and annual conference.
- Competency based training for Board members undertaken.
- Data on the eligible pool being developed.
- Development of an Outreach and Communication, and Diversity strategy.

Strategic Direction

The Group has considered whether it has appropriate resources to deliver and develop its action plan and whether it would benefit from wider representation to enable it to achieve its outcomes and maximise the potential eligible pool and is giving careful consideration to expanding its membership.

The Group has agreed that it would be useful to engage with academic and professional bodies which might have an interest in the promotion of a judicial career. There also appeared to be some potential to explore identifying champions/mentors from the various levels of the current or recently-retired judiciary, the Group will take these considerations forward as part of its aims and objectives for 2012/13.

Appointment Rounds

The Board is responsible for recommending individuals for judicial offices within its remit. During the year we ran three 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 the selection process is fair to those who apply for judicial offices in Scotland.

The Board had been concerned at the recent low number of applicants for appointment to the office of Senator of the College of Justice. The Lord President shared this concern.

The Board had considered whether one factor might be a degree of incompatibility between the breadth of its criteria for legal experience and knowledge and the reality of a profession becoming increasingly specialised. The Board was concerned to ensure that this does not lead to any restriction on applicants. In preparing for future Senator competitions the Board explored possible refinements to the criteria with the Lord President. As a result, the following clarification of the requirements for appointment as a Senator was agreed jointly:

Persons appointed to the office of Senator should be drawn from among the most able in the profession. It is vital that they are able to demonstrate a level of competence as a lawyer that marks them out from their peers. This competence needs to be demonstrated not only in the practical application of a branch or branches of the law to the highest standard, but also in a facility to work equally effectively, after a period of study or training as may be necessary, in any branch of the law that it may fall to them to consider in the course of their judicial duties.

Ideally, all those appointed to the bench would arrive able to sit in any case without difficulty. A candidate who can demonstrate a practical skill in a range of areas of the law will always present as a very strong candidate for appointment. It is recognised, however, that it is likely with an increasingly specialised profession at the highest levels, that it may be difficult for senior practitioners to be able to satisfy such a standard. That being said, it is sufficient, to meet the standard for the legal skills criterion, for a candidate to show that he or she is a first rate lawyer in one field with the ability and motivation to acquire and apply knowledge to a high standard in unfamiliar areas of the law.

The criteria for legal skills and the Guidance for Applicants now reflect the above position.

Senator of the College of Justice 2011

In January 2011, the Board invited applications from those eligible for appointment to the office of Senator of the College of Justice. We received five applications. The statistical information can be found in our last Annual Report. No recommendations were made from this appointment round.

Senator of the College of Justice 2012

In December 2011 the Board invited applications from those eligible for appointment to the office of Senator of the College of Justice. We received 19 applications¹; the following table provides statistical information on these applications²:

Gender		Professional Background		Disability		Ethnicity	
Male	14	Solicitor	3	No	16	White British	17
Female	5	Advocate	16	Yes	1	Not declared	2
				Not declared	2		

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

Office of Sheriff Principal 2011

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. The statistical information can be found in our last Annual Report. The following appointments were made:

Sheriff Mhairi Stephen, now Sheriff Principal Stephen, appointed in May 2011, to the Sheriffdom of Lothian and Borders;

Sheriff Craig Scott, now Sheriff Principal Scott, appointed in May 2011 to the Sheriffdom of Glasgow and Strathkelvin.

¹ One applicant withdrew before the sift.

² All applicants for judicial office are invited to complete a Diversity Monitoring 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 2012

In January 2012 the Board invited applications from those eligible for appointment to the office of Sheriff Principal for the Sheriffdom of Grampian, Highland and Islands. We received five applications and the following table provides statistical information on these applications³:

Gender		Professional Background		Disability		Ethnicity	
Male	4	Solicitor	2	No	5	White British	5
Female	1	Advocate	3				

During the period of this Annual Report the appointment round was still in progress. We will report any subsequent appointment in our next Annual Report.

Office of Sheriff 2011

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 statistical information can be found in our last Annual Report.

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. As some individuals in the 2011 pool and reserve list declined to be recommended for appointment, the Board looked to the next ranked group of interviewed candidates who were considered appointable and matched the requirements of the vacancies. This group had not been included in the pool or reserve list simply because of an insufficiency of predicted vacancies.

From the pool, five were appointed in 2010-11 and these were reported in our last Annual Report. A further five individuals have been appointed since:

Mr Daniel Kelly to the Sheriffdom of South Strathclyde, Dumfries and Galloway based at Airdrie;
 Mr Gregor Murray to the Sheriffdom of Grampian, Highland and Islands based at Peterhead;
 Mr Kenneth McGowan to the Sheriffdom of Tayside, Central and Fife based at Stirling;
 Mr Scott Pattison to the Sheriffdom of Grampian, Highland and Islands based at Aberdeen;
 Mr Stuart Reid to the Sheriffdom of Glasgow and Strathkelvin.

³ All applicants for judicial office are invited to complete a Diversity Monitoring 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 2012-13

In July 2011, 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 2012-13. The Board received 59 applications and the following table provides statistical information on these applications⁴:

Gender		Professional Background		Disability		Ethnicity	
Male	43	Solicitor	41	No	54	White British	51
Female	16	Advocate	18	Not declared	5	White other	4
						Mixed	1
						Not declared	3

Twenty-five applicants were invited for interview. The Board identified all the applicants whom it assessed as being suitable to be recommended for appointment to shrieval office. Out of this number the Board then created a pool which contains sufficient names to fill the vacancies anticipated during the period 2012/13.

During the period covered by this Annual Report the Board recommended two individuals from the pool. The following appointments were made:

Mr Derek Hamilton to the Sherifffdom of North Strathclyde based at Greenock;

Mr Peter Paterson to the Sherifffdom of Tayside, Central and Fife based at Arbroath.

We shall report on any 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 statistical information can be found in our last Annual Report.

Forty-one applicants were invited to interview. The Board identified all the applicants whom it assessed as being suitable to be recommended for appointment to shrieval office. Out of this number the Board then created a pool which contains sufficient names to fill the vacancies anticipated during the period up to 31 December 2012.

⁴ All applicants for judicial office are invited to complete a Diversity Monitoring 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.

During the period covered by this Annual Report the Board recommended fifteen individuals from the pool. The following appointments were made:

Ms Aisha Anwar	Mr Simon Bowie
Mr Brian Cameron	Mr Simon Collins
Ms Susan Craig	Ms Joan Kerr
Mr Vinit Khurana	Mr Walter Mercer
Mr Murdo MacLeod	Mr Christopher Shead
Ms Alison Stirling	Mr Craig Turnbull
Mr Andrew Webster	Mr William Wood
Mr David Young	

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

Meetings and Outreach

Board meetings

The Board normally meets on the second Monday of each month. The minutes of meetings are published on our website.

Information Events

The Board ran two information events for the legal profession in June 2011 in Edinburgh and Glasgow. This was the second series of information events in consecutive years. On both occasions the emphasis has been on the Board and its processes. The events were timed to take place just before the launch of the 2012/13 Sheriff competition.

Delegate feedback from the events totalled 19 responses: 8 for Glasgow and 11 for Edinburgh. For both events the overall evaluation was excellent. The delegates' objectives were met, with a better understanding of the process and further consideration of a long term career on the bench. The seminar was above their expectations with the most useful elements being: information on what is required in the application form; clarification on references and written work. Delegates were also interested to learn that the Board refined its requirements after each competition. Delegates were also very complimentary of the speakers at both events with one comment from the Edinburgh event that the speakers were 'refreshingly frank'. Many of the delegates felt the Q&A session was very helpful.

The Board also had a stand at the Law Society Annual Conference in September 2011, and participated in a Careers Event for high school pupils hosted by the Law Society in February 2012.

Outreach and communications strategy

This year the Board adopted an Outreach and Communications strategy to ensure that those who are appointed are attracted from the widest possible pool of eligible applicants. The Strategy statement is reproduced below.

Strategy statement

The Judicial Appointments Board for Scotland has a statutory duty to have regard to the need to encourage diversity in the range of individuals available for selection to be recommended for appointment to judicial office.

In order to fulfil this duty the Board will communicate helpful information, advice and guidance to targeted audiences to stimulate interest and raise awareness of judicial office; encourage applications from under-represented groups; improve understanding of the application process and what judicial office entails; and demonstrate openly and transparently that appointments are made solely on the basis of merit.

The Board has developed an outreach and communications strategy with an action plan to encourage diversity in the range of individuals applying for judicial office and to promote judicial office as a career choice.

The key areas of action are as follows:

Evaluating appointment rounds (from advertisement to appointment) and sharing feedback to ensure continual improvement - The Board will review its processes and procedures after each appointment round to identify where adjustments or improvements can be made. At the end of each appointment round applicants will be asked to comment on their experience of the process. The Board will equality proof its application forms and other documentation to ensure that they do not discriminate against any individual or group.

Working with others to break down barriers and remove misperceptions - 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 eligible to apply and will continue to encourage applications specifically from candidates in under-represented groups.

Promoting and raising awareness of judicial office, the role of JABS and diversity and merit – 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. The Board will run similar events for under-represented groups within the legal profession when such a need is identified.

The Chief Executive will meet annually with interested parties including the legal profession and judiciary to update them on the work of the Board and to discuss any issues or areas of common interest. The Chief Executive will meet periodically with JAC and NIJAC to share information and best practice.

Developing ways in which information is communicated to the public - 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; produce information leaflets on the appointments process and on the background and remit of the Board; develop a strategy to keep its website updated so that it becomes the recognised source of information about judicial appointments; and publish in its annual report anonymised information about the diversity of those who have applied and those who have been recommended by the Board as suitable for appointment.

The strategy will be reviewed and progressed by the Diversity Steering Group which comprises representatives of the Board, the judiciary, the Faculty of Advocates and the Law Society of Scotland. Its remit is ‘to develop an agreed approach that will encourage diversity in the range of individuals available for selection to be recommended to appointment to judicial office’.

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
 Judicial Appointments Commission (for England and Wales)
 Northern Ireland Judicial Appointments Commission

Meeting with the President of the Law Society

The Chairing Member and the Chief Executive met Mr Cameron Ritchie, the new President of the Law Society, and Ms Lorna Jack, Chief Executive in July 2011. It was a very positive introductory meeting which covered a lot of ground. In particular they discussed ways of promoting judicial office within the profession and how to encourage people to apply. Issues considered included:

- making members of the legal profession more aware of the judicial pathway at an appropriate stage in their career;
- encouraging those interested in judicial appointment to plan their career with that in mind;
- assisting members of the profession to prepare themselves for competency based interviews and how to complete a competency based application form;
- reminding those approaching 10 years' qualification of their upcoming eligibility for judicial office;
- how to increase applications from women, black and minority ethnic (BME) and disabled - whether there is scope to establish networks for specific groups where they do not exist; and
- using the opportunity of the upcoming Law Society Annual Conference and other events to promote positive messages about life as a judge.

They agreed that both organisations would reflect on these issues and meet periodically to discuss in more detail their development.

Tribunals

In March 2010 the UK Government announced its intention to merge the UK Tribunals Service with HM Courts Service in England and Wales. A new integrated HM Courts and Tribunals administrative structure was introduced in April 2011 with further consideration being given to the merger of the courts and tribunals judiciary in England and Wales. This decision has implications for UK reserved tribunals operating in Scotland.

In December 2010 the Scottish Government created a Scottish Tribunals Service (STS) as a delivery division of the Scottish Government's Justice Directorate. This brought together the administrations of six of the devolved tribunals in Scotland. Responsibility for tribunal appointments and for providing administrative and judicial support has transferred to the STS from the relevant policy directorates in the Scottish Government.

The Scottish Government consulted for twelve weeks from 23 March 2012 on its proposals to create an integrated Tribunal System for Scotland. Key reforms proposed include the creation of a first-tier and an upper-tier tribunal structure, into which existing tribunal jurisdictions can over time be transferred.

The emerging proposition is that JABS will be responsible for the supervision of the new arrangements for advising Scottish Ministers on tribunal appointments; initially for the devolved tribunals, and ultimately for reserved tribunals should the merger of courts and tribunals judiciary take place in England and Wales. We expect to report on the outcome of the consultation and its implications for JABS in our next Annual Report.

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 Mr Michael Garden as CEO following the retirement of Mr Trevor Lodge. Miss Arlene Gibson returned to Scottish Government. We would like to thank both Mr Lodge and Miss Gibson for their work during their time with the Board.

Chief Executive

Mr Trevor Lodge (until February 2012)

Mr Michael Garden (from February 2012)

Appointments Manager and Secretary to the Board

Miss Kerry Love

Policy Officer

Mrs Dorothy Smith

Administrators

Ms Alessandra Asteriti

Miss Arlene Gibson (until October 2011)

Website

The Judicial Appointments Board for Scotland's website is fast becoming the primary source of information on the Board, judicial vacancies, news items, and forthcoming and recent appointments. We know from the data gathered that many of the applications we receive for judicial appointments are from applicants that first saw the advert on our website.

Contract

The website was created in 2002 to coincide with the creation of the Judicial Appointments Board for Scotland. The website was relaunched in July 2010; it was created and is hosted by Civic Computing. The current contract was re-awarded to Civic on 10 October 2011 after an open tender exercise. It is anticipated that the contract provision will last for two years, unless it is terminated in accordance with the three months notice period.

Online application

An online application form is currently being developed. The objective is to provide a user friendly form that provides immediate user feedback, validation and assistance, while getting data directly into the JABS Appointments Database.

During the period of this Annual Report the online application form had not yet been tested. We will provide feedback on its use in our next Annual Report.

Financial Statement

The Board is funded by the Scottish Government. The Board's expenditure during the financial year 2011 - 2012 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 2012 (£)
Secretariat staff salaries ⁵	197,462.14
Chairing Member's salary and Members' fees	86,520.00
Travel and Subsistence – Board Members	6,271.55
Travel and Subsistence – Secretariat Staff	296.00
Training	4,010.80
Communications – including Outreach Visits	4,891.79
Accommodation (including rent, maintenance and utilities)	33,024.89
Hire of Rooms for Interview Panels	13,474.50
Catering – Board and Interview Panels	3,298.23
Advertising (for judicial appointment rounds)	5,763.16
Office running costs	30,233.21
Professional services	2,583.52
Total	387,829.79

⁵ In addition there was expenditure of £94,893 in respect of an exit package for a member of the Board secretariat which was paid in accordance with the provisions of the Civil Service Compensation Scheme, a statutory scheme made under the Superannuation Act 1972. Exit costs are accounted for in full in the year of departure. Where the Scottish Government has agreed early retirements, the additional costs are met by the Scottish Government and not the Civil Service pension scheme.

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; and he has been reappointed until September 2014.



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 appointed in July 2007 for three years; and she

has been reappointed until July 2013.



Mr Sandy Mowat (until December 2011)

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 practices 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 appointed in January 2008 for three years.



Professor Andrew Coyle CMG

Andrew Coyle is Emeritus Professor of Prison Studies in the University of London and Visiting Professor in the University of Essex. Between 1997 and 2005 he was founding Director of the International Centre for Prison Studies King's College. 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; and had has been reappointed until 31 December 2014.



Dr Michael Ewart

Dr Ewart 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, a Board Member of the Scottish Ballet, a member of Phoenix Futures UK and Chair of its Scottish Committee. Dr Ewart was appointed in August 2010 for four years.



Ms Jeane Freeman (from November 2011)

Jeane Freeman is a consultant in public affairs. She was founder and Chief Executive of Apex Scotland between 1987 and 2000 when she joined the senior civil service in Scotland, working in education. She was a member of both the McLean and Cosgrove expert committees considering effective sentences and work with violent and sexual offenders. In 2002 she was appointed as senior political policy adviser to the First Minister and in 2005, she left government to start her own company. Jeane was a member of the Parole Board for Scotland from 1995 to 2000 and again from 2006 to 2011. She was appointed as a non executive member of the Board of the Scottish Police Services Authority in 2010 and as Chair of the Board of the Golden Jubilee National Hospital in January 2011. Ms Freeman was appointed in November 2011 for four years.

Judicial Members

**The Honourable Lady Smith (until July 2011)**

Lady Smith was appointed a Senator of the College of Justice 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 James A Taylor BSc LLB (until October 2011)**

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 one of the Commercial Sheriffs. In 2005 he was appointed the Sheriff Principal of the Sheriffdom of Glasgow and Strathkelvin and retired in April 2011. Sheriff Principal Taylor was a member of the Project Board of the Scottish Civil Courts Review which reported in September 2009. He is presently chairing a Review of the Expenses and Funding of Civil Litigation in Scotland. Sheriff Principal Taylor was appointed in July 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; his appointment has been extended until 31 December 2012.



The Honourable Lady Dorrian (from July 2011)

Lady Dorrian was appointed a Senator of the College of Justice in 2005, having served as a Temporary Judge since 2002. She is a graduate of the University of Aberdeen (LLB). She was admitted to the Faculty of Advocates in 1981 and was Standing Junior Counsel to the Health and Safety Executive and Commission between 1987 and 1994.

Lady Dorrian served as Advocate Depute between 1988 and 1991 and as Standing Junior to the Department of Energy between 1991 and 1994. Lady Dorrian was appointed Queen's Counsel in 1994. Between 1997 and 2001 she was a member of the Criminal Injuries Compensation Board. Lady Dorrian was appointed in July 2011 for four years.



Sheriff Principal Bruce Kerr (from October 2011)

Sheriff Principal Kerr was appointed Sheriff Principal of North Strathclyde in January 1999. He began his career as an Advocate and was admitted to the Faculty of Advocates in 1973, and appointed Queen's Counsel in 1986. He served as a Temporary Sheriff before being appointed Sheriff of Glasgow and Strathkelvin in September 1994.

As a practising Advocate, Sheriff Principal Kerr was Standing Junior Counsel to the Home Office in Scotland (1982-1985) and was Advocate Depute from 1986-1989. Sheriff Principal Kerr was appointed in October 2011 for two years.

Legal Members



Mr Iain Armstrong QC (until 31 March 2012)

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 served as a Governor of Fettes

College from 2001 to 2011. He is Vice Dean of the Faculty of Advocates, having been elected in 2008. 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; and has been reappointed until August 2014.



Judicial Appointments Board for Scotland

For further information on the work of the Board, please visit
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