



Judicial Appointments Board
for Scotland

Annual Report **2013–2014**



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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 fifth 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.

During the year, under its statutory obligations in the Judiciary and Courts (Scotland) Act 2008, the Board conducted one complete appointment round, for the appointment of two Senators of the College of Justice, and launched three appointment rounds that were in progress at the end of March 2014.

- The first of these was for the office of Sheriff, for which the Board received an unprecedented number of applications. Whilst this necessitated a much greater workload than expected for all involved, the Board was delighted at the quality of the field.
- The second was an exercise to fill three vacancies in the office of Sheriff Principal arising over the period until May 2015.
- The third was to find a new Chair of the Scottish Land Court. This is the first time the Board has been asked to make a recommendation to this office.

In March 2014, a conference took place exploring the relationship between merit and diversity in judicial appointments. Invited delegates were addressed on the question "Merit and Diversity – Compatible Aspirations in Judicial Appointments?" A steering group with representation from the Board, the Judiciary, the Judicial Office for Scotland, the Law Society of Scotland, the Faculty of Advocates, and an observer from the Scottish Government, were responsible for planning the event. I attended the conference and was most impressed by the quality of the presentations and the discussions amongst participants. A fuller account is provided in the Diversity chapter. I was particularly pleased that colleagues from the Judicial Appointments Commissions from other parts of the UK were able to attend and make very valuable contributions on the day. We shall report on the follow-up to the conference in our next annual report.

Those were the most publicly visible elements of the work of the Board but a great deal of important work was also done internally. In 2012/13 Ms Sarah Gane, Director of Selection at the Judicial Appointments Commission for England and Wales observed the appointment round for Senator of the College of Justice 2012(II). The key aim was to provide an independent review of the process identifying any areas of weakness and suggest areas for improvement. Following consideration of the review, the Board implemented a series of refinements to its processes. Further details on the changes can be seen in the Committees and Groups chapter – under Quality Assurance Group.

Finally I would like to thank our Board Members for their commitment to the Board over the past year. Sheriff Principal Bruce Kerr stood down from the Board and I thank him for his contribution and welcome his successor Sheriff Principal Derek Pyle. Ms Elspeth MacArthur also stood down after six years on the Board and I pay tribute to her outstanding contribution to the work of the Board. I welcome her successor as a lay Board member, Mrs Alison Mitchell.

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

Sir Muir Russell KCB FRSE
Chairing Member

Introduction and Membership

This is the fifth Annual Report of the Judicial Appointments Board for Scotland as a statutory body and covers the period 1st April 2013 to 31st March 2014.

Membership

There are ten Board members, five judicial and legal members (an Inner House Senator of the College of Justice, a Sheriff Principal, a Sheriff, a member of the Faculty of Advocates 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 to 30 June 2013
 Mrs Alison Mitchell from 1st August 2013
 Professor Andrew Coyle CMG
 Dr Michael Ewart
 Ms Jeane Freeman

Judicial Members

The Right Honourable Lady Dorrian
 Sheriff Principal Bruce Kerr to 30th April 2013
 Sheriff Principal Derek Pyle from 1st May 2013
 Sheriff David Mackie

Legal Members

Mr James McNeill QC
 Mr Martin McAllister

Judiciary and Courts (Scotland) Act 2008

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

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

The judicial offices within the Board's remit are:

- Senator of the College of Justice
- Chair 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 three Working/Steering Groups.

Audit and Risk Management Committee

The Committee is responsible to the Board for:

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

Committee Membership: Dr Michael Ewart (Chair)
Mr James McNeill QC

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

During the period covered by this Annual Report the Committee has met once. At the meeting 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 Annual Report before submission for approval by the full Board.

Quality Assurance Group

At its meeting in March 2013, the then Process Working Group (PWG) agreed that the process design and evaluation role performed by the Group was primarily a quality assurance function. The Group proposed to formalise and extend this by arranging more routinely organised and recorded competition reviews, including equality impact assessments. To reflect this, the Group proposed to be renamed the Quality Assurance Group (QAG). At its meeting in June 2013 the Group agreed a draft remit which the Board approved at its meeting in July 2013. The role, purpose and remit of the QAG are:

Role and Purpose

The Board strives for consistent improvement and best practice. It has a statutory duty to have regard to issues of equality and diversity. As a sub-committee of the Judicial Appointments Board for Scotland, the QAG was established to:

- Ensure that systems employed by the Board are sound, appropriate and kept up to date;
- Carry out a regular review of systems; and
- Ensure through quality assurance that there is reasonable consistency and best practice.

Remit

- Monitor implementation of new legislation published by the Scottish Government insofar as it affects or could affect the statutory remit of the Board;
- Regular monitoring of appointment rounds;
- Ensure that the Board has robust systems in place for monitoring the quality of its processes;
- Monitor areas for improvement;
- Monitor candidate experience;
- Make recommendations to the Board on the development of any relevant processes; and
- Review the effectiveness of the Board in ensuring that members receive the appropriate support and training to undertake their roles as members of the Board.

During the period covered by this Annual Report the QAG met on three occasions. Following consideration of the independent review of the Senator 2012(II) appointment round by Sarah Gane, Director of Selection at the Judicial Appointments Commission for England and Wales, the Group made a number of recommendations to the Board in July 2013 to refine the Board's processes, including a revised candidate assessment system which was accepted by the Board. The Group completed a review of the Sheriff selection process and appointment documentation, reviewed the Senator 2013 appointment round and completed a preliminary review of the Sheriff 1st and 2nd sift process. It made recommendations to the Board at each stage and improvements to the process are being implemented. The Group also reviewed the Board's Social Media Policy.

Working Group Membership: Ms Elspeth MacArthur until 30th June 2013

The Right Honourable Lady Dorrian(Chair)

Dr Michael Ewart

Mrs Alison Mitchell from August 2013

James McNeill QC

Officials in attendance:

Chief Executive

Secretary to the Board

Policy Officer

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 for appointment to a 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: Ms Jeane Freeman

Sheriff David Mackie(Chair) from June 2013

The Honourable Lady Stacey, Court of Session

Mr Stephen Humphreys, Judicial Office for Scotland from June 2013

Ms Ailsa Carmichael, Faculty of Advocates until December 2013

Ms Lorna Drummond, Faculty of Advocates from January 2014

Mr Neil Stevenson, Law Society of Scotland

Mr Robert Sandeman, Scottish Government (Observer) until September 2013

Ms Kay McCorquodale, Scottish Government (Observer) from November 2013

Officials in attendance:

Chief Executive

Policy Officer

During the period covered by this Annual Report the Steering Group met on seven occasions. It developed an Action Plan to take forward the recommendations of the Diversity Working Group. In the second half of the reporting year, the Diversity Steering Group was heavily involved in the planning of a conference to stimulate debate on judicial diversity (see the chapter on Diversity).

Tribunals Appointments Working Group

The Tribunal Appointments Working Group was established in January 2013 prior to the introduction of the Tribunals (Scotland) Bill. The Tribunals (Scotland) Act was given Royal Assent on 15 April 2014 and came into force in June. It is likely that provisions relating to the Board will be commenced in the Autumn of 2015, giving the Board the responsibility of making recommendations for tribunal appointments.

Working Group Membership: Professor Andrew Coyle CMG (Chair)

Mr Martin McAllister

Officials in attendance:

Chief Executive

Policy Officer

On 11 March 2013 the Group met for the first time to discuss the draft provisions of the Bill and the financial memorandum. A Board's response was provided to the Scottish Government highlighting areas for further consideration. The Group considered the Board's response to the Justice Committee's call for evidence in July 2013. For further details see the chapter on Tribunals.

Diversity

The Board has a statutory duty to encourage diversity in the range of individuals available for selection to be recommended for appointment to a judicial office.

With its statutory obligation in mind, a Diversity Steering Group with representation from the Judiciary, the Judicial Office for Scotland, the Law Society of Scotland, the Faculty of Advocates, the Judicial Appointments Board for Scotland and an observer from the Scottish Government, was given responsibility for planning a conference bringing together those with an interest in diversity in the judiciary.

On Tuesday 11 March 2014, a conference took place, in Edinburgh exploring the relationship between merit and diversity in judicial appointments. Invited delegates addressed the question “Merit and Diversity – Compatible Aspirations in Judicial Appointments?”

The aims of the conference were to:

- Discuss the issues arising from the statutory provision that selection of an individual to be recommended for appointment must be solely on merit;
- Learn more about attitudes to judicial office and whether any barriers, real or perceived, need to be addressed to encourage people to apply; and
- Discuss how to encourage diversity in the range of individuals available for selection to be recommended for appointment to a judicial office.

The conference was chaired by The Hon Lady Stacey, Senator of the College of Justice. The keynote speakers were The Right Hon Lord Carloway, Lord Justice Clerk, and Rabbi Baroness Julia Neuberger. Panel members included Neil Hutton, Professor in the Law School at Strathclyde University, Shona Simon, President, Employment Tribunals (Scotland), and David Strang, former Chief Constable of Lothian & Borders and now HM Chief Inspector of Prisons.

On the day, delegates had the opportunity to air their views at two breakout sessions. Information gathered at the breakout sessions has given food for thought amongst the organisations responsible for the event. The Diversity Steering Group has commissioned an independent report of the outcome of the conference and this will be reported in the Board's next annual report.

Strategic Direction

The Group will await the outcome report of the conference but initial findings would suggest that consideration should be given to expanding the membership of the Group not only to deliver and develop any outcomes from the conference but also to drive the diversity strategy.

During the period of this report the Board continued with the implementation of its diversity strategy by:

- 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;
- Publishing statistics after each appointment round;
- Discussing the diversity agenda with the Law Society for Scotland and the Faculty of Advocates; and
- Holding outreach events across Scotland to inform the legal profession about the work of the Board and the judicial appointments process.

Appointment Rounds

The Board is responsible for recommending individuals for judicial offices within its remit. During the year the Board conducted one complete appointment round and launched three appointment rounds that were in progress at the end of March 2014.

Office of Sheriff 2012-13

In July 2011, the Board invited applications from those eligible for appointments 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. The statistical information can be found in our last Annual Report.

Twenty-five applicants were invited for interview. The Board identified 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 contained sufficient names to fill the vacancies anticipated by the Judicial Office for Scotland during the period 2012 -13. During this reporting year the lifetime of the pool was extended to 31 March 2014.

Four appointments were made and reported in our last Annual Report. During the period covered by this Annual Report the following appointments were made, in chronological order:

- Ms Susan Craig, now Sheriff Craig, to the Sheriffdom of Lothian and Borders based at Livingston;
- Mr Paul Crozier, now Sheriff Crozier, to the Sheriffdom of Glasgow and Strathkelvin;
- Mr William Wood, now Sheriff Wood, to the Sheriffdom of Tayside Central and Fife based at Stirling;
- Mr Andrew Miller, now Sheriff Miller, to the Sheriffdom of Grampian Highland and Islands based at Dingwall;
- Mrs Shirley Foran, now Sheriff Foran, to the Sheriffdom of North Strathclyde based at Kilmarnock;
- Mr Robert Fife, now Sheriff Fife, to the Sheriffdom of North Strathclyde based at Paisley; and
- Mr Pino Di Emidio QC, now Sheriff Di Emidio, to the Sheriffdom of Tayside Central and Fife based at Forfar.

Senator of the College of Justice 2013

In August 2013, the Board invited applications from those eligible for appointment to the office of Senator of the College of Justice. We received eight applications and the following table provides statistical information on these applications¹.

¹ 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.

Gender		Professional Background		Disability		Ethnicity	
Male	5	Solicitor	2	No	5	White British	5
Female	3	Advocate	6	Not declared	3	Not declared	3

The following appointments were made:

- Miss Rita Rae QC, now The Hon Lady Rae, appointed December 2013
- Mrs Sarah Wolffe QC, now The Hon Lady Wolffe, appointed December 2013

Office of Sheriff 2014-15

In November 2013, the Board invited applications from those eligible for appointments to the office of Sheriff. This was to establish a group of selectable candidates suitable to be recommended for appointment to vacancies arising during 2014-15. The Board received 142 applications. One applicant withdrew before the first sift, bringing the total for consideration to 141. Of the 141 applicants 114 (81%) completed a diversity monitoring questionnaire and those who did answered almost all of the questions. The following table provides statistical information on these applications².

Gender		Professional Background		Disability*		Ethnicity*	
Male	95	Solicitor	82	No	110	White British	104
Female	46	Advocate	59	Yes	3	White other	3
				Not declared	1	Mixed	1
						Pakistani	1
						Black/Caribbean	1
						Indian	1
						Not declared	3

*114 applicants completed a diversity monitoring questionnaire

Thirty applicants were invited for interview, two applicants withdrew bringing the total applicants interviewed to 28. The Board identified a Group of applicants whom it assessed as being suitable to be recommended for appointment to shrieval office. The Group contains sufficient names to fill the vacancies anticipated by the Judicial Office for Scotland during the period 2014 -15. It is intended that the lifetime of the Group will run until 30th September 2015.

During the period of this Annual Report no appointments had been made, we shall report on any appointments in our next Annual Report.

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 2014

In February 2014, the Board invited applications from those eligible for appointments to the office of Sheriff Principal for the Sheriffdoms of North Strathclyde, South Strathclyde Dumfries and Galloway and Tayside Central and Fife. We received 15 applications and the following table provides statistical information on these applications³.

Gender		Professional Background		Disability		Ethnicity	
Male	14	Solicitor	8	No	15	White British	15
Female	1	Advocate	7				

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

Chair of the Scottish Land Court

In March 2014, the Board invited applications from those eligible for appointment to the office of Chair of the Scottish Land Court. During the period of this Annual Report the appointment round was being advertised. We will report any subsequent appointment in our next Annual Report.

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.

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.

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:

Lord President of the Court of Session
 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
 Scottish Government officials
 The Cabinet Secretary for Justice
 The Minister for Community Safety and Legal Affairs
 The Judicial Institute for Scotland

Outreach

In May/June 2013 the Board ran three information events for the legal profession in Edinburgh, Glasgow and Inverness. The events were timed to take place before the launch of the 2014/15 Sheriff appointment round.

The events were well attended by 50, 38 and 12 delegates respectively, 100 in total. This is the largest number to attend an outreach round since the statutory board was established.

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

- Hearing how the selection process works in practice, and the factors which are taken into account;
- Insight into the application of the criteria for selection and appointment;
- Actually hearing from the people who sit on the Board and make the recommendations;
- How to select pieces of written work and referees; and
- How to enhance their application to give the best chance of success.

The Board had a stand at the Law Society Annual Conference in September 2013. An information pack was given out to attendees interested in a career in the judiciary.

The Board hosted a visit by the Bangladesh Judicial Service Commission (BJSC) on 1 July 2013. The visiting delegation included; Mr Justice Surrender Kumar Sinhala (The Senior-most Judge of the Appellate Division of the Supreme Court and the Chairman of the BJSC); Farid Ahmed Shibli (Senior District and Sessions Judge and the Secretary of the BJSC); and Seconder Bulker Naveen (Senior Assistant Judge and Senior Assistant Secretary of BJSC). The visit was requested by the BJSC in order to exchange views with judges and other high officials of the judicial bodies with involvement in judicial appointment, training, case management and court administration in the UK. The delegation hoped that the visit would help to build capacity and increase the efficiency of the Judiciary in Bangladesh. The Board was pleased to welcome the members of the delegation to its offices where they were also able to meet the Cabinet Secretary for Justice.

Tribunals

The Scottish Government consulted for twelve weeks from 23 March 2012 on its proposals to create a new Tribunal System for Scotland. Key reforms proposed included the creation of a First-tier and an Upper tribunal structure, into which existing tribunals can over time be assimilated.

The Tribunals (Scotland) Bill was introduced to the Scottish Parliament on 8 May 2013 by the Cabinet Secretary for Justice. The Justice Committee had been designated as the lead committee for stage 1 consideration of the Bill.

On 5 June 2013, the Scottish Parliament's Justice Committee published a call for evidence. The Committee sought views on the general principles of the Tribunals (Scotland) Bill. The Board submitted the following view:

The Board wishes to restrict its views to Section 75 schedule 9 part 2, in the Bill, Consequential Modifications which seeks amendment to the Judiciary and Courts (Scotland) Act 2008 to bring the tribunal appointments within the Board's remit.

The Board's fundamental purpose is to secure that the process of judicial appointment in Scotland is independent, transparent and fair. It expresses its statement of these aims in the following terms, reflecting its statutory duties:

- *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.*

The Board's understanding is that all tribunal appointments will be viewed as judicial regardless of whether the appointees are legally qualified. The Board welcomes the opportunity to be involved in Tribunal appointments, and proposes to adopt an approach that will uphold the continued independence of the judiciary. In particular, it welcomes the proposal that the Bill will introduce a common system for appointments to the Scottish Tribunals which will ensure that members have security of tenure and independence from the executive.

The Board notes however that the draft Bill does not propose that it should become involved in any re-appointments to tribunals. While recognising the element of pragmatism in this, in that, for example it may ease the burden of transition to the new system, the Board comments that it may delay by several years the practical effect of the change in the appointment process that the Bill is aiming to achieve. The alternative would be to have the Board oversee the re-appointments process. Any perceived benefit to the independence and transparency of re-appointments would have to be set against the resource implications for the Board.

Given the importance of what it is seeking to achieve, the Board offers for consideration the proposition that the relevant statutory provisions should be spelled out on the face of the Bill rather than by a complex series of amendments to the 2008 Act.

The Board notes and welcomes the following features of the draft Bill in extending to tribunal appointments the provisions of the Judiciary and Courts (Scotland) Act 2008:

- In carrying out these functions the Board is not subject to the direction or control of any member of the Scottish Government or any other person.*
- The selection of individuals to be recommended for tribunal appointments will be based solely on merit and with regard to encouraging diversity in the range of individuals available for selection.*

The Board has considered how best to discharge the new statutory responsibilities that the Bill will bring. At present, for the appointments within its remit, its approach is that Board Members are involved directly in the process of sifting, interviewing and making recommendations. The Board's view is that this would not be sustainable given the caseload of Tribunal appointments, so that the work would have to be delegated to panels, which might include Board members or might have Board members as supervisors or assessors to quality assure the process.

In the Board's view, delivering this approach will require the following:

- A requirement for an increase of two in the Board membership (one lay and one legal member) and additional administrative support to cover the additional workload.*
- The option to have tribunal appointment panels supplemented where appropriate with individuals with relevant professional experience or other qualities.*
- The option, therefore, for co-option from a pool of individuals approved to undertake interviewing on behalf of the Board. The Board is currently in correspondence with Scottish Government officials on the need for a provision in the Bill to allow the Board to co-opt specialist or independent panel members. The Board understands that the Government tribunals policy team are considering this issue and the Board further understands that the Scottish Government may make seek an amendment at stage 2 of the Bill to include such a provision.*

The Board met with the Minister for Community Safety and Legal Affairs in January 2014 to discuss the co-option provision in the Tribunals (Scotland) Bill. Following correspondence it became clear that the Scottish Government considered that any co-option provision should not be restricted to tribunals alone. The Scottish Government acknowledged the pressures the Board was facing with the shrieval competition that was live at the time. Consideration was needed to find the right solution to ensure the Board had the capacity to fulfil its statutory duties in their entirety. The Scottish Government's view was that it was important that tribunal

appointments were on par with other judicial appointments and any additional powers or resources would need to cover the Board's full remit. It was agreed that this would take any legislative provision required out of scope for the Tribunals Bill. After further discussions with Scottish Government officials it was agreed that the proposed co-option provision could come via the Courts Reform (Scotland) Bill, with stage 3 of the Bill scheduled for after summer 2014.

The Tribunals (Scotland) Act was given Royal Assent on 15 April 2014 and came into force in June. It is likely that the provisions relating to the Board will be commenced in the Autumn of 2015 to allow the Board to undertake the recruitment of members for two new tribunals as a result of the Housing (Scotland) Bill, which is currently progressing through Parliament: the Private Rented Sector tribunal and a new redress mechanism for Letting Agents. These will be new jurisdictions that are also likely to form part of a chamber within the First-tier Tribunal alongside the existing Private Rented Housing Panel/Homeowner Housing Panel (PRHP/HOHP) due to the related nature of the jurisdictions. Early indications are that these will be the first new jurisdictions coming into the new tribunal structure created by the Tribunals Act, with the first panel appointments in place by the end of August 2016. The Board understands that the Scottish Government's intention remains that the implementation of the Tribunals Act will be phased and that the Board will not therefore be expected to run competitions for the existing six devolved jurisdictions during 2016.

Complaints

The Board's complaints procedure is set out in full on the Board's website. The information explains to candidates how they can make a complaint, the timescales and how to proceed if they wish to take matters further.

For complaints which appear to fall within the scope of this procedure, the Chairing Member of the Board will establish a Complaint Committee of three Board members who have had no previous direct involvement in the matter complained of to consider and reach a determination on the complaint. The Committee will endeavour to reach a determination within 20 working days of the commencement of the investigation. A complainant has a right to request the Chairing Member to review the decision of the Complaints Committee.

A complainant not satisfied with the result of the review has the right to ask the Scottish Public Services Ombudsman to consider the matter.

During the period of this report, no complaints were considered by a Board's complaints committee.

Secretariat

Our members of staff are civil servants, assigned to the Board by the Scottish Government. For the period of the assignment the staff members report only to the Chairing Member and the Board.

Chief Executive

Appointments Manager and Secretary to the Board

Policy Officer

Administrator

Michael Garden

Kerry Love

Dorothy Smith

Alessandra Asteriti

Website

The Judicial Appointments Board for Scotland's website is 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 who first saw the advert on the Board's website.

Online application

The Board piloted an online application during the Senator 2013 appointment round. Some applicants experienced technical issues with the application. After the closing date a review of the application was completed and improvements were made. The application was used again for the Sheriff 2014 appointment round and new technical issues arose due to the volume of applications. Many of the applicants experienced difficulties and every effort was made to rectify the problems. There was no detriment to individuals and assistance was provided by the Board secretariat to ensure that all applications were completed and submitted online. The company who designed and supported the application took full responsibility and apologised unreservedly for the impact this had on applicants and the Board. The Board is conducting a full review of the online application process in considering how future competitions are conducted. In the interim the Board has reverted to a downloadable *Word* version of application forms.

Social Media

The Board agreed in July 2013 to trial the use of social media for one year; specific sites to be trialled were Twitter and LinkedIn. A social media policy was developed and is available on the Board's website.

Financial Statement

The Board is funded by the Scottish Government. The Board's expenditure during the financial year 2013 - 2014 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 2014 (£)
Secretariat staff salaries	162,228.60
Chairing Member's salary, Members' fees and ERNIC	80,601.39
Travel and Subsistence – Board Members	2,171.70
Travel and Subsistence – Secretariat Staff ⁴	1,044.03
Training	50.00
Accommodation (including rent, maintenance and utilities)	54,613.00
Catering – Board and Interview Panels	1,607.98
Office running costs	30,753.52
Appointment Advertising Costs	4,102.86
Annual Report 2012-2013 – publishing costs	636.00
Professional services	2,211.60
Total	340,020.68

⁴ Included in the Secretariat Staff Travel and Subsistence costs is the Travel and Subsistence costs for a speaker at the Diversity Conference.

Annex 1: Board Members

The Board comprises ten members with an equal number of lay and judicial/legal members, including the 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 Chairman of Trustees of the Royal Botanic Garden Edinburgh. He is a non-executive Director of NHBC (the National house-building Council) and chairs its Scottish

Committee. He is a Deputy Chairman of the Governors of the Glasgow School of Art, a Member of the Council of the Royal Society of Edinburgh, 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. He has been reappointed until September 2016.



Ms Elspeth MacArthur until 30 June 2013

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 was

re-appointed in July 2010 for three years until 30 June 2013.



Mrs Alison Mitchell from 1 August 2013

Alison Mitchell is a Non-executive Member of Lothian NHS Board and a Trustee of Edinburgh and Lothians Health Foundation. She is an experienced management consultant, specialising in change management, strategy planning and executive coaching. She is an Advisory, Conciliation and Arbitration Service (ACAS) arbitrator and a member of the ACAS Central Arbitration Panel. Previously, Mrs Mitchell worked for many years at board

level in the field of Human Resources and has extensive UK and international experience across a range of sectors, including Oil and Gas, Technology and Public sectors. She is a former Director of Human Resources, for the Scottish Prison Service. Mrs Mitchell is a graduate of the University of Edinburgh and has a Postgraduate Diploma in Human Resource Management. She is a Chartered Fellow of the Chartered Institute of Personnel and Development (CFCIPD). Mrs Mitchell was appointed in August 2013 for four years.



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. Between 1997 and 2005 he was founding Director of the International Centre for Prison Studies King's College London. 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 Advisory Panel against Torture. 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 Kings College London. Professor Coyle was reappointed in November 2011 for three years 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 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 Phoenix Futures UK and chair of its Scottish Board. Dr Ewart was appointed in August 2010 for four years. He has been reappointed until August 2018.



Ms Jeane Freeman

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. Ms Freeman 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 Authority in 2012 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 Right Honourable Lady Dorrian**

Lady Dorrian was appointed a Judge of the Supreme Courts in 2005, having served as a Temporary Judge since 2002. She was appointed to the Inner House in November 2012. 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 until 30 April 2013**

Sheriff Principal Kerr was appointed Sheriff Principal of North Strathclyde on 1 January 1999. He began his career as an Advocate and was admitted to the Faculty of Advocates in 1973, being 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.

**Sheriff Principal Derek Pyle from 1 May 2013**

Sheriff Principal Pyle has been Sheriff Principal of Grampian, Highland and Islands since 2013. He was previously a Sheriff from 2000 in the Sheriffdoms of Tayside, Central and Fife and Grampian, Highland and Islands. Prior to that he was senior litigation partner in the firm of solicitors Henderson Boyd Jackson, Edinburgh. He was appointed Solicitor Advocate in 1994. He has been a member of the Scottish Court Service Board. He is a visiting lecturer to the Siberian Federal University in Krasnojarsk, Russia. Sheriff Principal Pyle's appointment to the Board runs from May 2013 to April 2016. Sheriff Principal Pyle was appointed in May 2013 for three years.

**Sheriff David Mackie**

David Mackie was appointed a Sheriff in 2002 and has been the resident Sheriff in Alloa since 2004. He is a graduate of Edinburgh University and from 1976 was in private practice as a solicitor. Called to the Scottish Bar in 1991 he practiced as an Advocate until his appointment to the Shrieval bench. He was Standing Junior Counsel to the Ministry of Defence (Procurement) from 1996 until 2002. He is Chair of the Edinburgh branch of the Scottish Association for the Study of Offending (SASO) and sits on the National Competition Appeal Panel of the Scottish Rugby Union. A Director and latterly Chair of Venture Trust from 2001 until 2011 he is now Director of Chance 4 Change. Sheriff Mackie was appointed to the Board from January 2013 for four years.

Legal Members



Mr James McNeill QC

James McNeill, was educated at Dunoon Grammar School, Cambridge and Edinburgh Universities. He was admitted as an Advocate in 1978 and held the appointment of Standing Junior Counsel to the Inland Revenue in Scotland between 1988 and 1991, when he was appointed Queen's Counsel. He sits as one of the Judges of the Courts of Appeal of Guernsey and Jersey, as Chair of the Disciplinary Appointments Committee of the Institute and Faculty of Actuaries and as a Convenor of the Presbyterian Commissions of the Church of Scotland. His principal outside interest is in music and between 2004 and 2010 he chaired the Music Committee of the Board of the Scottish International Piano Competition. Mr McNeill was appointed in September 2012 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, a part-time Convenor of The Mental Health Tribunal for Scotland and the Private Rented Housing Panel. Mr McAllister was reappointed in August 2011 for three years until August 2014.

Annex 2: Board Members attendance

Board Member attendance at the Board and Committee meetings during the year was as follows:

Details	Board	QAG	ARMC	DSG
Total Meetings in the Year	11	3	1	7
Professor Andrew Coyle	10	-	-	-
The Rt Hon Lady Dorrian	4	3	-	-
Dr Michael Ewart	10	3	1	-
Ms Jeane Freeman	5	-	-	-
Sheriff Principal Kerr	1	-	-	-
Sheriff David Mackie	11	-	-	7
Mr Martin McAllister	10	-	-	-
Mr James McNeill QC	9	3	1	-
Ms Elspeth MacArthur	3	1	-	-
Mrs Alison Mitchell	7	2	-	-
Sheriff Principal Pyle	6	-	-	-
Sir Muir Russell	11	-	-	-

Note 1: Ms MacArthur's last meeting was 10 June 2013 as she stood down from the Board on 30 June 2013. Sheriff Principal Kerr's last meeting was 8 April 2013 as he stood down from the Board on 30 April 2013. Sheriff Principal Pyle joined the Board on 1 May 2013 and his first meeting was 13 May 2013. Mrs Mitchell joined the Board on 1 August 2013 and her first meeting was 9 September 2013. The August 2013 Board meeting was cancelled.

Note 2: Board members also attended meetings on behalf of the Board out with the meetings detailed above.



Judicial Appointments Board for Scotland

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

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