



Judicial Appointments Board
for Scotland

Annual Report **2016–2017**



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Our aims are:

To attract applicants of the highest calibre, 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 eighth 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.

I do so in my capacity as Temporary Chairing Member of the Board. This follows the retirement from the Board of Sir Muir Russell who gave eight years of characteristically selfless commitment as Chairing Member. I take this opportunity to acknowledge the important contribution Sir Muir made in leading change within the Board, latterly against a backdrop of a greatly increased number of applicants and appointment rounds. I know I speak for the whole Board in thanking him for all his hard work and wise counsel. We wish him well for the future.


After Sir Muir stepped down I was delighted to be asked by fellow Board members to carry out the functions of Chairing Member until a permanent appointment was made. During the year, under its statutory obligations under the Judiciary and Courts (Scotland) Act 2008 (the 2008 Act), the Board conducted nine appointment rounds. The details are set out within the report. This was an unprecedented volume of business for the Board – most of it unplanned and requested at short notice. Without the adaptability of Members and the Secretariat it would not have been possible to accommodate such demands. As a Member of the Board I, like my fellow Members, have been very grateful for the hard work and consistently high performance of everyone in the small Secretariat team. As Chairing Member I have seen still more of their work and my admiration for their commitment, industry and creativity has grown accordingly. The Board is extremely fortunate to have support of this quality.

After what has seemed like a very long period of gestation the Board also finally launched its first Tribunal exercises. It is early days for the Board in respect of these additional responsibilities, but the early indications are that there are some exciting challenges ahead, both in adapting Board process to reflect the individual culture of each Tribunal jurisdiction and in the scale of the exercises.

The year also saw some arrivals and departures from the JABS family. Sheriff David Mackie completed his four year term at the end of December 2016. As the statute allows he continued to play a full-role in the Sheriff exercise that had started whilst he was still in post. The Board is indebted to his conscientious approach to his time on the Board. His case studies and presence at Board outreach events will be particularly missed. His place on the Board has been taken by Sheriff Michael O'Grady to whom a warm welcome is extended. The JABS Secretariat also saw two departures. After six years of dedicated and committed service, Dorothy Smith moved to take up an exciting challenge as the Business Manager of Community Justice Scotland. The Board thanks Dorothy for her contributions on diversity, outreach, tribunals planning and governance – and of course the many times she assisted beyond her formal remit with court appointment rounds. The Board also said goodbye to Michael Johns-Perring who left the

Secretariat to seek ordination as a vicar. We thank Michael for the preparatory work he did on Tribunals and the various templates and documents that he “borrowed” from his former colleagues in the Judicial Appointments Commission. We wish Michael well in pursuing his new vocation. As two doors closed, so two doors opened. And the Board was delighted to welcome Ashleigh Meikle and John Wallace to the team. They have already been making an invaluable contribution to the Board’s work on tribunals.

And although they neither arrived or departed within the year, I should also offer thanks to the Lay Selection Panel Members of the Board, Liz Burnley, John Cummings and David Robinson. They have taken on a significant amount of work in the tribunal recruitment exercise for the Housing and Property Chamber which launched in the final quarter of the reporting year. Their contribution is as appreciated as it is essential to sustaining the Board’s capacity to respond to the unexpected.

A handwritten signature in black ink, reading "Dr Michael Ewart". The signature is written in a cursive style with a large, stylized initial 'D'.

Dr Michael Ewart
Temporary Chairing Member

Introduction and Membership

This is the eighth Annual Report of the Judicial Appointments Board for Scotland as a statutory body and covers the period 1st April 2016 to 31st March 2017.

Membership

There are normally twelve Board members, six judicial and legal members (a Senator of the College of Justice, a Tribunal or Chamber President, a Sheriff Principal, a Sheriff, a member of the Faculty of Advocates and a Solicitor) and six 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 (Chairing Member)(until September 2016)
- Dr Michael Ewart (Temporary Chairing Member from October 2016)
- Mrs Alison Mitchell
- Mrs Deirdre Fulton
- Ms Neelam Bakshi
- Professor Stephen Tierney

Judicial Members

- The Right Honourable Lady Dorrian (Until April 2016)
- The Honourable Lady Wise (From May 2016)
- The Honourable Lord Minginish
- Sheriff Principal Derek Pyle
- Sheriff David Mackie (until December 2016)
- Sheriff Michael O'Grady (From January 2017)

Legal Members

- Mr James McNeill QC
- Mr Alistair Morris

Lay Selection Panel Members

With a growth in the scale of appointment rounds and the widening of the Board's range of responsibilities with the introduction of the Tribunals Scotland Act 2014, statutory provision was made for the Board to appoint Assistants to assist the Board to deliver its workload. The Lay Selection Panel Members during the period covered by this Annual Report were as follows:

- Ms Elizabeth Burnley
- Mr John Cummings
- Mr David Robinson

Judiciary and Courts (Scotland) Act 2008

Following the implementation of the Judiciary and Courts (Scotland) Act 2008 (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
- Summary Sheriff

The office of Summary Sheriff was created and placed under the remit of the Board by the Courts Reform (Scotland) Act 2014.

The Judiciary and Courts (Scotland) Act 2008 (as amended by the Tribunals (Scotland) Act 2014) gives JABS responsibility for making new recommendations for appointment to specified posts in the Scottish Tribunals.

The Judiciary and Courts (Scotland) Act 2008 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
- Records Management Plan

These documents are available on the Board's website at www.judicialappointments.scot

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);
- 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;
- Draft Annual Report prior to submission to the Board; and
- Reviewing the Board's Records Management Plan.

Committee Membership: Ms Neelam Bakshi (Chair) (From October 2016)
Mr Alistair Morris
Professor Stephen Tierney (From October 2016)
Dr Michael Ewart (Until September 2016)
Mr James McNeill QC (Until September 2016)

Officials in attendance: Chief Executive
Secretary to the Board
Policy Officer (Until November 2016)
Tribunals Appointment & Governance Manager (From January 2017)

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

Quality Assurance Group (QAG)

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.

Any recommendations made by the QAG and subsequently accepted by the Board can be further reviewed at any point.

The QAG met on three occasions during the period of this report.

In July 2016 the Group reviewed the 2016 exercise to recruit five Senators and made recommendations to the Board. The recommendations accepted by the Board included:

- The interview panel size would be reduced from a six to a four person panel to bring it into line with other court appointments. The selection panel would remain a six person panel.
- The wording of the Case Management criterion for all appointment rounds would be redrafted to encourage applicants to provide evidence of both managing caseload, and managing their own cases.
- For all appointment rounds, the Written Work section in the Guidance Note would be redrafted to ask applicants who submit lengthy pieces of written work, to confirm which paragraphs contain the analysis and application of the law that they wish the Board to consider.
- For all appointment rounds legal references would no longer be requested. Judicial references would continue to be sought for senior appointments including Senator, Sheriff Principal, First-tier Tribunal – Chamber President and Deputy Chamber President, and Upper Tribunal – Vice President.

- The Board agreed that references should continue to be requested for Selection Panel Member (Board Assistant) recruitment exercises.
- For all appointment rounds all of the case study documentation should be issued to applicants in advance, where possible. If not the preparation time and discussion with the panel would be run back to back.
- The time for the general interview would be reduced from 1 hour to 50 minutes, to bring it into line with all other appointment rounds.
- For all appointment rounds feedback following sift would be by generic letter, but the Board would retain the option of offering tailored feedback in competitions with smaller numbers of applicants.

In October 2016 the Group reviewed the recruitment rounds for a Sheriff Principal in Glasgow and Strathkelvin Sheriffdom and a Sheriff in Aberdeen and made recommendations to the Board to refine its processes.

In reviewing these rounds the Board agreed the following recommendations:

- The Board would discuss the absence of any female applicants for the Sheriff Principal in Glasgow and Strathkelvin Sheriffdom, with the Lord President.
- That the interview location for location specific vacancies continue to be considered by the selection panel on a case by case basis.

In February 2017 the Group reviewed the 2016 exercise to recruit 18.1 FTE Summary Sheriff's and the 2016-17 exercise to recruit two Senators, and made recommendations to the Board to refine its processes.

In reviewing these rounds the Board agreed the following recommendations:

Summary Sheriff 2016

- Include benchmarking and moderation in all future large scale appointment rounds to aid consistency and bring additional quality assurance to the process.
- Hold a joint panel wash up discussion midway through the interview schedule in addition to the current practice of holding one after the first day of interviews.
- During lengthy interview periods insert a few shorter days and split interviews over a weekend if possible to help prevent possible interview fatigue.
- Moderators would be invited to observe more interviews on the first day, and observe again later in the interview schedule to bring consistency and additional quality assurance to the process.
- To streamline the completion of evidence templates by selection and interview panel members, the write up of pen pictures of each applicant and the preparation of feedback. It will trial a revised template during the next appointment round.

Senator 2016-17

- Noting that there would be a high turnover of Senators between 2019 and 2024 due to statutory retirements the Board will begin discussions with the Lord President, and give a clear message to potential applicants at outreach events about what the future looks like for Senators.

Any recommendations accepted to the Board are subject to review at any point.

Quality Assurance Group Membership: The Right Honourable Lady Dorrian(Chair) (Until April 2016)
 Dr Michael Ewart
 Mrs Alison Mitchell
 Mr James McNeill QC (Chair from May 2016)
 Mr Alistair Morris
 Mrs Deirdre Fulton (from Jan 2017)

Officials in attendance: Chief Executive
 Appointments Manager & Secretary to the Board
 Appointments Team Leader (from Jan 2017)
 Policy Officer (until Nov 16)
 Tribunal Appointments & Governance Manager (from Jan 2017)

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 Board, the Faculty of Advocates, the Judiciary, the Judicial Office and the Law Society of Scotland.

Role and Purpose

- The Diversity Steering Group is a voluntary collaborative group formed by the Judicial Appointments Board for Scotland, the Lord President, the Faculty of Advocates and the Law Society of Scotland. The Scottish Government is present as an observer. Its function is to support the Judicial Appointments Board for Scotland in the fulfilment of its statutory responsibility under section 14 of the Judiciary and Courts (Scotland) Act 2008. This includes:
 - identification of ways in which increased diversity of applicants applying for judicial office can be achieved;
 - advice on removal of perceived obstacles to diversity;
 - consideration of best practice in other jurisdictions; and
 - discussion of areas in which there could be a common programme of action.

- The members of the Group are individuals nominated by the Faculty of Advocates, the Judicial Appointments Board for Scotland, the Law Society of Scotland, the Lord President (who will nominate a Senator of the College of Justice and a member of the Judicial Office) and the Scottish Government.
- The Chair will rotate amongst the members.
- The Group will operate by agreement amongst its members.
- The Group will report regularly to all of the nominating bodies.
- The Group will explore the scope for consensus, within the context of a shared commitment to selection of judges solely on merit, on approaches to encouraging diversity in the range of individuals available for selection to be recommended for appointment to judicial office.
- The Group will fulfil its function by providing a framework within which its members may:-
 - Consider the findings from Conferences, reports and surveys affecting judicial diversity;
 - Exchange information and data;
 - Share experience and expertise;
 - Identify areas where collaboration between some or all of the member organisations might be useful;
 - Review available data on the composition of the judiciary, of applicants for judicial appointment, and the feeder professions;
 - Provide information to its member organisations; and
 - Promote knowledge and understanding of, and debate about, merit, diversity and other appointment issues.

Steering Group Membership: Sheriff David Mackie(Chair) (Until March 2017)

The Honourable Lady Wise (Chair) (From March 2017)

Mrs Deirdre Fulton (Until March 2017)

Prof Stephen Tierney (from March 2017)

The Honourable Lady Stacey, Court of Session (Until June 2016)

Mr Stephen Humphreys, Judicial Office for Scotland

Mr Brian Napier QC, Faculty of Advocates

Mr Rob Marrs, Law Society

Ms Kay McCorquodale, Scottish Government (Observer) (Until March 2017)

Sheriff Principal Marysia Lewis (From March 2017)

Gery McLaughlin Scottish Government (Observer) (From March 2017)

Officials in attendance:

Chief Executive

Policy Officer (Until March 2017)

Board Secretary (From March 2017)

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.

The Diversity Steering group met twice within the reporting period. In June 2016 the Group reviewed the progress it had made to date and approved an updated Diversity Strategy, noting that there were no major changes.

The Group met again in March 2017. With four members leaving and three members joining the Group, the meeting provided an opportunity to reflect on the progress made so far, as well as revisit the remit and purpose of the Group and agree what the current and emerging issues were going forward. The Group agreed to revisit its membership and update the diversity data it holds to identify areas to focus on.

Appointment Rounds

The Board is responsible for recommending individuals for judicial offices within its remit. During the year the Board conducted and completed one appointment round started the previous reporting year, concluded six appointment rounds within this reporting year and launched two appointment rounds that were in progress at the end of March 2017.

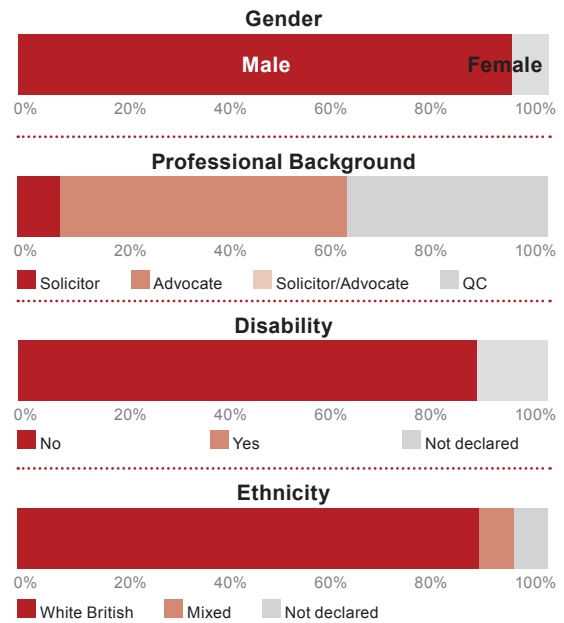
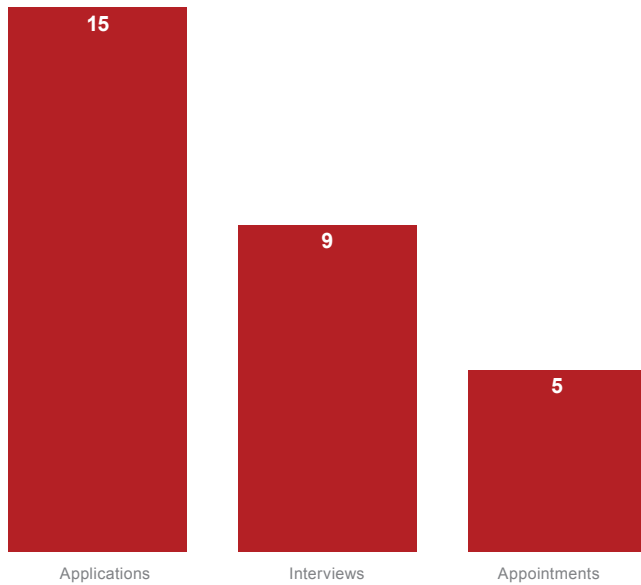
	Appointment rounds	Applications received	Recommendations made
Office of Senator	1	15	5
Office of Sheriff Principal	1	6	1
Office of Sheriff; Aberdeen	1	19	1
Office of Summary Sheriff	1	154	21 (18.1 FTE)
Office of Senator	1	10	2
Offices of Sheriff for Fort William and Oban	1	31	2 (1.7 x FTE)
First-tier Tribunal for Scotland; Tax Chamber President	1	2	1
Office of Legal Member of the First-tier Tribunal for Scotland; Housing and Property Chamber:	1	117	Appointment round in progress
Office of Ordinary Housing member of the First-tier Tribunal for Scotland; Housing and Property Chamber	1	82	Appointment round in progress
Total	9	436	33 so far

Office of Senator to the College of Justice

In November 2015, the Board invited applications from those eligible for appointment to the office of Senator of the College of Justice. The initial advert was for three vacancies. During the running of the exercise this increased to five. The Board received 15 applications. Nine applicants were invited to interview. The following table provides statistical information on these applications.¹

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 changes in the nature of the eligible pool of applicants. Completion 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 Senator to the College of Justice



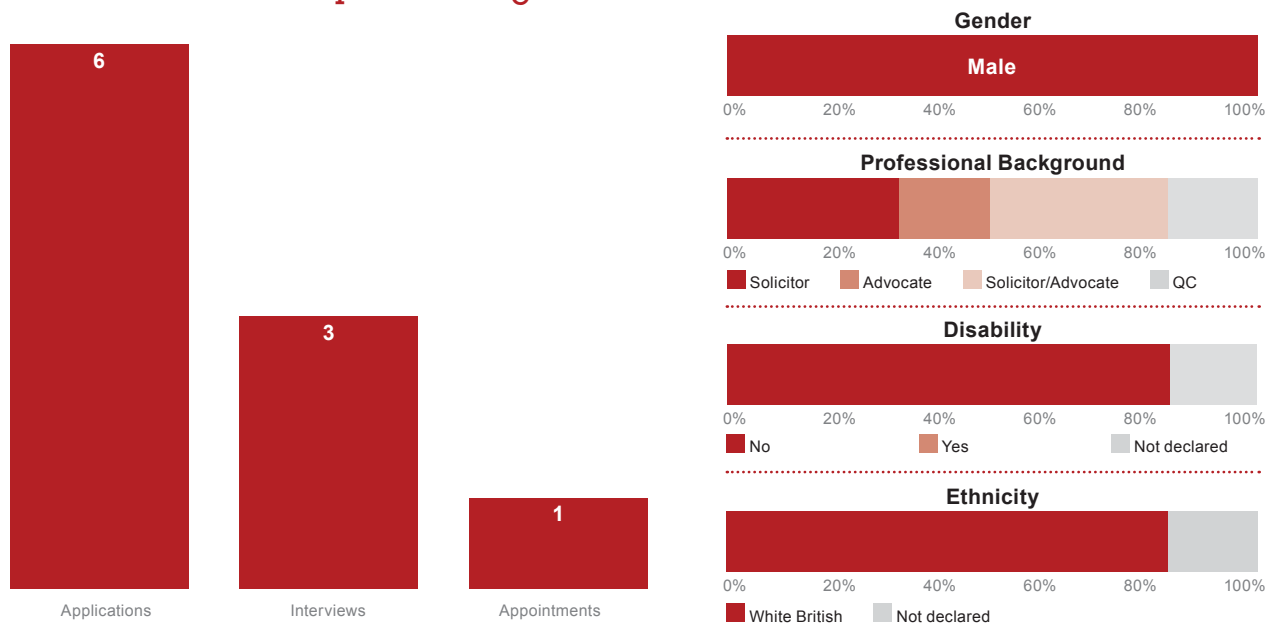
The following appointments were made:

- Mr Andrew Stewart QC, now the Hon Lord Ericht appointed in May 2016;
- Ms Ailsa Carmichael QC, now the Hon Lady Carmichael appointed in June 2016;
- Mr John Beckett QC, now the Hon Lord Beckett appointed in appointed in May 2016;
- Mr Alistair Clark QC, now the Hon Lord Clark appointed in appointed in May 2016; and
- Mr Francis Mulholland QC, now the Hon Lord Mulholland appointed in December 2016

Office of Sheriff Principal for Glasgow and Strathkelvin

In April 2016, the Board invited applications from those eligible for appointment to the office of Sheriff Principal for one vacancy to the Office of Sheriff Principal for Glasgow and Strathkelvin. The Board received six applications. Three applicants were invited to interview. The following table provides statistical information on these applications.

Office of Sheriff Principal for Glasgow and Strathkelvin



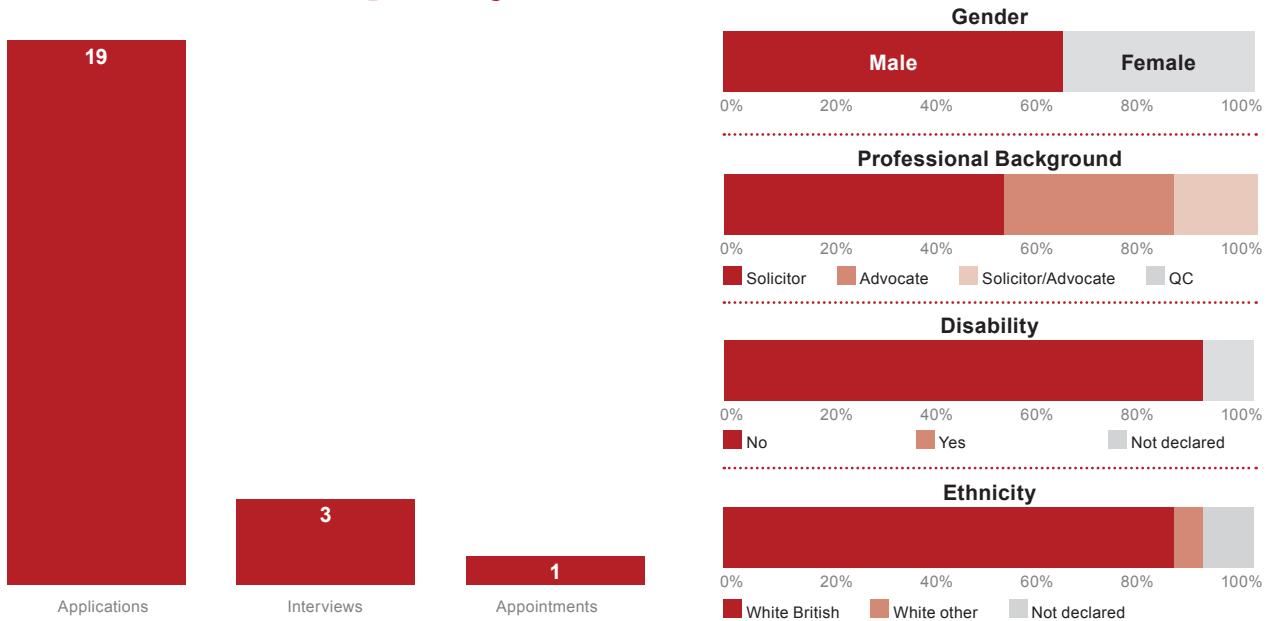
The following appointment was made:

- Sheriff Craig Turnbull, now Sheriff Principal Turnbull, to the Sherifffdom of Glasgow and Strathkelvin in October 2016

Office of Sheriff in Grampian, Highland and Islands

In April 2016, the Board invited applications from those eligible for appointment to the office of Sheriff for one vacancy in the Sheriffdom of Grampian, Highland and Islands for the Office of Sheriff. The Board received 19 applications. Three applicants were invited to interview. The following table provides statistical information on these applications.

Office of Sheriff in Grampian, Highland and Islands



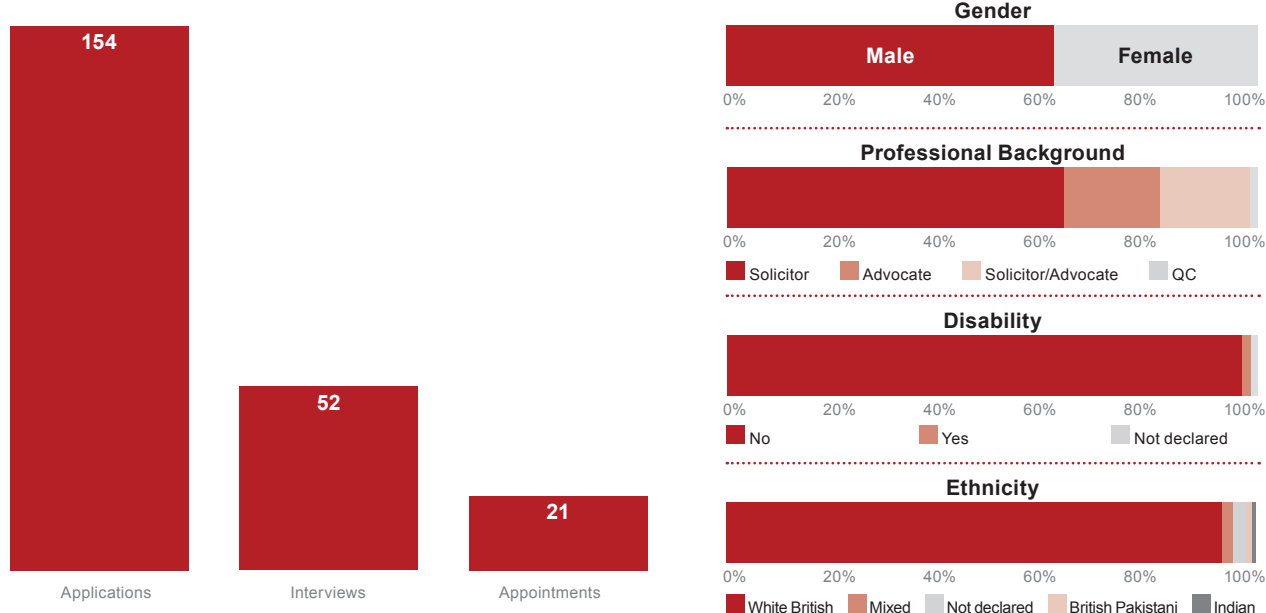
The following appointment was made:

- Sheriff John (Jack) Brown, to the Sheriffdom of Grampian, Highland and Islands based at Aberdeen in September 2016

Office of Summary Sheriff

In June 2016, the Board invited applications from those eligible for appointment to the office of Summary Sheriff for 21 FTE vacancies for the Office of Summary Sheriff. The Board received 154 applications. 52 applicants were invited to interview. The following table provides statistical information on these applications.

Office of Summary Sheriff



The following appointments were made:

To the Glasgow and Strathkelvin Sheriffdom:

- Miss Shona Barrie – Full-time resident;
- Mr Gerard Bonnar – Full-time resident;
- Mr Barry Divers – Salaried part-time resident working 50%; and
- Mrs Diana McConnell – Salaried part-time resident working 50%

Lothian and Borders Sheriffdom:

- Mr John Cook – Full-time floating;
- Mr Adrian Cottam – Full-time floating;
- Mr Peter McCormack – Full-time floating; and
- Mr John MacRitchie – Full-time floating

South Strathclyde, Dumfries & Galloway Sheriffdom

- Ms Linda Nicolson – Full-time floating; and
- Mr Ross Macfarlane QC- Salaried part-time floating working 60%

North Strathclyde Sheriffdom:

- Mr John Hamilton QC – Full-time floating;
- Mr Michael Hanlon – Full-time floating;
- Mr Craig Harris – Full-time floating;
- Mr Daniel Kelly – Salaried part-time floating working 60%; and
- Ms Moira McKenzie – Salaried part-time floating working 50%

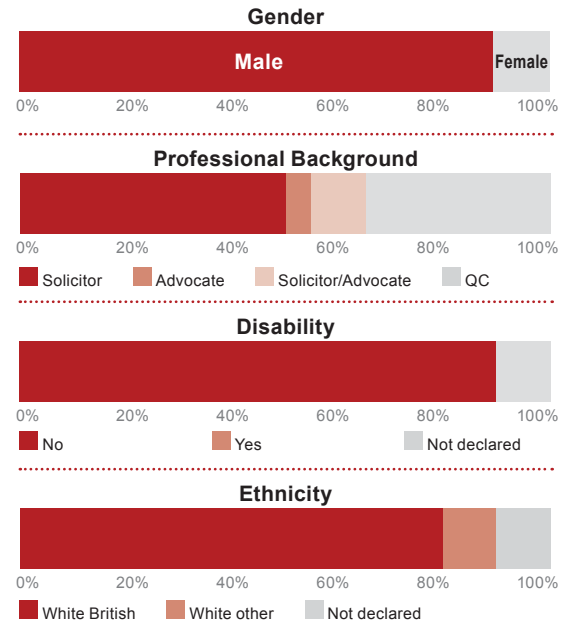
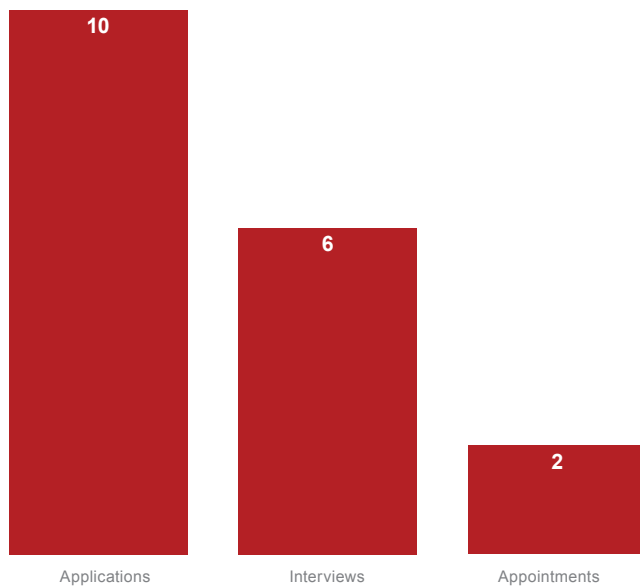
Tayside, Central and Fife Sheriffdom:

- Mrs Alison McKay – Full-time floating;
- Mrs Jillian Martin-Brown – Full-time floating;
- Mr James MacDonald – Full-time floating;
- Mr John Rafferty – Full-time floating; and
- Mr Derek Reekie – Full-time floating

Office of Senator 2016-17

In October 2016, the Board invited applications from those eligible for appointment to the office of Senator for two vacancies for the Office of Senator to the College of Justice. The Board received ten applications. Six applicants were invited to interview. The following table provides statistical information on these applications.

Office of Senator



The following appointments were made:

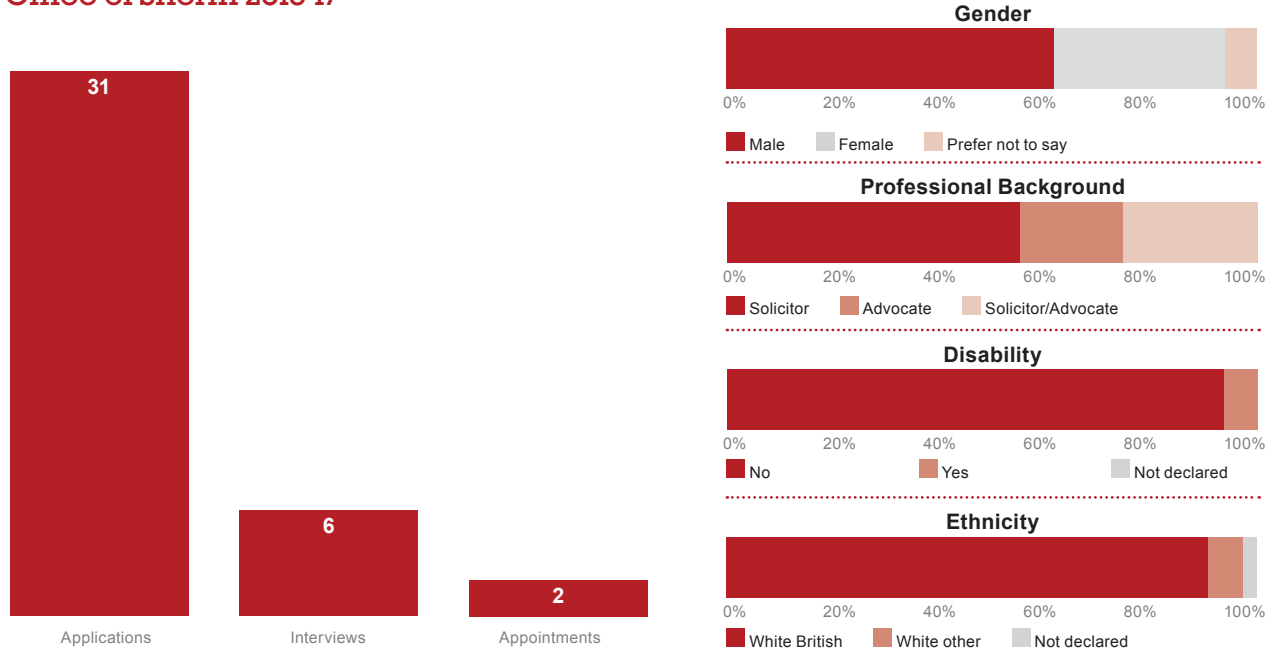
- Sheriff Paul Arthurson QC
- Mr Alan Summers QC

The appointments took effect on 10 April 2017.

Office of Sheriff 2016-17

In October 2016, the Board invited applications from those eligible for appointment to the office of Sheriff for two vacancies. One full time position in the Sheriffdom of Grampian, Highland and Islands based at Fort William and one part-time post in North Strathclyde based at Oban. The Board received 31 applications. Six applicants were invited to interview. The following table provides statistical information on these applications.

Office of Sheriff 2016-17



The following appointments were made:

- Ms Eilidh MacDonald to the post in Fort William Sheriff Court, Grampian, Highland and Islands Sheriffdom in March 2017
- Mr Patrick Hughes to the post in Oban Sheriff Court, North Strathclyde Sheriffdom in March 2017.

Office of President of the Tax Chamber of the First-tier Tribunal for Scotland

In November 2016, the Board invited applications from those eligible for appointment to the office of President of the Tax Chamber of the First-tier Tribunal for Scotland. The Board received two applications and both applicants were invited to interview. Diversity information is not being published to ensure no identifiable characteristics can be attributed to an individual.

Mrs Ann Scott was appointed as the Tax Chamber President with effect from Monday 24 April 2017.

Meetings and Outreach

Board meetings

The Board normally meets on the third 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 or discussions with the following individuals and organisations to promote the work of the Board and to explore matters of common interest:

- Lord President of the Court of Session
- The Lord Justice-Clerk
- 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 Crown Agent
- The Lord Advocate
- The President of the Scottish Tribunals
- The Scottish Tribunals Forum
- The Judicial Office for Scotland

Outreach

In July 2016 the Board undertook a series of three outreach events around Scotland aimed at the legal profession. The events were planned to coincide with the 2016 Summary Sheriff appointment round.

The outreach events were attended by 70 people in total (Aberdeen 4, Edinburgh 32, and Glasgow 34).

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

- The discussion of career choices and how that can be relevant to those seeking appointment.
- The explanation of the criteria used in assessment for judicial appointment.
- How important diversity is to the Board which attendees felt inspiring to hear.
- Input from a current sheriff.
- A greater understanding of the requirements of the application process.
- The Q&A session.

Tribunals

The Judiciary and Courts (Scotland) Act 2008 (as amended by the Tribunals (Scotland) Act 2014) gives JABS responsibility for recommending individuals for appointment to specified posts in the Scottish Tribunals.

In 2016 the Board started the first tribunals recruitment exercise since the provisions giving JABS responsibility for recommending individuals for appointment to specified posts in the Scottish Tribunals were commenced in April 2015. This was for the office of The First-tier Tribunal for Scotland Tax Chamber President. There were two applicants for the post and the Board made a recommendation to Scottish Ministers on 22 February 2017.

A recruitment campaign commenced in January 2017 for The Housing and Property Chamber of the First-tier Tribunal for Scotland with up to 82 members (51 legal members and 31 ordinary members) required. The current planning assumption is that new appointees will be in post in early September 2017. This is the first recruitment exercise utilising the Boards lay Selection Panel Members, Elizabeth Burnley, John Cummings and David Robinson. They have chaired individual sift panels within the reporting year and will continue their involvement in the exercise in 2017-18 as chairs of three interview panels.

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 Complaints 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 received.

Freedom of Information

During the period 1 April 2016 to 31 March 2017 the Board received five requests for information under the Freedom of Information (Scotland) Act 2002 (FOISA). All responses were provided within the statutory 20 working days.

Secretariat

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

Chief Executive

Court Appointments Manager & Secretary to the Board

Policy Officer

Tribunal Appointments & Governance Manager

Appointments Team Leader

Appointments Team Leader

Administrator

Michael Garden

Kerry Love

Dorothy Smith (Until November 2016)

John Wallace (From January 2017)

Michael Johns-Perring (Until August 2016)

Ashleigh Meikle (From October 2016)

Rachel Craig

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

Since December 2015 all JABS appointment rounds have been run on an online application platform.

Applications for appointment will usually be made online. The Board will also consider requests from applicants for a *Word* version of the application form. We will always make reasonable adjustments where required. If you require any of the application pack documentation in an alternative format please contact us.

Our address for correspondence is:

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91 Haymarket Terrace
Edinburgh
EH12 5HD

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Email: mailbox@jabs.gsi.gov.uk

Website Hosting and Support

The website was redesigned and re-launched in its new format on 1 April 2016. The new website has improved content administration, news, publications and contact sections, the website is also fully responsive on all devices – www.judicialappointments.scot

The hosting and support for the website is provided by the Scottish Government's IT team; Information and Technology Services.

Financial Statement

The Board is funded by the Scottish Government. The Board's expenditure during the financial year 2016 – 2017 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 31 st March 2017 (£)
Secretariat staff salaries (including ERNIC & Superannuation)	196,565.43
Chairing Member's salary, Members' fees and ERNIC	130,264.48
Travel and Subsistence – Board Members	8,446.74
Travel and Subsistence – Secretariat Staff	255.73
Training	900.00
Accommodation (including rent, maintenance & utilities)	54,857.77
Catering – Board and Interview Panels	1,927.83
Office running costs	26,114.37
Appointment Advertising Costs	4,903.42
Annual Report 2015–2016 – publishing costs	546.00
Professional services	10,650.98
Total	435,432.75

Annex 1: Board Members and Lay Selection Panel Members

During the period of this report the Board comprised twelve members at any one time 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 until Sept 2016)

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 and its Audit Committee. He is a Deputy Chairman of the Governors of the Glasgow School of Art and a Member of the Board of the Moredun Research Institute, and is 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.



Dr Michael Ewart (Temporary Charing Member from October 2016)

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 Director of the Scottish International Education Trust, a non-executive member of the Education Scotland Management Board, a Board member of Phoenix Futures UK and chair of its Scottish Board. Dr Ewart was appointed in August 2010 for four years. He was then reappointed in August 2014 for four years until August 2018.



Mrs Alison Mitchell

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, Human Resources of the Scottish Prison Service. She sits on the Audit and Risk Committee for the Judicial Appointments Commission for England and Wales as their independent member. 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 Stephen Tierney

Stephen Tierney is Professor of Constitutional Theory in the School of Law, University of Edinburgh and Director of the Edinburgh Centre for Constitutional Law. At Edinburgh he has also served as Associate Dean for Learning and Teaching and as complaints appeals investigator. He is a graduate of the universities of Glasgow, Edinburgh and Toronto and has held visiting professorial positions in New Jersey and Barcelona.

He teaches and researches in constitutional law, addressing the changing constitutional arrangements of the UK and Scotland and the position of judges within the constitution. He was British Academy Senior Research Fellow 2008-2009 and Economic and Social Research Centre Senior Research Fellow 2013-2014, the latter position dedicated to studying the law and practice of referendums. He served as constitutional adviser to the Scottish Parliament's Referendum (Scotland) Bill Committee in 2013 and as constitutional adviser to the House of Lords Constitution Committee in 2015. He is also editor of the UK Constitutional Law blog. Professor Tierney was appointed in May 2015 for four years.



Mrs Deirdre Fulton

Deirdre Fulton has a commercial and international background. She runs her own consultancy business with a focus on providing meaningful insight and analysis, mainly to clients in the aviation sector. Typical assignments include strategic planning, due diligence, market research, marketing and communications.

Prior to setting up her own company in 2008, Deirdre worked at a senior level in the Scottish aviation industry and gained extensive experience of corporate strategy and operations as well as people and resource management. Deirdre is a graduate of Strathclyde University and has a Master's Degree in Business Administration. She is also a Vice Chair and Trustee of her local Samaritans branch with specific responsibility for recruitment and selection. Ms Fulton was appointed in February 2015 for four years.



Ms Neelam Bakshi

Neelam Bakshi brings over 30 years of experience in the public sector, including wide ranging governance experience as non-executive Board member of various bodies including the Scottish Ambulance Service (where she chairs the Staff Governance Committee) and Scottish Government Audit and Risk Committees (2010-2015). She is a freelance trainer, coach and consultant specialising in equality and diversity, public sector equality duties, and personal development. She was appointed in 2015 as a Public Appointments Adviser, working with the Commissioner for Ethical Standards in Public Life in Scotland and has been a lay member of Employment Tribunals since 1992. Neelam was a councillor and committee chair of the former Strathclyde Regional Council (1990-1996). During 2016/17 she concluded her roles as a member of the Equality and Human Rights Scotland Committee and the BBC Audience Council. Ms. Bakshi was appointed in February 2016 for four years.

Judicial Members



The Honourable Lady Wise From May 2016

Lady Wise was appointed Judge of the Supreme Courts of Scotland in February 2013. She is a graduate of the University of Aberdeen and of McGill University, Montreal, Canada. She qualified as a solicitor in 1989 and worked for Morton Fraser from 1989 to 1992, practising in general civil litigation. She called to the bar in 1993, working in civil litigation and specialising in family law. In 2005 she became a QC. She was a member of the Disciplinary Tribunal of the Faculty of Advocates from 2005 and between 2008 and 2013 sat part time as a Temporary Judge in the Court of Session. She was Chair of the Advocates Family Law Association and of the Family Law Arbitration Group Scotland prior to her elevation to the bench. Since 1 January 2016 she has been a Judge of the Employment Appeal Tribunal. Lady Wise was appointed to the board in May 2016 for four years.



Lord Minginish

Lord Minginish (Roderick John MacLeod QC) is Chairman of the Scottish Land Court and President of the Lands Tribunal for Scotland. He was born and brought up in the Isle of Skye and obtained an honours law degree at the University of Edinburgh. He has practised both as a solicitor and an advocate. In October 2000 he was appointed an all-Scotland floating sheriff before becoming a resident sheriff at Kirkcaldy in 2005. He was seconded to the Scottish Land Court as Deputy Chair on a part-time basis in January 2006. From then until October 2014, when he was appointed to his present positions, he divided his time between the Land Court and sitting as a sheriff at Edinburgh. He is a trustee of the St Andrew's Children Society and Chair of the James Gillespie's High School Trust and of the Board of Directors of Sabhal Mòr Ostaig, the Gaelic College in Skye which is an Academic Partner of the University of the Highlands and Islands. Always active in Gaelic and Highland affairs, at an earlier stage in his career he left the law to work in Gaelic broadcasting with BBC Scotland and, having returned to the law, continued as a part-time broadcaster for many years thereafter. He served for nine years as a member of the BBC's Broadcasting Council for Scotland. Lord Minginish was appointed in May 2015 for four years.



Sheriff Principal Derek Pyle

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 was reappointed in May 2016 for a further two years.



Sheriff David Mackie (Until December 2016)

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 Chairman 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 chairman of Venture Trust from 2001 until 2011 he is now a director of Chance 4 Change. Sheriff Mackie served on the Board until December 2016.



Sheriff Michael O'Grady QC (From January 2017)

Michael O'Grady Q.C. was educated at the university of Glasgow, where he graduated with degrees in Law and Politics and Philosophy. He thereafter spent 10 years in Edinburgh practising as a Solicitor, specialising in Criminal Law. He called to the bar in 1988, again concentrating on crime. He spent over 4 years as an Advocate Depute.

On leaving the Crown Office and Procurator Fiscal Service, he returned to practice, but also sat as a part-time Sheriff and was standing junior counsel to the foreign and commonwealth office. He took silk in 1997. He was chairman of the Advocates' criminal law group. He has been a Sheriff for 17 years and a Temporary Judge for 14 years. He was the first Sheriff to be appointed to the Glasgow drug court. He also sits as an appeal Sheriff. For some years he was a Board Member of SACRO. Sheriff O'Grady was appointed to the Board in January 2017.

Legal Members



Mr James McNeill QC

James McNeill is a practising Advocate and 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 and as Chair of the Disciplinary

Appointments Committee of the Institute and Faculty of Actuaries. 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. In September 2016 he agreed to the extension of his appointment for a further period of two years.



Mr Alistair Morris

Mr Morris' career with Pagan Osborne spans three decades, with him establishing an industry wide reputation as an expert in Private Client services before becoming CEO in 2005. Outside of Pagan Osborne, Alistair showed his commitment to the Scottish legal sector with over 20 years of representing the Sheriffdom of Cupar on the Council of the Law Society of Scotland. Following this significant contribution, he was elected President

of the Law Society for one year from June 2014. Representing the interests of all Scottish solicitors, Mr Morris was responsible for the creation and delivery of the Society's policies and strategies and regularly addressed politicians, leading civil servants and industry wide leaders. Mr Morris is a member of the Scottish Governments independent Review of the Regulation of Legal Services. Mr Morris was appointed in February 2015 for four years.

Lay Selection Panel Members

**Mrs Elizabeth Burnley**

Elizabeth Burnley has a background in Occupational Psychology, HR and general management. Her career started within manufacturing industry, within railway and chemical engineering. After leading a company manufacturing industrial locomotives, she moved into consultancy in team development and assessment and selection methods, an area she then undertook for the Boots Company plc. After experience as a non-executive director within the NHS, Elizabeth now chairs fitness to practise hearings for the Nursing & Midwifery Council and sits as a Lay Member for hearings at the General Pharmaceutical Council. She has a BSc and MSc from the University of Nottingham, an MBA from the Open University and has an honorary doctorate from the University of Derby. As a volunteer, Elizabeth was Chief Guide for the UK for 5 years and continues as an active volunteer. Mrs Burnley was appointed in January 2016 for three years.

**Mr John Cummings**

John Cummings is an experienced public service leader who operated at local, national and international levels in his 30 years in the Scottish Police Service, over 24 years of which were in a diverse range of leadership roles and disciplines. An experienced senior partnership practitioner, John undertook both supporting and leadership roles within the community planning environment, including 4 years as Vice Chair and Chair of the Aberdeenshire Alcohol and Drugs Partnership. John is a graduate of the University of Aberdeen (LLB) and also holds a Postgraduate Diploma in Applied and Professional Ethics from the University of Leeds. John has been a Lay Representative with NHS Education Scotland since December 2014 delivering a lay perspective on Quality Management processes mandated by the General Medical Council in relation to post graduate medical education. Mr Cummings was appointed in January 2016 for three years.

**Mr David Robinson**

David is an Emeritus Professor at the University of Aberdeen where he held a personal chair in Plant and Soil Science for fifteen years (2000-2015). He was Deputy Head of the School of Biological Sciences for nine years and Keeper of the Cruickshank Botanic Garden for five. Previously he was a research scientist at the Macaulay Institute in Aberdeen (1984-7) and the Scottish Crop Research Institute in Dundee (1987-2000), including a Visiting Research Fellowship in Australia in 1996. A native of St Helens in Lancashire, David studied biology at the University of Manchester and completed his PhD at the University of Sheffield. His main scientific interests are the interactions between plants and their environment, and on their importance to ecology and agriculture. During his career he has published about 100 research papers. For six years he was senior editor of the scientific journal *Functional*. In recent years David has served on external review panels at universities in England, South Africa and Ireland. He is currently a Trustee of the Macaulay Development Trust and a member of the Kirriemuir Landward West Community Council. Mr Robinson was appointed in January 2016 for three years.

Annex 2: Board Member 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	10	3	4	1
Professor Stephen Tierney	8/10	-	1/2	1/1
The Rt Hon Lady Dorrian	0/1	0/0	-	-
Dr Michael Ewart	10/10	3/3	2/2	-
The Hon Lady Wise	6/9	-	-	1/1
Mrs Deirdre Fulton	9/10	1/1	-	0/1
Sheriff David Mackie	4/8	-	-	1/1
The Hon Lord Minginish	7/10	-	-	-
Mr James McNeill QC	7/10	3/3	1/2	-
Mrs Alison Mitchell	10/10	3/3	-	-
Mr Alistair Morris	10/10	3/3	4/4	-
Sheriff Principal Pyle	5/10	-	-	-
Sir Muir Russell	5/5	0/0	-	-
Ms Neelam Bakshi	9/10	-	2/2	-
Sheriff Michael O'Grady	2/2	-	-	-

/= possible attendance depending on when members joined or left the board/committee

Note 1: There were no Board meetings in August 2016 & March 2017. Sheriff O'Grady joined the board in January 2016 and his first meeting was on 18 January 2017. Sheriff David Mackie's last meeting was 12 December 2016 and he stood down from the Board on 31 January 2016.

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.judicialappointments.scot

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