



**JUDICIAL
APPOINTMENTS
BOARD FOR
SCOTLAND**



**CORPORATE
PLAN
2023-2026**

Corporate Plan

Foreword from the Chairing Member

This document sets out the Judicial Appointments Board for Scotland's strategic plan for the period 2023-2026.

As we emerge from a period of unprecedented change in the post COVID world, our aim is to consolidate the gains that new technology and hybrid working have delivered.

This coming year will see our Board increase to 16 members, we will have legal as well as lay assistants (otherwise known appointment advisers) and an expanded Business Management Unit (BMU) to better support the Board. All this is necessary to support delivery of the significantly larger number of judicial appointment competitions we now have each year.

Independence in making our recommendations to the Scottish Ministers for judicial appointments is fundamental to our role. However, it is important that we are able to engage effectively with our key stakeholders, including the Scottish Government, the Lord President and Judicial Office and the representative bodies of the legal profession. This engagement will be an important factor in our success in delivering this Corporate Plan and our statutory functions.

Over the period of the plan, we also seek to increase awareness of the Judicial Appointment Board for Scotland (JABS) and the importance of judicial appointments with the wider public.

As well as the significant changes taking place in 2023 in the Board of JABS, its staffing and support arrangements, we are continuing our review of our approach, policies and procedures for appointment to judicial office. This includes our approach to diversity in all we do. All of this development is a major undertaking and involves working with our stakeholders and our colleagues in the Judicial Appointments Commission and the Northern Ireland Judicial Appointments Commission who carry out similar functions. However, it is necessary if we are to ensure that we are able to deliver our legislative obligations in an efficient, effective and transparent manner.

Over the period of this plan, it is expected that through the process of tribunal reform, responsibility for the recruitment of additional tribunal offices will pass to JABS. We will engage with the Scottish Government and Judicial Office to understand the potential impact on JABS as appropriate.

Lindsay Montgomery CBE, FRSE

Chairing Member

29 September 2023

Our Purpose

The Judicial Appointments Board for Scotland's statutory purpose is

- 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.

Our Mission

Attracting applicants with the skills, knowledge and ability for particular judicial roles, whilst encouraging diversity in the range of individuals available for selection and recommending applicants solely on merit, through processes that are, and are seen to be, independent, fair and transparent.

Our Core Values

Trust – our actions justify the faith others have put in us to make recommendations based on merit and to protect the confidentiality of candidates

Fairness – our actions and processes are designed to be equitable, to encourage diversity and to minimise the risk of bias in our decision making

Independence – our recommendations are independent

Transparency - our processes are as accessible, open and transparent as our role allows

Flexibility – we are flexible, adaptable and embrace change and develop where it helps us to streamline and enhance the quality of our processes

Inclusion – we observe, listen, understand and support everyone we work with.

Strategic Context

- **Our Governing legislation**

JABS was established 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. This means that we operate independently of Scottish Ministers, and have our strategic direction set by the Board.

Section 9 of the 2008 Act lays out the statutory functions:

- 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.

Our governing legislation states at section 9(3) that

'In carrying out its functions, the Board is not to be subject to the direction or control of any member of the Scottish Executive or any other person.'

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

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

- **Contribution to the National Performance Framework (NPF) and the Vision of Justice in Scotland 2022**

Whilst JABS is an independent decision-making body, we play an important role in the justice system of Scotland. We also contribute to the delivery of the Scottish Government's outcomes, in particular those set out in the Justice Vision which sets out the route to a transformed justice system and the NPF.

JABS role supports the NPF Human Rights outcome -

We respect, protect and fulfil human rights and live free from discrimination -

We recognise and protect the intrinsic value of all people and are a society founded on fairness, dignity, equality and respect. We demonstrate our commitment to these principles through the way we behave with and treat each other, in the rights, freedoms and protections we provide, and in the democratic, institutional and legal frameworks through which we exercise power.

JABS contributes to both these outcomes by maintaining public confidence in the judiciary through the selection and recommendation of skilled and able individuals for appointment to the judiciary. This contributes to upholding strong institutions and respect for the law and legal process.

Strategic Objectives

1. We will make independent recommendations for judicial appointment to courts and tribunals based solely on merit and only if we are satisfied that the individual is of good character.
2. We will provide advice to members of the Scottish Government in connection with judicial appointments.
3. We will contribute to furthering justice in Scotland alongside Scottish Ministers, the judiciary and the legal profession.
4. We will undertake our work through processes that are, and are seen to be, independent, fair and transparent.
5. We will encourage diversity in the range of individuals available for selection.
6. We will work with key stakeholders, consulting and listening to their feedback, to assist us in our drive to modernise and develop our processes and approach.
7. We will create an environment in which applicants and candidates, Board members, appointment advisors and staff feel supported and inspired to do their best work.

Priorities

Year One

- Develop and implement a new online applicant tracking system to better support judicial competitions
- Initiate a review of our approach to feedback for applicants
- Revise our operating model to make best use of the new resources available to JABS
- Review our approach to outreach, applications and assessment
- Undertake survey research work to inform process improvements
- Develop with the Scottish Government and Judicial Office a Joint planning approach to the timing and management of judicial appointment competitions
- Work with key stakeholders to develop and implement a diversity action plan for judicial appointments
- Complete and implement our Corporate Governance Review
- Conclude the review of our Framework Agreement with the Scottish Government
- Host the Tripartite meeting of the Judicial Appointments Commission, Northern Ireland Judicial Appointments Commission and JABS to share developments and issues in judicial appointments in the three jurisdictions
- Recruit legal appointment advisers
- Consider options for refreshing/renewing the JABS website

Year Two

- Review how we assess the effectiveness of our appointment processes and outcomes
- Complete the applications review process, with suggested improvements trialled and embedded in system as appropriate
- Complete the Approach to Assessment review process, with suggested improvements trialled and embedded in system as appropriate
- Complete any actions agreed for the refresh/renewal of the JABS website
- Undertake a programme of increased external engagement to further public knowledge of JABS and the judicial appointments process
- Complete the development of a process for actively monitoring outputs, including the collection of statistical information to better inform approaches
- Carry out a review of staffing and resources and allied budget requirements with the Scottish Government, once the expanded number of Board members, legal appointment advisers and staff have been in post for a full 12 months, likely to be September 2024.

Year Three

- Enhance understanding of the work of JABS amongst the judiciary, the legal profession and the public at large
- Framework Agreement between JABS and the Scottish Government reviewed
- Review effectiveness of the changes to our systems and processes introduced in the first two years of the plan

Reporting

We will report progress against these priorities in our Annual Reports for each of these years.

Details of the Board, appointment advisers and BMU

Regulations to increase the number of Board members from 12 to 16 came into effect in November 2022. Recruitment is underway to fill these additional posts and once complete the Board will comprise eight judicial and legal members (two Senators of the College of Justice, a Chamber President of the Scottish Tribunals, a Sheriff Principal, a Sheriff, a member of the Faculty of Advocates, a Solicitor and another legal member who is either a member of the Faculty or Advocates or a Solicitor) and eight lay members, one of whom is the Chairing Member.

Lay and legal members are appointed by the Scottish Ministers and judicial members by the Lord President.

Statutory provisions within the 2008 Act (Schedule 1 paragraph 13 A(1)) allow the Board to appoint lay and legal assistants to help the Board to deliver its increased workload. A person appointed under paragraph 13A(1) as a lay or legal assistant may, so far as authorised by the Board, do anything that a lay or legal member of the Board may do, other than take part in a decision of the Board to recommend an individual for appointment. JABS currently has four lay assistants (appointment advisers) and is looking to recruit legal assistants.

All staff of the BMU, including the Chief Executive, are civil servants on Scottish Government terms and conditions of employment. They are required to comply with the Civil Service Code and Scottish Government HR policies, but their sole responsibility for operational matters is to the Board.

The roles for which the Board makes recommendations.

The judicial offices within the Board's remit are set out in section 10 of the 2008 Act and include:

- The office of judge of the Court of Session
- The office of Chairman of the Scottish Land Court
- The office of temporary Judge (with a number of statutory exemptions)
- The office of sheriff principal
- The office of sheriff
- The office of part-time sheriff
- The office of summary sheriff
- The office of part-time summary sheriff
- The office of member of the Parole Board for Scotland (including the Chairperson of the Parole Board)
- The Vice-President of the Upper Tribunal, if to be appointed under section 26(1) of the Tribunals (Scotland) Act 2014 (the 2014 Act)

- Chamber President in the First-tier Tribunal, if to be appointed under section 22(1) of the 2014 Act
- Deputy Chamber President in the First-tier Tribunal, if to be appointed under the relevant provisions of schedule 4 to the 2014 Act
- Ordinary member or legal member of the First-tier Tribunal or the Upper Tribunal, if to be appointed under the relevant provisions of Schedule 3 (or as the case may be) Schedule 5 to the 2014 Act.

Contact details for JABS

The JABS website is the primary source of information about JABS, judicial vacancies, news items, and recent appointments. To get in touch please see the “Contact Us” form found on the website.

Alternatively, please write to:

Judicial Appointments Board for Scotland

Thistle House

91 Haymarket Terrace

Edinburgh

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