

## First-tier Tribunal for Scotland - Legal Member 2024 Information Webinar Q&As



JABS and the Judicial Office for Scotland delivered a virtual webinar on Monday 25 November 2024 to provide an insight into the role of a legal member and details on the application and interview process. At the end of the webinar there was an opportunity for attendees to ask questions. The questions and answers from the session are listed below.

### **1. How long do you get to write up judgments?**

It very much depends on the Chamber. For some Chambers, the decisions are made shortly after the hearing itself. In other jurisdictions, such as the Health and Education Chamber, you are given 10 working days (the equivalent of two weeks) to write up the decision because you're writing a detailed decision on each and every case.

### **2. Is it a disadvantage if you have no or limited experience of tribunal work?**

JABS encourages a wide range of individuals to apply for these posts. Therefore, if you don't have experience of tribunal work, please do not let that put you off. Please do your best to explain why you think you're a good fit for this. Please give yourself the best chance to be compared favourably against others.

### **3. Is there a minimum level of qualification to apply?**

You must be a solicitor or an advocate for a period of five years. This is the basic eligibility requirement and beyond that, it's up to you to tell the board what you can do. You do not need to have Tribunal experience. This may include someone whose practise is very different from Tribunal work. JABS is very understanding of the concept of transferable skills. For example, a criminal practitioner, who has a particular interest in children with special needs due to a personal circumstance would have a perfectly good case for saying this 'due to my interest and in addition to the professional work I have carried out today, I feel I could bring something to the table' in terms of applying for a particular Chamber. More information on eligibility can be found in the Guidance Note.

### **4. How does it work in terms of maintaining your current role together with a legal member role? How would you recommend approaching your firm on that?**

JABS cannot comment on how you should approach your firm, but we can advise that there are many members of the Scottish Tribunals who continue to retain employment elsewhere, whether that's working for a legal firm or working for a local authority or the NHS or as an academic. A number of legal members of the Scottish Tribunals, maintain a portfolio of work and that includes their substantive

employment, together with their judicial employment. It's a very good fit in that respect.

#### **5. How do these roles fit for those of us based in the north?**

Tribunals sit across the whole of the Scottish landscape, including the Islands as well as the Highlands and so you may be sitting on a Tribunal in the north, in the central belt or in the Islands, wherever the business arises from. Tribunals sit generally either fully in person or fully remote. Either using an online platform or a telephone system, or a hybrid version where you're doing part in person and part remote. For example, you could be sitting in a case that is up north, but actually, working out of Glasgow at the time.

#### **6. In terms of case studies at interview are the studies issued in advance of the interview?**

We are still in discussion about the case study for this competition. Tribunals present different challenges from other competitions in that the case study needs to address across all the various Chambers, but we want to make it fair to everyone. However, if there is any preparation work to be done beforehand, we will send out instructions at a period before the interview to give candidates enough time to prepare. If we decide the case study doesn't need anything prepared, then you would be asked to come along, for example for half an hour before the interview starts and you'll be given a case study on the day, but we will treat every candidate the same.

#### **7. What time commitment is required?**

This very much depends on the Chamber that you're applying for. It varies from 10 days to 30 days a year. Those who are available to sit more often will have the opportunity to sit more often because all of the Chambers in Scotland are all facing a rising volume. There will be a minimum time commitment that you will be expected to meet that sets out your terms and conditions. However, if you do have more availability, it's likely that there would be no problem if you did want to sit more often than that minimum commitment.

#### **8. Is the Special Case that the First Division is due to hear in relation to Sheriffs relevant to eligibility for this competition?**

This is not relevant to eligibility for this competition and the eligibility requirements are different for this competition. You'll find all the details on eligibility in the Guidance Note.

#### **9. How long do appointments run for?**

Your appointment in the first case is for 5 years. Your appointment would automatically be renewed, provided the Chamber President and the President of the Scottish Tribunals are satisfied that it should be renewed and of course, that you want it to be renewed.

**10. Can you bring any notes you have made into the interview with you?**

The answer is yes for all competitions. People do sometimes bring in folders of various information although we would advise not to fully read out from the notes. Your notes should be used as an aid memoir. If it's a scenario type question, what we have done in previous competitions is we've provided a printed copy of it while we read out the question to the candidate as we're not testing the fact that you can remember what was said. We also provide a note paper and a pen just in case anybody wants to write. If you do find that you're taking a moment to settle, do take advantage of that note paper and pen just to write things down and to centre yourself and settle your nerves.

**11. When is the next competition likely to be after this one?**

This is a multichambered competition and we can assume that the expectation is that we will draw sufficient members from this round to see us equip going forward. It is highly unlikely that there will be another competition for Tribunals in the near future. If you are thinking of applying we would recommend applying through this round. Tribunal rounds are less frequent than shrieval rounds.