

# *JUDICIAL APPOINTMENTS BOARD FOR SCOTLAND*

## **BOARD**

### **MINUTES OF THE MEETING HELD ON MONDAY 11<sup>th</sup> OCTOBER 2010 IN THE BOARD ROOM, 44 DRUMSHEUGH GARDENS**

Present: Sir Muir Russell, Chairing Member  
Ms Elspeth MacArthur  
Mr Sandy Mowat  
Professor Andrew Coyle  
Dr Michael Ewart  
Sheriff Principal James Taylor  
Sheriff Kenneth Ross  
Mr Martin McAllister  
Mr Iain Armstrong QC

In attendance: Mr Trevor Lodge, Chief Executive  
Mr Chris Orman, Secretary to the Board  
Mrs Dorothy Smith, Policy Officer  
Ms Alessandra Asteriti, Secretariat

#### **1. Welcome and apologies**

1.1 The Chairing Member welcomed the Board Members to the meeting. Apologies were received from Lady Smith.

#### **2. Minutes of the meeting held on 13<sup>th</sup> September**

2.1 The minutes of the meeting held on Monday 13<sup>th</sup> September were approved subject to a few amendments.

#### **3. Matters arising from the minutes**

3.1 Annual Report: The Board agreed the terms of the Annual Report 2009-10.

3.2 Tribunal appointments: The Chief Executive reported that he had had an initial meeting with the Scottish Government to discuss proposed new arrangements for the administration of tribunals operating in Scotland and the implications for the

appointment of members to these tribunals which it was anticipated would be overseen by the Board. The Board noted that the Scottish Tribunal Service was to be established on 1 December 2010 and would initially incorporate 6 devolved tribunals. The Board sought clarification as to whether it would be expected to be responsible for recommending appointments to these tribunals from that date.

3.3 The Board also noted that the Ministry of Justice would need to consult publicly on proposals to transfer responsibility for the administration of UK tribunals to the Scottish Ministers. This was unlikely to be completed until around May 2011. The MoJ hoped to introduce the necessary legislation during the next parliamentary session. In the Scottish Government's view JABS would not be expected to make recommendations to these tribunals before May 2012. Notwithstanding this timescale, the Board felt that planning the appointments process would take considerable time and that work should begin as soon as possible.

3.4 The Chief Executive reported that the Scottish Government would provide a position paper for the November Board meeting. The Board agreed that tribunals would be one of the items on the agenda for discussion at its away day planned for January 2011.

3.5 Senior Salaries Review Body (SSRB): The Chief Executive and Sheriff Principal Taylor reported on their meeting with the SSRB on 6<sup>th</sup> October. The Board noted the SSRB's request for assistance in obtaining information about the salaries of applicants before their appointment to judicial office.

## **Papers for decision**

### **4. Process Working Group: Issues for discussion (JAB/2010/58)**

4.1 Sheriff Ross reported on the work of the Process Working Group in preparation for the forthcoming Sheriff, Sheriff Principal and Part-time Sheriff appointment rounds. The Board discussed a range of issues including adjustments to the application form and the criteria for the Sheriff Principal appointment round and how best to assess the applicants' legal knowledge. In the case of the Part-time Sheriff appointment round, it was felt that there could be a high number of applications and there was discussion of how best to manage this. It was suggested that examples of written work should not be required for the first sift and that assessment of personal and judicial qualities could take place before assessment of legal skills. The Board agreed that further consideration should be given to the size and duration of the next Part-time Sheriff pool.

*Action Point: Sheriff Ross to discuss the Board's suggestions with the Process Working Group and to prepare a paper dealing with all the issues raised for the November meeting.*

*Action Point: Chief Executive and Sheriff Principal Taylor to consider an in-tray exercise to form part of the Sheriff Principal interview stage.*

## **5. Sheriff Principal appointment round (JAB/2010/63)**

5.1 The Chairing Member introduced paper JAB/2010/63, 'Sheriff Principal appointment round'.

5.2 Sheriff Principal James Taylor announced his intention to resign from his position as Sheriff Principal of Glasgow & Strathkelvin in April 2011. Consequently, the Board agreed that the Sheriff Principal appointment round should aim to recommend applicants for both Lothian & Borders and Glasgow & Strathkelvin sheriffdoms.

## **6. Office of Sheriff: "All Scotland floating" vacancy in South Strathclyde, Dumfries and Galloway (JAB/2010/59)**

6.1 The Board considered a request from the Scottish Government for a recommendation from the pool to fill a vacancy that had arisen in the office of Sheriff in South Strathclyde, Dumfries and Galloway. Having decided on its recommendation, the Board instructed the Secretary to ascertain the applicant's willingness to accept the position, if offered by the Scottish Ministers, and if so to forward the recommendation to the Scottish Government.

## **7. Office of Part-Time Sheriff: response from the Scottish Government (JAB/2010/64)**

7.1 The Board was informed that the Scottish Government's request for recommendations from the current pool had been raised at a meeting at which the Sheriffs Principal and the Scottish Court Service were represented, and the view had been clearly expressed that there would be advantage in awaiting the new pool that would emerge in due course from the appointment round that the Board intended to launch in January 2011. Further word from the Scottish Government was awaited.

### **Papers for information**

## **8. Sheriff 2011 appointment round: diversity statistics (JAB/2010/60)**

8.1 Mrs Smith spoke to paper JAB/2010/60, 'Diversity statistics', which summarised diversity data from the first sift of the current Sheriff 2011 competition. The continued gender imbalance in applications was a significant issue. Mrs Smith said that the Diversity Steering Group would be looking into this as part of its work programme.

## **9. Justices of the Peace (JAB/2010/61)**

9.1 The Board noted that independent legal advice had confirmed that the new statutory Board no longer had responsibility for approving the procedures for appointing Justices of the Peace. Sheriff Principal Taylor noted that the responsibility appeared to have passed to individual Sheriffs Principal which he considered to be inappropriate.

*Action Point: Chief Executive to clarify the position with the Scottish Government.*

**10. Forward Look 2010-2011 (JAB/2010/62)**

10.1 The Board noted the paper and agreed to delete the meeting shown as 13<sup>th</sup> June 2011 from the schedule

**11. Any other business**

11.1 The Chief Executive informed the Board that he and Mrs Smith had visited the Diversity and Communication Team of the Northern Ireland Judicial Appointments Commission (NIJAC) to discuss issues in common between NIJAC and JABS.

The meeting closed at 1235 hours.