



Judicial Appointments Board  
**for Scotland**

# Annual Report **2014-2015**





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**for Scotland**

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## **2014-2015**

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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 sixth 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 three complete appointment rounds, for the offices of Sheriff, Sheriff Principal and Chair of the Scottish Land Court. It also launched a shrieval appointment round to make recommendations to fill vacancies arising in the Sherriffdom of Grampian, Highland and Islands, that was in progress at the end of March 2015.

In March 2015, the Diversity Steering Group, which is chaired by Sheriff David Mackie, one of the judicial members of the Board, published the outcome from the conference which took place in March 2014 exploring the relationship between merit and diversity in judicial appointments. A fuller account is provided in the Diversity Section.

The coming years will see considerable changes for the Board. In the summer the Board is due to launch the first exercise to recommend candidates for the new judicial role of Summary Sheriff. In early 2016 the Board will also launch its first Tribunal recruitment exercise. In preparation the Board has been planning for the recruitment of lay Assistants who in due course will play a vital role in assisting the Board with larger volumes of applications which are anticipated for these roles.

Finally, I would like to thank our Board Members for their commitment to the Board over the past year. In August 2014 Mr Martin McAllister stood down after 8 years on the Board and I pay tribute to his contribution to the work of the Board. In December 2014 Professor Andrew Coyle also stood down after 7 years on the Board and I would like to thank him for his contribution particularly as former Chair of the Diversity Steering Group. I am delighted to welcome their successors Ms Deirdre Fulton and Mr Alistair Morris.

A handwritten signature in black ink, appearing to read 'Muir Russell', with a long, sweeping underline.

Sir Muir Russell KCB FRSE  
Chairing Member

# Introduction and Membership

This is the sixth Annual Report of the Judicial Appointments Board for Scotland as a statutory body and covers the period 1st April 2014 to 31st March 2015.

## 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)  
Mrs Alison Mitchell  
Professor Andrew Coyle CMG to 31 December 2014  
Dr Michael Ewart  
Ms Jeane Freeman  
Ms Deirdre Fulton from 1st February 2015

### Judicial Members

The Right Honourable Lady Dorrian  
Sheriff Principal Derek Pyle  
Sheriff David Mackie

### Legal Members

Mr James McNeill QC  
Mr Martin McAllister to 31 August 2014  
Mr Alistair Morris from 1st February 2015

## 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** 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](http://www.judicialappointmentsScotland.org.uk).

# 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; 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 three 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

Following the Sheriff 2010 appointment round, the Process Working Group was established to review all aspects of the Board's appointment processes and procedures. It was agreed in June 2013 that the Group be renamed the Quality Assurance Group (QAG) to reflect its primary role of quality assurance.

## 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.

It has been a particularly busy period for the QAG. It met on four occasions during the period of this report to review the Board's processes, and to begin preparing the Board for making recommendations to tribunal appointments and the recruitment of Board Assistants. The Board would like to formally thank the Judicial Appointments Commission and the Northern Ireland Judicial Appointments Commission for sharing their practices with the Board in relation to tribunal appointments and the recruitment of Assistants.

In May 2014, the Group completed a review of the Sheriff 2014 appointment round. It made recommendations to the Board in June 2014 to refine its processes. The recommendations were accepted by the Board and included:

- Additional time being allocated to Members to sift applications for large volume competitions and more time being allocated to the sift discussion.
- Tasking the QAG with looking at how the application form and referee forms could be improved to encourage applicants and referees to provide specific evidence under each of the required headings.
- Dropping the requirement for a personal reference. The Board would continue to seek two legal references but only for those applicants who are invited to interview.
- Retaining a Lay/Legal balance on the interview panels for Court appointments but reduce the interview panel size from between four and six members to a maximum of four members.

In October 2014, the Group completed a review of the first Chair of the Scottish Land Court appointment round it had been asked to undertake, and a review of the Sheriff Principal Appointment Round 2014. At this meeting it also discussed how it might improve the application form and reference forms to encourage applicants and referees to provide specific evidence for each competency. In preparation for the Board being given the power to recommend tribunal appointments, the Group began considering how best to incorporate tribunal appointments into the Board's workload, and the possible introduction of Board Assistants. This was further discussed with the full Board at a Workshop later in October 2014. At the Workshop the Board agreed that it would like to trial a move to a selection panel approach to future appointments, deploy Board Assistants in tribunal appointments and tasked the Group with considering how this might work in practice.

In December 2014, following on from the discussion at the Board Workshop, the Group considered a move to a selection panel approach for all appointments, the likely time commitments for known competitions and the inclusion of Board Assistants in tribunal appointments. It also considered a revised application form and referee form and made recommendations to the Board in January 2015 that were accepted. They included:

- A move to a selection panel approach for future court and tribunal appointments. It agreed the remit of the selection panel as well as the panel size and membership for each known appointment round. It agreed the selection panel would take full responsibility for each stage of the appointment round and make recommendations to the Board for consideration of appointment.
- In the short to medium term Assistants would be deployed in fee paid tribunal appointment rounds only. After a three year period, the Board would review the effectiveness of Assistants, and take a decision as to whether they should be deployed for some court appointment rounds as well.
- For future appointment rounds, a Member of the Board who is not a member of the Selection Panel should be appointed as a Complaints Investigator. The choice of Member would be agreed at the pre-appointment planning meeting.
- Revisions to the application form and reference form to encourage applicants and referees to provide evidence to demonstrate each of the criteria. The revisions include a revised word limit throughout.

In February 2015, the Group considered a first draft of the application pack to recruit Board Assistants, and reviewed the policy for providing feedback to applicants and made recommendations to the Board. The Board agreed the recommendations in relation to the process for recruiting, training and evaluating Assistants and the future policy for providing feedback to applicants.

**Quality Assurance Group Membership:** The Right Honourable Lady Dorrian (Chair)  
 Dr Michael Ewart  
 Mrs Alison Mitchell  
 Mr 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. Following the Diversity Conference in March 2014 the Group decided to review its role and remit. At its meeting in February 2015 the Group agreed its Purpose/Framework as set out below –

- 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 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 will be 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)

Ms Jeane Freeman

The Honourable Lady Stacey, Court of Session

Mr Stephen Humphreys, Judicial Office for Scotland

Ms Lorna Drummond QC, Faculty of Advocates to July 2014

Mr Brian Napier QC, Faculty of Advocates from October 2014

Mr Neil Stevenson, Law Society of Scotland

Ms Kay McCorquodale, Scottish Government (Observer)

**Officials in attendance:**

Chief Executive

Policy Officer

During the period covered by this report the Steering Group met on five occasions. In this reporting year the Diversity Steering Group produced an outcome report from the Diversity Conference held on 11 March 2014 (see the Diversity Section).

# 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.

On 11 March 2014 the Diversity Steering Group (DSG) with representation from the Faculty of Advocates, Judicial Appointments Board for Scotland (JABS), Judicial Office, Judiciary and the Law Society of Scotland, with observers from the Scottish Government held a conference at St Paul's and St George's Church to discuss judicial diversity. The Conference was titled, "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;
- discuss how to encourage diversity in the range of individuals available for selection to be recommended for appointment to judicial office.

The Conference proved to be a very useful and interesting event, with attendees clearly engaged with the agenda. Feedback from delegates was that the presentations from the speakers provided for some interesting discussion during the breakout sessions, where delegates were able to consider the issues raised and make suggestions in light of their own experiences. Many of these opinions and experiences have been captured in an outcome report. The DSG now holds valuable data on current attitudes to judicial office and the range of barriers, both real and perceived, which need to be addressed by all relevant stakeholders to encourage all who are qualified to apply.

Since the Conference the DSG carefully considered how to build on the findings of the event. In February 2015 the DSG agreed to publish the outcome report from the conference. The report was published on 11 March 2015. Throughout the remainder of 2014 the Group has considered what actions may be appropriate given the findings of the conference. Actions taken so far by the organisations represented on the Group with particular relevance to the Board's interest in the diversity of those putting themselves forward for judicial office have included:

## Tackling barriers to appointments

Following the introduction of arrangements for part-time working by salaried sheriffs in 2011 several sheriffs have taken the opportunity to move to part-time working. It is hoped in due course some of the appointments to the office of summary sheriff created by the Courts Reform (Scotland) Act 2014 could be made on a part-time basis. This may encourage a more diverse applicant pool.

Consideration is being given to regional recruitment, to provide applicants with more certainty where they will be likely to serve if appointed. This may go some way to alleviate the perceived problems with the residency requirement as candidates would know where the posts are when applying. Planning for the first summary sheriff exercise has proceeded on the assumption that the precise locations of the base courts of every vacancy will be known at the time the competition launches and which will be filled in the first tranche of appointments in early 2016. It is hoped this may encourage applications from all parts of the country. During the period of this report extensive planning and design of a programme of outreach events across Scotland has taken place. For the first time the Board plans to welcome representatives from the Scottish Government and the Judicial Office at these events, where the focus will be on the new role of summary sheriff and the process by which candidates can apply for the new office.

### **Improvements to the application process**

The Board has further reviewed its application process in its continuing aim to render it more accessible and comprehensible to applicants, especially those unfamiliar with a competency based process and, most notably:

- Examples of competency based applications are to be put on the JABS website.
- The application form has been reviewed – to make it shorter and more concise.
- The process of seeking references has been reviewed so that there will no longer be a requirement for a personal referee. The reference form itself has also been changed. Referees will be encouraged to link the competencies required in the application form to the criteria for the post.
- Competency based seminars are planned for various professional groups in 2015.

### **Other measures to increase diversity undertaken by members of the DSG**

DSG Members – Sheriff Mackie and Neil Stevenson – have observed the Diversity Forum of the Judicial Appointments Commission for England and Wales.



# Appointment Rounds

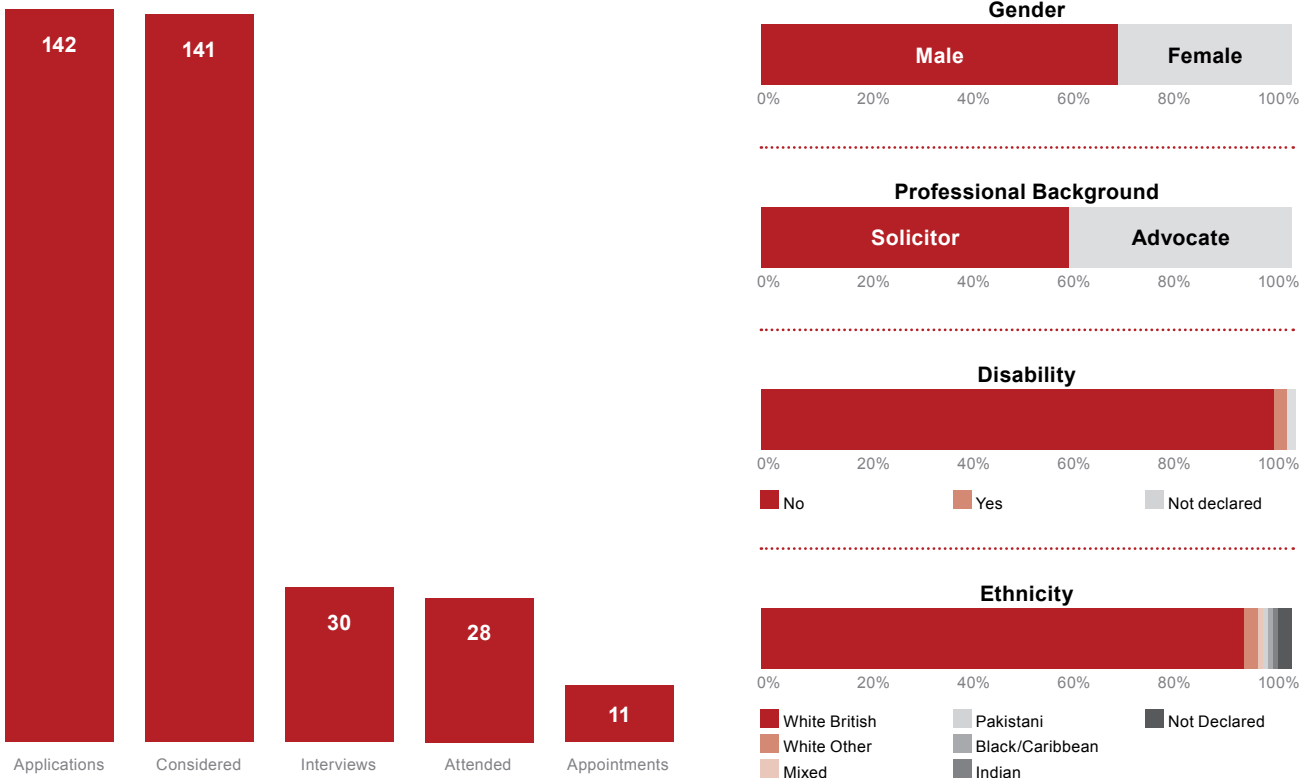
The Board is responsible for recommending individuals for judicial offices within its remit. During the year the Board conducted three complete appointment rounds and launched one appointment round that was in progress at the end of March 2015.

	Appointment Rounds	Applications Received	Recommendations Made
Office of Sheriff 2014-15	1	142	11
Office of Sheriff Principal 2014	1	15	3
Chair of the Scottish Land Court	1	4	1
<b>Total</b>	<b>3</b>	<b>161</b>	<b>15</b>

## Office of Sheriff 2014-15

In November 2013, the Board invited applications from those eligible for appointment 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. The following table provides the statistical information on these applications<sup>1</sup>.

## Office of Sheriff Statistical Information 2014-15



<sup>1</sup> 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.

Thirty applicants were invited for interview. Two applicants withdrew bringing the total number of 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 Board included a slightly higher number of applicants in the group than the forecast provided by the Judicial Office for Scotland, to enable it to deal with the changing landscape for sheriffs, including the new residency requirement. Therefore applicants in the group were informed there would be no guarantee of an appointment. It was intended that the lifetime of the group would run until 30<sup>th</sup> September 2015, but on the 10<sup>th</sup> March 2015, the Judicial Office for Scotland wrote to the Board to inform it that the Lord President did not require any further shrieval recommendations. Sheriff posts which became vacant thereafter would not be filled, in order to create the first summary sheriff posts. Those posts would be filled by appointment following a competition, which on present plans will launch in June 2015 with interviews planned for November 2015.

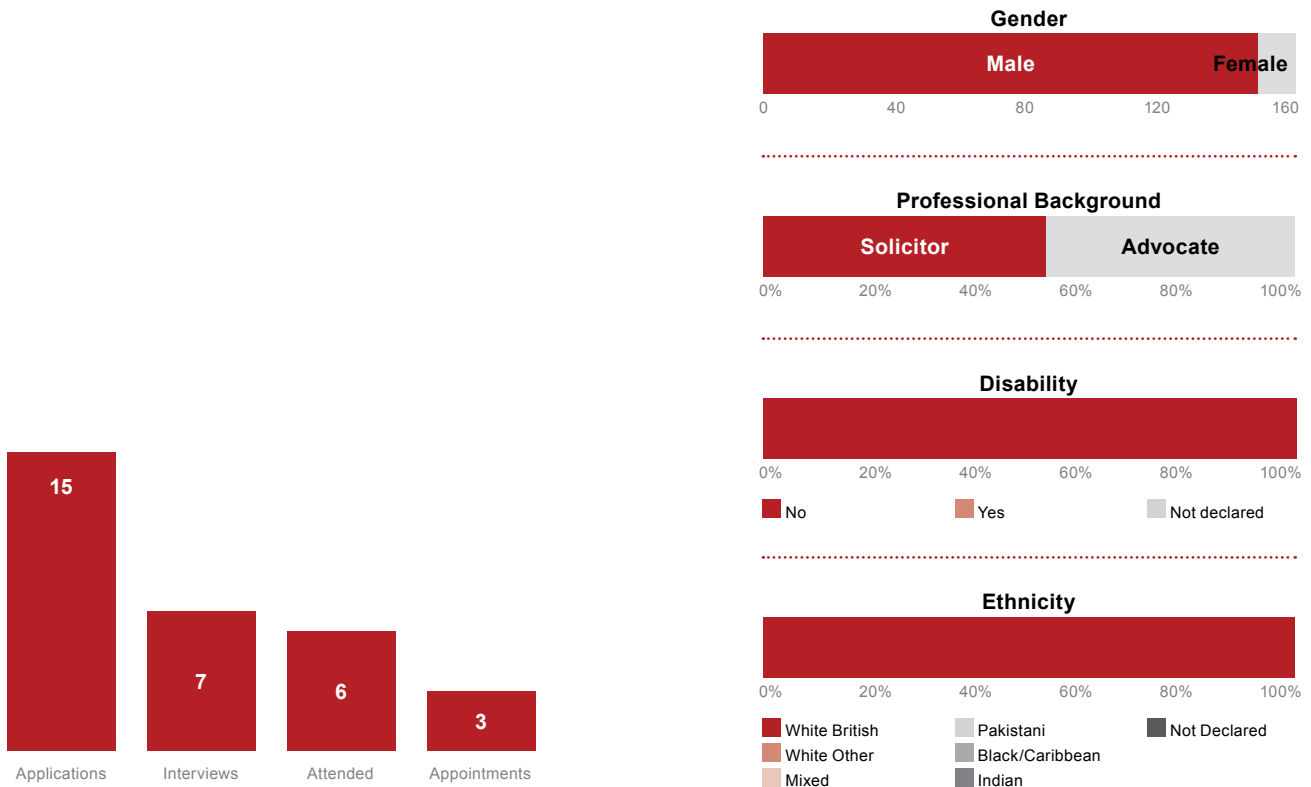
During the period of this Annual Report eleven appointments have been made, in chronological order:

- Ms Aisha Anwar, now Sheriff Anwar, to the Sheriffdom of Glasgow and Strathkelvin;
- Mr Brian Mohan, now Sheriff Mohan, to the Sheriffdom of South Strathclyde Dumfries and Galloway, based at Dumfries;
- Ms Alison Stirling, now Sheriff Stirling, to the Sheriffdom of Grampian, Highland and Islands, based at Aberdeen;
- Mr Gordon Fleetwood, now Sheriff Fleetwood, to the Sheriffdom of Grampian, Highland and Islands, based at Inverness;
- Mr Ian Fleming, now Sheriff Fleming, to the Sheriffdom of North Strathclyde, based in Greenock;
- Ms Lorna Drummond QC, now Sheriff Drummond, to the Sheriffdom of Tayside, Central and Fife, based at Dundee;
- Mr Craig Turnbull, now Sheriff Turnbull, to the Sheriffdom of North Strathclyde, based at Greenock/Dumbarton;
- Ms Gillian Wade QC, now Sheriff Wade, to the Sheriffdom of Tayside Central and Fife, based at Stirling;
- Mr Simon Collins QC, now Sheriff Collins, to the Sheriffdom of Tayside Central and Fife, based at Dunfermline;
- Ms Joan Kerr, now Sheriff Kerr, to the Sheriffdom of Glasgow and Strathkelvin;
- Mr Robert Weir, now Sheriff Weir, to the Sheriffdom of South Strathclyde Dumfries and Galloway, based at Hamilton.

### 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. Seven were invited to interview and one withdrew bringing the total interviewed to six. The following table provides the statistical information on these applications<sup>2</sup>.

### Office of Sheriff Principal Statistical Information 2014



The following appointments were made:

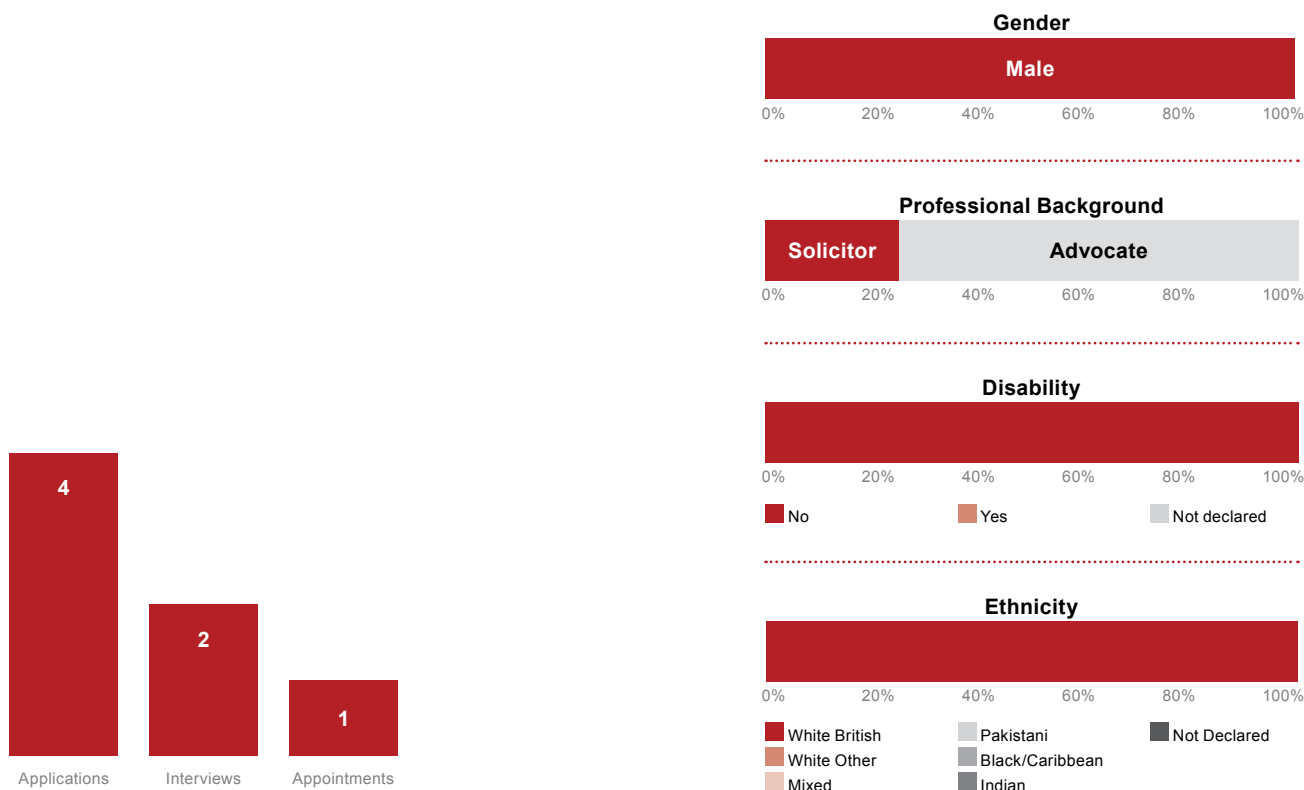
- Mr Duncan Murray, now Sheriff Principal Murray, to the Sheriffdom of North Strathclyde, appointed 1 October 2014.
- Sheriff Ian Abercrombie, now Sheriff Principal Abercrombie, to the Sheriffdom of South Strathclyde, Dumfries and Galloway, appointed 29 January 2015
- Sheriff Marysia Lewis, now Sheriff Principal Lewis, to the Sheriffdom of Tayside, Central and Fife, to be appointed on 1 May 2015.

<sup>2</sup> 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.

### 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. We received four applications and two were invited to interview. The following table provides the statistical information on these applications<sup>3</sup>.

#### Chair of the Scottish Land Statistical Information 2014



The following appointment was made:

- Sheriff Roderick MacLeod, now Lord Minginish, appointed 1<sup>st</sup> October 2014.

### Office of Sheriff, Grampian Highland and Islands

On 4<sup>th</sup> March 2015, the Scottish Government asked the Board to launch a sheriff competition for two vacancies in the Sheriffdom of Grampian Highland and Islands, based at Inverness and Elgin Sheriff courts. The vacancies were trawled to the 2014-15 Sheriff group in January 2015 but none of the remaining appointable candidates were willing to consider a recommendation to these vacancies. The Board responded quickly to this request and launched a competition one week later, inviting applications from those eligible for appointment to the office of Sheriff. During the period of this Annual Report the appointment round was still on-going. We will report any subsequent appointments 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 third Monday of each month. The minutes of meetings are published on our website. The Board also held a workshop in October 2014 which included a visit to the Faculty of Advocates, to hear more about the career and background of the members of the Faculty.

## 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 Crown Agent
- The Lord Advocate
- The President of the Scottish Tribunals

## Outreach

The Board has drawn up an outreach programme for 2015 and some events will be held jointly with the Judicial Office for Scotland and the Scottish Government; we will report on these events in our next Annual Report.

# Tribunals

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

The provisions were commenced in April 2015 although it will be some time until any appointments are made given the proposed phasing of tribunals transferring into the new structure. As set out below, housing is the first jurisdiction to transfer in (around September) 2016. As such, the first recruitment exercise involving the Board is due to begin in February 2016.

## **Tribunals (Scotland) Act Implementation Project**

A project has been set up to oversee the implementation of the Tribunals (Scotland) Act; the project has four workstreams:

- Legislation
- Orders and regulations
- Appointments
- Rules

The Board's Policy Officer is a member of the Appointments Workstream, its role and remit is as follows:

### ***Purpose***

*In conjunction with the Judicial Appointments Board for Scotland, the appointments work stream will be responsible for ensuring that the new procedures for tribunal appointments are in place and appointments relating to the new housing tribunals are in post by 1st December 2016. The work stream will report to the Project Board.*

### ***Activities***

- *to provide overall direction and guidance to the project ensuring it remains viable and within any specific constraints*
- *to ensure the right people and resources are in place to deliver the project*
- *draft the project Highlight Report (Chair)*
- *monitor overall progress of the project*
- *identify and escalate the risks associated with the project to the Project Board*
- *identify overall costs of the project*
- *responsible for communication supporting the project*

### **Tribunals Act Implementation timeline**

The Scottish Government Tribunals and Administrative Justice team have reported that Phase 1 of the implementation of the Tribunals Act will include the drafting of Upper Tribunal Rules and the transfer-in of the first jurisdictions to be brought into the new structure. The first Chamber created will be Housing. The Board will have responsibility for appointments to the Private Rented Sector (PRS) and the Letting Agents jurisdictions. The Private Rented Housing Panel and Homeowner Housing Panel are already in existence and it is likely that some members may also want to hear cases in the new jurisdictions.

Other elements of the Housing Chamber structure include Third Party Applications and Section 35 of the Private Rented Housing (Scotland) Act 2011. The first round of these appointments will not be undertaken by the Board. They will be organised by the Tribunals and Administrative Justice Policy Team as these functions are planned to be operational in December 2015 which is prior to the creation of the Housing Chamber.

It is understood that Phase 1 will take two years to complete, and the first of the tribunals should transfer-in by December 2016. Thereafter, it is likely that the order would be tax, additional support needs, mental health, Scottish charitable appeals and lands; each taking around 6-8 months to complete the process by 2019. Focus would then move onto the other tribunals listed in Schedule 1 of the Tribunals Act which are not currently supported by the Scottish Courts and Tribunals Service with a target date of around 2023 for completion.

The Tribunal (Scotland) Act 2014 also amended the Judiciary and Courts (Scotland) Act 2008 to increase the membership of JABS from 10 to 12. These members will be made up of either a Chamber President of the First-tier Tribunal or a Vice-President of the Upper Tribunal and an additional lay member to maintain the legal/lay balance of the Board. The amendments also require the Board to include at least one member of the Scottish Tribunals in any proceedings relating to tribunal appointments. It is ordinarily for the President of Tribunals to select member(s) to participate, in consultation with the JABS Chairing Member.

During the drafting of the Tribunal (Scotland) Bill 2014 the Board raised the issue of capacity with the additional workload that the tribunal appointments would bring. The Scottish Government felt that this would be best addressed by the Courts Reform (Scotland) Act 2014. In consequence of its new responsibilities JABS has been provided with new powers to recruit and appoint legal and lay 'Assistants' for both Court and Tribunal appointments. The Board has agreed that it will initially use 'Assistants' for tribunal appointments and recruit lay assistants only first time round.

# 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, the Board constituted a committee to consider one complaint. Whilst it was incidental to the thrust of the complaint the Board resolved to pay closer attention to the dates that Members would be due to step down from the Board when forming future selection and/or interview panels.



# 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

Michael Garden

Appointments Manager and

Secretary to the Board

Kerry Love

Policy Officer

Dorothy Smith

Administrator

Alessandra Asteriti

The Board moved to new premises in November 2014. It continues to be tenants of the Scottish Legal Aid Board at their new offices at Thistle House, 91 Haymarket Terrace, Edinburgh.

# 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 conducted a full review of the online application process used in the 2014 sheriff exercise. We would like to return to having an online process but want to take time to ensure that an online application system is robust and capable of handling volume before we go live. In the interim the Board has reverted to a downloadable 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 reviewed in December 2014 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 2014 - 2015 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 2015 (£)
Secretariat staff salaries	165,786.56
Chairing Member's salary, Members' fees and ERNIC	69,412.59
Travel and Subsistence – Board Members	3,443.15
Travel and Subsistence – Secretariat Staff	130.82
Training	178.20
Accommodation (including rent, maintenance and utilities)	93,414.59*
Catering – Board and Interview Panels	1,353.70
Office running costs	14,588.98
Appointment Advertising Costs	12,602.99
Annual Report 2013-2014 – publishing costs	524.88
Professional services	661.20
<b>Total</b>	<b>362,098.26</b>

\*Includes refurbishment of the JABS offices in Thistle House following relocation from Drumsheugh Gardens, Edinburgh.

# Annex 1: Board Members

During the period of this report the Board comprised of 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.



### **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. 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 to December 2014**

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 King's 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. Dr Ewart was reappointed in August 2014 for four years 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.



### **Ms Deirdre Fulton from February 2015**

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 has been appointed for four years from 1 February 2015 to 31 January 2019.

## 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 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's appointment to the Board runs from May 2013 to April 2016.



### **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 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 was appointed to the Board from January 2013 to December 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, as Chair of the Disciplinary Appointments Committee of the Institute and Faculty of Actuaries and as a Convenor of the Presbyterial 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 until September 2016.



### **Mr Martin McAllister to August 2014**

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.



### **Mr Alistair Morris from February 2015**

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 shows 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, Alistair is responsible for the creation and delivery of the Society's policies and strategies and regularly addresses politicians, leading civil servants and industry wide leaders. Mr Morris has been appointed for four years, from 1 February 2015 to 31 January 2019.

## Annex 2: Board Members' Attendance

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

Details	Board	QAG	ARMC	DSG
Total Meetings in the Year	11	4	3	5
Professor Andrew Coyle	7	-	-	-
The Rt Hon Lady Dorrian	7	2	-	-
Dr Michael Ewart	10	4	3	-
Ms Jeane Freeman	5	-	-	-
Ms Deirdre Fulton	2	-	-	-
Sheriff David Mackie	8	-	-	5
Mr Martin McAllister	3	-	-	-
Mr James McNeill QC	8	4	2	-
Mrs Alison Mitchell	11	4	-	-
Mr Alastair Morris	2	-	-	-
Sheriff Principal Pyle	6	-	-	-
Sir Muir Russell	11	-	-	-

Note 1: Professor Coyle's last meeting was 15 December 2014 as he stood down from the Board on 31 December 2014. Martin McAllister's last meeting was 14 July 2014 as he stood down from the Board on 31 August 2014. The August 2014 Board meeting was cancelled. Ms Fulton and Mr Morris joined the Board on 1 February 2015 and their first meeting was 16 February 2015.

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











# Judicial Appointments Board for Scotland

For further information on the work of the Board, please visit our website at [www.judicialappointmentscotland.org.uk](http://www.judicialappointmentscotland.org.uk).

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