

## CRIMINAL CONVICTIONS – STATEMENT OF PRINCIPLES

1. The Board takes a serious view of criminal convictions and will take such convictions into consideration when assessing the suitability of applicants for judicial appointment.
2. As a general principle the Board will consider the individual circumstances of each conviction declared by an applicant and, if an applicant has been interviewed, will comment on those circumstances in its report to the First Minister.
3. The Board will also consider administrative penalties or orders imposed on a candidate – for example, a Fixed Penalty Notice or an Anti-Social Behaviour Order when considering an application. .
4. It is recognised that after a period of time the impact of a particular conviction may be significantly diminished and this factor will be taken into account in the Board's considerations.
5. In the case of offences punishable by imprisonment, whether or not a period of imprisonment has been imposed, the Board will in each case reach a view as to whether the offence would disqualify an applicant from appointment and if so whether such a disqualification should be permanent.
6. In relation to other driving offences, if a period of disqualification has been imposed, although the exact period of exclusion will depend on the nature of the specific offence(s) involved the expectation would be that the Board would not consider an application for 2 years from the end of the disqualification period.
7. A pattern of repeated offences, including those dealt with by administrative penalty or otherwise, and including repeated driving offences which had not resulted in disqualification, would also be considered by the Board as potentially excluding an applicant from consideration until a particular period free from such offences had elapsed. Although the exact period will depend upon the nature of the specific offences involved, the expectation would be that the Board would not consider an application until a period of 2 years had elapsed since the last offence.
8. In relation to current investigations applicants must declare information about any criminal charges they are subject to or any on-going criminal investigation

into their conduct. Depending on the particular circumstances of the investigation, their application may be allowed to proceed. In the event that the applicant was assessed as suitable to be recommended for judicial appointment their name would not normally be put forward to the Scottish Government until the outcome of the investigation was known. In a competition where a group of selectable applicants was being established to recommend for vacancies arising over a period of time, and the outcome of a criminal investigation, or trial was not known by the end of that period, the applicant would have to reapply at the time of the next selection exercise if they still wished to be recommended for that judicial office.

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Second review:	12 <sup>th</sup> November 2012
Third review:	17 <sup>th</sup> November 2014
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