

DIVERSITY STRATEGY

The Judicial Appointments Board for Scotland (JABS) has a statutory duty to have regard to the need to encourage diversity in the range of individuals available for selection to be recommended for appointment to judicial office. JABS keeps this duty in mind in all that it does.

The Board acknowledges that there should be equality of opportunity for those eligible to apply. In a democratic society the judiciary should reflect the diversity of society and the legal profession as a whole. A judiciary whose members are drawn from a wide range of backgrounds and life experiences will bring varying perspectives on legal issues and is likely to enhance public confidence in the judiciary.

The Board's Diversity Strategy has three broad elements:

- Fair and non-discriminatory selection processes
- Outreach and awareness raising
- Working with others to break down barriers and remove misperceptions

Fair and non-discriminatory selection processes

Applications – Selection is made solely on merit. The Board encourages and welcomes applications from the widest possible range of eligible individuals. The Board particularly welcomes applications from under-represented groups.

Application Forms and other documentation – The Board reviews its processes and procedures after each appointment round to consider where adjustments or improvements can be made. At the end of each appointment round applicants are asked to comment on their experience of the process. The Board reviews its application forms and other documentation for equality purposes to ensure that it does not discriminate against any individual or group.

Qualities and abilities to determine merit – The Board has agreed with the Judicial Office a range of qualities, possession of which constitutes merit and which successful applicants for judicial office must demonstrate. Broadly, these are: legal knowledge, skills and competence, personal characteristics case management skills, and communication skills. The Board reviews each appointment round and decides on the core criteria for the office to be filled.

Reasonable adjustments - The Board is committed to considering any reasonable adjustments needed to ensure that all applicants can participate in the selection process fairly. Requests will be considered on a case-by-case basis and the information given will not be used in selection decisions. If applicants are recommended for appointment, any reasonable adjustments to enable them to take up appointment will be discussed separately with the appointee by the Judicial Office for Scotland after the Board has made its recommendation.

Diversity monitoring – The Board monitors the diversity profile of all appointment rounds and tracks applicants’ progress at each stage of the process: after applications are received, after sifting, after short-listing and after interview. The Board is developing data on the ‘eligible pool’ and plans to benchmark performance against that for each appointment round. Diversity statistics will be published in the Board’s Annual Report. All data is anonymised at every stage.

References – Candidates are normally asked to nominate 2 referees, both of whom must be legally qualified.

Consultation - The Board will consult the Lord President, relevant Sheriffs Principal, the Dean of the Faculty of Advocates, the President of the Law Society of Scotland, the Scottish Legal Complaints Commission and the Crown Agent to enquire whether they are aware of any reason which might cause the Board to consider that an applicant is unsuitable or unfit for appointment to the office for which s/he has applied. For more senior judicial offices the Board may, in addition, seek a judicial reference from the Lord President.

Outreach and awareness raising

Informing ourselves – In 2009 the Board published the results of a major survey of the Scottish legal profession. The Law Society for Scotland published a report on the Profile of The Profession in 2013. In 2014, the Diversity Steering Group, a collaborative project with representation from the Faculty of Advocates, JABS, Judicial Office, Judiciary and the Law Society, with observers from the Scottish Government held a conference to explore “Merit and Diversity – Compatible Aspirations in Judicial Appointments?” With the information gathered the Board now has a better understanding of the attitudes of the population that is eligible to apply for judicial office, what encourages them to apply and what discourages them. Data sources held by the Board, the Law Society of Scotland and the Faculty of Advocates will be developed and updated regularly in order to maintain an up-to-date picture of the composition of the eligible pool. This is consistent with the Equality Act 2010 Public Sector Duty. In this way it will be possible to identify trends and changes in the eligible pool and the Board will be better placed to identify particular groups within the profession who might be encouraged to apply.

Outreach – The Board will continue with its annual information events across Scotland to inform members of the legal profession about the work of the Board and the judicial appointments process. These events will be timed to coincide with major appointment rounds in order to maximise their impact. The Board encourages applications from the widest possible range of eligible individuals. The Board will

engage with Law School Careers Advisors to promote to its students that a judicial career is open to them. It would be helpful if the judiciary and the legal profession would also engage with schools and Universities to promote the judiciary as a career option. The Board will continue to encourage them to do so.

Advertising – The Board will target its advertising of appointment rounds specifically at the eligible pool and those members of the profession who are about to become eligible to apply. It will do this by exploring with the Law Society, the Faculty of Advocates, the Crown Office and others the use of their websites, e-mail lists and social media.

Working with others to break down barriers and remove misperceptions

Barriers – Detailed knowledge about the pool of candidates eligible for selection is limited as the legal professions lacks comprehensive statistics on diversity. The Board will work with the Law Society and the Faculty of Advocates and others to gather further information to learn more about their members attitudes to judicial office and whether any barriers, real or perceived, need to be addressed or accelerators put in place to encourage people to apply.

The Board will work with the legal profession and judiciary to help them to become more active in promoting judicial office among those who are currently not coming forward, particularly candidates from under-represented groups who meet the criteria.

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