

JUDICIAL APPOINTMENTS BOARD FOR SCOTLAND

MINUTES OF THE BOARD MEETING

HELD ON MONDAY 8th JUNE 2009

IN 9-10 ST ANDREW SQUARE

Present: Sir Muir Russell, Chairing Member
Ms Elspeth MacArthur
Mr Sandy Mowat
Professor Andrew Coyle
Reverend John Miller
Lady Smith
Sheriff Principal Sir Stephen Young
Sheriff Kenneth Ross
Mr Roy Martin
Mr Martin McAllister
Mr Trevor Lodge, Chief Executive
Mr Chris Orman, Secretary to the Board
Mrs Susan McColl, Administrative Officer

Preliminary meeting

1. Consideration of the current slates for the offices of All-Scotland Floating Sheriff and Part-time Sheriff

1.1 Lady Smith welcomed the judicial and legal members to the meeting. In addition three lay members attended as observers. The judicial and legal members discussed the individual candidates on the current slates in operation for the All-Scotland Floating and Part-time Sheriffs.

Main meeting

2. Welcome and Apologies

2.1 The Chairman welcomed the Board members to the first meeting of the statutory Board.

2.2 The Board members held an initial discussion about the issues to be raised with the Scottish Government.

3. Minutes of the meeting held on Monday 11th May

3.1 The minutes of the meeting held on Monday 11th May were approved without amendment.

4. Matters arising from the Minutes

4.1 There were no matters arising from the minutes.

5. Adoption of Publications

5.1 The Chairman moved that the following papers should be adopted by the statutory Board:

- Freedom of Information Publication Scheme (JAB/2009/30)
- Complaints Procedure (JAB/2009/31)
- Code of Conduct for Board Members (JAB/2009/32)
- Code of Conduct for Secretariat Staff (JAB/2009/33)
- Data Protection Policy (JAB/2009/34)
- Criminal Convictions – Statement of Principles (JAB/2009/35)
- Policy on Confidentiality (JAB/2009/36)

5.2 Minor amendments to the papers were agreed by the Board. Following amendment, the papers would be sent to the relevant Commissioners for their approval, and the adopted papers would be published on the Board's website.

5.3 It was noted that the Framework Document had been agreed and signed by the Chairman but had still to be signed by the Cabinet Secretary for Justice.

Action Point: *Secretary to the Board to send copies of the first four papers to the relevant Commissioners and Ombudsman for their consideration.*

6. Scottish Government

6.1 The Chairman welcomed Mr Stuart, Scottish Government, to the meeting. The Board discussed with Mr Stuart the position of the slates currently in operation for All-Scotland Floating Sheriffs and Part-time Sheriffs now that the Board was a statutory body. It was agreed that a formal position statement should be issued to all candidates.

6.2 Mr Stuart confirmed that he would write to the Board providing details of any vacancies that were likely to arise before the next recruitment exercises took place. He briefed the Board with the latest position reached with the Sheriff Principal regarding the shrieval vacancy in Glasgow.

7. Transition to NDPB Status

7.1 The Board considered the papers *Section 13 Working Group – Final Report* (JAB/2009/37) and “*Information for Candidates*” – *Suggested Revisals* (JAB2009/38)). Lady Smith spoke about the progress and recommendations of the section 13 Working Group and asked the Board to agree the papers attached to it. It was noted that further work still had to be done on the *Criteria, Qualities and Abilities* and *Information for Candidates* papers. The Chairman asked that any comments on the papers should be submitted to Sheriff Ross by Friday 12th June. It was agreed that the new processes should be discussed with the Lord President and relevant bodies.

Action Point: *The application form, referee assessment form, and all relevant papers to be finalised for the next Board meeting on Monday 13th July.*

7.2 Board members noted and agreed paper *Indemnity* (JAB/2009/39). They agreed that they would want to receive a letter from the Scottish Ministers covering indemnity.

Action Point: *The Secretary to the Board to write to the Scottish Government, seeking letters of indemnity for each Board member.*

8. Appointability of individuals on the current slates for the offices of All-Scotland Floating Sheriff and Part-time Sheriff

8.1 The paper *Slates v Pools* (JAB/2009/40) was discussed. It was agreed that the position for future recruitment exercises would have to be agreed before the start of the forthcoming appointment exercise for the office of Sheriff. Candidates on the two current slates would be asked if there was anything they wanted to disclose since their original application before being recommended for appointment to Scottish Ministers.

Action Point: *Secretary to the Board to write to the candidates on the current slates seeking disclosure of any matters which may have arisen since their application to the Board.*

9. Papers for Decision

9.1 The Board were invited to agree the revised Equal Opportunities Questionnaire attached to the paper *Equal Opportunities Questionnaire* (JAB/2009/41). The Reverend Miller suggested that it would be useful for future analysis to have a question asking how the applicant became interested in law. He offered to draft the question and clear it with Ms MacArthur.

Action point: *Reverend Miller to draft the question on how an applicant became interested in law.*

9.2 The Board were invited to agree to the use of the proposed corporate identity attached to the paper *Corporate Identity* (JAB/2009/42). The consensus was that the status quo should be maintained. The Board did not wish to adopt a strapline.

10. Papers for Information

10.1 The Chairman suggested that Professor Coyle's paper *The Complementary Roles of the Lay and Judicial/Legal Members* (JAB/2009/43) should be used to form the basis for further discussion. The paper is to be brought forward to the next Board meeting.

10.2 The Board noted the papers *Forward Look 2009-2010* (JAB/2009/44) and *Gender and Diversity Review: Critical Reflections on Judicial Appointments in Scotland* (JAB/2009/45).

Action Point: *The Secretary to the Board to include the paper *The Complementary Roles of the Lay and Judicial/Legal Members* (JAB/2009/43) on the agenda for the next Board meeting.*

11. Meetings and Visits

11.1 It was agreed that a report of the Tripartite Conference with counterparts from the Northern Ireland Judicial Appointments Commission and the Judicial Appointments Commission on Tuesday 12th May should be included on the agenda for the next Board meeting.

Action Point: *The Secretary to the Board to include the Tripartite Conference on the agenda for the next Board meeting.*

12. Any Other Business

12.1 The Board agreed with Trevor Lodge's suggestion that a note of any the key issues discussed at Board meetings should be published on the Board's website within 24 hours of the meeting. The approved minutes would be published within three months of the meeting taking place.

The meeting closed at 1330 hours.