

JUDICIAL APPOINTMENTS BOARD FOR SCOTLAND

MINUTES OF THE BOARD MEETING

HELD ON MONDAY 13th JULY 2009

44 DRUMSHEUGH GARDENS, EDINBURGH

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 Trevor Lodge, Chief Executive
Mr Chris Orman, Secretary to the Board
Mrs Susan McColl, Administrative Officer

1. Welcome and Apologies

1.1 The Chairing Member welcomed Board members to the meeting. He noted the apologies received from Mr Martin McAllister.

2. Minutes of the meeting held on Monday 8th June

2.1 It was agreed that the minutes of the meeting on 8th June should be amended by inserting a heading to distinguish between the preliminary and main meetings.

Action Point: Susan McColl to update the minutes of meeting on 8th June.

3. Matters arising from the Minutes

3.1 The Secretary informed the Board that he had received approval from the Scottish Public Services Ombudsman of the Board's complaints procedure.

4. Scottish Government

4.1 The Chairman welcomed Mr Stuart, Scottish Government, to the meeting. The Board discussed with Mr Stuart the projected judicial and shrieval vacancies as set out in his letter of 8th June. It was agreed that the names of the three ranked candidates

from the current All-Scotland Floating Sheriff slate would be put forward to fill the imminent shrieval vacancies . Mr Stuart indicated that, in addition to the vacancies set out in his letter, there may be a need to recruit temporary judges following publication of the civil courts review.

4.2 The Chairman raised with Mr Stuart concerns about the provisions in the Public Services Reform (Scotland) Bill and how they might affect the Board. Mr Stuart confirmed that the Bill was unlikely to affect the Board as it is a recently established NDPB. The Chief Executive agreed to monitor the position.

Action Point: *Chief Executive to monitor the position with Public Services Reform (Scotland) Bill.*

5. Office of Sheriff 2010 Exercise (JAB/2009/46)

5.1 The Board considered the papers *Application Form* (JAB/2009/47), *Information for Applicants* (JAB/2009/48), *Professional Referees* (JAB/2009/49), *Letter to Consultees* (JAB/2009/50). The papers were agreed, subject to some minor amendments. The Chair thanked everyone involved in the preparation of these papers.

Action Point: *Secretariat to finalise the paperwork ready for the start of the appointment exercise on Friday 17th July.*

6. Papers for Consideration

6.1 Professor Coyle introduced his paper *The Complementary Roles of the Lay and Judicial/Legal Members* (JAB/2009/43). He reiterated the view expressed in his paper that members of the judiciary should have the requisite legal knowledge, skills and competence, but they should also have the ability to administer justice according to the law. Following discussion, the Chair confirmed the importance of having a unified and cohesive Board and that this would be fundamental to any changes in processes agreed by the Board.

6.2 Lady Smith had prepared a paper on *Assessment Criteria* (JAB/2009/51). The paper set out her ideas about elements which should be assessed when considering an applicant's suitability for appointment and the necessity of appointments being made solely on their merit. The Board agreed that her paper should be discussed more fully at the next Board meeting.

6.3 Sheriff Ross introduced his paper on *Section 13 Criteria* (JAB/2009/52). The paper was agreed subject to minor amendments.

6.4 Sheriff Ross's paper on *Scoring of Applications and Recommendations to the First Minister* (JAB/2009/53) was discussed by the Board. It was agreed that the Chief Executive would prepare a paper outlining possible scoring systems for discussion at the Board's meeting in August.

6.5 The Chief Executive introduced his paper on *The Transition from Slate to Pool* (JAB/2009/64). The Board confirmed its intention to move from a slate to a pool of candidates. The Chief Executive confirmed that candidates on the current slates would be contacted about the new agreed arrangements.

6.6 The Board discussed interview arrangements and the composition of the interview panel. It was agreed to proceed with a single interview. After completion of the case study, section 13 competencies would be explored by the judicial and legal members. This would be followed by the candidate's presentation and then the remainder of the interview would focus on the applicant's section 12 competences.

6.7 The Board discussed and agreed the publicity arrangements as set out in Ms MacArthur's paper *Progress Report from Diversity Working Group* (JAB/2009/55).

6.8 The Board approved with minor amendments the wording in the paper *Training for Prospective Justices of the Peace – Addition to JP Recruitment Guide* (JAB/2009/56) of a new section to be inserted in the Justice of the Peace Recruitment Guidance.

Action Points: *Paper JAB/2009/51 to be discussed at the Board meeting on Monday 10th August.*

Chief Executive to draw up a scoring system for the August Board meeting.

The Secretary to the Board to inform candidates on current slates about new arrangements.

7. Office of Sheriff in the Sheriffdom of South Strathclyde, Dumfries and Galloway

7.1 The Board considered the paper *Office of Sheriff in the Sheriffdom of South Strathclyde, Dumfries and Galloway* (JAB/2009/57) and agreed that the three ranked candidates (as set out in the current All-Scotland Floating Sheriffs slate) should be recommended to the Scottish Ministers

8. Meetings and Visits

8.1 Ms MacArthur, Lady Smith and Mr Martin reported on their attendance at the Tripartite Conference with counterparts from the Northern Ireland Judicial Appointments Commission and the Judicial Appointments Commission on Tuesday 12th May.

8.2 Ms MacArthur, Professor Coyle and the Reverend Miller reported on their attendance at the Diversity Forum Seminar hosted by the Judicial Appointments Commission on Tuesday 7th July.

9. Any Other Business

9.1 No other business was discussed.

The meeting closed at 1330 hours.