

JUDICIAL APPOINTMENTS BOARD FOR SCOTLAND

MINUTES OF THE BOARD MEETING

HELD ON MONDAY 10th AUGUST 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 Martin McAllister
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 Roy Martin and Mr Trevor Lodge.

2. Minutes of the meeting held on Monday 13th July

2.1 The Board approved with some amendments the minutes of the meeting held on Monday 13th July.

Action Point: Susan McColl to update the minutes of meeting on 13th July.

3. Matters arising from the Minutes

3.1 The Secretary to the Board provided an update on the Sheriff appointment exercise. He agreed that folders of applications would be distributed in batches to facilitate the sifting process. An Agency member of staff had been recruited to assist with the processing of applications.

4. Papers for Consideration

4.1 Lady Smith outlined the key elements in her paper *Assessment Criteria* (JAB/2009/51) on the approach that should be taken in assessment of applicants. It

was agreed that, in addition to the section 13 competencies, a broad and balanced judgement of competencies was required. The Board noted that the Criteria for Judicial Appointments would need to be consolidated in due course to clarify the key competencies required for judicial appointment.

Action Point: *Chief Executive to consolidate the Criteria for Judicial Appointments.*

4.2 The Chairing Member introduced the Chief Executive's paper *Scoring of Applications* (JAB/2009/58). The Board agreed that the scoring scheme should not have the consequence of "averaging" section 13 and overall competencies: instead, applicants should be expected to reach a threshold on each set of competencies at each stage of the process. The Chairing Member indicated his expectation that the agreed scoring scheme would be in the public domain, for example by being published on the website.

Action Point: *Chief Executive to finalise the scoring system for applications for circulation to Board members and publication on website.*

NOTE: Subsequent exchanges among the Board Members have led to the position that the scheme will not be published in this way, but will not be withheld in the event of specific enquiries.

4.3 The Secretary to the Board introduced paper *Membership of Interview Panels* (JAB/2009/59). The Board agreed the composition of the interview panels set out in the Annex to the paper, subject to the inclusion of a Sheriff on all interview panels. The Board agreed that the aim should be to schedule three interviews per day. The Secretary to the Board indicated that he was investigating possible venues to hold the interviews.

4.4 The Chairing Member invited the Board's views on paper *Establishment of Committees* (JAB/2009/60). The Board expressed doubts about the power to create committees with non-members co-opted, as seemed to be the necessary consequence of the first two proposals. They preferred to continue with the present structure for the time being in relation to the diversity survey and the JP appointment process. On the other hand, the Board agreed to the establishment of an Audit and Risk Management Committee and on the membership of that Committee. The Secretary to the Board agreed to arrange the first meeting of the Committee where the remit would be finalised.

Action Point: *Secretary to the Board to arrange the first meeting of Audit and Risk Management Committee.*

4.5 The Chairing Member introduced paper *Appointment of a Justice of the Supreme Court – Nomination of ad hoc Selection Commission* (JAB/2009/61). The Board noted that for the previous appointment processes a lay Member of the Board

had been nominated. It was agreed that it would be appropriate on this occasion to nominate a judicial or legal member, subject to any constraint that the organisers of the selection exercise might be under in terms of the lay/legal balance. It was agreed that Lady Smith should be nominated, whom failing the Chairing Member.

Action Point: *Secretary to the Board to investigate nomination possibilities.*

4.6 The Chairing Member invited comments on paper *Security Policy Framework and Information Risk – Annual Report to the Scottish Government 2008/09* (JAB/2009/62). Board members felt that much of what was requested in the response was of little relevance to the Board, but, subject to that, agreed to let the Secretary have any specific comments.

Action Point: *Board members to give comments on the paper to the Secretary to the Board.*

5. Paper for information

5.1 The Chairing Member introduced the paper *Forward Look 2009-2010* (JAB/2009/63). He noted that Ms MacArthur was working with the Chief Executive and the Secretary to the Board to plan the announcement and associated publicity for the research report on the Judicial Appointments Process.

5.2 Board members agreed that the December Board meeting should be held on Monday 14th December and that an alternative venue should be found for this meeting.

5.3 The Board noted that the next Part-time Sheriff appointment exercise was scheduled for January 2010. They asked the Secretary to the Board to confirm numbers with the Scottish Government and investigate the requirement to run other appointment exercises during 2010.

Action Point: *Secretary to the Board to prepare timetables for the appointment exercises to be run during 2010, for consideration at the October Board meeting.*

6. Any Other Business

6.1 Mr Mowat raised the issue of providing feedback to unsuccessful applicants. The Board agreed that the Chief Executive should draw up a formal policy and procedure for providing feedback to applicants.

Action Point: *Chief Executive to draw up procedures for providing feedback to applicants for the October Board meeting.*

The meeting closed at 1315 hours.