

Cabinet Secretary for Justice
Michael Matheson MSP

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[redacted]
[redacted]
[redacted]
[redacted]

14th January 2016

Dear [redacted]

Appointment to the Office of Lay Member of the Judicial Appointments Board for Scotland

I am delighted to inform you that you have been successful in your application to become a lay member of the Judicial Appointments Board for Scotland ("the Board").

In exercise of the powers conferred by paragraph 2(c) of schedule 1 to the Judiciary and Courts (Scotland) Act 2008 I am writing to invite you to accept appointment as a lay member of the Board. Your appointment will be for 4 years, commencing on 1 February 2016 and ending on 31 January 2020 subject to the provisions of the Judiciary and Courts (Scotland) Act 2008 and the terms and conditions set out in Annex A to this letter. Appointment is also conditional on the provision of a satisfactory Enhanced Disclosure Scotland Certificate.

Your duties on the Board are as authorised in Annex A to this letter.

I should be grateful if you would confirm in writing your willingness to accept this appointment on the above terms by signing and dating the box provided on the final page of **Annex A**. Please also complete **Annex B** and return both completed originals to:

[redacted]
Scottish Government
Public Appointments Team (PAT)
E1 Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD

Duplicates of Annexes A and B are also enclosed which you may wish to keep for your records. If you have any questions, please contact [redacted] and Legal System Division in the Scottish Government on [redacted] or by email at [redacted]

If you accept appointment, the Board will contact you about induction arrangements and about the timing of your first Board meeting. The Board may be able to provide you with a

copy of *On Board* which is the Scottish Government's generic guide on the duties of board members of public bodies. If not, it is available hardcopy from PAWD and you can download it from www.scotland.gov.uk/Topics/Government/public-bodies/On-Board. This manual is intended to help you in fulfilling your duties throughout the period of your appointment.

The Scottish Government may wish to publicise your appointment by way of a press release and may draw from the information you provide in Annex B.

I am grateful for the commitment to public service that you have shown in applying for this appointment. If you accept, as I very much hope you will, I trust that you will find it both interesting and rewarding.

Yours sincerely

Baird Currier

Michael Matheson

MICHAEL MATHESON

MEMBER OF THE JUDICIAL APPOINTMENTS BOARD FOR SCOTLAND TERMS AND CONDITIONS OF APPOINTMENT

1 Status

- 1.1 You are appointed to hold the office of Lay Member of the Judicial Appointments Board for Scotland ("the Board"). In these terms and conditions, except where stated, "you" and related expressions refer to the holder of that office.
- 1.2 You are one of a number of office-holders that constitute the Board.
- 1.3 You are not a servant or agent of the Crown or a civil servant, and do not have any status, immunity or privilege of the Crown.

2 Interpretation

- 2.1 Where relevant, statutory terms, conditions and other requirements of office also apply to you.
- 2.2 The terms and conditions contained in this Annex ('the terms') are to be read in a way that is consistent with any enactment. If such a reading is not possible, the terms do not apply to the extent that they are inconsistent with any such enactment.
- 2.3 The terms are not to be construed as constituting a contract of employment or service, or a contract for services between you and the Scottish Ministers or the Crown.

3 Functions

- 3.1 The main functions (including powers and duties) of the Board are those set out in the Judiciary and Courts (Scotland) Act 2008 ("the 2008 Act").
- 3.2 You will provide a strong 'challenge function', carefully scrutinising planned and underlying assumptions before decisions are taken. In exercising this function, you will, where necessary, challenge other members and senior officials of the Board.
- 3.3 Specific functions may vary but, unless otherwise agreed, you will:
 - participate in the Board's decision-making on the suitability of individual applicants for judicial appointment;
 - contribute to the development of the Board's policies;
 - prepare for, attend and contribute to monthly Board meetings;
 - for each recruitment exercise (typically two or three times per year)
 - when required read application forms and referees' assessments for applicants who have applied for judicial office. Assess them against the Board's criteria for judicial appointment (this is done by Board members independently from each other, usually at home);
 - attend meetings with other Board members at various stages in the recruitment exercise to agree consensus assessments and to select applicants for interview;
 - when required participate in interview panels with other Board members;
 - when required comment on draft sift and interview reports;

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- when required give feedback to candidates who are unsuccessful at sift or at interview if they wish it; and
- when required supervise, and quality assure, a large scale appointment round.
- as required chair or be a member of the Board's Quality Assurance Group, Audit and Risk Management Committee, Diversity Steering Group or Tribunals Working Group;
- attend the annual Board Workshop;
- attend such training as may be necessary;
- attend engagements to promote the work of the Board as necessary;
- attend meetings with stakeholders as necessary; and
- carry out other tasks that may reasonably be required.

4 Judiciary and Courts (Scotland) Act 2008

- 4.1 You must act within and in accordance with the framework established for the Board by the 2008 Act.

5 Period in Office

- 5.1 You are entitled to hold office from 1 February 2016 to 31 January 2020 (inclusive) or to such earlier date as is specified in or by virtue of paragraph 5.2 or to your date of resignation or removal (whichever date comes first). You vacate office when your period in office ends (whatever the reason).
- 5.2 If the Board is dissolved or wound up while you are in office, your period in office ends on the date that the Board is dissolved or wound up, or such other date as may be specified in any enactment.
- 5.3 You may resign office by giving six months' written notice to the Scottish Ministers, and send a copy of such written notice to the Lord President under paragraph 7(2)(b) of Schedule 1 of the 2008 Act.

6 Time Commitment

- 6.1 The total time commitment is likely to be between 20 and 40 days per year depending on the number of appointment rounds. A commitment closer to 40 days is more likely in years in which the Board is running a large appointment exercise or a number of appointment exercises. You will attend meetings of the Board regularly, and will contribute fully at these and to performing your other functions.

7 Remuneration

- 7.1 You are entitled to receive from the Scottish Ministers a fee of £290 per day or £145 per half day devoted to performing your functions (as required or requested by the Board) on a pro rata basis.
- 7.2 You will receive no fee for any time devoted to performing your functions which exceeds 40 days in any financial year. However, the Scottish Ministers may,

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exceptionally, approve additional remuneration if they consider it necessary or expedient that you devote significantly more time to performing your functions during a particular financial year.

- 7.3 You are not entitled to a pension in respect of your office, and you are not entitled to any gratuity, allowance or compensation when your period in office ends (whatever the reason). You are not entitled to remuneration for any period during which you are disqualified from holding office.
- 7.4 Remuneration will be paid through payroll and is taxable. PAYE deductions in respect of income tax and National Insurance will be made.

8 Expenses

- 8.1 You are entitled to be reimbursed by the Board for travel, dependent carer costs and reasonable business expenses.

9 Removal from Office

- 9.1 The Scottish Ministers may, after consulting the Chairing Member and the Lord President, by written notice in terms of paragraph 8 of schedule 1 to the 2008 Act remove you from office.
- 9.2 You will vacate office immediately on notice in writing in terms of paragraph 8(2) of schedule 1 to the 2008 Act.

10 Changes to the Terms

- 10.1 The Scottish Ministers may, by one month's written notice, change the terms as necessary or expedient (or as agreed with you) including relevant fees.

11 Conduct

- 11.1 You will comply with any conduct rules that apply to you including the requirements of any code that applies to you by virtue of Part 1 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.
- 11.2 You will observe the following principles of public life:

Duty You have a duty to uphold the law and act in accordance with the law and the public trust placed in you. You have a duty to act in the interests of the Board of which you are a member and in accordance with the core functions and duties of that Board.

Selflessness You have a duty to take decisions solely in terms of public interest. You must not act in order to gain financial or other material benefit for yourself, family or friends.

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Integrity You must not place yourself under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

Objectivity You must make decisions solely on merit and in a way that is consistent with the functions of the Board when carrying out public business including making appointments, awarding contracts or recommending individuals for rewards and benefits.

Accountability and Stewardship You are accountable for your decisions and actions to the public. You have a duty to consider issues on their merits, taking account of the views of others and must ensure that the Board uses its resources prudently and in accordance with the law.

Openness You have a duty to be as open as possible about your decisions and actions, giving reasons for your decisions and restricting information only when the wider public interest clearly demands.

Honesty You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership You have a duty to promote and support these principles by leadership and example, and to maintain and strengthen the public's trust and confidence in the integrity of the Board and its members in conducting public business.

Respect You must respect fellow members of your Board and employees of the Board and the role they play, treating them with courtesy at all times. Similarly you must respect members of the public when performing duties as a member of your Board.

- 11.3 You will not accept gifts, hospitality and entertainment in performing your functions and in consequence of your office (unless wholly trivial and of minimal value) and will report any such offers to the Board.

12 Liability

- 12.1 If legal proceedings are brought against you by a third party, the Scottish Ministers will meet any civil liability incurred in performing your functions, provided that you acted honestly and in good faith, and did not act recklessly or negligently.

13 Confidentiality

- 13.1 You will exercise due care in the use of information to which you have access in the course of performing your functions or in consequence of your office, and you will protect information that you receive in confidence from unauthorised disclosure in accordance with section 17 of the 2008 Act.
- 13.2 When your period in office ends (whatever the reason) you will continue to owe a duty of confidentiality to the Board and to the Scottish Ministers in relation to

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information of a confidential nature to which you had access during your period in office.

14 Conflicts of Interest

- 14.1 You will not take part in activities which conflict with the interests of the Board and, in particular, you must not misuse your office, or any information acquired in the course of your office, to further your private interests or those of others.
- 14.2 You will declare any personal or business interest which might be perceived to influence your judgement in performing your functions. If any such interest arises in relation to a matter under consideration by the Board, you will declare that interest at the relevant meeting for recording in the minutes. You will ensure that such interests are recorded in a register held by the Board.
- 14.3 You will not participate in any discussion or determination by the Board of a matter in which you have a relevant personal or business interest and will withdraw from any such discussion or determination if your interest is direct and pecuniary. If the matter under consideration gives rise to a potential conflict of interest you will inform the Board.
- 14.4 The provisions of paragraph 12 of schedule 1 to the 2008 Act in relation to conflicts of interest apply to your office.

15 Political Activity

- 15.1 In accordance with paragraph 5 of schedule 1 to the 2008 Act you are disqualified from holding office if you become a member of the House of Commons, Scottish Parliament, or European Parliament, a Minister of the Crown, a member of the Scottish Government or a civil servant.

16 Performance Appraisal

- 16.1 Your performance will be appraised by the Chair of the Board ('the appraiser') against the individual objectives applying to your office and also the extent to which you contribute to ensuring that the Board as a whole delivers its functions effectively and efficiently.
- 16.2 The appraiser will arrange an annual appraisal interview with you to discuss and review your performance. A short annual appraisal of your performance will be prepared and signed by the appraiser, and you will have the opportunity to comment on and sign it.
- 16.3 Your appraisal reports may be disclosed by the appraiser to the Scottish Ministers including the Scottish Government's sponsor directorate for the Board. The appraiser will refer reports of unsatisfactory performance to the sponsor directorate, and will refer other reports at its request.

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16.4 You may be removed from office if the Scottish Ministers are satisfied that your performance means that you are no longer suitable to hold office. Where applicable, your appraisal reports may also be used by the Scottish Ministers in assessing your suitability for re-appointment.

I accept appointment to the office of lay member of the Judicial Appointments Board for Scotland on the terms set out in Annex A.

Signature:

Date:

Full name (in block capitals):

Declaration Form Political Activity, Other Public Appointments and Biography

All board members must complete this form following new appointment, re-appointment or extension. The information provided will be published with the announcement of your new appointment/re-appointment or extension.

Political Activity

Please tick any that you have undertaken in the last 5 years:

Obtained office as a local Councillor, MSP, MP, MEP etc.	<input type="checkbox"/>
Stood as a candidate for one of the above offices	<input type="checkbox"/>
Spoke on behalf of a party or candidate	<input type="checkbox"/>
Acted as a political agent	<input type="checkbox"/>
Held office such as chair, treasurer or secretary of a local branch of a party	<input type="checkbox"/>
Canvassed on behalf of a party or helped at elections	<input type="checkbox"/>
Undertook any other political activity which you consider relevant	<input type="checkbox"/>
Made a recordable donation to a political party (see note overleaf)	<input type="checkbox"/>
None of the above	<input type="checkbox"/>

Please name relevant parties/bodies and describe your involvement (if any):

Recordable Donations

The Political Parties, Elections and Referendums Act 2000 requires the Electoral Commission to maintain a register of all recorded donations reported to them. Currently, the following donations are recordable:

- Where no previous relevant donation has been recorded, one of more than £5,000, or an aggregate amount of more than £7,500;
- Where there has been a previous recording of a donation, donations that in individually or in aggregate are more than £1,500;
- Where donations of more than £1,500 have been made to a subsidiary accounting unit (such as a constituency association, local branch, or youth organisation).

The register records the political party receiving the donation, the name of the donor, the amount of the donation, the type of donation and the date on which it was accepted. Information on the Electoral Commission and the register of donations to political parties can be found on its website at: www.electoralcommission.org.uk.

Public Appointments and Non-Executive Directorships

Please detail other public appointments that you hold which were made by, or on the recommendation of Ministers. If you do not hold any, please enter 'Nil'.

Name of body or office	Position (chair, member, etc.)	Remuneration (£ per day / per annum)	Time commitment (days per week / month)

Biography

For possible inclusion in a press release, please supply a short biography (up to six sentences) **ensuring you outline the particular skills that you bring to the Board:**

Signature: _____ Date: _____

Please print name: _____