



# **THE SCOTTISH TRIBUNALS: PRESIDENT OF THE GENERAL REGULATORY CHAMBER OF THE FIRST-TIER TRIBUNAL**

## **GUIDANCE NOTE FOR APPLICANTS**

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## 1. INTRODUCTION

The Judicial Appointments Board for Scotland invites applications from suitably qualified individuals who wish to be considered for appointment as the Chamber President of the First-tier Tribunal for Scotland, General Regulatory Chamber, on 1<sup>st</sup> April 2019.

***Please read the following information carefully before completing your application as it is provided to assist you in completing the online application form and in preparing for the interview.***

### 1.1 *Role of Chamber President*

- The Chamber President will provide jurisdictional leadership and management of the tribunals within the Chamber. The Chamber President will maintain and develop the Chamber's reputation as independent and accessible, providing a professional and expert service.
- The Chamber President will contribute to the strategic development of the Scottish Tribunals, supporting the Lord President and the President of the Scottish Tribunals in their statutory responsibilities.
- The Chamber President will be responsible on a day to day basis for the judicial quality, efficiency and smooth running of the tribunals within the Chamber, reporting to the President of the Scottish Tribunals. The Chamber President will demonstrate effective oversight of operations of the tribunals and its members, liaising as appropriate with the President of the Scottish Tribunals to discuss and resolve matters of concern.
- The Chamber President will be responsible on a day to day basis for adherence by the tribunals within the Chamber to the relevant rules of procedure.
- The Chamber President will provide such guidance to members in relation to the discharge of duties of the tribunals as appears necessary or appropriate.
- The Chamber President will have regard to the welfare of the members of the Chamber and ensure that any policies issued by the Judicial Office for Scotland on behalf of the Lord President in respect of welfare are adhered to.
- The Chamber President will represent the Chamber at conferences, official functions and other meetings.
- The Chamber President will manage and develop appropriate arrangements for the specialist training of members and adhere to any arrangements the Lord President has put in place for the training of members of the Scottish Tribunals.
- The Chamber President is responsible for ensuring members' continuous professional development, the maintenance of judicial standards and the securing and maintenance of public confidence in its work.

- The Chamber President will submit a report to the President of the Scottish Tribunals, in April or May each year, explaining how each tribunal has exercised its functions during the financial year. This will be for inclusion in the Scottish Tribunals Annual Report, which will be published by the President of the Scottish Tribunals in accordance with her statutory responsibility.

### *1.2 Time Commitment*

The time commitment expected is around 30-40 days per year, although this figure will vary depending on the volume of work of the Chamber. This will be kept under review.

### *1.3 Fees and Expenses*

The fee is £470 per day. Travel and subsistence expenses are also met.

The Board's proceedings are entirely confidential and only the names of those appointed will be made public.

## **2. ELIGIBILITY**

A person is eligible to be a Chamber President if the person is practising, and has practised for a period of not less than 7 years, as a solicitor or advocate in Scotland **or** has had previous engagement in practice for a period of not less than 7 years as a solicitor or advocate in Scotland **and** subsequent engagement in any of the activities listed below. The activities are:

- Exercising judicial functions in any court or tribunal;
- Practice or employment as a lawyer of any kind;
- Teaching or researching law at or for an educational institution.

The following individuals are disqualified from becoming a Legal member of the First-tier Tribunal: Members of the House of Commons, the Scottish Parliament, the European Parliament, the Scottish Government or Ministers of the Crown. The Scottish Parliament (Disqualifications) Order 2015 also applies to this office.

Applicants should note that the Tribunals (Scotland) Act 2014 added tribunal members to the list of judicial officers who were subject to the retirement provisions contained within the [Judicial Pensions and Retirement Act 1993](#). This means that members will be required to retire at the age of 70 unless there is a compelling business need to extend the appointment.

## **3. SELECTION CRITERIA**

Applicants will be assessed against the level of skills appropriate to the office. There are a range of qualities that the Board expect applicants to be able to demonstrate. These are as follows:

## Essential Criteria

### Leadership

- Ability to exercise strong leadership and engage constructively with members and judicial colleagues and the administration.

### Strategic direction

- Ability to think strategically in relation to both the Chamber and the wider tribunal landscape to lead change and maintain clear organisational direction.
- Ability to master new specialities rapidly.

### Sound Judgement and Intellectual Capacity

- Ability to concentrate, absorb arguments, summarise complex factual and legal issues, and apply knowledge to arrive at balanced judgements.
- Problem-solving capability; ability to identify pragmatic solutions.

### Management skills

- Ability to coach, develop and review the performance and development of members assigned to the General Regulatory Chamber.
- Ability to manage the work of the Chamber efficiently.
- Ability to produce high quality written work without delay.

### Communication and interpersonal skills

- Ability to communicate effectively and deal courteously and considerately with all tribunal users and staff.
- Sensitivity to people from diverse backgrounds.
- Ability to manage those who are unrepresented fairly and appropriately.
- Commitment to engage positively and openly with parties and the public and ability to undertake effective public presentations and representational work.

### Legal Knowledge

- Evidence of professional achievement in the law, knowledge of substantive and procedural law and court/tribunal experience.
- High-level specialist knowledge relevant to the chamber and experience of and interest in tribunals.

### Personal Qualities

- Independence, with a demonstrable commitment to probity and integrity.
- Ability to command the respect of colleagues, the public and government officials.

#### 4. TIMETABLE

| DATE                         | Event   |
|------------------------------|---|
| 11 January 2019              | Advertisement published   |
| 27 January 2019 ( midnight)  | Closing date for on line application forms  |
| 28 January – 3 February 2019 | Sift of applications  |
| W/C 4 February 2019          | Sift meeting. Applicants notified of outcome of sift. Disclosure forms issued to those invited to interview |
| W/C 4 March 2019             | Interviews. Panel Decision meeting. Disclosure forms returned to JABS*                                      |
| 18 March 2019                | Board Decision Meeting  |
| 20 March 2019                | Recommendations for appointment** to the Scottish Government. Formal appointment by Minister will follow.   |

\*Disclosure will be sent to candidates who are invited to interview.

\*\*Only those with a satisfactory Disclosure check will be recommended for appointment.

The Closing date for applications is **midnight Sunday 27 January 2019**. Applications received after the closing date **will not be accepted**.

#### 5. ONLINE APPLICATION

The Board uses an online application system. You must register the first time you apply online for a recruitment exercise. Should you have any difficulties, please contact the **Business Management Unit on 0131 528 5101**. When the application is submitted you will receive an e-mail acknowledgement. It is important that you contact the Business Management Unit if you do not receive an acknowledgement within 24 hours of submitting your application. If this occurs over a weekend, a member of the Business Management Unit will contact you on the Monday morning.

You will be required to note on your application form any conflict of interest you may have with any of the selection and interview panel members.

| Name                         | Background                          |
|------------------------------|-------------------------------------|
| Lady Smith*                  | President of the Scottish Tribunals |
| Alison Mitchell (Chair)*     | JABS Lay Board Member               |
| Lord Minginish*              | JABS Judicial Member                |
| Professor Stephen Tierney ** | JABS Lay Board Member               |

\*Interview and Selection Panel Member

\*\* Selection Panel Member

Further guidance to help you complete the application can be found [here](#).

Across the whole application process the panel will be considering your motivation for applying, and your interest and commitment to this particular jurisdiction.

## 6. THE SELECTION PROCESS

### 6.1 Sift

Applications will be assessed on the basis of the evidence you provide in the application form set against the selection criteria. Applicants who pass the sift will be invited for interview and the Board will carry out a series of consultations (**see section 7 and 8**).

Brief written feedback by letter will be provided, on request, after the sift stage of the process has been completed.

### 6.2 The Interview

Interviews are due to take place at Thistle House on **04 March 2019**. There is no scope to be interviewed on alternative dates.

To assist in allocating interview slots, you will be asked for your availability in the application form. **Once the invitations have been issued, it will not be possible to re-arrange the time allocated to you.**

All interviews will be conducted by a single interview panel, consisting of three panel members. The interview will comprise:

- A short presentation which you will discuss with the panel. **The subject of the presentation will be provided to you when you are invited to interview.**
- A practical exercise relating to the role.
- A competency and scenario-based interview inviting further **evidence and specific examples** in relation to essential criteria.

After each stage of the process applicants will be informed whether or not their application will proceed to the next stage. For assistance on how to prepare for your interview you may find the [Interview Guidance](#) page on our website useful.

## 7. JUDICIAL REFERENCES

7.1 The Board will seek judicial references on those selected for interview from the Lord President, and (for any applicant who serves or has served as a Sheriff) from any incumbent Sheriff Principal under whom the applicant has served. It will be

one of many pieces of information that will inform the interview and the Board's subsequent consideration of the suitability of the applicant for appointment.

7.2 To enable the Lord President to address the request without delay or duplication, the applicants should set out a list of the most significant cases or matters, transactions and situations which they have been involved in. Please use **Publications** section of the application form to input this information. The self-assessment and other details given on the form will not be disclosed.

7.3 Where an applicant is not sufficiently well known to the Lord President he or she may, on terms of strict confidentiality, consult another Judge considered best placed to assist in responding to this request. The name of any Judge contributing on this basis will be made available to the Board and will be disclosed to the applicant before the interview, but the content of the judicial reference will be confidential to the Board.

7.4 The Board wishes to emphasise that if the circumstances of a particular applicant mean that judicial references cannot be obtained, for example if the applicant is not known to the Lord President, Sheriffs Principal or those judicial colleagues from whom they may seek input, it will not count against the applicant.

The request for judicial references will be distinct from the set of consultations undertaken by the Board as described below.

## 8. CONSULTATION BY THE BOARD

8.1 If you are invited to interview, the Board will enquire whether there are any reasons relating to your character, your legal competence or any other matters which might cause the Board or the Scottish Ministers to doubt your suitability or fitness for appointment to the office for which you have applied. The Board will consult as appropriate:

- the Dean of the Faculty of Advocates (if applicable);
- the President of the Law Society of Scotland (if applicable);
- the Chief Executive, Scottish Legal Complaints Commission; and
- the Crown Agent.

If any such reason is drawn to the attention of the Board, that reason and a summary of the background details will be disclosed to you and you will be given an opportunity to discuss this with one legal and one lay panel member. The conclusion of the Board following this discussion will form part of the material when considering your application and whether you should be recommended for appointment.

### 8.2 *Disclosure*

Once an applicant has been selected for interview we would ask that they complete an enhanced disclosure check. The cost of the disclosure check is currently £25 and

will be borne by the applicant. Recommendation for appointment is dependent upon a satisfactory enhanced disclosure.

## 9. REASONABLE ADJUSTMENTS

The Board is committed to considering any reasonable adjustments needed to ensure that you 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 you are recommended for appointment any reasonable adjustments to enable you to take up appointment will be discussed separately with you by the Scottish Courts and Tribunals Service.

## 10. FOLLOWING THE INTERVIEW

10.1 The Board will notify you if you are to be recommended for appointment. The Board will make a recommendation for appointment to the Scottish Ministers who will decide whether to accept or reject that recommendation. After the Scottish Ministers have considered the Board's recommendations the successful applicants will be informed in confidence by the Board of their decision.

**Letters of appointment with accompanying terms and conditions are issued by the Scottish Government.**

10.2 Once the recommendation is accepted, any formal announcement of appointment is a matter for the Scottish Government and timing can vary according to circumstances. By submitting an application you consent that, should you be offered appointment, a copy of the Personal Information, Eligibility and Professional Qualifications, Training and Career History sections of the application form will be passed to the President of the Scottish Tribunals to assist in the assessment of your training needs.

10.3 The Board reviews its processes at the conclusion of each competition. All applicants will be invited to provide any feedback they may have about their experience of this exercise. All feedback will be anonymised before being presented to the Board for its consideration as part of the review.

## 11. ABOUT THE BOARD

For further information on the role and remit of the Board and Board Members can be found on our website [here](#).

## 12. COMPLAINTS PROCEDURE

If you are dissatisfied with any aspect of the handling of your application, you should refer to the Board's [Complaints Procedure](#) available on our website.