**SCOTTISH SENTENCING COUNCIL**

**CANDIDATE INFORMATION FORM**

**‘OPEN’ POSITION APPLICANT**

This document provides information and guidance for individuals wishing to apply to become a member of the Scottish Sentencing Council who is not eligible to be either a judicial member or a legal member.

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**About the Council**

The Scottish Sentencing Council was established on 19 October 2015.

Further information about the role and work of the Council can be found at the Council’s website: [www.scottishsentencingcouncil.org.uk](http://www.scottishsentencingcouncil.org.uk)

The Council’s functions and responsibilities are set out in Part 1 of, and Schedule 1 to, the Criminal Justice and Licensing (Scotland) Act 2010 (the 2010 Act).

The Council has statutory objectives to:

* promote consistency in sentencing practice;
* assist the development of policy in relation to sentencing; and
* promote greater awareness and understanding of sentencing policy and practice.

The Council’s functions include:

* preparing sentencing guidelines for the Scottish courts;
* publishing guideline judgments issued by the Scottish courts; and
* publishing information about sentences imposed by the courts.

It also has powers to publish information about, and conduct research into, sentencing and to provide advice and guidance of a general nature on sentencing matters.

The Council’s programme of work is set out in its [Business Plan 2024-27](https://www.scottishsentencingcouncil.org.uk/media/jcbdlfbw/20241108-scottish-sentencing-council-business-plan-2024-27.pdf). Current priorities include the development of sentencing guidelines in relation to sentencing the offences of rape, sexual assault, indecent images of children, domestic abuse, and of environmental and wildlife crimes. The Council will also begin development of guidelines on sentencing offenders with mental health and related issues and on assault offences in this period.

**Membership**

The Council comprises of 12 members, namely;

The Lord Justice Clerk – Chair,

Five other judicial office holders,

An Advocate,

A Solicitor,

A Prosecutor,

A Police Constable,

A Victims expert, and

An ‘open’ position (a person not eligible for appointment as a judicial or legal member).

**The current membership is as follows:**

The Rt. Hon. Lady Dorrian, the Lord Justice Clerk, Chair  
The Rt. Hon. Lord Matthews, Senator member  
The Hon. Lord Colbeck, Judicial Member  
Sheriff Iain Fleming, Sheriff Member  
Lindsey Miller, Prosecutor member   
Victoria Young, Advocate member   
Joanne McMillan, Solicitor member   
DCC Bex Smith, Constable member   
Lynn Burns, Victims expert  
Dr Hannah Graham, Open member

**What Council membership involves**

Amongst other matters, members:

* contribute to the development of sentencing guidelines for the approval of the High Court of Justiciary;
* advise on and contribute to the development of sentencing policy;
* advise on and contribute to the promotion of awareness and understanding of sentencing policy and practice;
* contribute to identifying areas for research or analysis and consider the outputs of any such research;
* engage directly with stakeholders and co-operate with others in the justice system; and
* contribute to the development of the Council’s business plan and annual reports.

If you are appointed, you should expect to deal with complex issues concerning the approach to sentencing and the guidelines to be proposed for use in courts. These guidelines may concern sentencing in relation to particular offences (for example, sexual offences); they may relate to issues that apply to a range of sentences (for example, how a guilty plea should be taken into account); or they may relate to a particular type of sentence (for example, community payback orders). You will also need to make a contribution to discussion relating to the identification of relevant research material and data arising from the analysis of that material or data.

Although the level of time commitment will ultimately depend on the programme of work being undertaken and any committees the member agrees to join, it is envisaged that members should expect a commitment of around 12 days a year for Council business. This would include 4 Council meetings, workshops and committee meetings, time for training and preparation, and occasional stakeholder engagement and promotional events. Council meetings will usually be held in Parliament House, Edinburgh, but on occasion may be scheduled to take place elsewhere in Scotland. Committee meetings are usually held online after 4pm (to allow members with court commitments to attend).

It is important that members are available to attend Council and committee meetings. Meeting dates will be advised as far in advance as possible and papers will be circulated in good time prior to meetings.

*Term of office*

Appointment to the ‘open’ position member will be for five years. Members will hold office unless they: resign, become disqualified or become unfit to hold office. Members cannot be reappointed.

*Remuneration*

Members will not receive remuneration. Expenses are paid in accordance with paragraph 6A of Schedule 1 to the [Criminal Justice and Licensing (Scotland) Act 2010](https://www.legislation.gov.uk/asp/2010/13/contents), and the Council’s Expenses Scheme.

**Applying for Council membership**

*Who can apply*

Scottish Ministers are seeking applicants who would like to be considered for appointment as a lay member of the Council for what is known as the ‘open’ position.

Applicants must not be eligible for appointment as a judicial or legal member of the Council. This means the following cannot apply for appointment under the open position:

* A person holding the office of judge who normally sits as a judge of the Outer House of the Court of Session or the High Court of Justiciary,
* A person holding the office of sheriff,
* A person holding the office of justice of the peace or stipendiary magistrate,
* A person holding the office of sheriff principal,
* A person who is a prosecutor within the meaning of section 307 of the 1995 Act,
* A person who is an advocate practising as such in Scotland, and
* A person who is a solicitor practising as such in Scotland.

In addition, to be considered for appointment, all applicants must not be disqualified from holding office. Para. 3 of Schedule 1, to the 2010 Act specifies that the following people are disqualified from membership: MSPs, MPs, MEPs, councillors; members of the Scottish Government; and Ministers of the Crown.

*Assessment*

Candidates will be assessed on their merits and with a view to achieving a suitable range of skills and expertise across the membership to enable the Council to fulfil its functions effectively.

Candidates successful at the application stage will be invited to interview by an appropriate selection panel at St Andrew’s House, Edinburgh, on 20 January 2025.

*Panel*

The selection panel will include a senior civil servant.

To make sure that the process is transparent, and the appointment is made on merit, the selection panel will declare if they know anyone who has applied for these appointments.

*Selection criteria*

The selection panel will be looking for applicants who best meet the criteria listed below.

Candidates are asked to complete a supporting statement alongside their CV to demonstrate they have the requisite skills and experience to meet the listed criteria (maximum 500 words/one A4 page).

While it is not expected that individual applicants will be able to meet every one of the criteria listed, it is in your best interests to provide **specific** examples for as many of the criteria as you can, within the space available in the application form. General examples which do not provide clear evidence of what you did are unlikely to provide sufficient evidence of meeting the criteria.

1. **Knowledge and understanding of sentencing and the wider criminal justice system:**

* Understanding of the general principles and purposes of sentencing;
* Knowledge of sentencing policy and practice in relation to the administration of justice;
* Knowledge and understanding of the issues affecting organisations and individuals working within the criminal justice system generally;
* Awareness of developments in criminal justice policy and policy initiatives with implications for sentencing.

1. **Understanding of the impacts of sentencing:**

* Understanding of the impacts of developments in sentencing policy and practice on the criminal justice system and those working within it;
* Understanding of the impacts of sentences on individuals including victims, groups such as families of offenders, communities and society more broadly;
* Knowledge of issues affecting individuals involved in the criminal justice system; including accused persons, offenders, victims and witnesses;
* Understanding of the rehabilitation of offenders.

1. **Knowledge and understanding of sentencing and the wider criminal justice system:**

* Knowledge and experience of criminal law or criminology – this might be through academic study or equivalent experience obtained through employment most likely in the justice system or working with those affected by crime;
* Knowledge and experience of sentencing – might be through academic study or equivalent experience obtained through employment most likely in the justice system or working with those affected by crime.

1. **Personal qualities**

* Integrity, objectivity, and the ability to serve in a personal capacity rather than as a representative of a particular professional association or viewpoint;
* Commitment to delivering the Council’s statutory objectives and functions;
* Ability to work as part of a team under the general direction of, and in support of, the Chair;
* Confidence to challenge and debate proposals in a constructive way;
* Creative thinking and open mindedness;
* Communication and engagement skills and a willingness to promote the Council’s work;
* A collaborative individual with excellent listening and communication skills.

*Submitting the application form*

Application forms with accompanying CVs should be submitted by **midnight, Monday 6 January 2025.**

*Valuing Diversity*

The Scottish Ministers are committed to diversity and equality.

We value having Members with different points of view, and experiences, on the Scottish Sentencing Council. So we’re hoping to receive applications from a wide range of talented people irrespective of their: religion or belief, gender, age, gender identity, disability, sexual orientation, ethnic origin, political belief, relationship status or caring responsibilities.

Scottish Ministers particularly welcome applications from groups currently under-represented on Scotland’s public bodies, such as women, disabled people and people aged under 50. Please complete our monitoring form when you apply. This helps us to ensure that the appointments process is accessible to everyone. The information will not be made available to either the sifting or the interview panel.

For more information about public appointments please visit the dedicated public appointments website at <http://www.appointed-for-scotland.org/>

*Interviews*

If you are successful at application stage, you will be invited to an interview. Interview panels will be held in Edinburgh on **20 January 2025** and may be held in person or via remote IT link.

The interviews will be competency-based and may ask some technical questions. This helps to assess your abilities against the criteria for the role.

You must meet the eligibility requirements and all essential requirements for the role in order to be considered suitable for appointment.

*Feedback*

Where requested, the panel will endeavour to provide feedback timeously. However, in a large appointment round such as this it may not always be possible to do so straightaway.

*Statutory Consultation*

Before this appointment can be made, the Lord Justice General must be consulted.

**Important dates**

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| **Application Timeline** | |
| ***Date*** | ***Task*** |
| 9 December 2024 | Advertisements published. |
| 6 January 2025 | Closing date for applications. |
| 8 January 2025 | Preliminary sift by sifting panel. |
| 10 January 2025 | Applicants informed of sifting panel’s decision.  Successful applicants invited to interview. |
| 20 January 2025 | Interview panel. |
| 24 January 2025 | Applicants informed of decision and offers of appointment made. |
| 31 January 2025 | Applicants accept/decline offer of appointment |
| 1-14 February 2025 | Consultation with the Lord Justice General |
| 14 February 2025 | Appointments to take effect.  A familiarisation meeting will be offered following appointment (exact date to be discussed with the successful candidate) |

**Further information and contact details**

For further information please contact Ellis Reilly, Senior Policy Officer, Criminal Law and Sentencing Unit at [Ellis.Reilly@gov.scot](mailto:Ellis.Reilly@gov.scot).