

Scottish Sentencing Council

Candidate Information Booklet

This document provides information and guidance for individuals wishing to apply to become the advocate member of the Scottish Sentencing Council. It complements [The Scottish Sentencing Council \(Procedure for Appointment of Members\) Regulations 2015](#), which prescribes the process for appointing legal and judicial members to the Council.

About the Council

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 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](#) for 2021-24. Current priorities include the development of sentencing guidelines in relation to offences of causing death by driving, sexual offences (with an initial focus on rape, indecent images, and sexual assault), domestic abuse, sentence discounting, and environment and wildlife offences.

What Council membership will involve

Amongst other matters, members are expected to:

- 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.

The work of the Council attracts a significant degree of public interest.

Although the level of time commitment will ultimately depend on the programme of work being undertaken and any committees the member sits on, members should expect a commitment of approximately 12 days a year for Council business. This will include Council meetings, additional 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.

It is important that members are available to attend Council and committee meetings. Members will be advised of meeting dates as far in advance as possible.

Term of office

This appointment is for five years. Members may cease to hold office before the end of this period, however, should they resign, become disqualified from holding office as a member, cease to fall within the category of membership under which they were appointed, or become unfit to hold office. Members cannot be reappointed.

Remuneration

Members do not receive remuneration. Expenses are paid in accordance with paragraph 6A of Schedule 1 to the 2010 Act, and the Council's standing orders.

Applying for Council membership

Who can apply?

This position is only open to practising advocates.

Under the 2010 Act, full-time Crown Counsel / prosecutors are not eligible for appointment as the advocate member of the Council.

Paragraph 3 of Schedule 1 to the 2010 Act specifies that the following people are disqualified from membership: MSPs, MPs, MEPs, councillors, Ministers of the Crown, and members of the Scottish Government.

Assessment

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

Applications will be considered by a selection panel chaired by Lady Dorrian, the Lord Justice Clerk.

Selection criteria

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

1. Legal knowledge and skills

- working knowledge and experience of criminal law and the criminal justice system, including any specialist areas,
- ability to interpret and apply the law, particularly criminal law and sentencing, and
- knowledge and experience of criminal proceedings in the Sheriff and JP Courts and/or in the High Court of Justiciary, including appeals.

2. Understanding of sentencing policy and practice and the criminal justice system

- understanding of the general purpose of sentencing,
- awareness of developments in criminal justice policy and policy initiatives with implications for sentencing,
- awareness of academic study or research relating to sentencing, criminal law, and criminology, and
- understanding of the rehabilitation of offenders.

3. Understanding of the impacts of sentencing

- knowledge of issues affecting individuals involved in the criminal justice system, including accused persons, offenders, victims and witnesses,

- knowledge and understanding of the role of different organisations and individuals working within the criminal justice system, and
- understanding of the impacts of sentencing policy and practice on individuals, groups, communities, and society generally.

4. 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,
- creative thinking and open-mindedness,
- communications and engagement skills, and a willingness to promote the Council's work, and
- ability to make use of statistics and data.

Completing the application form

Your application form should provide specific and detailed examples of where your knowledge, skills or experience demonstrates that you match the criteria for this appointment. The examples you choose need not only come from your working life but may also include home life, voluntary activities and the like.

It is important that you provide specific examples of how you meet the criteria. A useful way to set examples out is to use the STAR mnemonic.

Situation Describe the situation and explain what happened

Task Outline the task you had to complete and describe your responsibilities

Action Explain the steps that you took or the decisions you made

Result Explain the outcomes of your actions.

Submitting the application form

Application forms, with an accompanying CV, should be submitted by 5pm on Wednesday, 4th October 2023

We would be grateful for applications to be submitted by email where possible to: judicialofficeforscotland@scotcourts.gov.uk

Equal opportunities

The Equality Act 2010 states that a person has a disability if they have a physical or mental impairment and the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. A 'substantial disadvantage' is a disadvantage which is more than minor or trivial. 'Long-term' means that the effect of the impairment has lasted or is likely to last for at least twelve months (there are special rules covering recurring conditions). Further guidance in relation to the meaning of disability is accessible on the Equality and Human Rights Commission website. In terms of the Act, we will take steps to make reasonable adjustments to avoid those who have a disability from suffering a disadvantage. If you consider you have a disability, please feel free to contact us in this regard.

Interviews

Following an assessment of all submitted applications, the panel may select a number of candidates for interview if required. It is anticipated that interviews will be held the week commencing the 6th November 2023.

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

Appointment and statutory consultation

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

The appointment will be made by the Lord Justice General. The Dean of the Faculty of Advocates and the Scottish Ministers must be consulted in respect of the proposed appointment.

Further information and contact details

For further information on the Council, please see www.scottishsentencingcouncil.org.uk

For further information about the application process please contact: Mr Ryan Gare Deputy Head of Strategy & Governance at: judicialofficeforscotland@scotcourts.gov.uk