Dear Ms Grahame MSP

APPOINTMENT OF MEMBERS TO THE SCOTTISH SENTENCING COUNCIL – EQUALITY INFORMATION

Further to the Lord Justice Clerk’s letter to you of 15 September 2015, I write to advise of the diversity information relative to the appointment of the Council’s members. The Lord Justice Clerk oversaw the recruitment of the judicial and legal members to the Council, and the Scottish Ministers were responsible for the recruitment of its lay members. The Lord Justice Clerk and the Cabinet Secretary for Justice have together asked that I provide the diversity information to you in respect of all appointments made to the Council.

I hope it is helpful to also provide some background information on the appointments process.

In accordance with The Scottish Sentencing Council (Procedure for Appointment of Members) Regulations 2015, I would mention that different organisations were involved in the selection of judicial and legal Council members. The prosecutor member was nominated by the Lord Advocate, in terms of the appointments Regulations. Separate to the regulations, the three lay members were appointed by the Scottish Ministers, with one of the three lay members (the police constable member) nominated by the chief constable of Police Scotland. Open and fair recruitment exercises for the positions of advocate, solicitor, victims expert and ‘other’ lay member began in July this year and was publicised widely. The judicial member positions were publicised and communicated to all eligible judicial office holders. Across the recruitment exercises, applications were welcomed and encouraged from the widest possible range of eligible persons and particularly from protected groups covered by the Equality Act 2010.

During the public recruitment exercises for the solicitor, advocate, victims expert and ‘other’ lay person categories, candidates were asked to complete an equal opportunities form to...
allow for this type of information to be gathered. That information is provided at the Annex to this letter.

In addition, given the Committee has expressed a specific interest in the gender balance of the membership, I am able to provide the following further information on all applicants and nominees to the Council, which I hope the Committee finds of assistance. It should be noted that some assumptions have been made as not all of this information is based on data provided directly by applicants or nominees. It should also be noted that as the Lord Justice Clerk is Chair of the Council by virtue of his office, this information relates only to the remaining 11 members.

One third of the applications and nominations received were from women and one third of the members appointed are women.

An equal proportion of the men and women applicants and nominees were appointed to the Council, as 30% of the total number of men and 30% of the total number of women applicants and nominees were appointed.

The overall composition of the Council happens to reflect the proportion of women and men who applied or were nominated.

Finally, it may be helpful to know that it was only possible to appoint women in 7 of the 11 positions available due to the nature of the applications and nominations received. Women were appointed to 4 of those 7 possible positions. It was only possible to appoint men to 9 of the 11 positions and of those, 7 appointments were made.

Yours sincerely,

Ondine Tennant

Secretary to the Scottish Sentencing Council

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Equal Opportunities Forms – Information

1. **75% of the applicants completed an equal opportunities form** in the following 4 publicly advertised categories:
   
a. solicitor (legal),
b. advocate (legal),
c. victims expert (lay), and
d. ‘other’ lay person.

**Gender**

2. Of those candidates who completed a form:
   
   - 58% of the applicants identified as female, and
   - 42% of the applicants identified as male

**Ethnic origin**

3. Of those candidates who completed a form:
   
   - 8% identified as White – any other,
   - 25% as White – Irish, and
   - 67% as White - Scottish.

**National identity**

4. Of those candidates who completed a form:
   
   - 42% identified as Scottish,
   - 33% as British or Mixed-British,
   - 17% as Irish, and
   - 8% as Other National.

**Disability**

5. Of those candidates who completed a form:
   
   - 8% identified as having a disability, and
   - 92% identified as not having a disability.
**Age**

6. Of those candidates who completed a form:
   - 17% identified as being aged 21-30 years,
   - 17% as being aged 31-40 years,
   - 41% as being aged 61-60 years, and
   - 25% as 61 years or more.

**Sexual orientation**

7. Of those candidates who completed a form all identified as being heterosexual.

**Religion/ belief**

8. Of those candidates who completed a form:
   - 42% identified as Christian – Roman Catholic,
   - 50% identified as having no religion or belief, and
   - 8% preferred not to answer.