

JUDICIAL APPOINTMENTS COMMISSION (JAC) MEETING
11 JULY 2013
MINUTES OF MEETING

PRESENT Commissioners	Staff
Christopher Stephens (Chair) Jill Black Martin Forde Noel Lloyd Alexandra Marks Alison McKenna Stella Pantelides Andrew Ridgway Ranjit Sondhi Valerie Strachan John Thornhill Alan Wilkie	Chief Executive Director of Operations Director of Operational Services Assistant Director, Complaints and Security (for item 4) Project Manager – IT Change Project (for item 6) Project Manager – End to End and Legislative Change (for items 7, 8 and 9) Private Secretary to the Chairman Board Secretary

1. Apologies and matters arising

1.1 Apologies were received from David Bean, Malcolm Birchall and Deborah Taylor.

1.2 All Commissioners confirmed that they had no personal interest in any matters to be discussed on the agenda.

1.3 The minutes of the 13 June meeting were agreed and the Board Action Register noted.

2. Chairman's Report

2.1 The Chairman provided an update on his activities since his last report at the June meeting. He had attended a series of planning meetings and interviews as chair of the panel to select the next Lord Chief Justice, with fellow panel members Valerie Strachan and Noel Lloyd. He had met Chief Justice Mogoeng Mogoeng of South Africa, and also a delegation from the Bangladesh Judicial Service Commission with Ranjit Sondhi.

2.2 In addition he had also attended a workshop organised by the University of Aberdeen on the 'The Role of Chairs and Chief Executives in the Governance of Public Bodies' which Valerie Strachan and the JAC Chief Executive had also attended.

2.3 For the remainder of the month the Chairman would have bilateral meetings with both the Lord Chief Justice and the Lord Chancellor and, together with the Lord Chief Justice and the

Master of the Rolls, would also be meeting with the High Court Judges Association.

2.4 He also informed the Board that Commissioner vacancies that would arise at the beginning of 2014 were due to be advertised in July.

2.5 The Chairman informed the Commission that it was the Director of Operational Services' last attendance at a meeting of the Board prior to his departure at the end of July.

Commissioners expressed their warm appreciation for his work and the valued service he had provided to the Commission and wished him well for the future.

3. Chief Executive's Report

3.1 The Chief Executive provided an oral update confirming that the Annual Accounts had been signed and certified by the Comptroller Auditor General and that the JAC Annual Report for 2012/13 had been published today, 11 July.

3.2 He also provided updates on elements of the Crime and Courts Act 2013 such as the number of responses received on the equal merit consultation and debates on the Regulations in both Houses of Parliament. He also provided an update on staffing issues and the current status of the forthcoming office relocation.

3.3 The Chief Executive also informed the Commission that a small group of Commissioners had been formed to review the current Communications Strategy and would be engaging in a series of discussions over the summer with the intention to report back to the Commission Board in the autumn.

4. Annual Complaints Analysis

4.1 The Assistant Director, Complaints and Security, presented a paper to the Commission which provided an analysis of both the complaints and Freedom of Information requests received by the JAC during 2012/13 and also provided an update on the candidate feedback form.

4.2 In discussion, the Commission noted that there had been a reduction in the number of complaints received, which amounted to under one per cent of applications. However, there had been a small increase in complaints referred to the Judicial Appointments and Conduct Ombudsman since the last report. While this was disappointing the overall percentage still remained low and in line with previous years.

4.3 The Assistant Director, Complaints and Security, also referred to the candidate feedback form which had been reviewed in the last quarter of 2012/13 and now incorporated new questions which had been agreed for use with all exercises. It was envisaged that to ensure a consistent measure of candidate satisfaction that surveys would be issued after application (unless there is a qualifying test when it would follow the test) and also to those attending selection day.

5. Selection process for Fee-Paid Disability Member of the First-Tier Tribunal (Social Entitlement Chamber)

5.1 The Director of Operations presented a report to the Commission which provided information regarding the results of the online qualifying test for Fee-Paid Disability Member of the First-Tier Tribunal (Social Entitlement Chamber), noting the technical issues that had occurred and the number of candidates selected for interview.

5.2 The Commission considered at length whether the technical difficulties experienced during the test had introduced a degree of potential unfairness and also whether there was an operational need to adjust the qualifying test cut-off mark, to allow more candidates to proceed to selection day. Following detailed discussion it decided that this would not be necessary or proportionate and the present approach should stand.

6. Judicial Appointments Recruitment System Upgrade

6.1 The Project Manager – IT Change presented a paper informing the Commission of the work undertaken in the last three months to produce a short-list of suppliers who were able to provide a fully integrated online system to replace the current Equitas system.

6.2 The Commission was asked to note the suppliers who had responded and to agree that the choice of preferred supplier to recommend to the JAC would be taken by the IT Project Board with final approval resting with the Chief Executive in his role as the Accounting Officer.

6.3 Noel Lloyd, as a member of the IT Project Board also appraised Commissioners of the risks relating to security, costs and hosting arrangements and outlined the steps that the IT Project Board were taking to mitigate those risks where possible. He also sought agreement from the Commission that he Chair the next IT Project Board meeting and that the Commission Board delegate next steps in the procurement process.

6.3 The Commission agreed that he should chair the next the IT Project Board meeting, and that the Board should propose a preferred supplier. However, it decided that this preference should be reported back to the Commission in the autumn, for ratification by the Board.

7. Process for Selection of Deputy Judges of the High Court

7.1 The Project Manager – End to End and Legislative Change presented a paper seeking the views of the Commission on a draft proposal for the JAC selection process which would create a pool of judges authorised to sit as deputy judges of the High Court, under section 9(1) of the Senior Courts Act 1981. Under the Crime and Courts Act 2013 (CCA), selecting for these roles would be the responsibility of the JAC for the first time.

7.2 The draft process had been developed in consultation with representatives from Judicial Office (JO) and Her Majesty's Courts and Tribunal Service, and built on the current process run by the JO under the protocol agreed by the JAC and jointly published in May 2012.

7.3 The Commission discussed the process at length, considering elements such as the ratio of interviewed candidates to roles available, and the need for consistency between candidates in obtaining references and comments from the relevant leadership judges.

7.4 The Commission endorsed the proposal to proceed with consulting the JO and developing the process in due course. Subject to those consultations a further proposal paper would come back to the Board in the autumn. The Chairman invited Commissioners to provide any further comments directly to the Assistant Director out of committee.

8. Authorisations for Circuit Judges to sit in the Court of Appeal (Criminal Division)

8.1 The Project Manager – End to End and Legislative Change also presented a paper highlighting provisions of the Crime and Courts Act (CCA) 2013 which provided for the JAC to concur with the authorisation of Circuit Judges to sit in the Court of Appeal (Criminal Division).

8.2 The paper set out the relevant matters for consideration early in the policy development process. The Commission was asked to note the current process, agree to the development of a process for new authorisations similar to the published protocol for deputy judges of the High Court, consider the options for a process regarding renewal of authorisations, and agree a way forward to obtain relevant information from the Judicial Office.

8.3 The Commission discussed the proposal at length. It considered that it was developing in the right direction but emphasised that no firm decisions should be taken before consultation with the new Lord Chief Justice, once in post. In the meanwhile the Chairman invited Commissioners to provide comments to the Assistant Director out of committee. Another paper developing the proposal would come back to the Board for further consideration in the autumn.

9. Crime and Courts Act 2013 – Changes to Statutory Consultation

9.1 The Project Manager – End to End and Legislative Change presented a paper to the Commission which set out a revised process for statutory consultation following changes in the Crime and Courts Act (CCA) 2013 and also a proposal to refresh the Commission Guidance for use by statutory consultees.

9.2 The Commission was asked to agree:

- the revised table of statutory consultees,
- that the JAC explore with the Judicial Office, the proposal that the Chairman and appropriate authority agree the panel membership for a limited number of selection exercises;
- that for call-offs from s94 lists the JAC does not seek further comments if a previous request has been made within the last three months;
- that seeking statutory consultation after selection days should remain the default position with limited exceptions; and
- to refresh the guidance on the statutory consultation process.

9.3 The Commission discussed and noted the revised table of consultees. It also agreed that seeking statutory consultation after selection days should remain the default position, and that the guidance which had been prepared in 2009 should be refreshed.

9.4 The Commission then discussed the proposal that the Chairman or another Commissioner take on the role of a panellist in certain smaller exercises. Some concerns were raised over the additional Commissioner time commitment that would be required, and the Commission agreed that a separate paper would need to be brought to the Board for any further consideration of this proposal.

9.5 In the interim the Chairman invited Commissioners to provide further comments on the revised table of consultees and other issues generally to the Project Manager out of

committee. A further paper for consideration would come before the Commission in September.

10. Selection Process for Recorder 2013

10.1 The Director of Operations presented a paper to the Commission which provided an update and proposals regarding the development of a suitable selection process for the Recorder 2013 selection exercise.

10.2 The Commission discussed the proposals at length, noting that Commissioners, Alexandra Marks, Stella Pantelides and Deborah Taylor, the Assigned Commissioner, had been consulted on the paper.

10.3 The Commission agreed to further development of the proposed methods for shortlisting and selection day, noting the further work to be carried out in identifying specific tests in the coming weeks, and that the final proposal would come back to the Board for approval. The Assigned Commissioner, Director and Assistant Director would maintain oversight throughout.

10.4 The Chairman invited Commissioners to provide further comments out of committee directly to the Assistant Director, Selection Process Review who had prepared the paper.

11. Selection Process for Salaried Judge of the Social Entitlement Chamber

11.1 The Director of Operations presented a paper to the Commission which provided information on the selection process being developed for the Salaried Judge of the Social Entitlement Chamber exercise which was due to launch on 25 July.

11.2 The Commission discussed the proposals for shortlisting, which included candidates undertaking a controlled written exercise on a case study, and for selection day. It was noted that both Malcolm Birchall, as the Assigned Commissioner, and Stella Pantelides, had been consulted and approved the process.

11.3 The Commission endorsed the process and the Assistant Director, Selection Process Change would continue the planning and development of the exercise as discussed.

12. Selection Process for Deputy District Judge (Civil) vacancy

12.1 The Director of Operations presented a paper providing information regarding the selection process to select one further candidate for a Deputy District Judge (Civil) post vacant in the South East.

12.2 In order to meet the request from the business area, it was proposed that Commission agree to revert back to the last exercise in 2012 and present any candidates suitable for consideration at the next Selection and Character Committee meeting due to be held on 25 July 2013.

12.3 The Commission endorsed this proposal.

13. Report Back from Working Groups

13.1 Valerie Strachan, Chair of the Audit and Risk Committee, provided an update on the work of the Committee which had last met on 17 June to approve the 2012/13 Annual Accounts and discuss the National Audit Office's Management Report.

13.2 Noel Lloyd, Chair of the Judicial Appointments Recruitment System (JARS) Project Board, provided a short update of the work of the Board, which had met on 8 June and discussed procurement, hosting and funding. This had been discussed in detail at item 6 above.

14. Management Information Pack

14.1 Commissioners noted the Management Information Pack included in the papers.

Date of next meeting

The Chairman confirmed that the next Board meeting would be held on **Thursday 12 September**.