

JUDICIAL APPOINTMENTS COMMISSION (JAC) MEETING

13 June 2019

Minutes of Board Meeting

Present	
Commissioners	Staff
Ajay Kakkar (Chairman) Anne Rafferty (Vice chairman) Mathangi Asokan Anuja Dhir Emir Feisal Jane Furniss Andrew Kennon Fiona Monk Valerie Strachan Brie Stevens-Hoare Philippa Whipple	Deputy Chief Executive Deputy Head of Operations and Digital Head of Selection Policy Head of Diversity and Engagement Head of Secretariat/Board Secretary Senior Communications Manager Senior Policy Advisor Apologies Chief Executive
Apologies: Simon Wessely Sarah Lee Phillip Sycamore	Observers: Head of Senior Appointments Programme Officer

1. Apologies and matters arising

- 1.1 The Chairman expressed the great sadness of the Board at the news of the death of Noel Lloyd on 7 June 2019. The Board observed a minute's silence as a mark of respect for an outstanding colleague and very dear friend. The Board noted that condolences had been sent to Noel's family from JAC staff and Commissioners.
- 1.2 Apologies were received from Sarah Lee, Phillip Sycamore and Simon Wessely.
- 1.3 The minutes of the 9 May 2019 meeting were agreed.
- 1.4 No interests were declared by any Commissioner in respect of any matter under discussion on the agenda.

2. Chief Executive's Report and Management Information Pack

- 2.1 In the absence of the Chief Executive, the Deputy Chief Executive reported on:
 - The recently published Official Statistics
 - Senior Salary Review Board Government response
 - the agreed two-year programme with HMCTS and the work conducted to date

- an update on the progress of activity in response to the People Survey; and
- provided an oral update on the JAC's financial position.

3. Report back from Committees and Working Groups

3.1 The Chairman asked Commissioners to report back on recent meetings of committees and working groups.

Welsh Matters Committee

3.2 Philippa Whipple reported on the meeting of the Welsh Matters Committee (WMC) held on 9 May 2019. PW asked the Board to note that WMC wished to separately record its condolences on behalf of WMC to Noel's family and to also thank the Secretariat for the continued support provided to WMC.

3.3 PW reported that WMC received updates on:

- Fourth annual report of the Welsh Government's implementation of Law Commission proposals laid before the Welsh Assembly on 15 February 2019 and;
- Written Statement: Rapid Review of the Welsh Government's Support for the Legal Sector in Wales.

3.4 It was decided that, in the absence of a Welsh Matters Committee Chair, the review of the Welsh Language and Welsh Questions assessments would be postponed until the appointment of the new Lay Commissioner with special knowledge of Wales.

Advisory Group

3.5 Emir Feisal reported back on the Advisory Group held on 21 May 2019. EF reported that three new members have been recruited to start in July 2019 and September 2019.

3.6 EF also reported that the Advisory Group considered assessment tools for the following exercises:

- The online qualifying test for the Chairman and Senior Chairman Health Service Products (PCCI) Appeals Tribunal exercises;
- The recorded roleplay for the Road Users Charging Adjudicators and the roleplay for Deputy High Court Judge exercises;

- iii. The situational questioning for the Fee-Paid Valuer Chairman and Member, First-tier Tribunal (Property Chamber) Residential Property, Fee-Paid Legal Member Welsh Language Tribunal and Circuit Judge exercises.

4. Chairman's Report

- 4.1 The Chairman reported on his activities since the last report at the May meeting. He reported that he had met with the newly appointed Chief Statistician in the Ministry of Justice, Chair of Judicial Appointments Board for Scotland and participated in both Supreme Court and Court of Appeal interviews.
- 4.2 The Chairman updated the Board on the recent Judicial Diversity Forum held on 9 May 2019. He advised that the JDF was being restructured from November 2019 to focus more effectively on the next stage of the judicial diversity agenda. The Chairman thanked Sarah Lee and Emir Feisal for their contributions to the JDF to date.
- 4.3 The Chairman updated the Board on his recent Bilateral meeting with the Lord Chief Justice and Senior President of Tribunals. He expressed the view of the Commission Board that all were sad to be losing Philippa Whipple whose term will come to an end in the Autumn. The Chairman advised that the announcement of a successor would be provided in due course.

5. High Court Exercises 2018-19: Evaluation of revised approach

- 5.1 The Senior Policy Advisor presented a paper on the evaluation of the changes made to three 2018-19 High Court exercises, these being 107 High Court Judge, 108 section 9(1) authorisation to act as a High Court Judge and 112 Deputy High Court Judge. The paper also set out recommended next steps for future High Court exercises and the use of Skills and Abilities.
- 5.2 The Board was asked to note the findings of the evaluation and to agree to continue with an extended application window and streamlined application process for High Court exercises, to use Skills and Abilities for High Court exercises and to agree that for section 9(1) exercises statutory consultation will be sought ahead of selection days.
- 5.3 Following discussion, the Board noted the findings and agreed to continue using the revised High Court processes and Skills and Abilities, and agreed that statutory consultation should be sought before selection day for section 9(1) exercises.

6. Equal Merit Policy (EMP) at Shortlisting

- 6.1 The Head of Selection Policy co-presented a paper with the Head of Diversity and Engagement seeking Board approval of the application of the EMP at shortlisting stage and to take all EMP decisions at shortlisting through a quorum of three Commissioners acting on behalf of the Commission. The Board was also asked to approve the operational process that would be applied to EMP at shortlisting.
- 6.2 Following a detailed discussion, the Board agreed in principle with the proposals subject to further confirmation that the detail of the proposed approach is consistent with the statutory framework.

7. Enhanced Panel Assurance on Recorder 2018-19: Evaluation

- 7.1 The Head of Diversity and Engagement co-presented a paper with a Senior Panel Executive on the enhanced panel assurance project delivered during the selection days of the Recorder 2018 exercise.
- 7.2 The Board was asked to note the contents of the project review report and to endorse the view that the JAC should continue to implement a programme of observations on key exercises and to consider the further recommendations set out in the report.
- 7.3 The Board noted the review of the project and supported the continued implementation of a programme of observations on key exercises.
- 7.4 Following a detailed discussion, the Board approved the recommendations for consideration as part of the future approach to quality assurance.

8. s9(1) Authorisations: Leadership Roles

- 8.1 The Head of Selection Policy presented a paper on s9(1) Authorisations: Leadership Roles.
- 8.2 The Board noted for information the published policy for s9(1) authorisations and the letter from JO explaining that a clear process was being put in place to ensure that Judicial Office (JO) will process all future leadership appointments via expressions of interest (EOI) exercises in line with the agreed policy.
- 8.3 The Board considered there may be scope to clarify further the respective roles of the Commission and Senior Judiciary in this process and agreed that the statutory

obligation of JAC ought to be highlighted to JO in a letter of reply from the JAC Chairman.

9. Annual Report and Accounts 2018-19

9.1 The Senior Communications Manager presented the Annual Report and Accounts of 2018-19.

9.2 The Board noted the Annual Report and Accounts of 2018-19.

10. Forward Look and AOB

10.1 The Board noted the Forward Look and the Chairman confirmed the next Board meeting would be held on 11 July 2019.

10.2 This concluded the business of the Board.