

JUDICIAL APPOINTMENTS COMMISSION (JAC)

13 September 2018

Draft Minutes of Board Meeting

Present	
Board Members	JAC Staff
Ajay Kakkar (Chairman) Anne Rafferty (Vice Chairman) Mathangi Asokan (EA) Anuja Dhir (AD) Emir Feisal (EF) Jane Furniss (JF) Andrew Kennon (AK) Sarah Lee (SL) Noel Lloyd (NL) Fiona Monk (FM) Valerie Strachan (VS) Phillip Sycamore (PS) Simon Wessely (SW) Philippa Whipple (PW)	CEO Head of Strategy and Policy Head of Operations Head of Secretariat/Board Secretary Head of Selection Policy Head of Senior Appointments Senior Selection Exercise Manager
Observing	
	Head of Diversity and Engagement Senior Policy Advisor Senior Digital Manager

1. Apologies and matters arising

- 1.1. Apologies were received from Brie Stevens-Hoare.
- 1.2. The minutes of the 12 July 2018 meeting were agreed.
- 1.3. No interests were declared by any Board member in respect of any matter under discussion on the agenda.

2. Chief Executive' Report

- 2.1. The Chief Executive reported on:
 - An update on the arrangements with the current digital contractor and future digital strategy including the appointment of a new Digital Technical Lead;
 - JAC finances;
 - The progress of current exercises including recognition of the increased volume of work and associated pressure on resourcing; and,

- Current staffing levels: including acknowledgement that the numbers were now approaching the capacity required for the increased volume of work and noting the recent staff Away Day.

3. Guest Speaker: Christina Blacklaws- President of The Law Society of England and Wales

- 3.1. The Chairman welcomed Christina Blacklaws (CB) who addressed the Board on her chosen priorities during her tenure as President of the Law Society of England and Wales of Justice, Technology and Innovation and Diversity.
- 3.2. Sarah Lee advised the Board that she was in continuous dialogue with CB to discuss how best to take advantage of the large pool of potential applicants from solicitors.
- 3.3. On behalf of the Board, the Chairman expressed his gratitude to CB for providing her views on the matter and would continue the dialogue at the forthcoming round-table discussion she had convened for later in the month

4. Report back from Committees and Working Groups

- 4.1. Noel Lloyd reported back on the JARS Programme Board (Programme Board) meeting held on 23 August 2018. NL reported that the Programme Board focussed on the preparations for the forthcoming 2nd Qualifying Test for the Recorder exercise and the review of the JAC's future digital needs due to conclude at the end of September 2018.
- 4.2. NL updated the Board on the last Welsh Matters Committee (WMC) meeting held on 12 July 2018, reporting that:
 - Sir Wyn Williams, President of the Welsh Tribunals, was welcomed to the meeting and raised the following issues:
 - The use of Welsh questions in all selection exercises
 - Candidates resigning from Welsh roles soon after appointment
 - Application of the Equal Merit Provision for appointments to the Adjudication Panel for Wales (APW)
 - An update was given to the WMC from the MoJ Welsh Coordinators Meeting held on 19 June 2018;
 - A response had been sent to the Welsh Government consultation on the Draft Legislation (Wales) Bill.

- The WMC was referred to the revised policy guidance on exempting candidates from taking the Welsh criteria questions and on responding to narrative sections of a qualifying test in Welsh.
- 4.3. The WMC would next be meeting ahead of the Commission Board meeting and NL might be invited to explain that the WMC will have considered the signing-off of the annual JAC Welsh Language Scheme Monitoring report. If signed-off as expected, the report would be circulated to Commissioners for information.
- 4.4. Valerie Strachan provided a brief report on the Audit and Risk Committee (ARC) held on 26 July 2018. VS advised the Board that aside from the information already provided as part of the Chief Executive's Report, the following matters were noted by ARC:
- ARC discussed the production of the 2017–18 Annual report and Accounts and was content with the processes in place.
 - Positive feedback was also received from the National Audit Office on the current structure of the JAC's Governance Statement.
 - The internal audit had been completed and graded "substantial" which VS advised was the highest grade available.
 - The external audit was due to be completed at the next ARC meeting in October 2018.
 - ARC had reviewed the results of the survey taken by the ARC Commissioners and Independent Member – Alison Mitchell of Judicial Appointments Board of Scotland. Overall ARC was content that it was following good practice.
- 4.5. VS further reported that after 6 years as the ARC Chair this was her last meeting. Noel Lloyd was due to take over as interim chair until he is succeeded by Jane Furniss in April 2019. Both Jane Furniss and Fiona Monk are due to receive an ARC induction next month.
- 4.6. The Board expressed its sincere gratitude to VS for her contribution to ARC over her tenure as Chair.

5. Chairman's Report

- 5.1. The Chairman reported on his activities since the previous Board meeting in July. He reported that he had held an introductory meeting with Christina Blacklaws (CB) on the 12 July shortly after CB became President of The Law Society of England and Wales and chaired the Judicial Diversity Forum on 19 July 2018. He attended a tri-lateral meeting with the Lord Chief Justice and Lord Chancellor on 26 July 2018 where he was able to secure assurances critical to enable JAC to deliver the increased programme for 2018-20 and secured endorsement of the approach to the next High Court competition.
- 5.2. The Chairman reported that he had hosted the Lord Chancellor for dinner on 10 September 2018 to discuss the forward programme and diversity and had met with the Bar Council CEO and Chairman to discuss Bar Council priorities on 11 September 2018.
- 5.3. The Chairman also attended a follow-up meeting on the deep-dive analysis on 11 September 2018 which was also attended by Noel Lloyd and Simon Wessely.
- 5.4. The Chairman invited Board members to comment on relevant activities of particular interest with which they had been involved. Mathu Asokan reported that she had attended the inauguration of the new CILEx President on 19 July 2018.

6. Exercise Proposals: s9(1) Authorisation; s9(4) DHCJ; renewal of s9(1) authorisations for Circuit Judges to sit in Court of Appeal Criminal Division (for decision)

- 6.1. The Head of Senior Appointments presented a paper outlining recommendations for the approach to s.9(1) Authorisation for High Court; s.9(4) Deputy High Court Judge and renewal of s.9(1) authorisation for Circuit Judges to sit in the Court of Appeal Criminal Division (CACD) due to run in 2018-19 as well as the degree to which the first two exercises may be aligned to the recently approved High Court process.
- 6.2. The Board noted the high-level processes for each exercise including the planned increase to the application window for the first two exercises; the light

touch approach proposed for the s.9(1) authorisation for CACD and the proposal to extend the authorisation term to five years.

- 6.3. Following discussion, the Board approved the proposed processes and extension to the CACD authorisation term to five years. On the latter they agreed that the judiciary should be asked to consider a mechanism for either an annual or bi-annual review once renewal of the authorisation had been granted for a further period.

7. Review of Good Character Guidance

- 7.1. The Chairman invited Philippa Whipple to present a note prepared in collaboration with Valerie Strachan on tax avoidance in consideration of the review of the guidance provided to candidates on Good Character.
- 7.2. The Chairman invited the Head of Secretariat to present a paper on the review of the Good Character Guidance including the proposed updated guidance suggested by PW and VS.
- 7.3. Following discussion, the Board approved the amended Good Character Guidance, and delegated publication to the JAC executive staff.
- 7.4. The Board thanked PW and VS for their advice on this matter.

8. Selection criteria for Disability for Lay Members

- 8.1. The Chairman invited Emir Feisal to present a paper prepared in collaboration with Simon Wessely on options for testing eligibility for Disability for Lay Members for future exercises.
- 8.2. The Board noted the proposed options and following discussion, considered that the Lead Judge in the recent Fee-paid Disability Member of the First-tier Tribunal, Social Entitlement Chamber ought to be invited to provide his views on the proposed options. Subject to that, these options should be considered as the planning stage of a future exercise and communicated clearly to candidates at the outset.
- 8.3. The Board thanked EF and SW for their work on this matter.

9. Update on Judicial Pathways Project

- 9.1. The Head of Selection Policy presented a paper to the Board providing an update on the work undertaken on the Judicial Pathways Project following the Board strategy session last October when it was agreed that there was the need for a project to develop clearer guidance on judicial pathways.
- 9.2. The Head of Selection Policy advised by way of update that:
- A joint working group with partners had been established to drive the work and to report to the Judicial Resourcing Group (JRG).
 - The working group had also been working with Judicial Office (JO) and MoJ to better understand the flows of progression through judicial roles and early indications were that it would be possible to gather evidence of key court roles that could provide a feeder to the High Court and that this evidence would also form part of JAC guidance to candidates to articulate the specific pathways to the HC.
- 9.3. The Board noted the progress of the work and confirmed that the aim of the work was to provide clear guidance to candidates.
- 9.4. The Board thanked PW for her efforts on this matter.

10. AOB and date of next meeting

- 10.1. This concluded the business of the Board.
- 10.2. The Chairman confirmed the next meeting would take place on 11 October 2018.