

JUDICIAL APPOINTMENTS COMMISSION (JAC)

10 May 2018

Minutes of Board Meeting

Present	
Board members	Staff
Ajay Kakkar (Chairman) Anne Rafferty (Vice Chairman) Mathangi Asokan (EA) Emir Feisal (EF) Jane Furniss (JF) Andrew Kennon (AK) Sarah Lee (SL) Noel Lloyd (NL)- by telephone Fiona Monk (FM) Brie Stevens-Hoare (BSH) Valerie Strachan (VS) Phillip Sycamore (PS) Simon Wessely (SW) Philippa Whipple (PW)	Head of Strategy and Policy Head of Operations Head of Secretariat/Board Secretary Head of Selection Policy Head of Digital and IT Services Head of Business Services/Complaints Observers Deputy Head of Operations and Programme Quality Lead Senior Communications Manager

1. Guest Speaker: Lord Chief Justice

1.1 The Lord Chief Justice addressed the Board with his reflections on the recent achievements, challenges and future priorities of the Judicial Appointments Commission (JAC). The Chairman then invited Commissioners to respond, and there followed a broad discussion covering the record numbers of vacancies the JAC was being asked to fill, steps being taken to attract a diverse, strong candidate pool, and continuous improvements to the selection process. The importance of supporting existing fee-paid and salaried judges to develop and move on to full-time or more senior roles was emphasised, as was the value to the Commission of independent evidence on judicial performance when assessing their suitability for further appointment.

1.2 The Chairman thanked the Lord Chief Justice for attending and addressing the Board.

2. Apologies and matters arising

2.1 No apologies were received.

2.2 The minutes of the 12th April 2018 meeting were agreed.

2.3 No interests were declared by any Board member in respect of any matter under discussion on the agenda.

2.4 The Chairman formally noted that Usha Karu had resigned from the Board and in recognising her significant contribution to the JAC as Circuit Judge Commissioner, he advised that he would be sending a letter of gratitude on behalf of the Board.

2.5 The Chairman informed the Board that Lori Frecker, Head of Diversity and Engagement, was leaving the JAC and that this would be her last Board meeting. The Board recorded its thanks for Lori's contribution to the JAC over the last two and a half years.

Chief Executive's Report and Management Information Pack

2.6 The Chief Executive reported on:

- JAC finances including that the JAC's budget allocation for 2018/19 had been confirmed by the Ministry of Justice;
- the progress of current exercises; and,
- current staffing levels including: the progress on the recruitment of the Judicial Selection Panel Executives (formerly referred to as Panel Secretaries). The Chief Executive updated the Board that whilst progress was being made on the recruitment for this vacancy, it was unlikely that all ten posts would be filled before the commencement of the forthcoming large exercises this year.

2.7 The Board noted the progress against objectives set out within the Management Information Pack. Philippa Whipple advised that progress toward the development of guidance on judicial pathways was slower than hoped for, but that the Board would be updated following an official level meeting due to be held later in May.

2.8 The Board also noted that in respect of the JAC Digital Strategy, it would need to come to a decision about any future digital platform by the autumn.

2.9 The Chief Executive also presented a paper to the Board on future judicial recruitment requirements and JAC capacity. The Board noted that meeting any further increase in requirements would be dependent on additional resource as well as capacity to develop processes (as selection tools and processes may need to be adapted to accommodate the additional volume); and a sufficient pool of high calibre candidates. Previously set timeline targets may also need to be revisited.

2.10 The Board discussed that in the context of the record volume of recruitment JAC was being asked to carry out, particularly at Tribunal level, there had been some discussions about prioritisation of competitions and how non-legal posts were

being recruited. The Board agreed that it was imperative for the JAC to be able to fulfil its statutory responsibilities in respect of all competitions. However, there was no one-size-fits-all selection process and it was important that each competition was designed to meet the requirements of the specific role.

3. Report back from Committees and Working Groups

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

3.2 Noel Lloyd (NL) reported on the JARS Programme Board (Programme Board) meeting held on 25th April 2018. The Programme Board focussed on the contractors' responses to the incident during Deputy District Judge Qualifying Test on 17th April 2018. The Board were given feedback on what caused the incident, where the memory on one of the servers reaching capacity in a short space of time which affected candidates sitting the test and taking the system offline for a brief time. Their conclusion was that this issue could be avoided in future and made a series of recommendations to improve communications between suppliers in preparation for future qualifying tests and to strengthen their individual assurance processes ahead of the next tests in July.

3.3 Valerie Strachan (VS) reported back on the Audit and Risk Committee (ARC) which met on 26th April 2018. VS informed the Board that the ARC had considered the Management Information Pack, the Corporate Risk Register and the Internal and External audits. VS also advised that the ARC had reviewed the Security Information Risk Owner (SIRO) annual assessment of the JAC's Information Risk Management and noted that no further action had been recommended. VS reported that the ARC were reviewing its own effectiveness and would be reporting back at the July Board. VS advised the Board that the ARC recognised the small underspend of the budget as good budget management and also noted that there was very little short-term absence being taken by staff.

3.4 The Board noted that it would be undertaking its own self-assessment towards the end of the year.

4. Chairman's Report

4.1 The Chairman provided an update on his activities since the last meeting. He reported that he had met with the First Minister of Wales together with Noel Lloyd, provided oral evidence to the Senior Salaries Review Board on its major review of judicial salaries, and attended a meeting of the selection panel to agree recommendations for the Supreme Court.

4.2 The Chairman then invited Commissioners to comment on relevant activities of particular interest with which they had been involved. Several Commissioners had attended a lecture by Sir Brian Leveson, hosted by the Criminal Cases Review Commission.

5. Feedback to Candidates

5.1 The Head of Selection Policy presented a paper to the Board setting out proposals to improve the feedback given to candidates, as initially outlined at the Commission Board's strategy discussion in October 2017.

5.2 VS, as lead Commissioner on the project, commented that, whilst the Board would ideally like all candidates to receive tailored feedback at each stage of the process, this would be unfeasible to achieve in the context of limited JAC resources. The paper proposed that more targeted feedback might be provided to candidates, to improve the candidate experience and distinguish more clearly those candidates we particularly wish to encourage to reapply. In particular, the Board were asked to consider approving three pilots to test the use of enhanced generic feedback reports at different exercise stages.

5.3 The Board noted and approved the plan to be presented with a framework for approval later in the year that will set out a proposed approach to feedback across a range of exercise stages.

5.4 Following discussion, the Board agreed to the taking forward of the three pilots with an additional requirement that, in each exercise, an Assigned Commissioner should be consulted on the approach to quality assurance of feedback to candidates.

6. Deputy District Judge (Magistrates' Court)

6.1 The Head of Operations presented a paper outlining plans for the forthcoming exercise to select candidates for recommendation for Deputy District Judge (Magistrates' Court) vacancies.

6.2 The Board noted the number of vacancies requested; the planned selection process, and the high-level timetable including the pause in the schedule due to the festive break. The Board also noted the recent advice from the Workplace Psychology Group (WPG) and concurred that the Qualifying Test should be split into two distinct stages, due to an unusually high ratio of applications to vacancies.

6.3 Following discussion, the Board approved the proposed process and timetable, and delegated implementation of the proposed timetable and exercise to the JAC staff.

7. Qualifying Test Update Report

7.1 The Head of Digital and IT Services presented a paper outlining the main findings of the technical investigation into the root causes of the problem encountered during the DDJ Qualifying Test on 17th April 2018. The Board noted in particular the two principal causes: insufficient database server disk space and a failure to fully replicate recent JARS changes in the testing system.

7.2 The Board recognised the efforts of the staff in resolving the matter expeditiously and noted the remedial actions being put in place to ensure that the system would be fully operational for future Qualifying Tests planned in the programme. It was a matter of regret that despite the intensive work over the last 12 months, that the system went off line- albeit for a brief period- during a Qualifying Test.

8. Summary analysis of complaints 2017/18

8.1 The Head of Business Services and Complaints presented a paper summarising the formal complaints received over the past year.

8.2 The Board noted the paper including that 59 formal complaints were received during 2017/18 (of which 29 related to the Recorder exercise in 2017); of those 59, 7 were upheld (of which 6 related to the Recorder exercise in 2017). These figures compared to 8 received in 2016/17, although this figure was low in contrast with previous years. The increased number received in 2017/18 was largely attributable to the problems encountered on the Recorder exercise in 2017.

8.3 Over 30% of complaints related to the decision not to invite candidates to selection day and/or the outcome of the selection. Most of these candidates considered that, despite the selection process, they deserved to be selected based on their experience.

8.4 During 2017/18 8 formal complaints were made to Judicial Appointments and Conduct Ombudsman (JACO) from applicants; of which 7 were dismissed and 1 remains outstanding.

8.5 The Board acknowledged the commendation from JACO on the robustness of the processes put in place to deal with complaints arising from the Recorder 2017 exercise.

9. General Data Protection Regulations (GDPR) Update

9.1 The Head of Digital and IT Services presented a paper summarising the action already taken and outlining the steps planned by JAC to ensure full compliance with GDPR.

9.2 The Board noted that JAC was largely already compliant under previous legislation and that following the engagement of a GDPR expert in February/March 2018, the JAC had reviewed all its processes and procedures before producing a report indicating the areas needed to be enhanced to ensure compliance.

9.3 The Head of Digital and IT Services advised the Board that legal advisers had confirmed that any previous exemptions continued to apply.

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 14 June 2018.