

**JUDICIAL APPOINTMENTS COMMISSION (JAC) MEETING**  
**10 September 2015**  
**Minutes of Meeting**

<b>Present</b>	
<b>Commissioners</b>	<b>Staff</b>
Christopher Stephens (Chairman) Julia Macur (Vice Chairman) Martin Forde Emily Jackson Usha Karu Noel Lloyd Alexandra Marks Katharine Rainsford (until item 4) Andrew Ridgway Lucy Scott-Moncrieff Christopher Simmonds Valerie Strachan Debra Van Gene Alan Wilkie	Chief Executive Head of Policy and Change Head of Senior and International Appointments Head of Selection Policy and Process Senior Manager, Operational Policy Senior Communications Officer Organisational Psychologist Private Secretary to the Chairman Board Secretary

**1. Apologies and matters arising**

1.1 Apologies were received from Phillip Sycamore.

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 9 July 2015 meeting were agreed and the Board Action Register noted.

1.4 The Chairman welcomed and introduced the new Board Secretary to Commissioners.

**2. Chairman's Report**

2.1 The Chairman provided an update on his activities since his last report at the July meeting. He reported that he had met with the Lord Chief Justice of England and Wales, the Lord Chief Justice of Northern Ireland, and the incoming President and the Chief Executive of the Law Society (together with Alexandra Marks). He also reported that he had met with the Director of Public Prosecutions to discuss the particular challenges faced by CPS lawyers in obtaining judicial appointment. In addition, he had met with the Chair of the European Court of Human Rights selection panel, Dame Rosalyn Higgins. Lastly, he had met with the Ministry of Justice's new Permanent Secretary, Richard Heaton.

2.2 The Chairman then invited Commissioners to comment on relevant activities of particular interest with which they had been involved. Martin Forde reported that he had spoken at a Conference on Widening Participation in the Legal Profession. Emily Jackson stated that she had spoken at the Society of Legal Scholars Conference.

### **3. Chief Executive's Report and Management Information Pack**

3.1 The Chief Executive provided an oral update on current activity at the JAC. He reported on the JAC's financial position, confirming the JAC's budget allocation for 2015/16 of £4.4m. He also stated that there were additional exercises now included in programme, and the JAC were looking at continued Judicial Appointment Recruitment System (JARS) development.

3.2 The Chief Executive then reported on staffing levels at the JAC, stating that staff vacancies were beginning to be filled. Commissioners recognised the work and achievements of the outgoing Assistant Director of Selection Process and Policy and Senior Communications Officer. The Chairman welcomed and introduced the new Senior Communications Officer who was now in post.

3.3 The Chief Executive reported that the 2015 staff survey was to be launched on 1 October. He then reported that a consultation exercise was being prepared in conjunction with the Chief Statistician to consult on whether to move to producing an annual Official of Statistics Bulletin rather than a bi-annual bulletin.

3.4 The Commission considered the monthly Management Information Pack. The Pack provided an overview of JAC activity up to the end of August 2015. A query was raised regarding how feedback on JARS was being captured, and the Chief Executive said he would ensure Commissioners were fully informed on this point.

### **4. Competency Frameworks**

4.1 The Organisational Psychologist presented a paper seeking the Commission's agreement to adopt competency frameworks for use in selection exercises for the following offices:

- High Court Judge (Chancery, Family and Queen's Bench Divisions)
- Resident Judge of the First Tier Tribunal (Immigration and Asylum Chamber)
- Drainage Member – First Tier Tribunal Property Chamber

4.2 Commissioners noted that the frameworks had been designed to be consistent with the other frameworks so far agreed by the Board, and each had been developed following a full process of job analysis involving a range of relevant judicial office holders. The Organisational Psychologist explained that in response to feedback from panel members the number of indicators had been streamlined where possible, merging those where appropriate and aiming to eliminate duplication. Furthermore, the competencies 'Working and Interacting with Others' and 'Communicating Effectively' had been merged into one new competency area of 'Working and Communicating with Others'.

4.3 Commissioners noted that two of the competency frameworks, for the roles of High Court Judge and Resident Judge of the First Tier Tribunal, incorporate Leadership as a sixth

competency, due to the nature of the roles, and these were the first of the new frameworks to do so.

4.4 Commissioners considered the Leadership competency for the High Court competition in detail. It was noted that candidates for the High Court in the most recent exercises had been assessed against the previous criteria relating to 'leadership and management' ability, as a certain level of such ability had been considered important for all High Court judges. The new individual competency frameworks made it possible to distinguish more clearly the level of ability required for different roles, and this could be seen when comparing the High Court judge framework with the framework for Resident Judge, a specific leadership role.

4.5 Commissioners also discussed the importance of leadership ability for deployment of High Court judges to future leadership roles such as Presider, noting that a number of judges would need to demonstrate a greater level of such ability in order to take on such roles, in some cases within a relatively short period of time. While this reinforced the inclusion of this competency, Commissioners emphasised that it was important not to deter potential candidates who did not aspire to such leadership roles.

4.6 After further discussion, the Commission agreed to adopt the frameworks, pending minor amendment.

## **5. Review of the Policy for Selection of Persons under Section 9(1) to Act as Deputy Judges of the High Court**

5.1 The Head of Selection Policy and Process presented a paper seeking the Commission's agreement to a revised process for leadership posts and a revised wording in relation to the inclusion of s.9(1) requests in a Circuit Judge exercise.

5.2 The Commission agreed to both of these recommendations.

## **6. Welsh Language Scheme and Consultation Paper**

6.1 The Senior Manager (Operational Policy) presented a paper seeking the Commission's approval of a draft Consultation paper on a Welsh Language Scheme (WLS).

6.2 It was noted that following approval of this final WLS and consultation paper, the public consultation was scheduled to launch in October 2015.

6.3 The Commission agreed the Welsh Language Scheme and Consultation Paper, and further agreed that any minor amendments to the Scheme, or minor changes to relevant policy which were considered necessary, could be approved by Noel Lloyd on behalf of the Commission.

## **7. Observers at Selection and Character Committee**

7.1 The Commission considered the proposed protocol which stated that potential guests should be put to the Chairman for approval. The Chairman will decide on the appropriateness of the guest in accordance with the following criteria:

“The attendance of a guest at an SCC meeting is likely to foster mutual understanding and reciprocity between stakeholders. It will not inhibit free and frank discussion; lead to a breach of confidentiality; or otherwise undermine the independence of the Commission.”

7.2 After thoughtful discussion, the Commission agreed that the proposed protocol should be adopted, with a slight amendment to state that both the Chairman and the Vice Chairman will approve the guest.

7.3 It was also agreed that Commissioners would be notified and given the opportunity to express concerns before a guest was invited to the Board.

## **8. Any other business**

The Chairman raised the issue of the 10 year Anniversary of the JAC, and invited Commissioners to provide their ideas for how this could be marked. An initial suggestion was that a small number of events, potentially including some already planned for other purposes, could be linked to the anniversary through consideration of core JAC themes such as independence, merit, diversity, candidate experience and value for money.

## **Date of next meeting**

The Chairman confirmed that the next Board meeting would be held on **Thursday 8 October 2015**.