

JUDICIAL APPOINTMENTS COMMISSION (JAC) MEETING
11 December 2014
Minutes of Meeting

Present	
Commissioners	Staff
Christopher Stephens (Chairman)	Chief Executive
Julia Macur (Vice Chairman)	Director of Operations
Emily Jackson	Judicial Appointments Recruitment (IT) System (JARS) Project Leader
Usha Karu	Assistant Director, Selection Process Review
Noel Lloyd	Equality and Fair Treatment Manager
Alexandra Marks	Organisational Psychologist
Katharine Rainsford	Senior Manager, Operational Policy
Andrew Ridgway	Private Secretary to the Chairman
Lucy Scott-Moncrieff	Board Secretary
Christopher Simmonds	
Valerie Strachan	
Phillip Sycamore	
Debra van Gene	

1. Apologies and matters arising

1.1 Apologies were received from Martin Forde and Alan Wilkie.

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 November meeting were agreed and the Board Action Register noted.

1.4 The Chairman updated the Commission on work to consider the number of Board meetings held in a year, which had indicated that the current level of Board meetings was sufficient to meet the Commission's business requirements. Further consideration would be given to which decisions needed to be made by the full Board and which were appropriate for delegation to a sub-group of Commissioners.

1.5 Commissioners were informed that the Lord Chief Justice had written to the Chairman in support of the Commission seeking a limited exemption to the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975.

2. Chairman's Report

2.1 The Chairman provided an update on his activities since his last report at the November meeting. He reported that he had met with the Chairman of HM Courts & Tribunal Service (HMCTS). In addition he had met with Judge Endo of Japan and a delegation of the Supreme People's Court of Vietnam. The Chairman also reported that he had met with Lord Justice Ryder and the Senior Presiding Judge to discuss the provision of judges.

2.2 The Chairman then informed the Commission that he had attended a meeting of the Judicial Diversity Taskforce, where it had been agreed in principle that the joint Diversity Forum would take forward monitoring of any outstanding recommendations of the *Report of the Advisory Panel on Judicial Diversity 2010*, chaired by Baroness Neuberger DBE. He explained he had also provided evidence to the Judicial Sub-Committee of the Review Body on Senior Salaries.

2.3 The Chairman then invited Commissioners to comment on relevant activities of particular interest with which they had been involved. Chris Simmonds informed Commissioners that he had spoken at an event held by the Association of Lawyers for Children, where he had spoken about opportunities for judicial appointment.

2.4 Alexandra Marks reported that she had spoken at an event on 'The Humanity of Judging', hosted by the UK Supreme Court. She also reported that she had met with representatives of the Women in Law London network. She further informed the Commission on recent activity undertaken by the Solicitor Judges Division of the Law Society.

2.5 Andrew Ridgway reported on developments regarding judicial appointments in the Bailiwick of Jersey. The Vice Chairman then reported on her attendance at an outreach event held in Leeds, alongside the Director of Operations.

3. Chief Executive's Report

3.1 The Chief Executive provided an oral update on current activity at the JAC. He reported that the JAC had agreed a budget of £4.1m for 2015/16 with its sponsoring Department, the Ministry of Justice (MoJ). This was subject to agreement by the MoJ's Executive Committee. He informed Commissioners that analysis had indicated that the JAC would have sufficient resource to meet the requirements of the forthcoming year's selection exercise programme, despite the higher number of recommendations which would be made. In doing so the Chief Executive made reference to efficiencies that would be realised through the introduction of the Judicial Appointments Recruitment (IT) System and the completion of a Voluntary Early Departure Scheme for staff members.

3.2 The Chief Executive then reported on staffing levels and the outcome of a recent staff survey. He further reported that Quarter 1 of the 2015/16 selection exercise programme had been due for confirmation in December 2014, with the remainder due to be signed off in March 2015. He also informed Commissioners of preliminary discussions with other Governmental organisations about JAC assistance consistent with the emerging themes of the recent Triennial Review.

3.3 Last, the Chief Executive reminded the Commission that the JAC's 10th anniversary would take place in April 2016; that he was aware some academic activities were being planned; and that it would be useful to discuss the JAC's approach at a later meeting.

4. Review of two s94 Lists

4.1 The Programme Manager presented a paper seeking the Commission's decision in relation to two lists that had been established under s94 of the Constitutional Reform Act (CRA) 2005 for vacancies which may arise in the foreseeable future. Specifically, the two lists were:

- i. Fee-paid Lawyer Chairman, Residential Property Tribunal (RPT), Wales
- ii. District Judge (Civil)

4.2 The Commission agreed to close both lists with immediate effect in line with its agreed policy, as they had both been open for 12 months.

5. Launch of Judicial Appointments Recruitment (IT) System (JARS) and New JAC Website

5.1 The JARS Project Leader presented a paper seeking the Commission's agreement to launch JARS and the new JAC website in early 2015, as recommended by the project Steering Group, subject to final security accreditation. Noel Lloyd, Chair of the Steering Group, commended the Project Leader for his work on the project.

5.2 The Project Leader provided the Commission with a demonstration of JARS and the new website. After detailed discussion, the Commission agreed to launch JARS and the new JAC website, as proposed. In coming to its decision, Commissioners noted that there still remained outstanding testing to be completed, in addition to accessibility checks, staff training and the drafting of finalised website content.

6. Self-evaluation Tools ('Am I Ready?')

6.1 The Assistant Director, Selection Process Review, presented a paper asking the Commission to consider progress made on the development of online self-evaluation tools for candidates and to authorise a sub-group of Commissioners to approve a version of the tools to be published on its behalf, at a meeting in January 2015.

6.2 The Commission noted that the tools would be subject to further refinement, over time, following publication. Commissioners had been given access to the tools and the Commission further noted that all Commissioners would be provided with access to the version of tools to be published. This would enable Commissioners to submit comments for consideration at the

January meeting. It agreed that the tools would help the JAC in its aim to reach out to the widest pool of eligible candidates.

6.3 After further discussion, the Commission noted progress made and agreed to authorise a sub-group of Commissioners to approve a version of the tools to be published on its behalf, at a meeting on 15 January 2015.

7. Selection Process for the 2015 Recorder Exercise

7.1 The Assistant Director, Selection Process Review, and the JAC Organisational Psychologist presented a paper seeking the Commission's agreement to adopt two competency frameworks to be used in the forthcoming Recorder selection exercise in the crime and family jurisdictions respectively. The Commission's agreement was also sought on the use of these frameworks as the basis for other such frameworks to be used in all exercises to be launched over the next year. The paper also set out progress made on the development of a second stage shortlisting tool to be used in the Recorder exercise.

7.2 After careful consideration, the Commission agreed to the adoption of the two competency frameworks, as proposed, pending minor amendment. The Commission also agreed for the frameworks to be used as the basis for frameworks used for all exercises to be launched over the next year, from April 2015.

7.3 Noting progress made on the development of a second stage shortlisting tool, the Commission agreed to authorise a sub-group of Commissioners to approve the tool to be used, on its behalf, on 15 January.

7.4 In coming to its decision, the Commission noted that the sub-group would comprise the Commissioners assigned to the exercise, including the Chairman, in addition to all other Commissioners who would be available to attend. Further, it was explained that all Commissioners would be provided with the detail of the proposed process to be followed and would be invited to submit comments for consideration at the meeting on 15 January.

8. Revised Reference Process

8.1 The Assistant Director, Selection Process Review, presented a paper seeking the Commission's agreement to amend the way in which references in selection exercises are handled.

8.2 The Commission agreed that the types of references sought in exercises would be reduced to two: 'judicial' and 'professional'. Professional references would speak to a candidates'

experience as a practising legal professional and judicial references would speak to a candidates' experience as a sitting judge. The Commission also agreed that the number of references to be sought for each candidate for each exercise would be reduced to two.

8.3 The Commission further agreed that judicial referees would be asked to draw upon recent appraisal material, where available, when completing references. It also agreed that candidates would be asked to provide the details of referees at as late a stage as possible in each selection exercise.

8.4 The Commission also considered amendment to the weighting attributed to evidence provided in references. It also considered amendments to the reference forms used, to reflect best practice. It agreed that further consideration would be required in order for such amendments to be approved.

8.5 It was confirmed to Commissioners that referees would input their assessment of candidates directly onto JARS following the system entering into live service.

9. Response to the *Accelerating Change* Report by Sir Geoffrey Bindman and Karon Monaghan QCs

9.1 The Equality and Fair Treatment Manager presented a paper seeking the Commission's agreement to respond publicly to the recently published *Accelerating Change* report, incorporating a number of points put before it for consideration.

9.2 In considering its response, the Commission agreed that the response should seek to clarify points of fact, setting out steps the JAC has taken and is due to take on the issue of judicial diversity.

9.3 After detailed discussion, the Commission agreed that the response should incorporate the points set out in the paper, pending a small number of revisions.

9.4 The Commission considered particularly the recommendation in the report that the JAC should collect data on candidates' socio-economic background. It agreed that further consideration was required regarding this issue.

10. Report on Low Numbers of Applicants in Some Exercises

10.1 The Director of Operations presented a discussion paper inviting Commissioners' views on the further steps which might be taken to attract applicants for specific salaried leadership posts.

10.2 The Commission noted that some leadership posts commanded additional remuneration, but that this was not the case for all such posts, despite the additional responsibility involved. It further noted that the salaries of those who hold leadership posts would likely be considered in any forthcoming review of the judicial salary structure.

10.3 The Commission was encouraged by the performance of women in selection exercises to salaried leadership posts in 2014. It agreed to the continued monitoring of applicant numbers and applicant quality in respect of the relevant posts and to return to the matter at a later date for further consideration.

11. Report Back from Working Groups

11.1 Valerie Strachan, Chair of the Audit and Risk Committee, provided the Commission with an update on the Commissioner Committee Members' evaluation of the Committee's performance, which had been completed in line with the National Audit Office's *Audit Committee Self-Assessment Checklist*. She confirmed that the findings of this evaluation indicated that the Committee was effective.

12. Management Information Pack

12.1 The Commission considered the monthly Management Information Pack. The Pack provided an overview of JAC activity up to the end of December 2014.

13. Any Other Business

13.1 The Chairman raised the possibility of inviting certain officials from the Ministry of Justice, and other partner organisations external to the JAC, to attend Selection and Character Committee meetings as observers, as has been done previously. After a brief discussion, the Commission agreed to consider the matter further at its February meeting.

Date of next meeting

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

He also reminded Commissioners of the meeting to be held on **Thursday 15 January**, to which all Commissioners were invited. It was confirmed that this would be the meeting that the Commission had authorised to make final decisions with regard to the self-evaluation ('Am I Ready?') tool for candidates and the Recorder selection exercise process (as agreed at paragraphs 6.3 and 7.3, above respectively).

Commissioners noted that it had been the Director of Operation's last attendance at a Commission Board Meeting prior to her departure. Commissioners thanked the Director for her work and the leadership she had demonstrated during her time at the JAC.

The Chairman indicated that there would be an opportunity for Commissioners to thank JAC staff, for their work throughout 2014, at the end of the meeting.