

JUDICIAL APPOINTMENTS COMMISSION (JAC) MEETING
11 February 2016
Minutes of Meeting

Present	
Commissioners	Staff
Christopher Stephens (Chairman) Ian Burnett (Vice Chairman) Usha Karu Noel Lloyd Alexandra Marks Katharine Rainsford Andrew Ridgway Christopher Simmonds Valerie Strachan Phillip Sycamore Debra van Gene Alan Wilkie	Chief Executive Head of Policy and Change Head of Senior and International Appointments Head of Selection Exercise Teams Head of Selection Policy and Process Head of Equality and Diversity Head of Digital and IT Systems Senior Manager, Operational Policy Senior Communications Manager Private Secretary to the Chairman Board Secretary
Guest	
Steve Parks, Managing Director, Wunder UK (Item 4 only) Rt Hon Michael Gove MP, Lord Chancellor and Secretary of State for Justice (Item 8 only)	

1. Apologies, and matters arising

1.1 Apologies were received from Martin Forde, Emily Jackson and Lucy Scott-Moncrieff.

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 10 December 2015 meeting were agreed and the Board Action Register noted.

2. Chairman's Report

2.1 The Chairman provided an update on his activities since his last report at the December meeting. He reported that he had met with the Judicial Appointments and Conduct Ombudsman. He also reported that he had met with Lord Hodge, Justice of the Supreme Court, in relation to a forthcoming visit to Myanmar. He also met with the Chairman and Vice Chairman of the Chancery Bar Association.

2.2 The Chairman then invited Commissioners to comment on relevant activities of particular interest with which they had been involved. Alexandra Marks reported that she had spoken at an event for around 100 solicitors at Clyde & Co.

3. Chief Executive's Report and Management Information Pack

3.1 The Chief Executive provided an oral update on current activity at the JAC, first reporting on the JAC's financial position.

3.2 The Chief Executive then reported on staffing levels at the JAC, stating that key replacements for some staff vacancies were continuing to arrive.

3.3 The Chief Executive then provided an update on the selection exercise programme for the current year, 2015/16. He reported that the exercise to recruit parole board members under s98 of the Constitutional Reform Act 2005, was expected to launch in April.

3.4 The Chief Executive then reported that he and the Head of Operations had a productive meeting with the Senior Presiding Judge and Deputy Senior Presiding Judge, together with Ian Burnett.

3.5 The Commission considered the monthly Management Information Pack. The Pack provided an overview of JAC activity up to the end of January 2016.

4. JARS update

4.1 The Head of Digital and IT Systems presented a paper requesting that the Commission note the developments delivered so far, as well as the priorities for future development in order to provide further improvements and functionality to JARS and the JAC website. He was accompanied by Steve Parks, the Managing Director of Wunder UK.

4.2 The Commission welcomed the progress update, noting good progress was being made particularly in regard to website improvements.

4.3 The Commission noted that JARS had been in live service for just over one year and noted some of the key facts and figures on all the activity that had taken place and had been delivered through JARS.

4.4 Steve Parks commented on the success of the project which he said was largely down to the leadership and approach of the JAC.

4.5 The Commission was informed that that there had been a number of technical issues which had affected some panel members' ability to use JARS, which were being resolved. The Head of Digital and IT Systems and Steve Parks reassured the Commission that panel member feedback was informing ongoing and planned improvements.

5. Statutory Consultation

5.1 The Chief Executive presented a paper requesting that the Commission note the clarification regarding statutory consultation that had been provided to senior judges, reassuring them that both negative and positive comments on candidates are taken into account.

5.2 Commissioners welcomed the clarification that had been provided, and suggested that further consideration should be given to the implications of this in terms of the grading of, and fairness to, candidates. They agreed to set aside time for this broader discussion at their annual two-day strategic Commission event in March 2016.

6. Timing of Self-Assessment

6.1 The Senior Manager, Operational Policy, presented a paper seeking the Commission's approval to pilot a change in the timing of self-assessment. The proposal involved delaying the self-assessment until candidates had completed the qualifying test (QT) in the upcoming Deputy District Judge (Magistrates' Courts) exercise (DDJ Mags).

6.2 The Commission noted that the recommendation had been informed by the ongoing review of the Recorder 2015 exercise, and had been developed in response to feedback from a range of parties including candidates, panellists, senior judges and the Chancery Bar Association.

6.3 After careful consideration, the Commission agreed to the proposal to pilot a change in the timing on the upcoming exercise for DDJ (Mags), in order that candidates are not required to complete a self-assessment until after the QT. The pilot will be carefully monitored and evaluated, including assessment of the impact on timelines and possible diversity implications.

7. Welsh Language Scheme – final version and consultation response

7.1 The Senior Manager, Operational Policy, presented a paper seeking the Commission's approval of the final Welsh Language Scheme (WLS) and the consultation response for publication.

7.2 The Commission agreed the final WLS and consultation response, thanking the Senior Manager for all the careful and sustained work put into the scheme. It further agreed that any minor revisions to the Scheme, following submission to the Welsh Language Commissioner's Office, could be approved by Noel Lloyd on behalf of the Commission.

8. Guest: Rt Hon Michael Gove, Lord Chancellor

8.1 The Chairman welcomed the Lord Chancellor to the meeting.

8.2 The Lord Chancellor thanked the Commission for inviting him to attend the meeting and took the opportunity to thank the Chairman for his leadership of the JAC over the last five years.

8.3 The Lord Chancellor began by encouraging the Commission to expand the traditional definition of diversity and to consider the importance of intellectual diversity in the judiciary, for example by reaching out to academics and members of the Government Legal Service. The Lord Chancellor also emphasised the increasing need for judges to possess leadership and management skills, and welcomed the JAC's awareness of the need to identify judges with these skills.

8.4 The Lord Chancellor acknowledged that there was a limit to what the JAC alone could do to increase diversity, given the current limitations of the candidate pool. He acknowledged the importance of increasing the availability of part-time working patterns at different levels of the judiciary, and said he would like to think creatively with the Lord Chief Justice about how to open up further opportunities for career progression.

8.5 There was general discussion on attracting candidates at senior levels. The Lord Chancellor agreed that standards should not be lowered, and set out some of the ways he was seeking to ensure that judicial roles remained attractive. These included responding to the recommendations of the Senior Salaries Review Body, ensuring the contribution made by the judiciary is properly recognised by ministers, and reviewing the current prohibition on return to practice – noting that this is something which could make judicial appointment more attractive to all members of the legal profession.

8.6 There was general discussion on the need for candidates to have prior jurisdictional knowledge. The Lord Chancellor commented that the ideal candidate would have both ability and deep knowledge of the area relevant to the role. However, flexibility is an increasingly important consideration and in that sense he recognised the value of raw ability. The Lord Chancellor then left the meeting.

9. Report Back from Working Groups

9.1 Valerie Strachan, Chair of the Audit and Risk Committee provided the Commission with a brief update of the Committee's meeting of 28 January 2016. She informed the Commission that Alison Mitchell, member of the Judicial Appointment Board for Scotland (JABS) had renewed her membership to remain on the Committee. The Committee had also reviewed the Management Information Pack and had received internal audit reports.

10. Any other business

10.1 Andrew Ridgway provided his annual health check on JAC independence, setting out the risks that he is currently monitoring.

Date of next meeting

The Chairman confirmed that the next Board meeting would be held on **Thursday 10 March**, and would form part of the **Annual Strategic Review** which would take place on **Thursday 10 and Friday 11 March**.