

JUDICIAL APPOINTMENTS COMMISSION (JAC) MEETING
11 June 2015
Minutes of Meeting

Present	
Commissioners	Staff
Christopher Stephens (Chairman) Emily Jackson Usha Karu Noel Lloyd Alexandra Marks Katharine Rainsford Andrew Ridgway Lucy Scott-Moncrieff 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 Process and Policy Head of Human Resources Senior Communications Officer Organisational Psychologist Private Secretary to the Chairman Board Secretary
Guest (Item 5 only) Lady Justice Hallett, Deputy Chair, Diversity Committee of the Judges' Council	

1. Apologies and matters arising

1.1 Apologies were received from Martin Forde and Julia Macur.

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 14 May meeting were agreed and the Board Action Register noted.

1.4 The Chairman informed Commissioners that it was the Board Secretary's last attendance at a Commission Board Meeting. The Chairman thanked the Board Secretary for his work.

2. Chairman's Report

2.1 The Chairman provided an update on his activities since his last report at the May meeting. He reported that he had met with the Lord Chief Justice, the Legal Advisor for the Foreign & Commonwealth Office and the Treasury Solicitor to discuss appointments to courts with a Europe-wide jurisdiction. He also reported that he had met with the Recorder of London and other judges at the Central Criminal Court.

2.2 The Chairman then informed the Commission that he had an introductory meeting with the recently appointed Lord Chancellor and Secretary of State for Justice, the Rt Hon Michael Gove MP. In addition, he had chaired a meeting of the Diversity Forum. Last, the Chairman reported on his attendance at the annual presidential dinner of the Chartered Institute of Legal Executives (CILEx), along with Christopher Simmonds and the Chief Executive.

2.3 The Chairman then invited Commissioners to comment on relevant activities of particular interest with which they had been involved. Katharine Rainsford reported that she had met with the Head of the Judiciary of the Sultanate of Oman. Noel Lloyd informed the Commission of his involvement in the assistance the JAC is providing to the Welsh Government on appointments to devolved tribunals. He also reported that he had met again with the Permanent Secretary to the Welsh Government. Last, Alexandra Marks reported that she had attended an outreach event aimed at attracting legal professionals working in intellectual property to apply for judicial office.

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 indication for 2015/16 of £4.4m. He stated that an additional £100,000 capital allocation was being sought in order to make further enhancements to the Judicial Appointments Recruitment (IT) System.

3.2 The Chief Executive then reported on staffing levels at the JAC, stating that work was underway to recruit staff to a number of key positions. He explained that the JAC's latest set of official statistics had been published on 4 June, covering the six month period between October 2014 and March 2015. He went on to say the JAC would in future investigate the feasibility of releasing its official statistics on an annual basis.

3.3 The Chief Executive reported that new content had been added to the JAC website, providing additional information for prospective candidates and referees. He stated that good progress was being made towards meeting the recommendations of the recent Triennial Review report on the JAC. The Commission noted that it would see a progress report at the next meeting.

3.4 The Chief Executive updated Commissioners on the JAC's continued work in seeking a partial exemption from the Rehabilitation of Offenders Act 1974, which is supported by both the Senior Presiding Judge and the Lord Chief Justice of England and Wales. He also reported that the JAC had recruited Welsh-speaking panel members to assess candidates' suitability for relevant offices. Last, the Chief Executive explained that the selection exercise programme for 2015/16 had been confirmed, with the exception of the final quarter which was in the process of being finalised.

3.5 The Commission considered the monthly Management Information Pack. The Pack provided an overview of JAC activity up to the end of May 2015.

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:

- Deputy High Court Judge (Family, Chancery and Queen's Bench Divisions)
- Valuer Chairman and Member, First-tier Tribunal, Property Tribunal
- Chairman and Member, Valuation Tribunal for England

4.2 The Organisational Psychologist informed Commissioners that the frameworks had been developed following extensive consultation with judicial office holders and other subject-matter experts. With regard to the Deputy High Court Judge framework, the Commission noted that these had been considered by all the Heads of Division.

4.3 After further discussion, the Commission agreed to adopt the frameworks, pending minor revision. In doing so, it noted the clarity of the language used, which made plain the distinction between those offices with leadership responsibilities and those without.

5. Guest: Lady Justice Hallett, Deputy Chair, Diversity Committee of the Judges' Council

5.1 The Chairman welcomed the Commission's former Vice Chair Lady Justice Hallett to the meeting and introductions were made.

5.2 Lady Justice Hallett reflected on her experience of the JAC, both during and since her term as a Commissioner. As Vice-Chairman, she had seen herself as a bridge between the JAC and the judiciary, and offered her reflections on the relationship between the two. She stated that confidence in the JAC had grown; however, she acknowledged that there was still much work to be done. She then discussed the issue of diversity and the need to attract strong candidates from a wide range of non-traditional backgrounds to apply for judicial office. She encouraged the Commission to consider applying the Equal Merit Provision, under the Crime and Courts Act 2013, at earlier stages of the selection process.

5.3 Lady Justice Hallett explained the support programme which she had launched to develop future High Court Judges, which included mentoring, application workshops and shadowing of incumbent justices. This programme was seen as a positive measure to increase the diversity of the judiciary, particularly in relation to women; individuals from a minority ethnic background; and those from underprivileged backgrounds. The programme had proved popular and was greatly oversubscribed.

5.4 There was then a discussion of other strategies which could be expanded to encourage candidates from the widest background, including the provision for more judicial offices to be available on a part-time working basis. The importance of social mobility was also raised, and how to develop more sophisticated means of monitoring this was discussed.

5.5 Discussion turned to shortlisting methods used in the current Recorder selection exercise. It was acknowledged that for an exercise of this scale it was a difficult but important task to design

a selection process that was fair to all, while still ensuring that candidates had the necessary competencies for the role.

6. Review of s94 List: Circuit Judge

6.1 The Programme Manager presented a paper seeking the Commission's decision in relation to a list that had been established under s94 of the Constitutional Reform Act (CRA) 2005 for vacancies which may arise in the foreseeable future. The list had been created following the completion of the 2014 Circuit Judge exercise.

6.2 The Commission agreed to close the list with immediate effect in line with its agreed policy, as it had been open for 12 months.

7. International Appointments

7.1 The Head of Senior and International Appointments reported that there had been very positive feedback from the Foreign & Commonwealth Office, Ministry of Justice and senior judiciary about the recent exercise to select a UK judge for the General Court of the European Union. He reported that the Lord Chancellor was considering whether there were other similar appointments for which he might invite the JAC to make a selection. The Commission would be informed about any such request.

8. Live Pilot of Video Assessment

8.1 The Head of Selection Process and Policy presented a paper seeking the Commission's agreement to proposals for piloting 'video assessment' on a live selection exercise.

8.2 Commissioners agreed with the proposals, as presented. In doing so, it noted that the pilot would be conducted alongside a live exercise, but that the results would not contribute towards the assessment or grading of candidates. It also noted that the pilot would be conducted alongside an exercise to an entry level post. However, there were no exercises currently in the programme which met their criteria for such an exercise.

8.3 In coming to its agreement, the Commission noted that some candidates might choose not to participate in a pilot that did not contribute towards assessment. Nevertheless, the Commission was confident that sufficient candidates would participate in the pilot seriously to allow JAC staff to make an assessment of the suitability of video interviewing as a fair shortlisting tool.

9. JAC Annual Report 2014/15

9.1 The Senior Communications Officer, presented a draft copy of the JAC Annual Report for 2014/15 to the Commission for approval.

9.2 The Commission approved the substance of the draft report, noting that the Financial Report and Accounts were subject to review by the Audit and Risk Committee and, as such, were yet to be finalised.

9.3 Commissioners were invited to provide any comments on points of detail to the Senior Communications Officer.

10. Non-members of JAC Attending Selection and Character Committee (SCC) Meetings

10.1 The Board Secretary presented a paper seeking the Commission's agreement to a protocol for approving the attendance of external observers at SCC meetings, on a case-by-case basis.

10.2 The Commission agreed in principle that allowing guests to observe SCC meetings could enhance the JAC's reputation for rigorous and considered decision making, and foster mutual understanding with key partners. It further agreed that a protocol should be used to inform the approach to those who might be invited to observe SCC meetings. As a minimum, the Commission agreed that no individual would be allowed to observe a meeting if their presence might lead to a real or perceived threat to the Commission's independence, the protection of candidate confidentiality, or harm the frankness or candour of discussion.

10.3 After thoughtful discussion, the Commission came to a provisional view that the proposed protocol should be adopted, but agreed that the detail would be finalised at a later date.

11. Complaints Annual Update 2014/15

11.1 The Head of Human Resources (HR) presented a paper to Commissioners setting out an analysis of complaints received by the JAC in 2014/15. The Constitutional Reform Act 2005 provides for any candidates 'who claim to have been adversely affected as an applicant for selection' to formally complain to the JAC.

11.2 The Head of HR informed Commissioners that the number of complaints had dropped significantly from the preceding financial year, even when accounting for the lower number of applications. Twelve candidates had complained to the JAC formally in 2014/15, compared to 65 in 2013/14. Of these twelve candidates, Commissioners were informed, only one had escalated their complaint to the Judicial Appointments & Conduct Ombudsman (JACO). No complaint was upheld by the JAC or JACO, and no single selection exercise received a disproportionate number of complaints. Furthermore, no particular trend in the substance of complaints could be identified.

11.3 The Commission was further informed that the appeal hearing in respect of a complainant who had sought a Judicial Review of a decision made by the Selection and Character Committee had yet to be heard.

12. Report Back from Working Groups

12.1 Emily Jackson, Chair of the Advisory Group, provided the Commission with an update on the Group's meeting of 27 May 2015. She informed Commissioners that the operation of the Group was under review and that a paper would be prepared for the Commission's consideration in the autumn. At its meeting, the Group had discussed situational/technical questions for the District Judge (Magistrates' Court), Cost Judge and Salaried Regional Medical Member selections exercises. It had also considered the 'Am I Ready?' tool, designed to assist prospective candidates.

12.2 Noel Lloyd, Chair of the JARS Steering Group, provided the Commission with an update on the Group's meeting of 18 May. He informed the Commission that the project to develop JARS had been formally closed. Commissioners noted that oversight of the implementation and further development of JARS would be taken on by the Change Programme Board.

Date of next meeting

The Chairman confirmed that the next Board meeting would be held on **Thursday 9 July 2015**.