

**JUDICIAL APPOINTMENTS COMMISSION (JAC) MEETING
12 SEPTEMBER 2013
MINUTES OF MEETING**

PRESENT Commissioners	Staff
Christopher Stephens (Chair) Jill Black David Bean Malcolm Birchall Martin Forde Noel Lloyd Alexandra Marks Stella Pantelides Andrew Ridgway Ranjit Sondhi Valerie Strachan John Thornhill Alan Wilkie	Chief Executive Director of Operations and Policy Policy Officer (for item 4) Project Manager, End to End and Legislative Change (for item 5) Equality and Fair Treatment Officer (for item 5) Selection Exercise Manager (for item 6) Project Manager, IT Change Project (for item 7) Private Secretary to the Chairman Board Secretary

1. Apologies and matters arising

1.1 Apologies were received from Deborah Taylor and Alison McKenna.

1.2 The Chairman informed the Commission that it was Jill Black's last Board meeting as her term of office was due to come to an end on 1 October 2013. The Chairman and Commissioners expressed their gratitude for the significant contribution she had made to the Commission during her term and wished her well.

1.3 All Commissioners confirmed that they had no personal interest in any matters to be discussed on the agenda.

1.4 The minutes of the 11 July meeting were agreed, subject to a small amendment at item 5.2.

1.5 The Board Action Register was noted.

2. Chairman's Report

2.1 The Chairman provided an update on his activities since his last report at the July meeting. He had met with the High Court Judges Association, alongside the Lord Chief Justice and the Master of the Rolls. He had also attended a valedictory service for Lord

Judge and had held a bilateral discussion with Helen Grant MP.

2.2 In addition, the Chairman gave the Commission an overview of the process used by the selection panel in the recent exercise held to select the next Lord Chief Justice.

2.3 Both Valerie Strachan and Andrew Ridgway emphasised the high level of commitment and support that had been provided by Jeremy Brooks, the Selection Exercise Manager for senior appointments, to the panels for both the Lord Chief Justice and the President of the Queen's Bench Division exercises.

2.4 The Chairman informed the Commission that it was the intention of Stella Pantelides to step down as a JAC Commissioner at the end of January 2014, due to a combination of other commitments.

2.5 The Chairman invited Commissioners to comment on any specific activities with which they had been involved. Malcolm Birchall commented on the recent Panel Training session which he had attended and had been of much interest.

3. Chief Executive's Report

3.1 The Chief Executive provided an oral report on the current financial position of the 2013/14 budget and on the progress of the accommodation move from Steel House to Petty France in October.

3.2 He informed the Commission that the research on Barriers to Application to Judicial Appointment had been published over the summer and that a Diversity Forum Working Group would be identifying the key measures that should be taken in response to the research findings. He also updated the Commission on the Crime and Courts Act 2013 (CCA), as all three sets of judicial appointments regulations had now been made.

3.3 The Chief Executive also provided an update on the review of the staffing structure that would be effective from 1 October.

4. Evaluation of Reduced References Pilot

4.1 The Policy Officer presented a paper to the Commission which proposed that it should be an option within JAC Selection Process tools to require candidates in an exercise to nominate only one personal referee, rather than three as required at present. The reduction

in references had been piloted on five exercises and all parties involved in those pilots had endorsed the benefits.

4.2 The Commission discussed the proposal at length and considered that an overall reduction in references was required. However it endorsed the proposal of the option to require only one personal reference in relation to non-legal and fee-paid posts only.

4.3 In relation to salaried judicial posts, the Commission was in favour of maintaining the requirement that candidates would nominate three personal referees as the default position. It further agreed that, if it was considered appropriate to require fewer personal references for such an exercise, the Assigned Commissioner would seek the formal agreement of the Board.

5. Application of the “equal merit” provision

5.1 The Project Manager, Legislative Change, presented a paper to the Commission which set out the results of the public consultation on the application of the CCA “equal merit” provision, alongside a proposed policy for the JAC to apply in its selection process

5.2 The Commission debated various aspects of the proposed policy, including the groups to which it should apply. In addition, they considered a number of issues raised in a short paper prepared by David Bean.

5.3 Following detailed discussion, the Commission agreed that there were several points on which it should seek further legal advice. Commissioners therefore agreed that the Project Manager would incorporate their comments into the draft policy and then share this with legal counsel. Once advice had been received and reflected in the draft policy, it would come back to the Board in November for consideration. The Project Manager would also arrange for counsel to be present at that meeting.

6. Selection Process for Circuit Judge

6.1 The Selection Exercise Manager presented a paper to the Commission which outlined the proposed selection process to select 15 Circuit Judges for immediate appointment under s87 of the Constitutional Reform Act 2005 (CRA).

6.2 The paper sought agreement from the Commission to select from near-miss candidates from the Circuit Judge 2012 exercise to fill these positions as well as those on the current s94 list. Jill Black, Valerie Strachan and David Bean, the latter two as Assigned

Commissioners for the previous and forthcoming Circuit Judge exercises respectively, had been consulted in addition to Her Majesty's Courts and Tribunal Service, the Judicial Office and the Senior Presiding Judge. The Commission noted that all were supportive of the proposal.

6.3. Commissioners endorsed this proposal as well as the draft letters to candidates enclosed with the paper, subject to several minor amendments. Location preferences and character checks would be refreshed, along with statutory consultation comments, ahead of a further paper setting out the selection recommendations that would be presented at a Selection and Character Committee meeting currently scheduled for 21 November 2013.

7. Judicial Appointments Recruitment System – Update

7.1 The Project Manager, IT and Change Project, provided a paper updating the Commission on progress being made to identify a supplier to provide a fully integrated online system to replace the JAC's current system and its related applications.

7.2 The Commission was asked to endorse the decision of the IT Project to fully engage with the two preferred suppliers who had tendered and undertake due diligence; and to agree that following the second procurement stage the choice of the preferred supplier to recommend to the JAC is made by the Project Board. Subject to that decision a paper would be brought to the Commission Board meeting in November for final ratification. The Commission endorsed this proposal.

7.3 The Chairman thanked Noel Lloyd and the Project Manager for their significant contributions made towards this project.

8. Report Back from Working Groups

8.1 Noel Lloyd, Chair of the Judicial Appointments Recruitment System Replacement Project Board (JARS), informed the Commission that the Group had met earlier that day (12 September) and confirmed that all the issues from that meeting had been addressed at item 7 above.

8.2 Valerie Strachan, Chair of the Audit and Risk Committee, provided an update on the work of the Committee, which last met on 19 July to discuss the Management Information Pack, the Corporate Risk Register, the Quarterly Accounts and the Assurance Statement on the Departure of the Director of Operational Services.

8.3 It had also discussed progress towards the implementation of Audit recommendations, Internal and External Audit and the implications of the 2012/13 Governance Statement.

8.4 Stella Pantelides, Chair of the Advisory Group, provided a report on the work of the Group which had last met on 17 July to discuss feedback reports for the District Judge (Magistrates' Courts) Wales and the Regional Judge and Deputy Regional Judge of the First-Tier Tribunal, Property Chamber and the qualifying test for Fee-Paid Employment Judge. It had also discussed the closedown report for Deputy District Judge (Magistrates' Courts), the qualifying tests for Fee-Paid Medical Member (Health, Education and Social Care) and Mental Health Review Tribunal Wales, and also the role play for the Fee-Paid Medical Member of the First-Tier Tribunal (HESC) Mental Health. The Group had also discussed the situational scenario for District Judge (Civil) 2013, Lawyer Chairmen (Residential Property Tribunal Service Wales), Fee-Paid Deputy Judge and Salaried Judge of the Upper Tribunal (Administrative Appeals Chamber) and Specialist Circuit Judge of the Patents County Court.

9. Management Information Pack

9.1 Commissioners noted the Management Information Pack included in the papers.

10. Any other business

10.1 The Private Secretary informed the Commission of the proposed SCC and Board meeting dates for 2014 which would follow a similar pattern as for the current year. The Secretariat would forward those by email for Commissioners to note.

10.2 The Chief Executive informed the Commission that a visit to the JAC's new accommodation would be organised and the next Board day on 10 October was identified as the most suitable time. The Secretariat team would co-ordinate.

10.3 Finally, the Chairman paid tribute to Sir Geoffrey Inkin (former JAC Commissioner) who had sadly passed away on the 22 August, and provided details of a memorial service to be held on 15 November.

Date of next meeting

The Chairman confirmed that the next Board meeting would be held on **Thursday 10 October**.