

JUDICIAL APPOINTMENTS COMMISSION (JAC) MEETING

13 February 2020

Minutes of Board Meeting

Present	
Commissioners	Staff
Ajay Kakkar (Chairman) Anne Rafferty (Vice Chairman) Jane Furniss Brie Stevens-Hoare Andrew Kennon Simon Wessely Sarah Lee Philip Sycamore Anuja Dhir Sarah Falk Sue Hoyle Mathangi Asokan Emir Feisal	Chief Executive Deputy Chief Executive Head of Operations and Digital Head of Selection Policy Head of Secretariat/Board Secretary Head of Diversity and Engagement Senior Selection Policy Advisor Senior Selection Exercise Manager Selection Exercise Team Manager
Apologies:	Observers: Senior Selection Policy Advisor Statistician

1. Apologies and matters arising

- 1.1 The minutes of the 12 December 2019 meeting were agreed.
- 1.2 No interests were declared by any Commissioner in respect of any matter under discussion on the agenda.

2. Chief Executive's Report and Management Information Pack

2.1 The Chief Executive:

- reported on the agreed two-year programme with HMCTS and the work conducted to date;
- provided an oral update on the JAC's financial position;
- provided an update on the 2019 People Survey results and informed the Board that these will feed into a refreshed People's Plan by April 2020. The Chairman expressed thanks on behalf of the Board for the hard work of JAC colleagues. The Audit and Risk Committee had carried out a 'deep dive' of the People Survey results and overall the committee is satisfied that the right action was taken following the last survey and that the JAC is moving in the right direction;

- reported on his annual attendance of the HMCTS board;
- advised the Board that the JAC has published its annual evidence to the Senior Salaries Review Body (SSRB) and reported that the Chairman will provide oral evidence to the SSRB later this month;
- updated the Board on the JAC's contingency planning for the Coronavirus. The JAC has linked in with Cabinet Office on Coronavirus as part of its risk management.

3. Report back from Committees and Working Groups

3.1 The Chairman asked Commissioners to report back on recent meetings of committees and working groups.

Audit and Risk Committee

3.2 Jane Furniss (JF) reported back from the Audit and Risk Committee (ARC) held on 23 January 2020.

3.3 The Committee reviewed the risk on Staff Engagement and Morale. This discussion was complemented by the recent publication of the People Survey results.

3.4 The proposed internal audit plan for 2020-21, which includes an audit on staff engagement, was also reviewed and agreed.

3.5 JF reported on the progress of internal and external audits currently underway.

3.6 The Committee conducted its annual review of the JAC's Whistleblowing Procedure and Risk Management Policy and was content with the arrangements in place.

Advisory Group

3.7 Emir Feisal (EF) reported back from the Advisory Group (AG) held on 28 January 2020.

3.8 The AG welcomed their new Law Society representative.

3.9 The President of Tax Chamber has stood down, the AG expressed thanks for his work. A replacement will be sought via the Senior President of Tribunals' office.

3.10 The AG considered the situational questioning for a number of upcoming exercises.

Digital Board

3.11 Andrew Kennon (AK) reported back from the last Digital Board held on 5 February 2020.

3.12 AK reported the JAC is on target to deliver against the digital strategy.

3.13 The review of the content and structure for the new website is underway. Feedback is being analysed about existing website usage.

3.14 AK reported that overall things are progressing well with the new digital platform.

4. Chairman's Report

4.1 The Chairman reported that he held a successful meeting with the Welsh First Minister Mark Drakeford in January in Cardiff with Brie Stevens-Hoare (BSH).

Anne Rafferty (AR) successfully chaired the Judicial Appointments Board for Scotland (JABS) and the Northern Ireland Judicial Appointments Commission (NIJAC) in January for their first official annual meeting.

4.2 Commissioners were invited to update the Board on any activities in which they had participated since the last meeting.

4.3 JF spoke at a North-Eastern Circuit CPD event, aimed at women and BAME lawyers, on Judicial applications in Leeds.

4.4 Anuja Dhir (AD) spoke at Lincoln Inn's Equality Forum in February on BAME representation in the senior judiciary.

4.5 AK attended a Seminar organised by Queen Mary University in January on "Taking stock of the Constitutional Reform Act 2005".

5. Conflict of Interest Rules for Selection Decisions

5.1 The Head of Secretariat presented a short paper clarifying the approach Commissioners should take when reviewing candidates for the purpose of identifying an interest, in response to a query raised at the December 2019 Board meeting

5.2 The Board discussed and endorsed the recommendations set out in the paper.

6. Confidentiality Agreements and the Good Character Guidance

- 6.1 The Head of Secretariat presented a short paper clarifying the Good Character Guidance in respect of the existence of confidentiality agreements.
- 6.2 The Board agreed the recommendation in the paper that clarification be given in the Good Character Guidance on non-disclosure.
- 6.3 Commissioner Sarah Lee (SL) agreed to assist in finalising the wording, which will then be added to the guidance. [The wording was subsequently agreed as follows: *The existence of confidentiality agreements (for example non-disclosure or compromise agreements) should not be relied upon by candidates as a reason preventing them from declaring a character issue. If necessary, appropriate releases or waivers of any confidentiality restrictions should be obtained.*]

7. Evaluation of the remote moderation pilots

- 7.1 The Senior Selection Policy Advisor and Senior Selection Exercise Manager presented the paper on the evaluation of the new approach to moderation on larger exercises.
- 7.2 The Board was asked to agree to roll out the process to all selection exercises involving multiple (more than two) panels.
- 7.3 The Board discussed and agreed the process set out in the paper.
- 7.4 The Board noted that it would be helpful to provide guidance for Assigned Commissioners on the remote moderation process.
- 7.5 Mathu Asokan (MA) and BSH, as two of the Assigned Commissioners on pilot exercises, offered to produce a note on best practice for the role of Assigned Commissioner in remote moderation.

8. Judge of the First-tier Tribunal – Selection Process

- 8.1 The Selection Exercise Team Manager presented a paper which outlined the planned process for the forthcoming Judge of the First-Tier Tribunal exercise.
- 8.2 Following discussion, the Board approved the high-level process for the exercise.

9. Review of Panel Member Support – Update

9.1 The Deputy Chief Executive presented, for information, an update on progress towards implementing the measures identified in the 2019 review of the support provided to JAC panel members.

9.2 The Board noted the update and the next steps identified.

10. Forward Look and AOB

10.1 The Board noted the Forward Look and the Chairman confirmed the next Board meeting would be held on 12 March 2020.

10.2 This concluded the business of the Board.

Other matters

61. The application form asks whether there is anything else you want to bring to the attention of the JAC. While it is not possible to provide a definitive list of the matters that could be relevant, examples might include issues of controversy in which you have been involved, and the conduct of those with whom you have business connections.
62. **The existence of confidentiality agreements (for example non-disclosure or compromise agreements) should not be relied upon by candidates as a reason preventing them from declaring a character issue. If necessary, appropriate releases or waivers of any confidentiality restrictions should be obtained.**
63. Any failure to declare on the application form relevant information which later comes to light is likely to rule out further consideration of your application.
64. Failure to disclose information additional to that included on your application form, upon the request of the JAC and to the timetable requested by the JAC, may also rule out further consideration of your application.
65. In addition to the categories covered above, you should consider if there is any factor or event, either currently or that has occurred in the past, or online such as on social media channels which might either cast doubt in the view of the public on your suitability for judicial office or cause embarrassment to that office. If you consider that there might be such a factor or event, you must declare it, even if it has been declared in a previous application to the JAC.

