

**JUDICIAL APPOINTMENTS COMMISSION (JAC) MEETING
14 FEBRUARY 2013
MINUTES OF MEETING**

PRESENT Commissioners	Staff
Christopher Stephens (Chair) Jill Black (Vice-Chairman) David Bean Malcolm Birchall Martin Forde Noel Lloyd Alexandra Marks Stella Pantelides Andrew Ridgway Ranjit Sondhi Valerie Strachan Deborah Taylor	Chief Executive Operational Services Director Assistant Director, Operational Policy and Complaints Assistant Director, Change Programme Assistant Director, Selection Review Process Business Planning and Risk Manager Private Secretary to the Chairman Board Secretary

Guest Attendees:

Dame Ursula Brennan, Permanent Secretary, Ministry of Justice (accompanied by Gita Sisupalan and Sophie Langdale for item 4 only)
 Steve Turnbull and Charlotte Hurst (for item 6 only).

1.1 Apologies and Matters arising

1.1 Apologies were received from Alan Wilkie, Alison McKenna and John Thornhill.

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 6 December 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 Board meeting. He had met with the Lord Chief Justice and Lord Neuberger and also the new Chairman of the Bar Council, Maura McGowan, together with Martin Forde. He had also attended a series of meetings with Mr Justice Hickinbottom and City Solicitor firms with Alexandra Marks.

2.2 In addition he had met with Sir Robert Finch, City of London Alderman, and with Lord Justice Gross as the new Senior Presiding Judge. He had also met with The Rt Hon Tun Arifin bin Zakaria, the Chief Justice of Malaysia.

2.3 For the remainder of the month he would be participating in Court of Appeal interviews together with Valerie Strachan, and continuing the meetings with Mr Justice Hickinbottom and City Solicitor firms.

2.4 The Chairman then asked Commissioners to provide updates on key activities with which they had been involved. Andrew Ridgway updated the Commission on short-listing for the High Court exercise, which he was chairing. Alexandra Marks provided further details of the meetings that had taken place with City Solicitor firms. Noel Lloyd and Ranjit Sondhi reported on their membership of the panels sifting expressions of interest for authorisation to sit as a Deputy High Court Judge in the Family Division and Queen's Bench Division respectively. This had been the first time Commissioners had been involved in the process, and represented an important step forward in making the process more independent and transparent.

3. Chief Executive's Report

3.1 The Chief Executive provided his report to the Commission on the current financial position and the expected budget for 2013/14. He had received the joint JAC and HMCTS draft report on the Demand Management Audit and would circulate this to Commissioners on request.

3.2 In addition, he reported on the future accommodation of the JAC; the Ministry of Justice seemed now to favour a two-building strategy and this might mean a move out of Steel House in the first half of 2014. The Chief Executive also reported on the six-monthly performance review meeting with the Ministry of Justice and the next planned Steering Group meeting on 21 February to discuss reducing the length of the end-to-end appointments process.

4. Board Guest: Dame Ursula Brennan (Permanent Secretary of the Ministry of Justice)

4.1 The Chairman welcomed Dame Ursula Brennan to the Commission and formal introductions were made.

4.2 Dame Ursula began by saying that she was pleased at having the opportunity to meet with the Commission and staff. She reflected back to the time when the JAC was first established and commented on the areas where particular progress had been made in the judicial appointments process.

4.3 She recognised that the JAC had responded quickly to financial pressures, reducing its budget significantly. It had also reduced the length of its selection exercises, and was making progress on reducing the length of the end-to-end appointment process. She was also encouraged by the work the JAC had done to engage with the judiciary and the broader legal community.

4.4 Dame Ursula then talked about the impact of financial constraints on the wider public sector, and the reshaping of public services. She emphasised that the judiciary had a role to play in the effective and efficient operation of the justice system, and that judicial leadership skills were therefore of increasing importance. She also raised the importance of the work the JAC does with the judiciary and the profession to increase diversity, recognising that this is not an issue that the JAC can solve alone.

4.5 There followed a discussion with Commissioners on issues including the importance of judicial appraisal and training, achieving a greater balance between financial delegation to Arm's Length Bodies and Ministry of Justice controls, and also the impact of changes to legal aid on the more diverse areas of the legal profession.

4.6 The Chairman mentioned here the work of the Diversity Forum and invited Dame Ursula to attend a future meeting, where she could share views and ideas with different members of the Forum on ways of increasing judicial diversity. In addition, she said she would like to come back to meet with the Commission Board for a follow up discussion in about six months time, which the Board welcomed.

4.7 The Chairman thanked Dame Ursula for not only meeting with the Commission but also giving the time to meet personally with the staff of the JAC.

5. Annual Information Assurance Briefing

5.1 The Assistant Director, Policy and Complaints provided Commissioners with their regular Information Assurance refresher on security issues. Commissioners were reminded of the sensitivity of many of the documents they handle and the importance of following the JAC Security Policy and Cabinet Office requirements. Should any incident occur, this should be reported immediately and the JAC would consider any appropriate action, including informing the Information Commissioner or police where appropriate.

5.2 It was confirmed also that secure laptop computers would be available to Commissioners very shortly.

6. IT Procurement Strategy

6.1 The Assistant Director, Change Programme provided a paper to the Board which described the work that had been undertaken over the last three months to identify the best procurement route to provide a fully integrated online system to replace Equitas and its related applications. In support, Steve Turnbull (Ministry of Justice Lead Account Manager) and Charlotte Hurst (Ministry of Justice consultant) were also in attendance for this item.

6.2 Commissioner Noel Lloyd, as the Lead Commissioner on the IT Project, also added his support and commended the paper to the Board.

6.3 Three options were considered, and the Commission agreed to procure a Commercial off-the-Shelf solution through the Software Applications Solutions Framework. It did not rule out future consideration of the option of the re-use of an existing system via another Government Department. This would also be a contingency option.

6.4 The Assistant Director would prepare for a tender exercise to commence on this basis in early April and would report back to the Commission at the appropriate opportunity.

7. Online Aptitude Testing (Selection Process Review)

7.1 The Assistant Director, Selection Process Review presented a paper providing an update on research which had been carried out into reasoning/aptitude testing as part of the review.

7.2 In line with the principles agreed previously by the Board, online aptitude testing was being explored as one element of testing candidates on larger exercises for fee-paid legal roles. It might be used for short-listing alongside a Situational Judgement Test, designed to test a range of Qualities and Abilities.

7.3 The Commission noted the evidence set out in the paper. Some reservations were expressed regarding the limitations of the information that would be revealed through a dry run of online reasoning tests. However, on balance, the Commission endorsed the next steps for a parallel dry run of one or two online reasoning tests to be carried out, depending upon feasibility.

7.4 Commissioners also fed back to the Assistant Director their own experience of trying out the test, which he noted. They suggested inviting a group of judges to undertake the dry run test as well as a cross-section of eligible applicants from across the legal profession. Obtaining stakeholders' views was important, as well as obtaining specialist advice in this field.

7.5 The Assistant Director would take the work forward, providing a further report at the Selection Process Review workshop with Commissioners scheduled for 14 March.

8. Requirement for Fee-Paid Experience

8.1 The Assistant Director, Operational Policy and Complaints presented a paper to the Commission on the Lord Chancellor's additional selection criteria relating to fee-paid experience.

8.2 The Commission was asked to consider whether the present approach to assessing candidates against the requirement for fee-paid experience is adequate, or whether a more prescriptive approach should be adopted.

8.3 The Board discussed and endorsed the current approach, noting that very few candidates without fee-paid experience have been recommended for judicial appointment. However, Commissioners wished to discuss the issue in greater detail at a later stage, and a further paper would come before the Board for consideration in June 2013.

9. Character Update

9.1 The Operational Services Director presented a paper to the Board regarding two complaints made by candidates in response to their rejection on character grounds by the Selection and Character Committee.

9.2 The Board noted the Director's responses to the complaints and supporting documentation, debating the issues at length. It considered that the decisions made in both cases had been consistent with previous SCC decisions and the published guidance for candidates, and that there was no case for the recent decisions to be reviewed. The Commission agreed that the Operational Services Director would write to the candidates again, to inform them of the outcome of the Board's discussion.

9.3 However, the Commission agreed that this reinforced its intention to conduct a full review of its policy on good character. This had been planned for the May meeting, but it was agreed that a dedicated meeting should be arranged in March or April.

9.4 The Board further agreed that the preliminary character check carried out at short-listing stage should be enhanced, in order to alert candidates to potential issues as early as possible. Where the SCC agreed that a character issue must clearly result in rejection of the application, this could be communicated to the candidate at that point. In other cases, a candidate could be asked or invited to provide further information, or advised that they proceed in the exercise at some risk.

10. Business Plan 2013/14

10.1 The Business Planning and Risk Manager presented the draft Business Plan to Commissioners. The Audit and Risk Committee had also reviewed the Plan and commended it to the Board.

10.2 Commissioners approved the draft plan and were asked to provide any further high level comments by 22 February.

11. Q3 Performance Report and Corporate Risk and Finance Registers

11.1 The Business Planning and Risk Manager presented to the Board for information the Quarter 3 Performance Report and the Corporate Risk and Finance Registers. All documents had been reviewed and approved by the Audit and Risk Committee on 31 January.

11.2 The Commission noted the content of the documents.

12. Report Back from Working Groups

12.1 Stella Pantelides, Chair of the Advisory Group, provided an oral update on the work of the Group which had met on 23 January to discuss: qualifying tests for Fee-paid Specialist Lay Member, First-tier Tribunal (Health, Education and Social Care Chamber), Mental Health, and Fee-Paid Employment Judge, Employment Tribunals; the situational scenario for Salaried Surveyor, Upper Tribunal (Lands Chamber) and the Medically Qualified Panel member, Social Entitlement Chamber; and the feedback report for Deputy Costs Judge.

12.2 Valerie Strachan, Chair of the Audit and Risk Committee, provided an oral report on the work of the committee which had last met on 31 January to discuss Internal and External

Audit, the Summary of risk management on the Change Programme, end-of-year performance, Risk and Finance, and the draft JAC 2013/14 Business plan which had received the Board's endorsement earlier in the meeting.

12.3 Valerie Strachan also reported on the work of the Next Steps Group, providing an oral update on the Crime and Courts Bill and the report stage which was expected for the week commencing 4 March. She confirmed that work had commenced on an implementation schedule, details of which would be shared with the Group over the coming weeks. She also provided an update on the end-to-end process and the joint management audit report.

13. Directors' Reports

The Operational Services Director referred to his report enclosed, confirming that the Barriers to Entry research was fully underway, and also reporting on a successful half-day staff event held to discuss issues raised in the recent Staff Survey.

Date of the next meeting

The Chairman confirmed that the next Board meeting would be held on **Thursday 14 March 2013**.