

JUDICIAL APPOINTMENTS COMMISSION (JAC)

14 June 2018

Minutes of Board Meeting

Present	
Board Members	JAC Staff
Ajay Kakkar (Chairman) Anne Rafferty (Vice Chairman) Mathangi Asokan (MA) Anuja Dhir (AD) Emir Feisal (EF) Jane Furniss (JF) Noel Lloyd (NL)- by telephone Fiona Monk (FM) Brie Stevens-Hoare (BSH) Valerie Strachan (VS) Phillip Sycamore (PS) Simon Wessely (SW) Philippa Whipple (PW)	Chief Executive Officer Head of Strategy and Policy Head of Operations Head of Secretariat/Board Secretary Head of Selection Policy Senior Selection Policy Advisor Senior Selection Exercise Managers Communications Manager

1. Apologies and matters arising

- 1.1 Apologies were received from Andrew Kennon and Sarah Lee.
- 1.2 The minutes of 10 May 2018 meeting were agreed.
- 1.3 No interests were declared by any Board member in respect of any matter under discussion on the agenda.
- 1.4 The Chairman formally welcomed Anuja Dhir to the Board, as the new JAC Circuit Judge Commissioner.

2. Guest Speaker: Lord Chancellor

- 2.1 The Lord Chancellor commenced his address to the Board by thanking the JAC for maintaining the internationally regarded reputation of the judiciary in England and Wales. He recognised the challenges posed by the increase in recommendations being sought from JAC, and confirmed his commitment to ensuring the JAC had the resources it needed to seek to meet the increased demands. The Lord Chancellor advised the Board that he had noted the recent publication of the annual JAC official statistics and reiterated his support for the Pre-Appointment Judicial Education (PAJE) programme, which was welcomed by the Board.

2.2 The Chairman invited Commissioners to respond and a broad discussion followed, on judicial career pathways and actual and perceived barriers for entry to judicial careers, particularly for solicitors. The Chairman then thanked the Lord Chancellor for attending and addressing the Board.

3. Chief Executive's Report and Management Information Pack

3.1 The Chief Executive reported on:

- JAC finances;
- the progress of current exercises including an update on consideration of the approach to High Court recruitment due to be discussed by the Board at the next meeting in July;
- current staffing levels; and,
- the publication of the JAC's annual diversity statistics and the ongoing progress of the in-depth statistical analysis of the progression of target groups. The Board recognised the work of the statistics team in this regard.

4. Report back from Committees and Working Groups

4.1 The Chairman asked Board members to report back on recent meetings of committees and working groups.

4.2 Noel Lloyd reported back on the JARS Programme Board ("Programme Board") meeting held on 24 May 2018. NL reported that the Programme Board focussed on a report from the suppliers outlining the causes of the incident on 17 April 2018 and also heard from representatives from both suppliers. The Programme Board stressed the high importance of future tests and sought assurance from the suppliers to work in partnership to deliver the next Qualifying Tests successfully. Both suppliers were reported as currently considering options for providing this assurance and it was agreed that an update would be provided to the Programme Board in due course.

4.3 The Programme Board agreed timelines and actions as presented in a paper to the Programme Board for the JARS Review and Market Assessment. NL reported that the Programme Board also approved the timeline for the final report to be presented to the Commission Board in October.

- 4.4 NL further reported that an update was provided on the Business Continuity/Disaster Recovery Plan and a new accreditation statement for JARS re-accreditation would be presented to the June Programme Board.
- 4.5 Noel Lloyd provided a brief report on the last Welsh Matters Committee (WMC) meeting on 10 May 2018.
- 4.6 NL confirmed that Brie Stevens-Hoare had joined the WMC replacing Martin Forde QC.
- 4.7 NL reported that the WMC noted that:
- Lord Lloyd-Jones of the Supreme Court, and a former Chair of the Law Commission, gave a speech on the 'Codification of Welsh Law' to the Association of London Welsh Lawyers on 8 March 2018.
 - The Wales Act 2017 came into force on 1 April 2018, which included a change to the reserved powers model of devolution in Wales.
- 4.8 The WMC considered the following consultations: the Counsel General for Wales consultation on the Draft Legislation (Wales) Bill which launched on 20 March 2018; and the Call for Evidence by the Commission on Justice in Wales across five work streams.
- 4.9 NL also reported that the WMC heard an update on the meeting of 25 April 2018 between the First Minister of Wales, Carwyn Jones; Jeremy Miles, the Counsel General; and the JAC Chairman.
- 4.10 Jane Furniss provided a brief report on the last Advisory Group (the Group) meeting on 23 May 2018. The Group considered the online qualifying test for the Salaried Employment Judge exercise and situational questioning for use at selection days for the following exercises: Salaried Employment Judge, Fee-paid Drainage Member of the Agricultural Land Tribunal, Wales; Circuit Judge, Central Criminal Court, Senior Circuit Judge, Employment Appeal Tribunal, Designated Civil Judge - London and Specialist Civil Judge, Chancery Division.
- 4.11 JF reported that one member of the Group had recently tendered his resignation citing an increase in the work load among other factors. She commented that a review of arrangements for the Group would be timely and would be carried out shortly, noting that members were volunteers.

5. Chairman's Report

- 5.1 The Chairman reported on his activities since the previous May Board meeting. He reported that he and Valerie Strachan had completed the Law Commission Chair interviews and that he had also participated in the Court of Appeal interviews during the week of 14 May 2018. The Chairman advised the Board that he and the Vice-Chairman had met with the Senior Presiding Judge and Deputy Senior Presiding Judge on 16 May 2018, and that he had chaired the Judicial Diversity Forum on 17 May 2018.
- 5.2 The Chairman invited Board members to comment on relevant activities of particular interest with which they had been involved. Fiona Monk reported that she had attended a variety of outreach events ahead of the Employment Tribunal Judge exercise. Valerie Strachan had recently commenced observation of interviews for the Deputy High Court Judge competition and Andrew Kennon and Fiona Monk reported attending a panel briefing in preparation for the Fee-paid Judge, First Tier Tribunal exercise.

6. Delivery of large vacancy requests via tranced recommendations

- 6.1 The Head of Selection Policy explained that, due to the urgent business need and in anticipation of an increased vacancy request (VR), the proposal for the Recorder exercise was now to commit to take more than the planned 300 candidates to selection day. The paper presented to the Board set out two policy recommendations for consideration that would assist to manage the increased numbers required in a way that did not substantially affect the timeline for delivery.
- 6.2 There were two proposals: (1) To consider an initial tranche of recommendations from the first block of selection days while the exercise remained ongoing thus enabling Judicial College to run one crime course in July 2019 resulting in some Recorders in place by Autumn 2019. (2) To agree where necessary on the Recorder exercise to go under the existing 2:1 ratio for interviews to vacancies, and in principle for other very large exercises in the future, where the VR increases throughout the course of the exercise and suitable candidates are identified at sift.
- 6.3 Following further discussion, the Board endorsed the proposal in the paper on the basis that the approach to tranced recommendations was run as a pilot for the Recorder exercise only. The Board requested that Judicial College might confirm the availability of crime courses as this formed the evidence base for a tranced approach to recommendations. The Board also requested that the Assigned Commissioners carefully

monitored the moderation to ensure clarity, consistency and fairness. The recommendation to go under the existing 2:1 ratio for interviews to vacancies was agreed for the Recorder exercise and in principle, for other very large exercises in the future, where the VR increases throughout the course of the exercise and suitable candidates are identified at sift.

7. Annual Report

- 7.1 The Communications Manager presented a paper presenting an advanced draft of the Annual Report.
- 7.2 The Board noted that the report was due to be laid in Parliament on 19 July and that the National Audit Office was in its last stages of audit of the JAC financial statements which would be reviewed by the Audit and Risk Committee at its next meeting on 28 June 2018.
- 7.3 The Board noted the work on the Annual Report and recorded its thanks to the JAC team for its production.

8. AOB and Date of next meeting

- 8.1 This concluded the business of the Board.
- 8.2 The Chairman confirmed the next meeting would take place on 12 July 2018.