

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

PRESENT Commissioners	Staff
<p>Christopher Stephens (Chair) David Bean Malcolm Birchall Noel Lloyd Alexandra Marks Stella Pantelides Andrew Ridgway Ranjit Sondhi Valerie Strachan Deborah Taylor John Thornhill Alan Wilkie</p> <p>Guest Attendee: Lord Justice Sullivan, Senior President of Tribunals (for item 2 only)</p>	<p>Chief Executive Operational Services Director Selection Exercise Director Assistant Director, Outreach (for item 5) Private Secretary to the Chairman Board Secretary</p>

1. Apologies and matters arising

1.1 Apologies were received from Jill Black, Martin Forde and Alison McKenna.

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 February meeting were agreed and the Board Action Register noted. However, the Chairman updated the Commission in relation to item 7, Online Aptitude Testing, in respect of which the Commission had agreed to proceed with a 'dry run'. Following the meeting, the Chairman had decided that the dry run should be postponed while further consideration was given to other elements of the selection process review that might be subject to a 'dry run' at the same time. This decision would be recorded here and noted on the Board Action Register.

2. Board Guest Attendee: Lord Justice Sullivan, Senior President of Tribunals

2.1 The Chairman welcomed Lord Justice Sullivan, the Senior President of Tribunals, to the Commission and formal introductions were made.

2.2 Lord Justice Sullivan began by saying that Tribunals was the largest customer of the JAC and he was very pleased with the service provided. He had been particularly impressed by the flexibility shown and the way in which the JAC managed to respond to urgent requests to fill vacancies. He recognised that substantial or late changes to vacancy requests can have significant implications for JAC resources, and assured the Commission that he was working with the Ministry of Justice to ensure that other Government Departments give earlier notice of changes that will have such an impact.

2.3 The Chairman invited Commissioners to provide brief overviews on areas of work in which they were currently involved and for which they had a particular responsibility, before opening up to a discussion which included what steps were being taken to encourage tribunal judges to cross over from tribunals to the courts (and vice-versa).

2.4 Lord Justice Sullivan said he was keen for members of Tribunals to develop and apply their judicial expertise in new jurisdictions. He would discuss with the Chamber Presidents how they might encourage their members to apply for Courts roles.

2.5 He went on further to discuss training. He emphasised that while mentoring and appraisal was available within the Tribunal Service, albeit at varying levels, the key challenge was how to enable judges to develop leadership and management skills. He indicated that where judges have applied these skills the results have been impressive – but training is required.

2.6 The Commission also asked Lord Justice Sullivan whether he had any comments on any aspect of the JAC selection process. He mentioned that the process depended on candidates being able to demonstrate the competencies, and he considered it important to identify the potential to develop those skills as well as experience in already having done so. This was particularly important in respect of leadership and management skills, which judges may not have had much opportunity to apply. The Chairman commented that this was a particularly important point which the JAC were considering in the context of their review of the selection process.

2.7 Lord Justice Sullivan went on to talk about the balance between assignment and appointment: there was a need for flexibility to manage peaks in workloads. The Chairman commented that the JAC would very much like to be involved to offer assistance and support.

2.8 The Chairman thanked Lord Justice Sullivan for making the time to meet and share his views with the Commission and concluded that it had been a valuable discussion.

3. Chairman's Report

3.1 The Chairman provided an update on his activities since his last report at the February meeting. He had met separately with Lord Neuberger; Mark Sweeney from the Ministry of Justice; and Jillian Kay, the new Chief Executive of the Judicial Office.

3.2 In addition he had attended the Judicial Appointments Steering Group with Lord Justice Gross and participated in Court of Appeal interviews with Valerie Strachan. For the remainder of the month he reported that he would be meeting with the Lord Chancellor and Lord Chief Justice for a trilateral discussion and separately with the Lord Chancellor for a bilateral meeting.

3.3 The Chairman then asked Commissioners to provide updates on key activities with which they had been involved. Ranjit Sondhi reported that he had met with Lord Wilson and had observed both the Supreme Court and the Privy Council. Alexandra Marks reported that she would be hosting a series of open meetings with partners at Linklaters to discuss how they could encourage more solicitors to apply for judicial appointment. Subject to the outcome of those meetings this initiative may be rolled out to other solicitor firms.

4. Chief Executive's Report

4.1 The Chief Executive provided his report to the Commission, confirming that the budget for 2013/14 would be £4.9m. This was based on the November 2012 forecast and the draft selection programme for 2013/14 remained affordable.

4.2 He reported on the position regarding future accommodation, given that the MoJ two building strategy was now on the table and this could mean Steel House being vacated by early 2014. There followed a discussion with Commissioners on the facilities on offer, whether they would meet candidates' needs, and whether there would be any impact on perceptions of the independence of the JAC. The Chief Executive was exploring whether any other options existed and this matter would return to the Commission for a full discussion.

4.3 The Chief Executive also provided an update on the Crime and Courts Bill with Royal Assent now expected at the end of April 2013. He also confirmed that a consultation paper

on the equal merit provision would be prepared and brought to the Commission Board in May for debate.

5. Outreach Strategy

5.1 The Assistant Director, Outreach presented a paper to the Commission which set out the progress made on the three strands of the Outreach Strategy approved by the Board in April 2012, namely:

- Online communications and improving the user experience;
- Advertising and marketing in support of exercises and broader media relations, including the effective communication of key messages; and
- Support of outreach in collaboration with Key Interested Parties, particularly legal groups and the judiciary.

5.2 Commissioners discussed the paper and agreed that substantial progress had been made, particularly on the effective targeting of advertising resources. It also noted the increasing use of electronic media, including webinars and the outreach support that was being encouraged among Key Interested Parties.

5.3 In addition Commissioners discussed the need for a document setting out the JAC's wider communications strategy. The Operational Services Director explained that communications was embedded in the work of Outreach and agreed to prepare a paper setting this out for the July Board meeting. The Chairman emphasised that solicitors should be included in this paper.

5.4 The Assistant Director also provided an oral summary on the headline results of the Barriers to Entry survey. Full analysis should be available in April and launch arrangements would be agreed with partners.

6. Advisory Group – Revised Terms of Reference

6.1 The Selection Exercise Director presented a short paper to the Commission introducing the revised Terms of Reference for the Advisory Group.

6.2 Stella Pantelides, as Chair of the Advisory Group, emphasised that it was timely to refresh the Terms of Reference as the Group had acquired new representatives and was now at full strength. The revisions were made in order to bring clarity and to reinforce the

role of the group and also to include specific reference to declarations of interest and confidentiality.

6.3. The Commission agreed the revised Terms of Reference.

7. Closure of s.94 lists

7.1 The Selection Exercise Director presented a paper to the Commission seeking agreement to the closure of four lists created under section 94 of the Constitutional Reform Act 2005:

- Salaried Judge of the Upper Tribunal, Immigration and Asylum Chambers 2010;
- Designated Immigration Judge 2010;
- Fee Paid Judge of the First-Tier Tribunal, Immigration and Asylum Chamber; and
- Fee Paid Lawyer Chairman of the Residential Property Tribunal Service 2010.

7.2 The Commission agreed that these lists should close. It directed that candidates remaining on the lists should be informed of their closure and that they would need to reapply for any future exercise.

8. Report back from Working Groups

8.1 Stella Pantelides, Chair of the Advisory Group, provided an update on the work of the Group which had last met on 6 March and discussed: the role play for the Fee Paid Employment Tribunal Judge; the Situational Scenario for the Regional Judge and Deputy Regional Judge, Property Chamber, and the Fee Paid Specialist Member, Health Education and Social Care Chamber (HESC); the Qualifying Test for Fee Paid Disability Member, First-Tier Tribunal Social Entitlement Chamber (SEC); and the sift feedback reports for Common Serjeant and High Court (Queen's Bench Division).

8.2 Valerie Strachan provided an overview of the fortnightly "Next Steps" conference calls and reported that the Steering Group had now signed off stages one and two of the blueprint for the end-to-end appointments process. The group would also be considering stage three - the appointment and training elements of the process - at its next meeting on 10 April.

9. Directors' Reports

9.1 The Selection Exercise Director referred to her report and provided an oral update on the online testing for the Fee-Paid Judge of the First-tier Tribunal, Education and Social Care (Mental Health) exercise, which had proceeded with no IT issues arising. She also informed

Commissioners that the performance of Panel Members would be reviewed in April and invited Commissioners to provide any feedback directly to her.

9.2 The Operational Services Director also referred to his report and provided a update on the IT tendering process, indicating that a further procurement route method may need to be followed. He thanked Valerie Strachan and Noel Lloyd for their work with the IT Project Board.

10. Any other Business

10.1 Deborah Taylor suggested that the JAC should liaise with the Judicial College in respect of their plans to provide Leadership and Management skills training, referred to earlier in the meeting by the Senior President of Tribunals. The Chief Executive would ensure that this was taken forward.

Date of the next meeting

The Chairman confirmed that the next Board meeting would be held on Thursday 9 May and would be followed by the Strategic event scheduled from 2 p.m. It would resume at 9.00 a.m. on Friday 10 May and conclude at 3 p.m.