

**JUDICIAL APPOINTMENTS COMMISSION (JAC) MEETING
7 NOVEMBER 2013
MINUTES OF MEETING**

PRESENT Commissioners	Staff
Christopher Stephens (Chairman) Julia Macur (Vice Chairman) David Bean Malcolm Birchall Martin Forde Noel Lloyd Alexandra Marks Alison McKenna Stella Pantelides Andrew Ridgway Valerie Strachan John Thornhill Alan Wilkie Board Guest : Lord Chief Justice (for item 5 only)	Chief Executive Director of Operations Assistant Director, Operational Support (for item 4) Lead Account Manager (Ministry of Justice) (for item 4) Assistant Director, Change Programme (for items 7, 8 & 9) Private Secretary to the Chairman Board Secretary

1. Apologies and matters arising

1.1 Apologies were received from Ranjit Sondhi and Deborah Taylor.

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

1.3 The minutes of the 10 October 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 October meeting. He had met Sir Brian Leveson, the new President of the Queen's Bench Division, and also Sir Terence Etherton, the Chancellor of the High Court. He had also had separate meetings with Ursula Brennan, Permanent Secretary of the Ministry of Justice, and Catherine Lee, Director General, Law and Access to Justice.

2.2 In addition he had met Sir David Normington together with the Chief Executive, had participated in the short-listing for Commissioner recruitment, and had observed in court at the Old Bailey.

2.3 For the remainder of the month the Chairman would be meeting: Shailesh Vara, the new Minister for Courts and Legal Aid; Graham Gee, a Lecturer in Law at the University of Birmingham; the Presiding Judges; and the Lord Chancellor. Finally, he would be attending a memorial service in Cardiff for Sir Geoffrey Inkin, a former JAC Commissioner.

2.4 The Chairman invited Commissioners to comment on any activities of particular interest with which they had been involved. Alexandra Marks reported that she had attended a Law Society's "Returners" conference and had been invited to attend another in the spring next year.

2.5 Noel Lloyd updated the Commission on the exercise to select a President of the Welsh Language Tribunal.

3. Chief Executive's Report

3.1 The Chief Executive provided an oral update on the forecast outturn for 2013/14, indicating that there would be further spending reductions across the Ministry of Justice for 2014/15.

3.2 He confirmed to Commissioners that the office move to Petty France had gone well and reported that the 'front of house' move would take place later in the month. Building work had commenced on the ground floor and the new facilities would be in place for the next round of selection days.

3.3 The Chief Executive also reported that the 2013 Staff Survey had closed on 25 October with a pleasing response rate of 92%, and that he would be meeting shortly with the Work Psychology Group with a view to providing their report on the audit of JAC processes to the full Commission in December.

3.4 He also informed Commissioners of tentative plans for a further workshop event around February or March next year to consider the ideas developed following the above mentioned report.

4. Judicial Appointments and Recruitment System Upgrade

4.1 Noel Lloyd, as Chair of the IT Project Board, introduced a paper on the project to obtain a fully integrated online recruitment and selection system for the Judicial Appointments Commission. He commended to the Commission the recommendation of the IT Project Board in respect of a preferred supplier.

4.2 The Commission discussed fully and endorsed the recommendation as put before it.

4.3 The Assistant Director, Operational Support would now proceed with negotiations of the contract arrangements between the MoJ procurement team and the preferred supplier with a view to a contract being in place in approximately one month's time.

4.4 Noel Lloyd took the opportunity to thank those involved with the project.

5. Board Guest: Lord Chief Justice

5.1 The Chairman welcomed the Lord Chief Justice, Lord Thomas, to the meeting and introductions were made.

5.2 Lord Thomas began by commending the work of the Judicial Appointments Commission. He went on to outline some of the challenges facing the judiciary around deployment, part-time working, succession planning and pay and pensions. He also mentioned the need for an appraisal system for judges and took the opportunity to share with the Commission some of the plans and proposals that he and members of the Judges' Council had on these issues. Increasing judicial diversity was one of his key aims for his time in office.

5.3 The Chairman opened up the discussion and there then followed a debate over many of the issues he had raised, and Commissioners discussed and shared ideas with him on how the JAC could assist.

5.4 The Chairman thanked the Lord Chief Justice for making the time to come and meet with the Commission and take part in a most valuable discussion.

6. Communications Strategy 2013-15

6.1 The Chief Executive presented a revised paper on the Communications Strategy 2013-15 to the Commission.

6.2 The Commission considered the paper which now incorporated views expressed by the Board at its last meeting on 10 October and further comments provided separately out of committee.

6.3 The strategy had been developed through a series of meetings and discussions held with Andrew Ridgway, Alexandra Marks, Alan Wilkie and Martin Forde, and also reflected comments from key partners.

6.4 The paper proposed four plans that would be developed for the individual strands encompassing media, change communication, digital marketing and stakeholders including also the wider public. The strategy and plans would span several years and would be reviewed and updated annually in line with the business plan and the actions agreed by the Diversity Forum.

6.5 The Commission agreed and endorsed the strategy.

7. Authority to approve decisions with regard to number of statutory consultees

7.1 The Assistant Director, Change Programme, presented a paper setting out a proposed process to reach agreement under the new Judicial Appointments Regulations 2013 that either: statutory consultation would not be required in a particular exercise; or that the JAC may consult a second person, in addition to the consultee required by the Regulations.

7.2 The Commission discussed and noted the flexibility introduced by the Regulations. Following careful consideration, it endorsed the proposal that, following an assessment by the Assigned Commissioner and the Director of Operations, the Chairman would write to the appropriate authority to seek their agreement to either proceed with no consultation or to consult a second person.

8. Process for selecting Deputy High Court Judges

8.1 The Assistant Director, Change Programme, introduced a paper setting out a proposed process for responding to an exceptional circumstance whereby a High Court judge from another UK jurisdiction requires authorisation under section 9 of the Senior Courts Act 1981 in order to hear High Court cases in England and Wales.

8.2 The Commission discussed and endorsed the proposal that those who hold an office eligible for authorisation and who were, or are, also senior judicial office holders in another UK jurisdiction, could be recommended for the pool from which authorisations can be made

by the Selection and Character Committee (SCC) without proceeding through a JAC selection process.

9. Update on work of the Judicial Appointments Steering Group

9.1 The Assistant Director, Change Programme, presented a further paper which provided an update to the Commission on the work of the Judicial Appointments Steering Group.

9.2 The Commission was asked to note the content of the paper and the communications plan agreed by the Steering Group in July 2013.

9.3 In addition, the Commission was asked to consider including the option of reducing the application period from a three-week to a two-week window in the options available to selection exercise teams during the planning stage of an exercise when certain criteria were met.

9.4 Commissioners debated the proposal at some length and considered that caution needed to be applied, as in many cases this was likely to be an inadequate length of time. From the candidate view point, the Commission also considered that if a two-week window were to apply then other aspects would have to be in place beforehand such as providing notice well in advance of forthcoming selection exercises with likely timescales.

9.5 The Commission agreed in principle to the option being available, but considered that a clear set of criteria were required to guide decisions as to when it could be used. The Assistant Director, Change Programme, would develop these and report back to the Commission.

10. Report back from Working Groups

10.1 Valerie Strachan, Chair of the Audit and Risk Committee, provided an oral report to the Commission on the work of the Committee which had last met on 17 October to discuss the Management Information Pack, the Corporate Risk Register, the Mid-year Assurance Statements and both the Internal and External Audit plans.

10.2 Stella Pantelides, Chair of the Advisory Group, provided an oral report to the Commission on the work of the Group which had last met on 30 October. It had discussed the situational scenario and technical questions for Fee-paid Judge of the Restricted Patients Panel of the First-tier Tribunal, HESC (Mental Health) and sift feedback reports for both the Fee-paid Lawyer Chairman, Residential Property Tribunal (Wales) and Fee-paid Medical

Member, War Pension and Forces Compensation Chamber.

10.3. It was agreed that the minutes of the Advisory Group meetings would be circulated to Commissioners for information. The Secretariat would take this forward.

11. Management Information Pack

11.1 The Commission noted the content of the Management Information Pack.

11.2 In addition, the Director of Operations provided an oral update on the diversity data relating to both the Circuit Judge and the High Court Judges selection exercises.

Date of next meeting

12. The Chairman confirmed that the next Board meeting would be held on Thursday 12 December.