

JUDICIAL APPOINTMENTS COMMISSION (JAC)

8 March 2018

Minutes of Board Meeting

Present	
Boarders	Staff
Ajay Kakkar (Chairman) Anne Rafferty (Vice Chairman) Mathangi Asokan (EA) Emir Feisal (EF) Jane Furniss (JF) Usha Karu (UK) Andrew Kennon (AK) Noel Lloyd (NL) Fiona Monk (FM) Valerie Strachan (VS) Phillip Sycamore (PS) Simon Wessely (SW) Philippa Whipple (PW)	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 Observers Team Selection Manager Senior Selection Exercise Manager

1. Apologies and matters arising

- 1.1 Apologies were received from Richard Jarvis, Chief Executive.
- 1.2 The Vice Chairman sent apologies for the first hour of the meeting.
- 1.3 The minutes of the 8 February meeting were agreed.
- 1.4 No interests were declared by any Board member in respect of any matter under discussion on the agenda.
- 1.5 The Chairman extended his thanks to all for attending the Annual Board Dinner on Wednesday 7 March 2018.

2. Chief Executive's Report and Management Information Pack

- 2.1 The Head of Strategy and Policy reported on behalf of the Chief Executive on
 - JAC finances;
 - the progress of current exercises; and
 - current staffing levels at the JAC including the progress of the Senior Panel Secretaries recruitment.

2.2 The Board were also reminded that the SSRB evidence had been submitted and published since the last meeting.

3. Report back from Committees and Working Groups

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

3.2 Jane Furniss reported back on the Advisory Group (“AG”) meeting held on 21 February 2018. JF updated the Board on the selected materials reviewed by the AG including: the online qualifying test (“QT”) for the Deputy District Judge exercise; telephone assessments and role play for the Deputy High Court Judge s9(4) exercise; the role play for the Fee-paid (“FP”) Judge of the First-tier Tribunal exercise; the situational questions for the FP Medical Members of the First-tier Tribunal, Health Education Social care Chamber(HESC) (Mental Health) and FP Medical Members Mental Health Review Tribunal for Wales exercise; and situational questions for the Deputy Chamber President, HESC (Mental Health) exercise.

3.3 JF informed the Board that the AG were very pleased to be consulted in good time on all the exercises being considered. They also appreciated being kept up-to-date on other matters including the recent submission to SSRB.

3.4 Noel Lloyd reported back on the JARS Programme Board meetings (“the Programme Board”) held on 26 February 2018. NL reported that the new Convivio contract had been signed and that the Programme Board had confirmed the progress on the QT rocket launch process. NL advised the Board that support arrangements with both suppliers were also in place and that the Programme Board received an overview of the recent IT health check report findings, progress of work to date and outstanding matters which are to be programmed into forthcoming work in the next few months. NL also reported that the Programme Board had received confirmation that the project to introduce a back-up system was underway and would be in place to begin testing in the first quarter of FY 18/19.

3.5 NL also updated the Board on the recent successful delivery of the online QT for the Fee-paid Judge of the First-Tier Tribunal exercise earlier in the week. NL attributed the success to the updated software and collaborative efforts of the technical team and JAC staff. The Board thanked all JAC staff for the outstanding efforts in successfully delivering this project.

- 3.6 NL then reported back on the Welsh Matters Committee (“WMC”) meeting on 8 February 2018. NL reported that the WMC was informed that HM Courts and Tribunals Service (HMCTS) had closed their consultation on their own revised Welsh Language Scheme. The consultation included Practice Directions for the use of Welsh language in court, which could be given to panellists for background in selection exercises where there were Welsh context questions. NL advised the Board that the Judicial College’s e-letter (Wales) had been distributed outlining the effects of the Wales Act 2017.
- 3.7 NL updated the Board on the the MoJ’s Welsh Language Co-ordinator’s Meeting and informed the Board that he had been invited to speak at the next Co-ordinator’s meeting to discuss the progress of JAC work.
- 3.8 The Board noted the updated review of the arrangement under section 83 Government of Wales Act 2006 between the Welsh government and the Judicial Appointments Commission to be discussed later at item 7 on the agenda.

4. Chairman’s Report

- 4.1 The Chairman reported on his activities since the February Board meeting. He reported that he had attended a regular meeting with the Lord Chief Justice and Lord Chancellor, which had focussed on diversity and the Pre-Application Judicial Education (“PAJE”) project. The Chairman also attended an introductory meeting with the new Chairman of the Bar Council. As Chairman, he also participated in the interviewing process for the President of the Family Division, Supreme Court Deputy President, and Supreme Court Justice as a member of the ad hoc panels set up in accordance with statute to make these selections.
- 4.2 As the Assigned Commissioner on the High Court competition, the Chairman provided oversight and support to the panel during sift and selection day stages of the competition, and he thanked all involved for their contribution to this exercise.
- 4.3 The Chairman updated the Board on the Judicial Diversity Forum (“JDF”) meeting held on 27 February 2018.
- 4.4 The Chairman invited Board members to comment on relevant activities of particular interest with which they had been involved. Philippa Whipple reported that she had attended a speaking engagement marking International Women’s Day where a lack of diversity amongst the senior judiciary was highlighted. Usha Karu had attended a speaking engagement at London South Bank University where challenges facing BAME candidates were discussed.

5. Alternative approach to overall grading of candidates

- 5.1 The Head of Selection Policy presented a paper outlining a revised approach to the overall final grading of candidates, and a revision of the guidance used by panels for the grading structure during a selection process.
- 5.2 Following discussion, the Board requested a further paper be brought back to the Board, detailing how in principle a pilot exercise utilising the proposals might operate in practice.

6. Recorder 2018 Selection Exercise

- 6.1 The Senior Selection Exercise Team Manager presented a paper outlining the high-level process for the next Recorder selection exercise, including the proposal to launch in late June 2018 and use a two-stage shortlisting process, before and after judicial summer vacation.
- 6.2 The Board, noting the proposed timeframe for the selection days, endorsed the high level process planned for the exercise. The Board recommended adding further information for candidates regarding timescales on the frequently asked questions section on the website.

7. Agreement between the JAC and the Welsh Government

- 7.1 The Head of Operations presented a paper introducing the updated Agreement between the Welsh Government and JAC for the JAC to act as a relevant authority on behalf of the Welsh Government for purposes of carrying out selections for judicial appointments in Wales. The Agreement has been reviewed as envisaged under the original arrangement.
- 7.2 The Board noted the key amendments including that the Agreement will last for five years (rather than three as was previously the case) in recognition of the faith of the Welsh Government in the JAC processes; the removal of the requirement to review after two years; and a clarification of the arrangements for costs recovery. The Board also noted the improved wording to clarify that selections will be conducted independently through the JAC and in compliance with JAC policy.
- 7.3 Following the update, the Board endorsed the revised agreement and noted that implementation is intended to commence from 1 April 2018.

8. Appointments declined by candidates

8.1 The Senior Selection Policy Advisor presented a paper to the Board outlining proposals to allow the following to be considered in specific and exceptional circumstances: a) a candidate who declines immediate appointment to be considered for a reserve position, or b) a candidate who has been offered a salaried position to be considered for a fee-paid role.

8.2 Following discussion, the Board approved the proposed recommendations, noting that any candidates in category a) would be considered by the Chief Executive following consultation of the Assigned Commissioner, and any candidates in category b) would be brought to the Selection and Character Committee for consideration.

9. AOB and Date of next meeting

9.1 The Board confirmed the wording of the new confidentiality statement for candidates receiving selection materials.

9.2 The Chairman reminded the Board of the forthcoming deadline for General Data Protection Regulations ("GDPR") compliance on 25 May 2018. The Board requested an update on the relevant GDPR principles for the April Board meeting.

9.3 This concluded the business of the Board.