

**JUDICIAL APPOINTMENTS COMMISSION (JAC) MEETING**  
**8 October 2015**  
**Minutes of Meeting**

| <b>Present</b>   |   |
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| <b>Commissioners</b>   | <b>Staff</b>  |
| Christopher Stephens (Chairman)<br>Julia Macur (Vice Chairman)<br>Emily Jackson<br>Usha Karu (until item 7)<br>Noel Lloyd<br>Alexandra Marks<br>Katharine Rainsford<br>Andrew Ridgway<br>Christopher Simmonds<br>Valerie Strachan<br>Phillip Sycamore<br>Debra van Gene<br>Alan Wilkie | Head of Policy and Change<br>Head of Senior and International Appointments<br>Head of Operational Policy<br>Head of Digital and IT Systems<br>Digital Delivery Manager<br>Digital Manager<br>Senior Press Officer<br>Senior Manager, Operational Policy<br>Private Secretary to the Chairman<br>Board Secretary |
| <b>Guest</b> (Item 5 only)<br>Sir Ernest Ryder, Senior President of Tribunals  |   |

**1. Apologies, and matters arising**

1.1 Apologies were received from the Chief Executive, Martin Forde and Lucy Scott-Moncrieff.

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 10 September meeting were agreed and the Board Action Register noted.

1.4 The Chairman informed Commissioners that it was the Vice Chairman's last attendance at a Commission Board Meeting. The Chairman warmly thanked her for her contribution. He announced that the term of the new Vice Chairman, Lord Justice Burnett, would start on 1 November.

**2. Chairman's Report**

2.1 The Chairman provided an update on his activities since his last report at the September meeting. He reported that he had met with the Advocate General of the European Court of Justice and the Master of the Rolls. Together with Chris Simmonds, he had met the incoming President of the Chartered Institute of Legal Executives (CILEx) and their Chief Executive.

2.2 The Chairman then invited Commissioners to comment on relevant activities of particular interest with which they had been involved. Alexandra Marks reported that she had given an interview for The Guardian about women in the judiciary.

### **3. Chief Executive's Report and Management Information Pack**

3.1 The Head of Policy and Change provided an oral update on current activity at the JAC. She reported on the JAC's financial position, confirming the JAC's budget indication for 2015/16 of £4.4m.

3.2 The Head of Policy and Change then reported on staffing levels at the JAC, stating that key replacements for some staff vacancies were beginning to arrive, but that there were other posts still vacant.

3.3 The Head of Policy and Change then provided an overview of the selection exercise programme for the remainder of the current financial year, and progress in key areas of the business plan.

3.4 The Commission considered the monthly Management Information Pack. The Pack provided an overview of JAC activity up to the end of September 2015.

### **4. Evaluation of Recent Selection Process Pilots**

4.1 The Senior Manager (Operational Policy) first presented a paper seeking the Commission's approval of the Evaluation of the Judgment Submission Pilot, where candidates had been asked to submit a written judgment which was considered alongside other evidence at sift stage.

4.2 After careful consideration, the Commission agreed that submission of a judgment can be used as a selection tool in certain exercises, where the selection process may be enhanced by its use. The Commission noted that it would also be included in the 'Menu of selection tools' which the policy team were developing and proposing to present at the next Board meeting.

4.3 The Senior Manager (Operational Policy) then presented a paper seeking the Commission's approval of the Evaluation of the Case Study Pilots, where candidates had undergone a timed case study test which was considered alongside other evidence at sift stage, or as a second-stage post Qualifying Test (QT) shortlisting tool in an exercise with a large volume of applications.

4.4 After further discussion, the Commission agreed that the case study tests should be adopted as a selection tool to be considered for use in individual exercises, and noted that this would also be included in the 'Menu of selection tools'.

## **5. Guest: Sir Ernest Ryder, Senior President of Tribunals**

5.1 The Chairman welcomed Sir Ernest Ryder, the Senior President of Tribunals (SPT), to the meeting and introductions were made.

5.2 The SPT reflected on his recent experience of appointment processes. He commented on improvements that had been made in the application form, administration, identification of what is expected of candidates, and in the length of the selection process as positive developments.

5.3 The SPT then provided an overview of the work on the Workforce Strategy and Provision of Judges, covering a wide range of issues including judicial terms and conditions, recruitment and the future of the judiciary.

5.4 The SPT spoke about Her Majesty's Courts and Tribunal Service (HMCTS) reform programme in terms of the potential implications for the judiciary and judicial appointments. He informed the Commission that as part of the HMCTS reform, there would be a consideration of the use of delegated court officers to undertake certain judicial functions so as to enhance the efficiency of the system. There would need to be an examination of how such work could effectively and justly be undertaken under the supervision of judges, and (for the Commission) how if at all there would be any implications for future recruitment.

5.5 The Chairman then opened up the discussion to Commissioners. A wide range of issues was discussed including the implications of reform for the judiciary, and the need for digital advancement and accessibility of the courts.

## **6. Process for Forthcoming High Court Exercise**

6.1 The Head of Senior and International Appointments presented a paper seeking the Commission's agreement to the selection process for the forthcoming High Court exercise. This included trialling a minor change to the JAC's grading system for the High Court 2015/16 exercise. The proposal sought to reflect and incorporate the views of Commissioners expressed at the Selection Process Workshop.

6.2 The proposed change entailed categorising candidates according to whether they have met or exceeded some or all of the requirements of the role (rather than as outstanding/strong etc.). Commissioners considered that this wording would be more helpful to panel members, and noted that initial feedback on the proposal had indicated that this would be the case.

6.3 After further discussion, the Commission agreed to the proposals, pending minor amendment to reflect the need for a qualifier, by reference to whether the candidate has met or exceeded

some or all of the requirements of the role in 'all', or 'nearly all', 'essential', 'important' or 'relevant' respects. Commissioners were content for the panel to decide the final wording, with guidance from staff.

6.4 Furthermore, Commissioners agreed that the report sent to the Appropriate Authority should simply provide details of those candidates recommended, rather than categorising them by grade.

## **7. Approval process for Competency Frameworks**

7.1 The Head of Policy and Change presented a paper requesting that the Commission agree to a new approval process for Competency Frameworks. Since the roll-out of the Competency Frameworks was now well under way, Commissioners were asked to agree that each Competency Framework could be approved by the Chairman in consultation with the Assigned Commissioner, rather than bringing each framework to the Board for consideration and approval.

7.2 After careful consideration, the Commission agreed to adopt the new process for approval, except in exceptional cases where a framework was novel or contentious. Commissioners also noted the list of frameworks already completed and those planned for development.

## **8. Note of the September Process Review Workshop**

8.1 The Head of Policy and Change presented a paper summarising the discussions of Commissioners at the recent Selection Process Review workshop, where proposals had been considered regarding the grading of candidates and the use of judicial resources throughout the selection process.

8.2 Commissioners agreed that the note provided of the workshop was an accurate record of their discussion of the high-level proposals put forward.

8.3 It was also agreed that Commissioners would forward any additional ideas, comments or suggestions to the policy team to explore and then report back to the Board. Commissioners noted that some proposals were already being developed and put into practice, but that others would require time for development, particularly in light of current staff resource pressures.

## **9. JARS Candidate Feedback Mechanism and General Update**

9.1 The Digital Delivery Manager and Digital Manager presented a paper requesting that the Commission note the JAC's use of surveys and other tools to gather feedback on the application and selection process and website, and how the Digital Team uses this to improve JARS.

9.2 Commissioners welcomed the paper, noting also the continued development of JARS which would improve functionality.

9.3 A query was raised regarding the difficulty some panel members were experiencing accessing JARS whilst working remotely. The Head of Digital and IT systems explained that this was not a JARS specific issue, but one that was affecting RSA token working across the Ministry of Justice more generally. He informed the Commission that he had been advised that the issue would be resolved by the Ministry of Justice in due course.

## **10. Report Back from Working Groups**

10.1 Valerie Strachan, Chair of the Audit and Risk Committee, provided the Commission with an update of the Committee's meeting of 23 July 2015.

10.2 In light of time constraints, Emily Jackson agreed to provide the Commission with an update on the Advisory Group meeting held on 23 September at the next Board meeting.

## **11. Any other business**

### **Date of next meeting**

The Chairman confirmed that the next Board meeting would be held on **Thursday 12 November 2015**.