

JUDICIAL APPOINTMENTS COMMISSION (JAC) MEETING
15 DECEMBER 2011
MINUTES OF MEETING

PRESENT

Commissioners

Chris Stephens (Chairman)
Roger Toulson
Jill Black
David Bean
Geoffrey Inkin
Sara Nathan
Charles Newman
David Pearl
Francis Plowden
Harriet Spicer

Staff

Interim Chief Executive
Operational Services Director
Selection Exercise Director
Assistant Director, Strategy and Policy
(for items 3 and 4)
Selection Exercise Manager (for item 5)
Selection Exercise Manager (for item 6)
Private Secretary to the Chairman
Board Secretary

1. Apologies and matters arising

1.1 Apologies were received from Hazel Genn and Lorna Boreland-Kelly.

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

1.3 The Minutes of the November meeting were approved.

1.4 The Board Action Register was noted with a correction to the wording of the action item on s9(1) protocol; this should change from "*request*" to "*collate more data on numbers of appointments and business need*."

2. Chairman's Report

2.1 The Chairman provided an update on his activities since the last meeting. These included: a joint meeting with the Lord Chief Justice and Sir Andrew Morritt and again with the Lord Chief Justice and the Master of the Rolls; David Edmonds, the Chairman of the Legal Services Board; and Clare Sumner of the Ministry of Justice.

2.2 He had also attended the UK Diversity Legal Awards event hosted by Linklaters and indicated that a report by them could be made available to Commissioners for interest. He had observed in court with Judge David Pearl in the Family Division and had given an interview to Joshua Rozenberg. He had also given evidence to the Constitution Committee along with Commissioners Roger Toulson and Hazel Genn.

2.3 The Chairman had attended the Judicial Appointments Diversity Forum, which on this occasion had been chaired by Lord McNally. He indicated that from Spring 2012 he would chair the Diversity Forum and the JAC would resume responsibility for the support function, but the hosting of these meetings would rotate between the Law Society, Bar Council, Ilex, Judicial Office and the MoJ.

2.3 The Chairman had also spent a considerable amount of time conducting interviews for the tranche 2 and 3 new Commissioners and had also concluded interviewing for the post of the Chief Executive Officer.

3. Use of Judicial Appraisal

3.1 A paper was presented on the use of judicial appraisal in the selection process. The Commission was asked to agree that the current practice should remain for Tribunal exercises, namely that the relevant JAC-nominated representative provides a reference. In relation to the 2013 District Judge (DJ) exercise, the Committee was asked to agree that the JAC will accept appraisals from candidates who are Deputy District Judges in lieu of a reference.

3.2 The Commission discussed at length and agreed the proposal, with the caveat that the use of appraisals in lieu of references should be reviewed after two years.

3.3 In addition, it was also noted that Core Quality C of the Qualities and Abilities criteria – the ability to understand and deal fairly – should be amended on the appraisal form to reflect recent changes made by the JAC. It was agreed that this would be suggested to the Association of Her Majesty's District Judges

4. Policy Feedback

4.1 The Operational Services Director provided a verbal update to the Commission on progress with the MoJ consultation document 'Appointments and Diversity' and on business planning for 2012/13.

4.2 First, he indicated that the deadline for the responses to the MoJ Consultation document was 13 February. The key areas of significance to the JAC were: extending the Lord Chancellor's role to sitting on selection panels for certain senior posts; reducing the size of the Commission; moving non-legal exercises outside of the JAC's remit; and the transfer of appointment powers to the Lord Chief Justice. He informed Commissioners that the draft

response would be circulated for their comment in the second week of January in order to meet the deadline.

4.3 Secondly, he reassured Commissioners that the drafting of the new Business Plan had commenced and a first version would be prepared for February. As in previous years, this would be dealt with through the Audit and Risk Committee.

5. Recruitment of Panel Members

5.1 The Commission received a paper covering the assessment methods to be used at selection day and the progress made on recruiting panel members. The Selection Exercise Director indicated that diversity would be monitored as this exercise progressed.

5.2 The Selection Exercise Director also took the opportunity to thank Lorna Boreland-Kelly, Harriet Spicer and Francis Plowden for their support and the time commitment they had given to this exercise.

6. Panel Member Induction Training

6.1 The Commission received a paper and asked to note the induction plan for new panel members.

6.2 It discussed the plan in detail and suggested that new panel members might usefully observe a Selection and Character Committee meeting. It was agreed that this should be considered. The importance of diversity training was also emphasised and Commissioners were invited to send any further comments or views on the overall programme to the Selection Exercise Director outside of the meeting.

7. Report Back from Working Groups

7.1 The Advisory Group had last met on 28 November to discuss: the first draft qualifying tests for Recorder, Fee-Paid (non legal) Social Entitlement Chamber, Criminal Injuries and Deputy District Judge Magistrates. It also discussed the situational interviews for Fee Paid Specialist Member General Regulatory Chamber (Environment) and Deputy Judge Upper Tier Immigration Appeal Chamber; and lastly it had discussed the Panel Appointments, Information Pack for Candidates and the Use of Judicial Appraisals.

7.3 The Quality Assurance Working Group met earlier on 15 December to discuss the Action Register and Issues Log; Closedown Reports for Senior Circuit Judge (Crime), Fee Paid Dental Practitioner of the First-tier Tribunal; Immigration and Asylum Chamber, Designated

Immigration Judge; Circuit Judge, Registrar in Bankruptcy of the High Court and Master of the Chancery Division; Fee-paid Judge of the First-tier Tribunal, Immigration and Asylum Chamber and Salaried Judge of the First-tier Tribunal (Tax Chamber) and Salaried Judge of the Upper Tribunal (Tax and Chancery). It had also received oral updates on Complaints and Panel Chair recruitment.

7.4 It was noted that issues arising from the Closedown Reports were either dealt with at the time, or would be taken forward to the Annual Strategic Review.

8. Directors' Reports

8.1 The Selection Exercise Director provided an update on selection exercises that were currently running. In particular, she informed the Commission of a proposal to bring forward Statutory Consultation, prior to interview stage, for the High Court Selection Exercise. The Commission noted that it was content with this process change, so long as the Selection Panel agreed and that the Judicial Executive Board was also content. It asked to be informed of the outcome of these deliberations, but stressed that any desire to extend this change to other exercises would require formal Board approval.

8.2 She also presented a paper covering the key lessons learnt from the first on-line qualifying test pilots. The Commission was content, noting that a full analysis of the three pilots being tested would be provided to the Commission in April 2012.

8.3 The Operational Services Director provided an update on key priorities in his area which included the proposed new replacement IT system. He informed Commissioners that a dedicated meeting would take place on 12 January and this would be an opportunity for them to comment on the proposals. A note confirming the details of this meeting would be sent to present and new Commissioners.

8.4 He then presented a paper covering the Selection Exercise Programme 2012/13 and the long term programme. He sought the agreement from the Commission, noting that the programme presented was affordable and deliverable and met the requirements of business partners. The programme was agreed.

8.5 He next provided an updated paper on the Commissioner Handover plan and invited Commissioners to forward any further comments to the Secretariat.

8.6 He also advised Commissioners of a review of appointments made by the JAC since 2006 as a proportion of the overall judicial body. It was agreed that this should be circulated to Commissioners out of Committee.

8.7 Finally, he confirmed that, following discussion with Ministry of Justice statisticians, in future the number of applicants for JAC exercises would be published on the JAC website when the relevant exercise closed, except in cases where there were less than 10 applicants.

9. Interim Chief Executive's Report

9.1 The Interim Chief Executive provided an update on the current budget forecasts. He also reported on a recent meeting held by the Permanent Secretary, Suma Chakrabarti with Accounting Officers of Arm's Length Bodies, where they had held productive discussions in relation to HR, Finance and shared services.

Date of next meeting

The next meeting would be held on **Thursday, 26th January**. This would be an all day joint meeting with new Commissioners.