

**JUDICIAL APPOINTMENTS COMMISSION (JAC) MEETING  
26 JANUARY 2012  
MINUTES OF MEETING**

<p><b>PRESENT:</b> <b>Commissioners</b></p> <p>Christopher Stephens (Chairman) Roger Toulson (Vice-Chairman) Jill Black David Bean Lorna Boreland-Kelly Martin Forde Hazel Genn Geoffrey Inkin Alexandra Marks Sara Nathan Charles Newman David Pearl Francis Plowden Harriet Spicer Deborah Taylor</p> <p><b>Observers:</b> Alison McKenna, Stella Pantelides, Andrew Ridgway, Ranjit Sondhi, Valerie Strachan, John Thornhill, Malcolm Birchall,</p>	<p><b>Staff:</b></p> <p>Operational Services Director Selection Exercise Director Assistant Director, Finance (for item 4) Assistant Director, Strategy and Policy (for item 6) Head of Equality and Diversity (for item 7) Assistant Director, Outreach (for item 8) Head of Operational Policy (for item 9) Private Secretary to the Chairman Board Secretary</p>
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**1. Introduction and Aims**

1.1 The Chairman welcomed the current and incoming Commissioners to the meeting and formal introductions were made.

1.2 He outlined the aims of the day which were formally to conclude business with the current Commission, to conduct an embedded Selection and Character Committee within the meeting, the minutes of which are reported separately; and to facilitate a discussion on current issues of interest in the JAC.

1.3 The Chairman also informed the meeting that those Commissioners whose terms of office commenced on 1 February were attending the meeting as observers.

**2. Apologies and matters arising**

2.1 Apologies had been received from Nigel Reeder, Chief Executive, and Noel Lloyd. In addition, Hazel Genn and Alison McKenna would join the meeting in the afternoon only and Frances Plowden would leave after Item 6.

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

2.3 The Minutes of the December 2011 Board were approved.

### **3. Review of Action Register**

3.1 The Board Action register was noted and the Board Secretary confirmed that all actions were complete or in hand. In relation to the Item 8 action from the December 2011 meeting, it was requested that it would be helpful to also circulate to the incoming Commissioners the table of JAC recommendations since 2006. The Secretariat would arrange this.

### **4. Report from Audit and Risk Committee**

4.1 Francis Plowden, supported by the Assistant Director of Finance, presented a report from the Audit and Risk Committee (ARC). He provided an overview of its role and remit, the relationship with the Accounting Officer and the advice provided, and the processes and forward planning involved. He also discussed the main risks for the JAC, namely those relating to loss of data, the provision of IT and retention of the knowledge base and how the ARC ensures that proportionate measures are taken to mitigate these risks.

4.2 He also commented on the good practice and oversight that is carried out by the ARC and noted that, in due course, incoming Commissioners would wish to consider in more detail the exact balance of responsibilities between the ARC and the Board.

4.3 The Operational Services Director added at this point a brief overview of the status of existing and proposed IT systems, providing assurances that controls were in place to achieve the level of security required.

4.4 In addition, the Selection Exercise Director also provided an overview of the piloting of on-line testing, and the controls in place to address the risks involved.

4.5 The Chairman formally expressed his gratitude to Francis Plowden for his report and also for the work of the group throughout his time as Chair of the Audit and Risk Committee.

### **5. Report from the Advisory Group**

5.1 The Selection Exercise Director provided to the Commission an overview of the role of the Advisory Group and its membership.

5.2 She outlined the material that is reviewed by the group including qualifying tests, marking schedules, role plays and situational scenarios, assessment schedules and feedback reports, as well as the Group's input on new ideas or process changes the JAC is considering, such as on-line testing.

5.3 The Selection Exercise Director also indicated that the membership of the group was under review and a new Chair should be appointed. A discussion followed around the focus of the forum and its representatives and she invited views from all Commissioners. It was suggested that it would be desirable to include a legal academic among the membership, as the Group had benefitted greatly from the academic expertise of the outgoing Chairman, Hazel Genn. Alexandra Marks asked whether it would be appropriate to review the provision of papers for the meetings, in order that they could be available in advance and it was agreed that this issue should be addressed by the Group.

## **6. Draft JAC Response to the Ministry of Justice's Consultation Document**

6.1 The Assistant Director, Strategy and Policy presented a paper on the draft response to the MoJ's consultation document, 'Appointments and diversity: A judiciary for the 21<sup>st</sup> century'.

6.2 She invited high-level comments from all Commissioners. The Commission considered and debated all draft responses to the 22 questions in the consultation document, together with the suggested changes and comments provided by Francis Plowden ahead of the meeting.

6.3 It was agreed that the Assistant Director of Strategy and Policy would circulate an amended draft response to the specific question on the appointment of deputy high court judges to those Commissioners who had expressed views on the issue, for final comment by Thursday 2 February. The Assistant Director would then revise and provide a redraft of the full response, reflecting those comments as well as the substantial points raised during the Board discussion.

## **7. Equality and Diversity**

7.1 The lead Commissioner on diversity, Lorna Boreland-Kelly, supported by the Head of Equality and Diversity, provided a presentation to the Commission outlining the JAC's statutory obligations under the Constitutional Reform Act 2005 and the Equality Act 2010, and how the JAC ensures that the selection process fully meets those obligations.

7.2 Lorna Boreland-Kelly further outlined the role of the lead Commissioner. She also emphasised the importance of the work of the Diversity Forum and JAC outreach events, particularly the role of the latter in explaining to potential candidates the preparation needed in order to apply for judicial posts. She hoped that the new Commission would continue with this. Lorna Boreland-Kelly expressed her thanks to the team for their hard work and support.

7.3 In discussion, it was requested that the calendar of religious holidays be made available to new Commissioners and the Secretariat would circulate it.

## **8. Communications and Outreach**

8.1 Sara Nathan, supported by the Assistant Director, Outreach provided a presentation to the Commission. Sara Nathan gave an overview of JAC communications and marketing and also the development of on-line marketing, including through the JAC website and social media.

8.2 In support of the above, the Assistant Director, Outreach provided a presentation on the JAC's outreach objectives, paid advertising, candidate seminars and press features, as well as communications with key interested parties.

8.3 Sara Nathan expressed her thanks to the outreach team for their support and noted how much she had enjoyed working with them. She also expressed her thanks to Charles Newman and Lorna Boreland-Kelly for their support as members of the Outreach Working Group.

## **9. Quality Assurance**

9.1 Harriet Spicer, supported by the Head of Operational Policy, provided a presentation on Quality Assurance.

9.2 The Head of Operational Policy gave a general overview of the JAC selection process. A generic timeline for JAC exercises was provided, starting from the point of the exercise launch through to recommendations being sent to the Lord Chancellor. He also talked through the key assurance checkpoints which included diversity checks, dry runs, equality proofing, moderation and closedown reports.

9.3 Harriet Spicer also gave an overview of the Assigned Commissioner's role, which was predominantly one of reviewing and challenging. She also stressed the importance of the relationship and the good team-working that was required. In addition, Hazel Genn

emphasised the value of closedown reports and recommended that the Commission consider retaining a quality assurance group or lead Commissioner.

9.4 Finally, Harriet Spicer expressed her personal thanks to the team and stated how much she had enjoyed working with staff.

## **10. Strategic Summary**

10.1 In the absence of the Chief Executive, the Director of Operational Services provided a brief summary of the main strategic issues for the JAC, which were the issue of independence, the evolving relationship with the Ministry of Justice and the change agenda, including the implications of the potential new IT system. More detail would be provided to the new Commissioners at the induction meeting on 9 February.

10.2 He concluded by thanking the departing Commissioners, on behalf of all members of the JAC staff, for all the support they had given to staff and the work they had done with them, adding that they would be much missed.

## **11. Closing Remarks**

11.1 The Chairman concluded the meeting by emphasising that he and the new Commission were grateful to inherit all the achievements of the inaugural Commissioners, expressing his warm appreciation and thanking them all.

11.2 He confirmed that the next Board meeting would be held on the afternoon of **Thursday, 9 February**. An induction meeting for new and incoming Commissioners would take place beforehand commencing at **10:00**.