

JUDICIAL APPOINTMENTS COMMISSION (JAC) MEETING
14 JUNE 2012
MINUTES OF MEETING

PRESENT

Commissioners

Chris Stephens (Chairman)
Jill Black (Vice-Chairman)
David Bean
Malcolm Birchall
Martin Forde
Noel Lloyd
Alexandra Marks
Alison McKenna
Andrew Ridgway
Ranjit Sondhi
Valerie Strachan
Deborah Taylor
John Thornhill

Staff

Chief Executive
Selection Exercise Director
Operational Services Director
Assistant Director, HR (for item 4)
Assistant Director, Outreach (for items 5 & 6)
Assistant Director, Finance (for items 5 & 6)
Selection Exercise Manager (for item 9)
Private Secretary to the Chairman
Board Secretary

1. Apologies and matters arising

1.1 Apologies were received from Stella Pantelides.

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

1.3 Minutes of the 10 May meeting were approved subject to an addition to be made under paragraph 11 as follows:

“11.3 Commissioners had raised the issue of their voluntary attendance at Selection and Character Committee (SCC) meetings, in addition to the meetings to which they had been allocated individually. The Chairman confirmed that Commissioners were welcome to attend extra SCC meetings during their early days and he would follow up with a further discussion of this issue in September”.

1.4. The Board Action Register was noted.

2. Chairman's Update

2.1 The Chairman provided an update on his activities since his last report at the May Board. He had met with the Lord Chief Justice for a bi-lateral discussion and again with the Lord Chief Justice, the Master of the Rolls and Stella Pantelides to conduct shortlisting for the

Court of Appeal.

2.2 He had participated in interviews for the President of the Supreme Court and attended the inaugural meeting of the Diversity Workshop. In addition he had addressed the top City solicitor firms at a breakfast event held by the Law Society. Alexandra Marks had also attended.

2.3 The Chairman was also due to be Chairing the Diversity Forum, meeting with Howard Riddle, Senior District Judge, and also with Lord Justice Gross, Deputy Senior Presiding Judge.

2.4 The Chairman also mentioned to Commissioners that he would be meeting with them individually for mid-year review discussions and would welcome their views on SCC and Board meetings and any other aspects of their work with the JAC.

3. Chief Executive's Report

3.1 The Chief Executive provided an update to the Commission on the Ministry of Justice Spending Review plans for 2015-20 and the Transforming Justice programme. He also provided an update on the JAC financial position; the budget for 2011/12 was £5.52m with a forecast outturn of around £5m. The budget for 2012/13 had been set at £5.12m. The Audit plan for 2011/12 developed with MoJ had been agreed by the JAC Audit and Risk Committee at its meeting on 11 June.

3.2 He also informed Commissioners that the new MOJ Permanent Secretary, Ursula Brennan, would take up her role on 2 July.

3.3 In relation to the Crime and Courts Bill, he informed the Commission that he and other members of staff were working with MoJ, HMCTS and Judicial Office to agree a joint governance structure to take forward work on resulting changes which will need to be made to processes, streamlining the end-to-end judicial appointments process, and oversight of internal change programmes in JAC, JO and HMCTS. Both the Chairman and Chief Executive welcomed the support of Commissioners for this project.

4. HR Annual Review

4.1 The Assistant Director, HR presented a paper to the Commission on the annual HR review, and planned initiatives to be taken forward in 2012/13.

4.2 Commissioners discussed and commented on the paper. They were particularly pleased by both the response to the 2011 Staff Survey and the engagement scores that resulted from it. They also noted the relatively low level of sickness absence and the flexible working arrangements that existed within the JAC. It was suggested that, in future, it would be helpful if benchmarking information on other public bodies of a similar size could be included.

4.3 Commissioners also commented on how impressed they had been with the calibre and commitment of staff. The Assistant Director would pass on to staff the Commissioners' positive comments.

4.4 Staff training and development was discussed and Commissioners offered their expertise to assist with training workshops, or to support staff development. The Assistant Director was grateful for this offer, would make staff aware and would involve Commissioners, as appropriate, in future training events.

4.5 The Chairman thanked the Assistant Director for the work on his paper which had been of considerable interest and value to the Commission.

5. JAC Annual Report

5.1 The Assistant Director, Outreach presented a paper and asked the Commission to approve the 2011/12 Annual Report.

5.2 Commissioners had been provided with a draft in advance of the meeting and were pleased with the overall content and style of the report. There were no further substantial changes to be made and the Commission approved the Annual Report.

5.3 In advance of publication of the Annual Report a press statement and supporting material would be circulated to Commissioners for information.

6. Outreach Strategy

6.1 The Assistant Director, Outreach also presented a paper to the Commission which set out the strategy for supporting outreach and communicating the objectives of the JAC in line with the Commission's vision.

6.2 The Commission discussed the paper and, in particular, the key strategic messages provided. The Assistant Director would take forward their comments and circulate a revised version of the key messages as a stand-alone document within the next few weeks.

6.3 Commissioners approved the strategy, noted that it would continue to be developed and agreed to provide any further comments directly to the Assistant Director, Outreach. It was agreed that progress be reviewed by the Commission after 6 months.

7. Conflicts of Interest

7.1 The Private Secretary to the Chairman presented a paper, which asked the Commission to consider the revised “Conflicts of Interest Rules for Selection Decisions”.

7.2 The Commission discussed and approved the approach outlined in the paper, whereby the previous policy paper and ‘precedent’ log would be replaced by the updated Rules. Commissioners agreed that containing guidance in one document was preferable in the interests of clarity. In relation to the Rules themselves, Alexandra Marks commented that the perception of objectivity was just as important as the reality, and suggested that this could be given greater emphasis. The Private Secretary would incorporate this and other comments in a revised version, which would replace the current version enclosed with each set of SCC papers.

8. Reports from Working Groups

8.1 Ranjit Sondhi, as Chair of the Diversity Workshop, provided his first update to the Commission on its inaugural meeting held on 24 May. It had mainly discussed and agreed the proposed Diversity Forum Forward Look, which had subsequently been circulated to all Commissioners for information. He suggested that future meetings might focus on particular issues such as the ‘tipping point’ provisions, or social mobility.

8.2 In this context, Commissioners suggested a discussion on the positive action provisions, ahead of their enactment under the Crime and Courts Bill. The Secretariat would look to put this item on the Board agenda for the autumn. In the interim it was suggested that this issue might usefully be discussed with other organisations with relevant experience, such as the Civil Service Commission.

8.3 The Selection Exercise Director provided an update to the Commission on the work of the Advisory Group which had met on 29 May to discuss the Deputy District Judge

(Magistrates' Courts) role play, and situational questioning for both Salaried Medical Member (Social Entitlement Chamber) and Master of the Administrative Court in the Queen's Bench.

8.4 She also provided a copy of the revised Terms of Reference of the Advisory Group and updated the Commission on new replacement members.

8.5 Valerie Strachan, Chair of the Audit and Risk Committee, provided a verbal update to the Commission of its last meeting on 11 June, where it had discussed and approved the annual accounts. It had also agreed the Internal Audit Plan for 2012/13 and had received the National Audit Office's Report on External Audit.

9. Directors' Reports

9.1 The Selection Exercise Director referred Commissioners to her Directorate report included in the papers. In addition, the Selection Exercise Manager presented a paper to the Commission seeking their agreement to the closure of the section 94 list for District Judge (Magistrates' Courts), 2010/11. The Commission agreed to the closure of the list when recommendations from the 2012 exercise have been made to the Lord Chancellor, noting that the Lord Chancellor's non-statutory eligibility criteria for this exercise was expected to be more demanding than that applied in the 2010 exercise. In order to be fair to candidates remaining on the section 94 list until the point of closure, Commissioners agreed to provide those candidates assessed as selectable for crime posts with the opportunity to be 'passported' through to selection day on the new exercise to launch in 2012, without the need for competition at the short-listing stage. Commissioners also agreed that candidates assessed as selectable for family-only posts, if not selected at the point of closure when recommendations for the 2012 exercise are sent to the Lord Chancellor for consideration, would be similarly 'passported' in the next exercise where there is a post including family as part of the requirement.

9.2 The Operational Services Director updated the Commission on key issues within his Directorate. In addition he informed the Commission on the interim status of the IT project and indicated that a further note would be circulated, out of committee, to Commissioners within the next few weeks.

10. Any other Business

10.1 Commissioner, David Bean raised the issue of Commissioners being involved on occasion in interview panels. The Chairman agreed and confirmed that this was already in

progress and cited some recent Commissioner involvement on panels.

10.2 In addition, the Secretariat team would canvass Commissioners' availability and preference in relation to bringing forward the December 2012 Board meeting from the 13th to 6th, which would align with the SCC meeting that had already been brought forward.

Date of next meeting

The Chairman confirmed that the next Board meeting would be **held on 12 July at 11 a.m.** There was also the possibility of there being a short SCC meeting either before or following the Board meeting, in addition to the Selection Review workshop being held in the afternoon. The Secretariat team would provide confirmation and timings of the day as soon as possible.

Finally, the Chairman informed Commissioners that John Wotton and Lucy Scott-Moncrieff of the Law Society would also be attending the 12 July meeting.