

JUDICIAL APPOINTMENTS COMMISSION (JAC) MEETING

10 MAY 2012

MINUTES OF MEETING

PRESENT

Commissioners

Chris Stephens (Chairman)
David Bean
Malcolm Birchall
Martin Forde
Noel Lloyd
Alexandra Marks
Alison McKenna
Stella Pantelides
Andrew Ridgway
Ranjit Sondhi
Valerie Strachan
Deborah Taylor (for items 10 and 11 only)

Staff

Chief Executive
Selection Exercise Director
Operational Services Director
Head of Operational Policy (for item 4)
Assistant Director, Business Services (for item 5)
Assistant Director, Change Programme (for item 6)
Private Secretary to the Chairman
Board Secretary

Guest attendee: Lord Judge, The Lord Chief Justice (for item 10 only)

1. Apologies and matters arising

1.1 Apologies were received from Jill Black and John Thornhill.

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 15 March meeting were approved and the Board Action Register was noted.

2. Chairman's Report

2.1 The Chairman provided an update on his activities since his last report at the March Board. He had met with Sir Andrew Morritt, Chancellor of the High Court and had met with the Lord Chief Justice on a number of occasions, including at a trilateral discussion with the Lord Chancellor. He had attended the Diversity Forum and meetings of the Selection Commission for the appointment of the President of the Supreme Court.

2.2 In addition he and Martin Forde QC had met with: Malcolm Davis-White, Chairman of the Chancery Bar Association; and Paul Jenkins, the Head of the Government Legal Service together with Alison McKenna. He had met the President of CILEx with District Judge Malcolm Birchall and they both also attended and spoke at a meeting of the Association of District Judges. He had also attended the launch of the Solicitor Judges Division, where Alexandra Marks had delivered a

speech. It was noted that the respective Commissioners would be taking forward the relationship with these parties on behalf of the Commission.

2.3 The Chairman was also due to be speaking both at the Diversity and Community Relations Judges Annual Training Event on 11 May, and at a breakfast event organised by the Law Society involving the major city solicitors firms at the end of the month.

3. Chief Executive's Report

3.1 The Chief Executive provided an update to the Commission on the wider financial position within the Ministry of Justice (MoJ). Further savings of £1.4 billion were to be achieved by the end of the Spending Review (SR) period in March 2012. The JAC budget for 2011/12 was £5.52m with a forecast outturn of around £5million. The budget for 2012/13 had been set at £5.12m.

3.2 He informed the Commission that the JAC would be subject to a Triennial Review towards the end of this SR period in late 2014, which would inform the SR 2015-20 decisions.

3.3 The Chief Executive also informed Commissioners that the MoJ Report on responses to its consultation on 'Appointments and Diversity' together with the Crime and Courts Bill were expected to be published on 10 May. It would be arranged for Commissioners to be sent links to the documents as soon as they became available.

3.4 In relation to the Crime and Courts Bill he informed the Commission that the MoJ had asked the JAC to form a small team to develop the new business processes for all partners (Judicial Office, HMCTS and MoJ) that would be required under the Bill.

4. Non Statutory Eligibility Criteria

4.1 The Head of Operational Policy presented a paper for the Commission to consider the additional criteria that are applied to selection exercises by the Lord Chancellor and to review the existing approach to how the JAC should treat these as part of the selection process.

4.2 The Commission debated these issues at length, and concluded that the existing approach should be maintained for the time being. In relation to the requirement for fee-paid judicial experience, it asked that the information provided to candidates and selection panels be made very clear, in documentation and in briefing, that this requirement would be waived only in wholly exceptional cases.

4.3 The Commission agreed that this issue should be brought back to the Board for further review after six months. In the intervening period, the paper would be revised to incorporate other points

made by Commissioners, including evidence of the impact on diversity of any change in policy. Commissioners were invited to provide any further comments, out of committee, to the Operational Director.

5. 6 Month Complaints Analysis

5.1 The Assistant Director of Business Services and Complaints presented a paper for the Commission to note the analysis of complaints received by the JAC during 2011/12, and also provided an update on Freedom of Information requests received during the year.

5.2 While the overall number of formal complaints remained steady at around 1% of the total number of applicants, it was recognised that this did not relate to a 99% satisfaction rate. It was noted that the professional representative members of the JAC Advisory Group were able to feed in wider concerns and advise on how they should be addressed. It was, however, pleasing that the proportion of complaints referred to the Ombudsman had again reduced in the reporting period.

6. Change Programme

6.1 The Assistant Director for the Change Programme and IT projects presented a paper to the Commission to note progress.

6.2 He reported that the provision of the new IT system to replace existing applications would reach a major milestone shortly and a further report on that would come to the Board in June.

6.3 The Commission also noted and agreed the concept paper outlining the planned approach to the shortlisting project. It had been largely based on the discussions at the Commissioners' Strategic Workshop held earlier in the year.

7. End of Year Reports

7.1 The Operational Services Director asked the Commission to note the End of Year Reports on Finance, Performance and Corporate Risk Registers, which it did.

8. Reports from Working Groups

8.1 Valerie Strachan, as the new Chair, provided her first update to the Commission on the work of the Audit and Risk Committee which had met on 30 April. It had discussed End of Year Finance, Performance and Corporate Risk Registers, Assurance Reporting, and the Annual Accounts. It had also discussed progress towards the implementation of audit recommendations, as well as Internal and External Audit updates.

8.2 Stella Pantelides, as the new Chair, provided her first update on the work of the Advisory Group which had met on 19 April and discussed the second draft qualifying test and role play for the Fee-paid Judge of the First-tier Social Entitlement Chamber, and the second draft role play of the Fee-Paid Member (Medical), First Tier Social Entitlement Chamber. It had also discussed feedback reports for Deputy Judge and Salaried Judge of the Upper Tribunal AAC.

8.3 In addition, she indicated that there were still vacant places on the Advisory Group and hoped that this would be settled shortly. It was requested that the Terms of Reference and membership of the Advisory Group be re-circulated to Commissioners for information.

9. Directors' Reports

9.1 The Selection Exercise Director provided an oral update on the current status of selection exercises. She discussed with the Commission the approach to be taken in terms of short-listing for the Circuit Judge exercise which was due to launch in July. She also discussed, and the Commission agreed, the final selection procedure with regards to the Deputy District Judge (Magistrates) in which it was intended to invite a higher number of candidates to interview, but then to pass fewer candidates (the most highly graded) for the role play, at which point recommendations for selection would be made. The Commission agreed this process.

9.2 The Selection Exercise Director also informed the Commission that the vacancies required for the Fee-Paid Social Entitlement Chamber had increased significantly from initial indications.

9.3 The Operational Services Director referred Commissioners to the summary of comments and suggestions made at the Strategic Workshop, enclosed with this report, indicating how issues would be taken forward. He also thanked Commissioners for their survey responses and indicated the possibility of a similar event in March.

9.4 He also informed the Commission that the JAC would remain in Steel House and would not be required to relocate as part of the MoJ estate rationalisation project.

9.5 Commissioners were also asked to inform the Secretariat if they were experiencing any difficulties in setting up their individual CJSM accounts.

10. Board Guest: Lord Chief Justice

10.1 The Lord Chief Justice joined the meeting and welcomed the opportunity to meet the Commission. He reflected on the judicial appointment processes before the creation of the Judicial Appointments Commission, and went on to say how he had been a strong supporter of a new

independent Commission.

10.2 The Lord Chief Justice then spoke about elements of the JAC processes and the length of the end-to-end process, the latter of which he recognised was largely due to parts of the process not under the control of the JAC. He also talked of the likely challenges ahead with the expected introduction of the Crime and Courts Bill.

10.3 Commissioners took the opportunity to ask the Lord Chief Justice for his views on a range of issues, which led to lively debate. He also stressed to the Commission the importance of selecting judges who were strong-minded and robust of character, because of the difficult decisions that daily had to be made.

10.4 The Chairman thanked the Lord Chief Justice for making time to meet and take part in a most valuable discussion.

11. Any other Business

11.1 The Selection Exercise Director proposed to the Commission a different approach to the approval of the Selection and Character Committee papers. Currently all papers were approved by her personally but this was causing unnecessary delay. She proposed that the relevant Selection Exercise Manager would take responsibility for each paper with the Assigned Commissioner reviewing it before circulation to the Committee. There were many benefits but she highlighted that there would be a short time-window for the Assigned Commissioner to consider the paper.

11.2 The Commission agreed to proceed with this approach, commenting that it would also help the Assigned Commissioner to become more involved.

11.3 Commissioners 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.

Date of next meeting

The next Board meeting would be held on **Thursday 14 June**.