

JUDICIAL APPOINTMENTS COMMISSION (JAC) MEETING
14 May 2015
Minutes of Meeting

| Present | |
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| Commissioners | Staff |
| Christopher Stephens (Chairman) Julia Macur (Vice Chairman) Emily Jackson Usha Karu Noel Lloyd Alexandra Marks Katharine Rainsford Andrew Ridgway Lucy Scott-Moncrieff Christopher Simmonds Valerie Strachan Phillip Sycamore Debra van Gene Alan Wilkie | Chief Executive Head of Policy and Change Head of Senior and International Appointments Head of Selection Process Review Head of Human Resources Organisational Psychologist Private Secretary to the Chairman Board Secretary |
| Guests (Item 6 only) Professor Sir Jeffrey Jowell KCMB QC, Director, Bingham Centre for the Rule of Law Dr Jan van Zyl Smit, Associate Senior Research Fellow, Bingham Centre for the Rule of Law | |

1. Apologies and matters arising

1.1 Apologies were received from Martin Forde.

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 11 March meeting were agreed and the Board Action Register noted. The note of the Annual Strategic Review, of 11 and 12 March, was also agreed, pending minor amendment.

2. Chairman's Report

2.1 The Chairman provided an update on his activities since his last report at the March meeting. He reported that he had met with the President of the Family Division. He had also met with the Senior Presiding Judge regarding the current Circuit Judge selection exercise. The Chairman also spoke of his involvement in the Senior President of Tribunals, Chairman of the Law Commission and Court of Appeal selection exercises.

2.2 The Chairman then invited Commissioners to comment on relevant activities of particular interest with which they had been involved. Christopher Simmonds reported that he had been invited to a dinner, hosted by the Chartered Institute of Legal Executives (CILEx), along with the Chairman. Valerie Strachan reported that she had been invited by the President of the Supreme Court, Lord Neuberger, to assist in the competition to appoint a new Chief Executive of the Supreme Court.

2.3 Noel Lloyd informed Commissioners that he had met with the Permanent Secretary to the Welsh Government and the heads of Welsh university law schools, in Cardiff. Alexandra Marks reported on her attendance at a further event for those returning to the legal profession. She informed Commissioners, also, that she would be giving another presentation at an event hosted by the Lawyers with Disabilities Division of the Law Society. Last, she informed the Commission that she had attended a 'Meet the Judges' event with the Head of Senior and International Appointments and would be meeting with a journalist of the *Law Gazette* to discuss opportunities for solicitors.

3. Chief Executive's Report and Management Information Pack

3.1 The Chief Executive provided an oral update on current activity at the JAC. He reported on the JAC's financial position, confirming that the JAC's budget for 2015/16 had been indicated as the revised total of £4.4m.

3.2 The Chief Executive then reported on staffing levels at the JAC. He also explained that a draft of the JAC's annual report for 2014/15 would be presented to Commissioners in June. He informed the Commission that recent work to the physical environment of the 102 Petty France building had completed and that the impact of the changes on candidates had been minimal.

3.3 Last, the Chief Executive provided a summary of other activities, including additional research which would be commissioned to assess the progression of BAME candidates through JAC selection processes. The Chief Executive also reported on work undertaken as part of the Selection Process Review, including the continued roll-out of revised competency frameworks. He discussed the 2015/16 selection exercise programme, of which exercises running in the first three quarters of the year had been confirmed.

3.4 The Chief Executive's report was followed by a presentation on the implementation of the JAC's new IT based 'Judicial Appointments Recruitment System' (JARS) and on the progress of the current Recorder exercise. With regard to technical issues which had affected the qualifying test for this exercise, Commissioners noted that the appropriate remedial steps had been taken quickly and lessons had been learnt. Additionally, Commissioners were provided with reassurance that candidates' diversity data is kept separate from their applications on the system.

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

4. Educational Background

4.1 The Head of Policy and Change presented a paper seeking the Commission's agreement to monitor candidates' educational background as part of the JAC's diversity monitoring. The Commission was also asked to consider prospective questions that would enable the JAC to monitor such information in a way that was consistent with the approach taken across the legal profession.

4.2 After careful consideration, the Commission agreed that candidates' educational backgrounds should be monitored as part of the JAC's diversity monitoring. Commissioners were invited to provide comments on the prospective questions, to the Head of Policy and Change.

4.3 In coming to its decision, the Commission noted that as the information would be sought as part of diversity monitoring, candidates could choose not to answer the questions. The Commission also noted that the information, in line with all information captured as part of diversity monitoring, would not be connected to candidates' applications – and therefore would not be taken into consideration during the evaluation of merit.

5. Review of Commission Board Terms of Reference

5.1 The Secretary to the Board presented a further paper seeking the Commission's agreement to adopt revised Terms of Reference for Commission Board Meetings (the Terms).

5.2 The Commission noted the changes that had been made to the Terms following their consideration at the meeting in March. Pending minor amendment, the Commission agreed that the revised Terms should be adopted.

6. Guests: Professor Sir Jeffrey Jowell KCMB QC, Director, and Dr Jan van Zyl Smit, Associate Senior Research Fellow, of the Bingham Centre for the Rule of Law

6.1 The Chairman welcomed Sir Jeffrey and Dr van Zyl Smit to the meeting and introductions were made.

6.2 Sir Jeffrey thanked the Commission for inviting him to attend the meeting, along with Dr van Zyl Smit. Sir Jeffrey reflected on the work of the Bingham Centre, in promoting the rule of law throughout the world since its creation four and a half years previously. He stated that the JAC had come to be seen as a model judicial appointments body. He also said that there had been significant change over the course of the past thirty years, with regard to the processes used to appoint to judicial offices in a number of Commonwealth jurisdictions.

6.3 Sir Jeffrey provided an overview of the work the comparative research project the Bingham Centre is conducting jointly with the University of Cape Town on judicial appointment

commissions in the Commonwealth. The aim of the project is to produce guidelines on the practice and procedure of judicial appointment commissions in the Commonwealth, and a draft was provided to Commissioners for comment.

6.4 Dr van Zyl Smit then led a discussion of the comparative selection processes used in different Commonwealth countries. The Commission reflected on the work of the JAC and of the cultural change, within the judiciary and legal professions, which had taken place since its creation in 2006. The Commission agreed to maintain an open dialogue with Sir Jeffrey and the Bingham Centre, particularly in light of the fact that it had been a recommendation of the Triennial Review report of the JAC that the JAC clarify and expand its role in promoting international rule of law.

7. Competency Frameworks

7.1 The Organisational Psychologist presented a paper seeking the Commission's agreement to adopt two competency frameworks to be used in the forthcoming District Judge (Magistrates' Court) and Deputy Chancery and Bankruptcy Masters selection exercises. The Commission was also asked to consider the approach to take with regard to forthcoming Senior Circuit Judge and Fee-paid Medical Member, First-tier Tribunal, Health, Education and Social Care Chamber (Mental Health) exercises.

7.2 Following discussion, the Commission agreed to the adoption of the two competency frameworks, pending minor amendment. Additionally, the Commission agreed to delegate the sign-off of the forthcoming Senior Circuit Judge exercise to a sub-group of Commissioners who would consider the selection process, via correspondence, in August.

7.3 Last, the Commission agreed that the competences to be used in the Fee-paid Medical Member role, as set out above, would be same as those used in the JAC's 'Qualities and Abilities' framework – the same as were used the last time a competition to this office was held.

8. s9(4) Deputy High Court Judge Exercise

8.1 The Head of Senior and International Appointments presented a paper seeking the Commission's agreement on the shortlisting method to be used for the above exercise.

8.2 After careful consideration, the Commission agreed the tailored two-stage shortlisting process, consisting of a paper sift (stage one) – utilising the candidate's self-assessment, career history and answers to questions in the application form, and a telephone interview assessment (stage two) which would probe the answers provided to the stage one questions further, and involve a discussion of a legal argument, speech or debate.

9. Annual Review of Human Resources (HR) Activities

9.1 The Head of Human Resources presented his annual review of HR activities. He reflected on the significant change the JAC had experienced over the course of 2014/15. He made reference to the continued implementation of JARS, in addition to the relatively high turnover rate and sickness levels among staff. In light of JARS, it was noted that the nature of how the selection process is administrated would continue to change. Where necessary, staff members were being trained in order to work effectively in the changed working environment. Careful planning was required, it was explained, to ensure that staff had the right skills to take forward the JAC's future work.

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 April 2015. She raised the issue of staff turnover and sickness levels as matters that the Committee was monitoring closely. She also stated that the Committee was similarly following the implementation of JARS.

10.2 In addition to these issues, the Commission noted that the Committee also considered end-of-year assurance, the Governance Statement (to be included in the JAC's 2015/16 annual report), the internal audit year-end report, accounting policies, the Senior Information Risk Owner's annual report and the Committee Chair's annual report. Last, the Commission was informed that the timetable for the National Audit Office's annual audit of the JAC had been finalised and would take place over the summer.

Date of next meeting

The Chairman confirmed that the next Board meeting would be held on **Thursday 11 June 2015**.