

**JUDICIAL APPOINTMENTS COMMISSION (JAC) MEETING**  
**10 NOVEMBER 2011**  
**MINUTES OF MEETING**

**PRESENT**

**Commissioners**

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

**Staff**

Interim Chief Executive  
Selection Exercise Director  
Operational Services Director  
Assistant Director, Performance & Project  
(for item 4)  
Deputy Selection Exercise Manager  
(for item 5)  
Assistant Director, Business Services  
(for item 6)  
Private Secretary to the Chairman  
Board Secretary

**1. Apologies and matters arising**

1.1 Apologies were received from Hazel Genn.

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 October meeting were approved.

1.4 The Board Action Register was noted. The Operational Services Director added that comments on the Good Character Guidance had been received from Commissioners and incorporated into a revised version which would be promulgated in December.

**2. Chairman's Report**

2.1 The Chairman provided an update on his activities since the last meeting. These included meetings with Sir Thomas Legg, Sir John Brigstocke, Lord McNally, Sir Nicholas Wall, Lord Woolf, Judge Abel Fleming, a visiting judge from Argentina, and Bob Ayling, the new Chairman of Her Majesty's Courts and Tribunals Service. He had also held productive bilateral meetings with the Lord Chancellor and Lord Chief Justice and a trilateral meeting with both.

2.2 The Chairman had also made a presentation to a meeting of the Judges' Council which had been well received and was followed by a constructive Q&A session. He had participated on the interview panel for Supreme Court appointments and attended the Annual Bar Conference held on Saturday 5 November.

2.3 In addition, the Chairman had met with District Judge Tim Jenkins (Association of District Judges). One of the topics they had discussed was the fact that the judicial member provided for the latest District Judge selection panels was a Circuit rather than a District Judge. This would be fed back to the Senior Presiding Judge at their next meeting.

2.4 The Chairman also provided the Commission with an update on the recruitment of new Commissioners.

### **3. Presentation to Lord McNally**

3.1 Lord McNally, Minister of State for Justice and Deputy Leader of the House of Lords, attended and met the Commission. The Chairman and other Commissioners presented an overview of the JAC's achievements and performance over the last year, the JAC's outreach activities and work to encourage a diverse pool of applicants. In addition, they outlined possible measures, some of which would require legislation that could help to encourage greater diversity in appointments, such as wider availability of salaried part-time working.

3.3 Lord McNally welcomed the discussion and commented that he had been a supporter of the creation of the Commission, which he believed increased public confidence in the judicial appointments process. He was keen to hear about and feed into the processes and also listen to suggestions that could make a difference in increasing diversity.

3.4 In the course of discussion it was agreed that the Diversity Forum could make a real difference in this area with commitment from all the parties involved. Lord McNally had met with professional bodies such as the Law Society, Bar Council and Ilex and was encouraged by the good will in this area. While he recognised that some proposals for change to the judicial appointments process might need legislative change he emphasised the ever present pressures on the legislative programme.

3.5 Finally, Lord McNally expressed his and the Lord Chancellor's appreciation to those Commissioners who would be leaving at the end of January 2012 and thanked them for their hard work and commitment in what they had achieved on behalf of the Commission.

### **4. Commissioners' Hand-over Plan**

4.1 The Commission considered a paper on the plan for the handover of work from those Commissioners whose terms would expire on 31 January. The Director of Operational Services explained that this would be a work in progress until the new Commissioners had been appointed and fully inducted and saw the process running into the middle of 2012. He asked that any

detailed comments on the plan to date be forwarded. In response to a point concerning the physical handover of work between Commissioners, he stated that the responsible member of the Leadership team would take interim responsibility if a face to face handover were not possible

4.2 Francis Plowden suggested that it would be useful for the new Commissioners to be aware of the key risks facing the Commission, and provided some comment for inclusion in the paper. It was also suggested that in relation to court visits, they were considered essential for lay Commissioners and also for judicial Commissioners to jurisdictions with which they are not familiar.

4.3 Jill Black recommended that the book *Sitting in Judgment* might be useful for the new Commissioners to read as part of their induction. She also suggested that, as well as holding face-to-face handover meetings where possible, it might be helpful for individual Commissioners to provide their own hand-over notes. It was agreed that any such notes would be provided to the Secretariat by 10 December.

## **5. Protocol for the Process of Authorisation of Deputy High Court Judges**

5.1 The Commission received a paper on the introduction of a protocol for the process of the authorisation of deputy High Court Judges that had been developed between the JAC, Judicial Office and the Heads of Divisions. The Commission welcomed the development of the protocol and agreed that it should be adopted.

5.2 However, the Commission agreed that the implementation of the protocol should be reviewed in 12 months time. It was also suggested that it would be useful to have more data on the numbers of existing deputy High Court judges and appointments required, in order to be able to assess the business need. The Selection Exercise Director would take these points forward.

## **6. Six Month Complaints Analysis**

6.1 The Commission was asked to note the analysis of formal complaints received since April 2011. It noted that performance in dealing with complaints was satisfactory and the level of complaints remained low, but was aware that the level of complaints received did not necessarily relate to a level of satisfaction.

## **7. Reports from Working Groups**

7.1 The Audit and Risk Committee had met on 8 November and discussed the Q2 Performance Report and Corporate Risk Registers; the IT Project, the Governance Statement, Clear-Line-of Sight Accounts and Internal Audit Activities and Planning report. In considering the Risk Register it had identified increased risks in relation to testing and IT and had noted these accordingly.

7.2 The Advisory Group had last met on 27 October to discuss: the second draft qualifying test and the situational scenario for Fee Paid Specialist Lay Member of the First-tier Tribunal, HESC/ Mental Health Review Tribunal Wales; the outline of the qualifying test for Deputy District Judge (Magistrates); and the first draft role-play for Fee-Paid Specialist Member of the Upper Tribunal, Administrative Appeals Chamber and Transport Tribunal.

7.3 The Outreach Group had met earlier that day and discussed the barriers to application research, the outreach forward look, social media update and future priorities. It was noted that this was the last meeting of this group that present Commissioners would attend.

## **8. Directors' Reports**

8.1 The Selection Exercise Director provided an update on current and forthcoming selection exercises. She also provided an update on the current recruitment exercise for JAC Panellists.

8.2 The Director of Operational Services provided an update on key priorities in his area and presented a short update paper covering on-line testing. The Commission confirmed its decision that to conduct the JAC situational test for Deputy District Judge (Magistrates Courts) on line. This was the third exercise to be used as a pilot and he advised the Commission that time was allowed for lessons learned from one pilot to be included in the one following.

## **9. Interim Chief Executive's Report**

9.1. The Interim Chief Executive provided an update on the current status of the budget and future accommodation. He also reported on his recent meeting with the Senior Presiding Judge. In addition he informed the Commission that he would be launching the Staff Opinion Survey at his address to staff on 15 November and would also be inviting nominations for this year's staff "Goldring Cup" award.

## **10. Any other Business**

10.1 The Chairman confirmed that Roger Toulson and Hazel Genn would be appearing with him at the Constitution Select Committee on 7 December.

10.2 The Selection Exercise Director thanked Sara Nathan, Charles Newman, Lorna Boreland-Kelly and David Pearl for leading seminars during the recent Learning and Development Day, which had been very well received by staff.

## **Date of next meeting**

The next meeting would be held on **Thursday 15 December**.