

**JUDICIAL APPOINTMENTS COMMISSION (JAC) MEETING
11 OCTOBER 2012
MINUTES OF MEETING**

PRESENT Commissioners	Staff
Chris Stephens (Chairman) David Bean Noel Lloyd Alexandra Marks Alison McKenna Stella Pantelides Andrew Ridgway Ranjit Sondhi Valerie Strachan John Thornhill Alan Wilkie	Chief Executive Selection Exercise Director Operational Services Director Assistant Director, Operational Policy and Complaints (for items 6, 8 and 9) Assistant Director, Change Programme and IT Support (for item 10) Board Secretary

Guest Attendee: Lord Neuberger, President of the Supreme Court (for item 7 only)

1. Apologies and matters arising

1.1 Apologies were received from Jill Black, Malcolm Birchall, Martin Forde and Deborah Taylor.

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 13 September meeting were approved subject to an amendment being made in the last sentence of paragraph 5.3 whereby the words “*detailed project plan*” were to be replaced with the word “*blueprint*”. There was also a minor typographic correction made at paragraph 8.8.

1.4 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 September Board. He had met with the Lord Chief Justice and Sir Andrew Morritt, the Chair of the Queen’s Counsel Appointments and with the High Court Panel which included David Bean and Andrew Ridgway to discuss “lessons learned” from the last High Court exercise.

2.2 He had also appeared before and provided evidence to the Senior Salaries Review Board Judicial Sub-Committee with Jill Black and had attended the Opening of the Legal Year.

2.3 For the remainder of October he would be: presenting at the Legal Wales Conference at Llandudno; taking part in the sift for the new Chancellor of the High Court and President of the Family Division, which included Valerie Strachan; and meeting with the Lord Chief Justice for a regular bilateral discussion. He would also be meeting the President of CILEx together with Malcolm Birchall, and attending the Bar Council's Disability Conference at Inner Temple, at which Ranjit Sondhi would be speaking.

2.4 The Chairman invited Commissioners to provide an update to the Board on specific activities with which they were involved.

2.5 Andrew Ridgway informed the Commission on the progress of the High Court selection exercise and the intended timeline.

2.6 Alexandra Marks reported that she had attended the Law Society's inaugural meeting of the Solicitor Judges Division.

3. Chief Executive's Report

3.1 The Chief Executive provided a report to the Commission on the budget and the required savings for the spending round between 2010/11 and 2014/15. The current year remained financially challenging but the JAC remained on track to achieve objectives within budget.

3.2 He reported that the staff survey had been launched and would run from 2–26 October. The staff response rate so far had been encouraging.

3.3 The Chief Executive also reported on his recent meetings including an Arms Length Bodies (ALB) meeting with the Permanent Secretary at the Ministry of Justice (MoJ). He also added that ALB chairs would be invited to the next Accounting Officer meeting in December, which the JAC Chairman would also attend.

3.4 The Chief Executive also gave a presentation overview on the current major initiatives and the work of the Programme Board on the End-to-End Process. He would circulate the presentation to Commissioners out of Committee.

4. Senior Salaries Review Board and Pensions

4.1 The Chairman reported on his evidence submitted to the Senior Salaries Review Board Judicial Sub-Committee. He had reported on the achievements up to the end of March 2012, highlighting also the increase in applications and recommendations made which were to be set against a 25% reduction in staff and budget.

4.2 The Commission discussed the proposed changes to judicial pensions and was of the view that the JAC should aim to provide, where possible, clear information to candidates on pension provision. The Chairman stressed that the JAC's role was limited and it would not be involved in the debate, except to monitor any adverse impact on recruitment.

5. Judicial Deployment

5.1 The Chief Executive presented a paper on Judicial Deployment which set out the potential implications for the JAC of changes introduced by the Crime and Courts Bill to provide for members of the Tribunals judiciary to be deployed in the Courts.

5.2 The paper proposed that the Chairman invite the Lord Chief Justice to develop a protocol with the JAC on handling future deployment and consider the options for a protocol in doing so.

5.3 The Commission discussed the proposal and agreed to the Chairman making an approach to the Lord Chief Justice to discuss with him the proposed powers and how he would intend to apply them. It was agreed that the Chairman would discuss this with him at a future meeting.

5.4 The Chairman thanked Alison McKenna for her note on Schedule 13 to the Crime Courts and Bill which accompanied the proposal paper, and for drawing this issue to the Commission's attention.

6. Welsh Language Policy

6.1 The Assistant Director, Operational Policy and Complaints, presented a paper to the Commission reviewing the JAC's Welsh Language Policy which had been agreed in 2006. In addition the paper addressed the testing of Welsh language skills, which was not covered by the present policy.

6.2 Noel Lloyd outlined some concerns on both legal and political aspects. He suggested that further consideration was required and it was agreed that he would meet to review the

policy with JAC officials. A revised paper would come back to the Commission, but in the meantime the current policy would remain in place.

7. Board Guest: Lord Neuberger

7.1 The Chairman welcomed Lord Neuberger to the meeting and made formal introductions.

7.2 Lord Neuberger began by recognising that while the JAC was now part of the judicial landscape, some candidates might still find adjustment to the JAC's application and selection processes challenging. However, he had personally been involved in recent selection panels and was beginning to learn and understand much more of the process. He also added that he thought that JAC selection procedures were working well, although the statutory consultation requirements could cause delay.

7.3 He then raised the issue of the changes to judicial pensions proposed by MoJ and considered that this would be a problem not only for current judges but for attracting new judges and was concerned it would impact on recruitment generally.

7.4 Lord Neuberger then went on to speak about diversity. He considered that the profession needed to do more to encourage diversity, accepting that the judiciary needed to do more also. He went on to talk about part-time working in the courts and did not see a difficulty with this in principle, although he considered that block sittings would be more desirable than sitting two days a week, for instance. However, there may be issues in the way cases would be allocated between part- and full-time judges, indicating perhaps a tendency for full-time judges to hear more of the complex cases.

7.5 He also referred to some of the benefits of a "career judiciary" system which is used in other countries and he wondered whether aspects of that could inform our own thinking; having better mechanisms to encourage and support movement through the judicial ranks could have diversity benefits, particularly at the more senior levels.

7.6 The Chairman opened a discussion with Commissioners and debated further the issues around improving diversity in the senior ranks of the judiciary, increasing the quality of appointments, and providing more part-time working opportunities, which was more of an important consideration for solicitors than it was for barristers. There was also a discussion on how the judiciary could identify and encourage people, who may not otherwise do so, to consider applying.

7.7 The Chairman thanked Lord Neuberger for giving time to meet the Commission.

8. Use of References

8.1 The Assistant Director, Operational Policy presented a paper on the Use of References. The paper was informed by a small consultation exercise and the discussion held at the Commission Selection Review Workshop in July, to propose an improved reference form and enhancement to the process for obtaining references.

8.2 The Commission debated the issues at length. There was a general consensus towards reducing the number of references. It also suggested that candidates might provide a list of referees from which the JAC would select, which would be similar to the process used in the appointment of Queen's Counsel.

8.3 It also discussed the relationship of references with CVs and with Statutory Consultation. It was agreed that a paper considering the use of CVs would be prepared.

8.4 In conclusion the Commission agreed that it would pilot the provision of fewer references in a future exercise. The Fee-Paid Disability Member, Social Entitlement Chamber exercise was identified as an appropriate vehicle.

9. Panel Assessment Form

9.1 The Assistant Director, Operational Policy presented a paper which sought agreement to pilot a revised panel assessment form for both selection days and paper sift.

9.2 The Commission discussed the form and the key changes proposed including a candidate pen portrait, separate boxes addressing references and the self-assessment, and a single box supporting both the individual quality and ability grades and overall marking.

9.3 It was noted that the form had already been endorsed for use by the panel for the forthcoming High Court exercise, which included David Bean and Andrew Ridgway. Subject to minor amendment, the proposed new form was agreed by the Commission.

9.4 The Commission discussed whether selection teams should provide merit order lists to the Selection and Character Committee (SCC) following moderation meetings. It also discussed the present format of grading awarded to candidates.

9.5 In conclusion, it was agreed that:

- a) the proposed new panel assessment form would be piloted;
- b) candidates would in future be presented in merit order; and
- c) the issue of grading would be brought to the Board at a later date.

10. Change Programme Update

10.1 The Assistant Director, Change Programme and IT Project presented an update paper on the JAC Change Programme.

10.2 The Commission was asked to note the key achievements to date such as those on online testing, non-statutory eligibility and the Selection Process Review. He also reported on progress in relation to the new IT system, the Crime and Courts Bill and End-to-End Process.

10.3 The Commission noted the paper.

11. Framework Document

11.1 The Director, Operational Services presented the Framework Document for approval, setting out the relationship between the JAC and the MoJ, as its sponsoring department.

11.2 The document would replace the original framework which was agreed when the JAC was first set up in 2006. The revised version had been agreed by MoJ officials and subsequently reviewed by the JAC Audit and Risk Committee and also included comments from the National Audit Office.

11.3 The Commission approved the document with minor amendment. Preparation for signature by both parties would now be taken forward and the document placed on the JAC website accordingly.

12. Report back from Working Groups

12.1 Stella Pantelides reported to the Commission on the work of the Advisory Group which had last met on 19 September.

12.2 There had been full attendance and the Group had discussed the role play for Fee Paid Medical member HESC/MHRT and the situational questioning for Costs Judge/Deputy Judge, the Fee-Paid Chairman of the Competition Appeal Tribunal and Circuit Judge, Crime and Family and Civil. The Group also discussed the Commission's on-line testing policy, the Lord Chancellor's Additional Selection Criteria and section 94 lists.

12.3 Valerie Strachan provided an overview of the work of the Next Steps Working Group; many of the items that had been discussed by the Group had informed papers prepared for discussion today.

13. Directors' Reports

13.1 The Selection Exercise Director provided an update to the Commission on key issues within her Directorate including an update on both the Circuit Judge and Deputy District Judge (Civil) exercises.

13.2 She also sought approval from the Commission for a Judge and Panel Chair on the Fee-Paid Social Entitlement Chamber selection exercise to attend part of the relevant SCC meeting. Due to the scale in numbers of this exercise, she proposed that it may be helpful to the Commission to have representatives of the panel available to assist with any queries the SCC may have when considering its selections. The Commission agreed to this proposal.

13.3 The Director, Operational Services referred Commissioners to his report. He noted that the SCC and Board meetings on 6th December would be particularly busy and their content would be reviewed.

14. Any other business

14.1 The Chairman sought agreement from the Commission that Andrew Waldren (MoJ Judicial Policy) observe an SCC meeting as part of his familiarisation with JAC processes. The Commission agreed.

Date of next meeting

The Chairman confirmed that the next Board meeting would be **held on 8 November 2012**.