

JUDICIAL APPOINTMENTS COMMISSION (JAC) MEETING
08 SEPTEMBER 2011
MINUTES OF MEETING

PRESENT

Commissioners

Christopher Stephens (Chairman)
Roger Toulson (Vice-Chairman)
Lorna Boreland-Kelly
Geoffrey Inkin
Sara Nathan
Charles Newman
Francis Plowden
Jonathan Sumption

Staff

Interim Chief Executive
Selection Exercise Director
Operational Services Director
Assistant Directors, Performance and
Special Projects
Head of Operational Policy
Private Secretary to the Chairman
Secretary to the Commission Board

1. Apologies and matters arising

1.1 Apologies were received from Jill Black, David Bean, Hazel Genn, David Pearl and Harriet Spicer.

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 July Board meeting were approved and the Board Action Register noted. One small change requested by Harriet Spicer after the meeting is included as follows:

“4.3 It was agreed that, these guidelines **would be accepted and** progress would be reported to the Commission at a future meeting”.

2. Chairman's Update

2.1 The Chairman welcomed and introduced his new Private Secretary to the Commission.

2.2 The Chairman provided an update on his activities since the last meeting. These included meetings with: John Wotton, the new President of the Law Society; Sir Muir Russell, Chairman of the Judicial Appointments Board for Scotland; Baroness Hale; Judge Jacqueline Davies, President of the Council of Circuit Judges; District Judge Tan Ikram; and Sir Suma Chakrabarti, Permanent Secretary at the Ministry of Justice.

2.3 He had attended the first meeting of the High Level Assurance Group, regarding the end-to-end appointment process, as well as preliminary meetings on forthcoming appointments to the

Supreme Court and the High Court.

2.4 The Chairman then provided an update on Commissioner recruitment. The first tranche comprising of Circuit Judges, Barristers and Solicitors had closed on 29 August. The second tranche comprising of Tribunal members, District Judges and Magistrates would close on 12 September and the third tranche comprising of lay members would close on 3 October. The levels of interest had been encouraging.

3. Presentation on Diversity Issues

3.1 Jonathan Sumption presented a paper to the Commission on his reflections on diversity in judicial appointments. A wide ranging debate followed, covering the issues of merit and diversity. It was agreed that this was worthy of further discussion among the Leadership Team, where the issues raised could be developed and progressed.

4. Panel Chair and Independent Panel Member Recruitment

4.1 The Commission was presented with a progress report on Panel Chair and Independent Member recruitment and asked to note progress. The key point of the recruitment campaign was to refresh the cadre of panellists, increasing flexibility by recruiting who could sit in either role. The campaign was affordable and was ready for launch in early October.

4.2 The Commission discussed the paper at length and agreed with proposals therein, particularly with regard to the position of present panellists and to eligibility criteria. It considered it desirable, however, that Commissioners should be more involved with the selection process, notwithstanding the fact that this would span the end of their term of office. The Director of Operational Services undertook to examine the feasibility of achieving this and would advise Commissioners accordingly.

5. On-Line Testing

5.1 The Commission was presented with a paper and asked to note progress that had been made towards arrangements for on-line testing and the procurement process.

5.2 On-line testing would be piloted on Fee Paid HESC Mental Health (non legal) which is planned for launch in October. A competition had been held in accordance with departmental procurement rules and a preferred supplier had been selected. Documentation had been approved by the Accounting Officer and a call-off contract would be let.

5.3 The Commission discussed this initiative at length and was pleased with the potential economies and service to candidates that it offered. It agreed that the current JAC situational judgement test, as approved by the Advisory Group, should be piloted on the HESC Exercise, with aptitude testing being piloted on a future non-legal exercise. The Selection Exercise Director agreed to identify a second exercise to pilot (the Criminal Injuries Compensation exercise is thought to be suitable as a pilot for an online aptitude test) and report back to the Commission.

6. Six Monthly Closedown Report Analysis

6.1 The Commission was presented with a paper and noted the key learning points and actions taken from the exercises of Fee Paid Member (medically qualified) of the First Tier Tribunal, Social Entitlement Chamber, and Queen's Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals.

6.2 The Commission was informed that the pilot of candidates obtaining their own references had been evaluated and the results were very encouraging. It was agreed to implement this process change, subject to any points raised from the circulation of a supporting paper out of committee.

7. Report from Working Groups

7.1 The Outreach Working group met on 8 September and discussed the quarterly social and electronic media updates, equality objectives and the introduction of "webinars" with the Law Society.

7.2 The Commission expressed its appreciation to the Outreach team for the high level and quality of work being carried out.

Directors' Reports

8.1 The Selection Exercise Director provided an update on current and forthcoming selection exercises. She also provided an update to the Commission on the current legislative position with regards to Judicial Appointments for Scottish Tribunals.

8.2 The Commission discussed the forthcoming High Court selection exercise. It was agreed that the Selection Exercise Director would review the requirements for panel membership and would inform Commissioners out of committee.

8.3 The Director of Operational Services provided a short update on IT matters and confirmed that a fuller report would be delivered to the next meeting of the Audit and Risk Committee.

9. Interim Chief Executive's Report

9.1 The Interim Chief Executive reported on the status of the current budget and informed the Commission that the budget settlement for 2012/13 was likely to be known in December. He also confirmed arrangements for the presentation of evidence to the Senior Salaries Review Body and the Constitution Committee.

10. Any other business

The Chairman confirmed dates of both the SCC and Commission Board Meetings for December and January which were:

Thursday 15 December:

- SCC and Commission Board Meetings

Thursday 12 January:

- SCC Meeting

Thursday 26 January

- SCC Meeting and Board Meeting (both a.m.)
- Joint Board Meeting (p.m.)

Date of next meeting

The next meeting would take place on **6 October 2011**.