

# JUDICIAL APPOINTMENTS COMMISSION (JAC) MEETING

7 July 2016

## Minutes of Meeting

<b>Present</b>	
<b>Commissioners</b>	<b>Staff</b>
Ian Burnett (Vice Chairman) Martin Forde Emily Jackson Usha Karu Noel Lloyd Alexandra Marks Andrew Ridgway Lucy Scott-Moncrieff Christopher Simmonds Valerie Strachan Phillip Sycamore Debra van Gene Alan Wilkie	Chief Executive Head of Operations Head of Policy and Change Head of Digital and IT Systems Head of Selection Policy and Process Head of Equality and Diversity Senior Manager, Operational Policy Senior Communications Manager Private Secretary to the Chairman Board Secretary
<b>Guest</b> (Item 1 only) Malcolm Dawson, Director, Yewdale Consulting Ltd	

### 1. Apologies and matters arising

1.1 Apologies were received from Katharine Rainsford.

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 9 June 2016 meeting were agreed and the Board Action Register was noted.

### 2. Cyber Security with National Archive guest: Malcolm Dawson, Director of Yewdale Consulting Ltd

2.1 The Vice-Chairman welcomed Malcom Dawson, Director of Yewdale Consulting Ltd to the meeting. Malcolm provided a comprehensive presentation on behalf of the National Archives on cyber security and information management.

2.2 The presentation drew on a number of key documents, including 'Ten Steps to Cyber Security' published by the UK government's National Technical Authority for Information Assurance (CESG), and the UK Cyber Strategy. It set out the following areas:

- The cyber environment
- Risk management in three steps
- Roles and responsibilities

2.4 The Commission noted some of the results of the annual Cyber Governance Health Check carried out in 2015 for FTSE 350 and Government Departments which assessed the extent to which boards and audit committees of FTSE 350 companies understand and oversee risk management measures that address cyber security threats to their business.

2.5 The Head of Digital and IT Systems then updated the Commission on steps taken by the JAC to address risks around cyber security, including the JAC's revised security policy and a mandatory e-learning course undertaken by JAC staff members. In addition, a paper will be presented to a future Board meeting on the JAC's response to cyber security risks.

### **3. JARS update**

3.1 The Head of Digital and IT Systems presented a paper requesting that the Commission note the further improvements and functionality to JARS and the JAC website during the recent phase of development; and the recent changes to the Wunder UK team and the arrangements that have been put in place to ensure continuity of service.

3.2 The Commission welcomed the progress update, noting good progress was being made particularly in regard to website development.

3.3 Noel Lloyd, lead Commissioner on JARS, stated that he was content with the delivery and support measures in place. He also stated that a technical review of JARS architecture is currently being considered.

### **4. Equal Merit Provision Review**

4.1 The Board discussed a paper concerning the further development of the application of the equal merit provision (EMP) and proposed next steps. Commissioners agreed that consideration of the initial review into the operation of the EMP, and the resulting recommendations, should be deferred until the appointment of a new chairman. However, Commissioners did agree some adjustments to the existing process to ensure the fullest consideration of cases, including further information, where candidates of equal merit shared a protected characteristic.

### **5. Grading: proposal for a second pilot**

5.1 The Head of Selection Policy presented a paper which set out proposals for a second pilot of new grading definitions and descriptors, building on the outcomes of the High Court pilot. It was proposed that the forthcoming Chairmen and Members of the Valuation Tribunal exercise would be used for the second pilot.

5.2 The proposed change entailed retaining the use of simple definitions but replacing any reference to a candidate's 'selectability'; clarifying the descriptors for grades against each

competency and for overall banding of candidates; and ensuring the descriptors for the grades and overall banding are consistent with each other.

5.3 Following discussion, the Commission agreed that the second pilot could go ahead in the Chairmen and Members of the Valuation Tribunal exercise. Ahead of the pilot, a sub-group of Commissioners would review the proposals and finalise the descriptors.

## **6. Pilot evaluation – Panel Chairs only to Moderation**

6.1 The Senior Manager (Operational Policy) presented a paper seeking the Commission's approval to carry out a further pilot exercise whereby moderation of selection day results would be carried out by panel chairs only. It was noted that the Commission originally agreed to pilot this approach at the November 2015 Board for three exercises: Resident Judge of the First-tier Tribunal, Immigration and Asylum Chamber, s9(1) Deputy High Court Judge exercises and Circuit Judge exercise 2016.

6.2 Commissioners noted that the pilot proceeded only partially on one of the above exercises, and did not proceed on the others for various reasons. These had been reflected in the terms of the new pilot proposed.

6.3 After careful consideration, the Commission agreed to a further pilot of taking only panel chairs to moderation with a view to establishing a flexible policy of when this might be deployed in other exercises, should the pilot prove successful.

## **7. Outline of JAC Activities for Consideration by Incoming Chairman**

7.1 The Head of Policy and Change presented a paper which provided an initial outline of areas which the incoming Chairman might want to review. Three areas would be addressed: candidate attraction/outreach, selection policy and process and increasing diversity.

7.3 Commissioners provided preliminary views on the areas for consideration. It was suggested that an analysis of the issues in the three key areas, informed by existing data and ongoing research should be included. The chairman and the broader Commission would then be able to come to a view on the extent to which they thought any further review was necessary.

## **8. Circuit Judge s94 list review**

8.1 The Head of Operations presented a paper seeking the Commission's decision in relation to a list that had been established under s94 of the Constitutional Reform Act (CRA) 2005 following the 2015 Circuit Judge Selection exercise.

8.2 The Commission agreed to close the list following the Selection and Character Committee's selection of the last suitable candidate to fill the current Circuit Judge 2016 exercise.

## **9. Vice-Chairman's Report**

9.1 The Vice-Chairman provided an update on his activities since the last Commission meeting on 9 June. He reported that he had met with the Lord Chief Justice. He also reported that he had met with the incoming President and the Chief Executive of the Law Society, along with Alexandra Marks.

9.2 The Vice-Chairman then provided an update on the progress of the appointment of the new Chairman.

9.3 The Vice-Chairman then invited Commissioners to comment on relevant activities of particular interest with which they had been involved.

9.4 Andrew Ridgway reported on his involvement as a panellist on the Court of Appeal exercise along with Emily Jackson and Debra van Gene.

9.5 Alexandra Marks reported on her participation on a discussion panel on Radio 5 Live on judicial careers.

## **10. Report of the Governance Group**

10.1 The Vice-Chairman provided the Commission with an update on the meeting of the JAC interim Governance Group, held earlier that day. He summarised the key issues which had been discussed across the range of core areas with which the group was concerned. Amongst the areas discussed, there was discussion on the Chief Executive's meeting with the Chancery Bar Association, the Deputy District Judge (Magistrates' Court) competition which launched on 28 June 2016 and the future accommodation of the JAC.

## **11. Chief Executive's Report and Management Information Pack**

11.1 The Chief Executive:

- reported that Internal Audit have revised their overall annual opinion for 2015/16 to substantial – the highest level of assurance possible;
- provided an oral update on the JAC's financial position;
- provided an update on the publication of the Annual Report and accounts; and
- provided an update on the selection exercise programme for the current year, 2016/17.

11.2 The Commission considered the monthly Management Information Pack. The pack provided an overview of JAC activity up to the end of June 2016.

## **12. Any other business**

12.1 The Head of Operations provided an update on the District Judge competition which completed in November 2015. A further vacancy request had been received, and in line with the Commission's policy, the Head of Operations sought the Commission's permission to consider potential candidates from the earlier list. The Commission confirmed it was content to proceed on this basis.

### **Date of next meeting**

The Vice Chairman confirmed that the next Board meeting would be held on **Thursday 8 September 2016.**