

JUDICIAL APPOINTMENTS COMMISSION (JAC) MEETING
9 February 2017
Minutes of Meeting

Present	
Commissioners	Staff
Ajay Kakkar (Chairman) Ian Burnett (Vice Chairman) Usha Karu Noel Lloyd Alexandra Marks Katharine Rainsford Andrew Ridgway Lucy Scott-Moncrieff Christopher Simmonds Valerie Strachan Phillip Sycamore Debra Van Gene Philippa Whipple	Chief Executive Head of Operations Head of Policy and Change Head of Selection Policy and Process Senior Communications Manager Private Secretary to the Chairman Board Secretary
Guests (Item 6 only) Bob Neill MP, Chairman of the Justice Select Committee Nick Walker, Clerk to the Justice Select Committee	

1. Apologies and matters arising

1.1 Apologies were received from Martin Forde.

1.2 The Chairman welcomed Mrs Justice Philippa Whipple to her first Board meeting as a Commissioner.

1.3 All Commissioners confirmed that they had no personal interest in any matters to be discussed on the agenda.

1.4 The minutes of the 7 December 2016 meeting were agreed and the Board Action Register noted.

1.5 The Chairman then noted that it was the last Commission Board meeting for the Chief Executive. The Chairman thanked him for his significant contribution to the JAC over many years, and the Commission expressed their deep gratitude and best wishes to him for the future.

1.6 The Chief Executive thanked Commissioners for their support and said it had been a privilege to work with them.

2. Chief Executive's Report and Management Information Pack

2.1 The Chief Executive:

- provided an oral update on the JAC's financial position;

- reported on staffing levels at the JAC;
- reported on the appointment process for new Commissioners;
- reported on the panellist recruitment campaign to refresh the current cadre; and
- provided an update on the selection exercise programme for the current year, 2016/17.

2.2 The Commission considered the monthly Management Information Pack. The pack provided an overview of JAC activity up to the end of January 2017.

3. Report Back from Working Groups

3.1 The Head of Policy and Change provided the Commission with an update on the Advisory Group's meeting held on 18 January 2017. Amongst the topics discussed, there was discussion of the situational questions used at selection day for the Deputy Chief Magistrate exercise, the early draft of the situational questions for the High Court exercise, and an update on revisions to the Equal Merit Provision policy, and the new guidance on self-assessments. She informed the Commission that Katharine Rainsford will now take over as Chair of the Group, following Emily Jackson's departure at the end of her term as Commissioner.

3.2 Valerie Strachan, Chair of the Audit and Risk Committee, provided the Commission with an update on the Committee's meeting of 26 January 2017. She informed the Commission that the Committee considered the Management Information Pack, the Corporate Risk Register, and Internal and External Audits. She also informed the Commission that the JAC had received the best possible rating of 'substantial' assurance from Internal Auditors for the interim governance arrangements before the Chairman was appointed and also for the JAC's selection process.

4. Chairman's Report

4.1 The Chairman provided an update on his activities since his last report at the December meeting. He reported that he had met with the Vice President of CILEx, the Senior President of Tribunals, the Judicial Appointments and Conduct Ombudsman and the Heads of Division. Lastly, he had met with the Ministry of Justice's Permanent Secretary, Richard Heaton.

4.2 The Chairman then invited Commissioners to comment on relevant activities of particular interest with which they had been involved. Alexandra Marks reported on the work of the Pre-application Judicial Education Working Group, and the Law Society's initiative to support solicitors to prepare early for a judicial career. Noel Lloyd reported on his membership of the Advisory and Evidence Group, set up by the Senior Salaries Review Body to support their major review of the judicial salary structure. Lucy Scott-Moncrieff reported that, with Alexandra Marks, she had attended a dinner at the Law Society to celebrate Lord Justice Hickinbottom's appointment to the Court of Appeal. Chris Simmonds reported on his continuing work with the Judicial College.

5. Near Miss Policy

5.1 The Head of Selection Policy presented a paper seeking the Commission's approval to the revisions to the JAC's policy for revisiting 'near-miss' candidates to meet an additional vacancy request.

5.2 Commissioners were asked to agree to the revised process, which clarifies that: only candidates who have been through the entire selection process, including moderation by the panel(s), should be revisited; and exercises older than 12 months should only be brought to the Commission for consideration if there is an urgent need as agreed by the Head of Operations, following consultation with the Assigned Commissioner.

5.2 After careful consideration, the Commission agreed to the revised 'near-miss' process.

6. Guest: Bob Neill MP, Chairman of the House of Commons Justice Select Committee

6.1 The Chairman welcomed Bob Neill MP, Chairman of the Justice Select Committee, to the meeting.

6.2 Bob Neill thanked the Commission for inviting him to attend the meeting. He began by providing an overview of the Justice Select Committee and its aims and objectives.

6.3 Bob Neill then spoke about the current work of the Justice Select Committee, including the inquiry into the implications of the United Kingdom's exit from the European Union (Brexit) for the justice system and the inquiry into the implications of Brexit for the Crown Dependencies (the Channel Islands and the Isle of Man); and the prison reform inquiry.

6.4 Bob Neill then reflected on the Committee's relationship with the Commission and their shared interest in encouraging a more balanced and representative judiciary and attracting the best candidates to a judicial career.

6.5 Nick Walker, the Clerk to the Justice Select Committee spoke about the relationship between the Committee and Parliament alongside the judiciary as set out in the constitutional framework.

6.6 The Chairman then opened up the discussion to Commissioners. A wide range of issues was discussed including social mobility, the implications of Brexit for the Committee and the relationship between the Committee and the devolved administrations.

6.7 The Chairman concluded by asking Bob Neill about the challenges he saw ahead for the JAC. Bob Neill then reflected on the low profile of the JAC among Parliamentarians, and how it was partly the Justice Committee's role to help inform them about the work of the Commission.

6.8 The Chairman concluded by expressing his appreciation to Bob Neill for making the time to meet the Commission.

7. Section 94 list review

7.1 The Head of Operations presented a paper seeking the Commission's decision in relation to two lists that had been established under s94 of the Constitutional Reform Act (CRA) 2005, following the 2015 District Judge Selection exercise and the 2016 Deputy Chancery Master Selection exercise.

7.2 The Commission agreed to the closure of both lists in line with its agreed policy, according to which they should be reviewed at the one-year point and closed within two years of their creation.

Date of next meeting

The Chairman confirmed that the next Board meeting would be held on **Thursday 9 March**, and would form part of the **Annual JAC meeting** which would take place on **Thursday 9 and Friday 10 March**.