

JUDICIAL APPOINTMENTS COMMISSION (JAC) MEETING

9 June 2016

Minutes of Meeting

Present	
Commissioners	Staff
Ian Burnett (Vice Chairman) Martin Forde Emily Jackson Usha Karu Noel Lloyd Alexandra Marks Katharine Rainsford Andrew Ridgway Lucy Scott-Moncrieff Christopher Simmonds Valerie Strachan Debra van Gene	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
Guest (Item 3 only) Lord Justice Fulford, Senior Presiding Judge	

1. Apologies and matters arising

1.1 Apologies were received from Phillip Sycamore and Alan Wilkie.

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 12 May 2016 meeting were agreed and the Board Action Register was noted.

1.4 The Vice-Chairman congratulated Lucy Scott-Moncrieff on behalf of the Commission on her appointment as House of Lords Commissioner for Standards.

2. Application forms

2.1 The Head of Selection Policy presented a paper for discussion which set out options for addressing issues which have been raised by candidates, Commissioners and stakeholders about the JAC's application form, including the competency-based 'self assessment' section.

2.2 The Commission considered and discussed a wide range of issues including: the format and structure of the application form, the quality of guidance to candidates, the clarity and structure of the 'career history' section, the potential for candidates to submit a CV with the application form, the word count within which candidates must address each competency area, and the appropriateness of candidates receiving professional assistance to complete the application forms.

2.3 Commissioners first discussed the benefits of the structured, competency-based application form, in directing candidates to provide the information needed by selection panels, in a consistent and accessible format. Some candidates found the format a challenge for a range of reasons, and there was agreement among Commissioners that fuller guidance on completing the 'self-assessment' would be of value.

2.4 Commissioners agreed that, given that the application form is a long-standing JAC selection tool, and one that has been used in every selection exercise for legally qualified roles, no significant change should be made in the absence of a permanent Chairman. The issues discussed would be explored further by a sub-group of Commissioners, and any proposals would need to be considered at a future Board meeting, after the new Chairman is appointed.

3. Guest: Lord Justice Fulford, Senior Presiding Judge

3.1 The Vice Chairman welcomed Lord Justice Fulford, the Senior Presiding Judge (SPJ) to the meeting.

3.2 The SPJ thanked the Commission for inviting him to attend the meeting. He began by raising the issue of large exercises to select for fee-paid roles, reflecting on the Recorder 2015 exercise and the lessons learnt by all partners. While he was clear about the importance of jurisdictional or other specialist knowledge/experience in selecting people for judicial office, he felt that fee paid roles provided an opportunity for some flexibility. He welcomed the approach taken to the forthcoming Deputy District Judge (Magistrates Court) exercise, where the vacancy request made to the JAC provided for 15 candidates with experience in crime and up to 3 candidates without a crime background to be selected. While there was an additional training cost involved, this opened up the exercise to a wider range of candidate. The SPJ was interested in ensuring candidates of the highest merit were selected and he hoped this would result in the potential for them to progress through the ranks of the judiciary. This was then followed by general discussion by the Commissioners on attracting a broader range of candidates to the judiciary.

3.3 The SPJ then spoke about the balance between reducing the JAC's call on judicial resources and ensuring an appropriate level and quality of judicial contribution. A wide range of issues was discussed by the Commissioners in relation to addressing these concerns.

3.4 The SPJ then discussed the plans for rolling out appraisal pilots more widely within the courts judiciary and confirmed that pilots were working successfully in some of the jurisdictions, but challenges had been encountered in others.

3.5 There was general discussion on statutory consultation and the need for consultees to ensure good quality, evidence-based statutory consultation responses.

3.6 The Vice-Chairman concluded by expressing his appreciation to the SPJ for making the time to meet the Commission.

4. Competency Framework Review: Interim Findings

4.1 The Head of Selection Policy presented a paper setting out the interim findings of the Competency Framework Review, where a number of areas for improvement had been identified.

4.2 Commissioners were asked to agree to two key areas which have been identified as areas for immediate change. The first area is the wording which is currently used on the Competency Frameworks. Through consultation with stakeholders, the words 'behaviours' and 'behavioural indicators' have been highlighted as business or HR terminology and unappealing to candidates. The second area for immediate change is the guidance for candidates. The interim findings identified ways in which the guidance could provide more guidance and clarity.

4.3 After careful consideration, the Commission agreed to the immediate changes to the wording and candidate guidance.

5. JAC Annual Report 2015–16

5.1 The Senior Communications Manager presented a draft of the JAC Annual Report for 2015–16 for the Commission's information.

5.2 The Commission noted the substance of the draft report, including changes to how the accounts and financial reports are presented this year.

6. Vice-Chairman's Report

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

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

6.3 Valerie Strachan reported on the progress of the pilot to provide oral feedback to unsuccessful candidates who had been interviewed for the recent High Court exercise.

7. Chief Executive's Report and Management Information Pack

7.1 The Chief Executive:

- reported on the future accommodation of the JAC; and the Ministry of Justice's plans to reduce its occupancy in 102 Petty France between 2018-2020, when it is likely to become a multi-government departmental building;
- provided an oral update on the JAC's financial position;
- reported on staffing levels at the JAC, stating that further key positions were being filled;
- reported on the JAC latest set of official statistics which had been published on 2 June, covering the 1 year period from 1 April 2015 to 31 March 2016; and
- provided an update on the selection exercise programme for the current year, 2016/17.

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

8. Report of the Governance Group

8.1 Noel Lloyd 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 progress of the appointment of a new Chairman, the future accommodation of the JAC and legal advice on the application of the EMP at shortlisting and other matters received.

9. Report Back from Working Groups

9.1 Emily Jackson, Chair of the Advisory Group, provided the Commission with an update on the Group's meeting held on 1 June 2016 with reference to a change in membership of the group and changes in the format of its meetings. Carol Morgan also provided the Commission with an update on some of the wider key areas discussed at the Group's meeting including the arrangements for candidates to use materials earlier in the process, working with the Bar Council on the membership of the group and work to look at the best time to have the meetings.

9.2 The Head of Policy and Change provided the Commission with an update on the Diversity Forum's meeting of 19 May 2016. Amongst the topics discussed, there was discussion on Judicial Career Development, the work on 'provision of judges' by the Judiciary and Ministry of Justice, and the convening of a working group to explore 'pre-application' training.

Date of next meeting

The Vice Chairman confirmed that the next Board meeting would be held on **Thursday 7 July 2016**.