

# JUDICIAL APPOINTMENTS COMMISSION (JAC) MEETING

9 September 2021

## Minutes of Board Meeting

| <b>Present</b>  |  |
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| <b>Commissioners</b>  | <b>Staff</b>   |
| Ajay Kakkar (Chairman)<br>Sue Carr (Vice Chairman)<br>Mathangi Asokan<br>Christa Christensen<br>Anuja Dhir<br>Sarah Falk<br>Emir Feisal<br>Jane Furniss<br>Sue Hoyle<br>Andrew Kennon<br>Sarah Lee<br>Barry Morgan<br>Brie Stevens-Hoare<br>Simon Wessely | Chief Executive<br>Deputy Chief Executive<br>Head of Operations and Digital<br>Head of Operational Delivery<br>Head of Selection Policy<br>Head of Diversity and Engagement<br>Head of Secretariat/Board Secretary<br>Senior Policy Advisor<br>Senior Selection Exercise Manager<br>Selection Exercise Manager |
| <b>Apologies:</b><br>Greg Sinfield<br>Sarah Lee   |  |

### 1. Apologies and matters arising

- 1.1 The minutes of the 8 July 2021 meeting were agreed.
- 1.2 No interests were declared by any Commissioner in respect of any matter under discussion on the agenda.
- 1.3 Following careful deliberation and discussion the Commission agreed out of committee to the recommendations set out in the High Court 2021/22 selection process paper.

### 2. Chief Executive's Report and Management Information Pack

- 2.1 The Chief Executive:
  - provided an update on the current approach to face to face interviews for salaried roles including contingency plans should government advice change;
  - provided an update on the cross-government Spending Review to set the funding for the next three years and provided details of the JAC's bid for funds;
  - provided an update on the Constitutional Reform Act review being undertaken by the Ministry of Justice.

- reported on the agreed two-year programme with HMCTS and the work conducted to date; and
- provided an update on the JAC's financial position.

### **3. Report back from Committees and Working Groups**

3.1 The Chairman asked Commissioners to report back on recent meetings of committees and working groups.

#### **Audit and Risk Committee**

3.2 Jane Furniss (JF) provided an update to the Board on the Audit and Risk Committee (ARC) meeting which took place on 22 July and was the last ARC meeting of the financial year.

3.3 The Committee reviewed the corporate risk register, there were no changes to the risk ratings since the last quarter.

3.4 A new independent member has joined ARC.

3.5 The National Audit Office advised ARC that the Comptroller and Auditor General has taken the decision to contract out the audit of the Judicial Appointments Commission from the 2021-22 financial year. Following a tendering exercise, a contract has been agreed for Deloitte to deliver the audit. The arrangement is for a minimum of three years with the option to extend by a further two.

3.6 The Committee reviewed the deep dive paper on the risks to confidence in the selection process. The Committee was content with the actions taken by the JAC to manage the risk but agreed to revisit this risk once the work to review statutory consultation is complete.

3.7 Internal Audit: The Government Internal Audit Agency updated the Committee on its work during Q1. This included the completion of the audit on Complaints Handling, which received the highest possible assurance rating of Substantial.

3.8 External Audit: The NAO have indicated that they do not intend to produce a Management Letter this year as they do not have any concerns to raise following their audit.

## **Advisory Group**

3.9 JF provided an update to the Board on the Advisory Group (AG)

3.10 The AG considered the following:

- online scenario test for Deputy District Judge;
- the situational judgement test and the critical analysis test for Fee-paid Judge of the First-tier Tribunal and Fee-paid Judge of the Employment Tribunal;
- the strategic leadership question and situational questions for Regional Judge (Social Entitlement Chamber); and
- the strategic leadership question for Senior Circuit Judge, Resident Judge (Cardiff).

3.11 The AG also agreed to invite drafting judges on an ongoing basis to meetings.

## **4. Chairman's Report**

4.1 The Chairman briefed the Board on the end of his term of appointment in October 2022 and the process to appoint his successor.

4.2 The Chairman briefed the Board on the publication of the 2021 Combined Statistical Report published on 15 July.

4.3 Sue Carr and Sarah Lee attended a Solicitor judges in the Commercial Court roundtable on 26 July.

4.4 Emir Feisal attended a Judicial Office outreach event for the recruitment competition for Medical Members First-tier Tribunal on 28 July.

## **5. Selection Process for District Judge 2021-22**

5.1 The Senior Selection Exercise Manager presented the selection process for the forthcoming District Judge exercise.

5.2 Following discussion, the Commission endorsed the proposed selection process and timeline for this exercise.

## **6. Selection Process for Employment Judge (England and Wales)**

6.1 The Selection Exercise Manager presented the selection process for the forthcoming Employment Judge (England and Wales) exercise.

6.2 Following discussion, the Commission endorsed the proposed selection process for this exercise.

## **7. Evaluation of remote processes for large fee-paid exercises**

7.1 The Senior Policy Advisor presented the evaluation of remote processes for large fee-paid exercises.

7.2 Following a discussion, the Commission noted the findings of the evaluation and confirmed their decision from April to continue fee-paid exercises remotely. This excludes S9(4) Deputy High Court judges exercise which returns to a face to face selection process. This will return to the Board for further review within 12 months from the point that a return to face to face assessment would be possible.

## **8. Review of Statutory Consultation process – proposed methodology**

8.1 The Head of Selection Policy updated the Board on the proposed methodology for the review of the Statutory Consultation process.

8.2 The Commission noted the published Terms of Reference and planned approach including the proposed consultees.

8.3 The Commission also noted the planned timeline for gathering evidence and sharing draft findings.

## **9. Review of the application of the Equal Merit Provision to the protected characteristic of race**

9.1 The Head of Diversity and Engaged presented the review of the application of EMP to the protected characteristic of race.

9.2 A sub-group of Commissioners chaired by the Vice-Chair was formed to lead a review of the application of the EMP to the protected characteristic of race.

9.3 Following discussion, the Commission endorsed the current approach to the application of EMP, and agreed to the recommendations in the paper including to communicate the approach more clearly to candidates.

## **10. Forward Look and AOB**

10.1 The Board noted the 2021 Forward Look and the Chairman confirmed the next Board meeting would be held on 14 October 2021.

10.2 This concluded the business of the Board.