

Judicial Appointments Commission

# Strategy

2020 – 23

2022-23 Business Plan



## Purpose

The JAC's statutory purpose is the independent selection of candidates for judicial appointment on merit from a diverse field, in order to support the functioning of courts and tribunals across England and Wales, and some tribunals with UK-wide jurisdiction.

## Vision

Attracting and supporting the widest range of high calibre candidates for judicial office, and making independent selections on merit through fair and open competition, in order both to ensure a full complement of judges and maintain the world-class independent judiciary.

***“The JAC’s statutory purpose is the independent selection of candidates for judicial appointment on merit from a diverse field.”***

## Values

**Fairness:** Commitment to equitable opportunity and progression for all staff. We aim to accelerate equity for underrepresented groups within the organisation.

**Respect:** We are respectful and sensitive of people's individuality, creating an environment where we treat people with dignity and respect regardless of their culture, religion, age, race, sexual orientation, gender or disability.

**Professionalism:** We achieve excellence by working to the highest standards as best we can.

**Learning:** As a learning organisation, we strive for continuous improvement, encourage feedback and personal growth.

**Clarity and Openness:** We communicate in a clear and direct way.

# STRATEGIC AIMS FOR 2020-23

1

Ensure we are a centre of excellence in selection, applying best practice to identify talented candidates with skills and abilities across the entirety of judicial roles.

2

Attract well-evidenced applications from the widest range of high calibre candidates, supporting greater judicial diversity.

3

Ensure the JAC is widely recognised as the trusted expert body on independent, merit-based appointment to the judiciary.

4

Support delivery of Commission aims in line with our values, including by way of a new digital application system and tools.

**1** *Ensure we are a centre of excellence in selection, applying best practice to identify talented candidates with skills and abilities across the entirety of judicial roles.*

**In 2020-22 we have:**

Following the outbreak of the pandemic in March 2020, we continued all selection activity that could be completed remotely, making reasonable adjustments for candidates where their application or performance in a selection exercise was adversely affected by COVID-19. The forward recruitment programmes for 20-21 and 22-22 were fully delivered using a hybrid approach of remote and face to face assessment.

Developed and refined the approach to remote assessment, building on experience during the pandemic. In April 2021 we evaluated our remote approach to assessment from March to December 2020, totalling over 1,000 selection day interviews. This evaluation was independently validated by Work Psychology Group (WPG) and concluded that pivoting from a face to face approach to a remote approach to assessment was very successfully achieved by the JAC. This was followed up in September 2021 with an evaluation of the larger fee-paid exercises and the delivery of their remote selection days, which included a roleplay.

Evaluated the streamlined selection process introduced for non-legal tribunal roles in 2019, concluding that the new process should continue to apply.

Completed the two-year programme of work implementing the recommendations of the 2018 independent expert review of JAC selection tools, including:

- A common first-stage test for Deputy District Judge/ Fee-paid Judge of the First-Tier Tribunal/Fee-paid Judge of the Employment Tribunal, following a successful pilot that improved the candidate experience and helped maximise the available pool of talent.
- A new approach to the role-play used to assess candidates at selection days for the 2020 Fee-paid Judge of the First-Tier Tribunal & Fee-paid Judge of the Employment Tribunal exercise. This followed a successful pilot using a pre-recorded video scenario, to enhance consistency of candidate experience and assessment of merit.

Reviewed the approach to additional testing for roles located in Wales, including the assessment of applicants' understanding of the administration of justice in Wales. The Welsh Matters Committee amended the grading structure and the level of knowledge candidates are expected to demonstrate to be appointed for posts in Wales.

Piloted an alternative to a second interview where a tie-break is needed to select between candidates of equal merit who share the same protected characteristics. An online tie-break test was piloted successfully on one legal and one non-legal exercise, providing an improved candidate experience at this stage in the relevant exercise.

Evaluated the streamlined application format and concise 'skills and abilities' to assess candidates introduced for judicial leadership roles in 2019. In October 2021 the Board considered the evaluation which found the process has been well received by candidates, panel members and all stakeholders involved.

Reviewed the approach to combined testing for fee-paid roles in the forward selection exercise programme for main courts and tribunal roles from 2022-23 and agreed not to continue with the combined qualifying test approach conducted in previous years as the complexities of the forward programme currently make this unviable.

Conducted and published an independent review of the operation of statutory consultation undertaken by WPG announced at the Justice Select Committee in June 2021. This included interviews with stakeholders and a thorough desk-based review of the operation of statutory consultation in various exercises run by the JAC.

Evaluated the operation of the 'equal merit' provisions (EMP) at shortlisting, introduced in 2019. The evaluation showed that the approach is operating in line with the published policy, and has been effective in increasing the number of candidates from relevant underrepresented groups progressing through the shortlisting stage.



**By 2023 we plan to:**

Have started a review of our hybrid approach of face to face and remote selection day interviews following the lessons learnt throughout 2020-22. This will include a review of our processes and consider any changes or alterations needed as we continue to adopt a hybrid approach to assessment based on the type of selection exercise.

Implement all the recommendations and changes in the Commission's response to the Review of the operation of Statutory Consultation published in March 2022.

Consider the use of other shortlisting and selection tools, including non-live video assessments, where these can help assess the skills and abilities required for the full range of judicial roles.

**By 2023**

Continue to share best practice with selection bodies from other sectors, as well as other judicial appointments bodies, to support the effective assessment of merit.

Evaluate the online alternative to a second interview where a tie-break is needed to select between candidates of equal merit who share the same protected characteristics.

Continue our ongoing review and improvement of selection processes, including trend analysis of survey feedback to better understand the candidate experience at selection day.

Evaluate all changes made in implementation of the independent 2018 review.

# 2 *Attract well-evidenced applications from the widest range of high calibre candidates, supporting greater judicial diversity*

## **In 2020-22 we:**

Worked with partners to deliver alternative arrangements for remote outreach and candidate preparation.

Developed our new online application system to provide a better candidate experience.

Launched a new-look website, based on extensive feedback and user research, that prioritises the information candidates have told us that they are looking for and is easier to navigate

Published, alongside our Judicial Diversity Forum (JDF) partners, a new JDF Action plan covering priorities for the year ahead and an update on actions completed. In delivering the Action Plan, we published the findings of our 'deep dive' statistical analysis into candidate progression through our selection tools and we rolled out name-blind sifting across all exercises.

Developed new website resources to further help potential applicants assess and develop their readiness to apply and then prepare for the selection process.

Enhanced targeting of non-traditional candidate pools including academics and solicitors, working with key partners to promote the benefits of judicial appointment and tackle barriers.

Worked with our Judicial Diversity Forum (JDF) partners to bring together JAC statistics with data on the judiciary and legal professions into the first annual combined statistical report, providing a fuller picture of the eligible pools for 'entry-level' and more senior roles to inform debate and action on judicial diversity

Launched a pilot programme of targeted outreach for key court and tribunal roles, to identify and work with specific eligible candidates from under-represented target groups.

Highlighted existing diversity of judicial appointments and pathways into and within the judiciary, including through use of legal and specialist communications and social media and in partnership with judicial role models.

Further improved feedback to 'near-miss' candidates, including where a candidate has applied unsuccessfully for more than one role by producing a guide to assist candidates in developing high quality applications which will be included in all feedback letters, as well as the offer of targeted outreach support in senior, salaried selection exercises.

2020-22

## By 2023 we will:

Continue working independently and in partnership to deliver the priorities within the JDF Action Plan, including leading a research project into the qualifying test stage to better understand why legally qualified candidates from ethnic minority backgrounds, and solicitors, progress less well.

Develop a common monitoring and evaluation framework with the JDF to better assess the impact and effectiveness of diversity initiatives such as the Pre-Application Judicial Education (PAJE) programme targeted at under-represented groups.

Use the new evaluation framework to identify and expand those diversity initiatives with greatest impact, including further expansion of PAJE, targeted courses for particular groups, and for current judges seeking salaried or more senior roles.

Build on and expand the resources available through the new JAC website, further levelling the playing field for potential candidates from non-traditional backgrounds.

Carry out research, analysis and stakeholder engagement on measures used successfully by other common law jurisdictions to improve judicial diversity, to better understand how these might be used in England and Wales.



By 2023

# 3

*Ensure the JAC is widely recognised as the trusted expert body on independent, merit-based appointment to the judiciary*

## **In 2020-22 we:**

Kept candidates and other stakeholders updated on our approach to remote assessment throughout the year, and engaged with delivery partners to ensure this reflected broader priorities and concerns.

Developed a new approach to future exercises that will embrace a hybrid approach of both face to face and remote selection day interviews that was communicated to candidates, stakeholders and delivery partners following the evaluation of our approach to remote assessment with independent scrutiny from external experts.

Began monitoring the ethnic diversity of our selection panels in terms of representation and participation. We have since implemented a formal monitoring policy around ethnicity, aimed at increasing accountability and transparency around panel compositions, whilst collaborating closely with Judicial Office to meet this aim.

The JAC Chairman, Commissioner Sarah Lee, and the Chief Executive delivered evidence to the Justice Select Committee in June 2021, highlighting the JAC commitment to diversity and the progress made in recent years.

Took part in a trilateral conference with the Northern Ireland Judicial Appointments Commission (NIJAC) and the Judicial Appointments Board for Scotland (JABS) in March 2022 sharing best practice on remote assessment, operation of statutory consultation, and digitalisation.

Shared knowledge and best practice about judicial appointments with international jurisdictions, including at a conference hosted by the EU's Venice Commission and via the Commonwealth judicial diversity survey.

**In 2022- 23 we will continue to:**

Shape and share best practice with other judicial appointments bodies, meeting annually with JABS and NIJAC and engaging with other common and civil law jurisdictions.

Ensure we convene ethnically diverse selection panels, and enhance training of all panel members on the assessment of transferrable skills from other professional or judicial contexts, as well as develop sustainable resourcing for diverse recruitment in the future.



Engage with reviews and proposals for reform affecting judicial appointments, providing objective, expert evidence to inform debate.

Share evidence and insight with government, judiciary and legal professions to ensure JAC and partners maximise and coordinate support for independent, diverse appointments through fair and open competition.

Engage actively with parliamentary committees, academics, mainstream and legal media and others to increase understanding of the JAC and judicial appointments.

Publish our monitoring of the ethnic diversity of selection panels in the JAC Annual Report for 21-22.

# 4 *Support delivery of Commission aims in line with our values, including by way of a new digital system and tools*

## **In 2020-22 we:**

Increased JAC staff capacity to deliver business continuity and recovery plans, and ensured staff, panel members, Commissioners and all involved in delivering selection exercises have the resources and support they need to work remotely.

Provided well-being support and advice to staff, and supported the social committee to offer events and activities remotely for both staff and Commissioners.

Refreshed the JAC People Plan for 2020-23, with a focus on improved internal engagement, and further action to support diversity and inclusion.

Learnt from the experience of working remotely to develop future ways of working that support staff wellbeing and ensure effective delivery of JAC business.



Developed our digital system and tools, making it easier for staff and panel members to deliver selection exercises across judicial roles.

Commissioned a digital agency to start a new Discovery phase to consider what our next digital platform might look like and review our current technology stack (the digital infrastructure including where it is hosted, how it is powered, the candidate interface and database). The report was completed in November 2021 and our current technology stack was assessed as modern, flexible and appropriate for current and future needs, and no better alternatives were currently identified.

Refreshed the pool of JAC panel members, increasing the diversity of those assessing applicants for judicial roles at shortlisting and selection day.

Supported staff, panel members and Commissioners to work remotely during the pandemic, and to transition to new ways of working once COVID-19 restrictions were lifted.

Revised our organisational Values and Behaviours to reflect our new ways of working post-pandemic.

## In 2022-23 we will:

Start a review of our post-pandemic business model, our hybrid approach of both face to face and remote selection day interviews and new ways of working, that embrace a flexible model of office, off-site and home-working, to ensure efficient and successful delivery of our objectives.

Evaluate the support offered to our panel members and refresh and embed our support including enhanced training, supporting revisions to process and new ways of working, professional development for our panel members, more consistent assessment, and digital support.

Continue to develop our new digital system and tools in support of the Commission's objectives including to further streamline application handling processes, and to support effective data monitoring and analysis.

Continue to implement the refreshed JAC People Plan, with a continued focus on:

- Promoting JAC values, embedding them in future ways of working; and
- Learning and development, expanding capability in key areas such as digital, communications, assessment expertise and data analysis to support continual evaluation and improvement of policies and processes.

Continue to monitor and evaluate the impact of the People Plan through staff surveys.



By 2023



JUDICIAL  
APPOINTMENTS  
COMMISSION