

Judicial Appointments Commission  
**Annual report and accounts**  
1 April 2021 to 31 March 2022

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**1 April 2021 to 31 March 2022**

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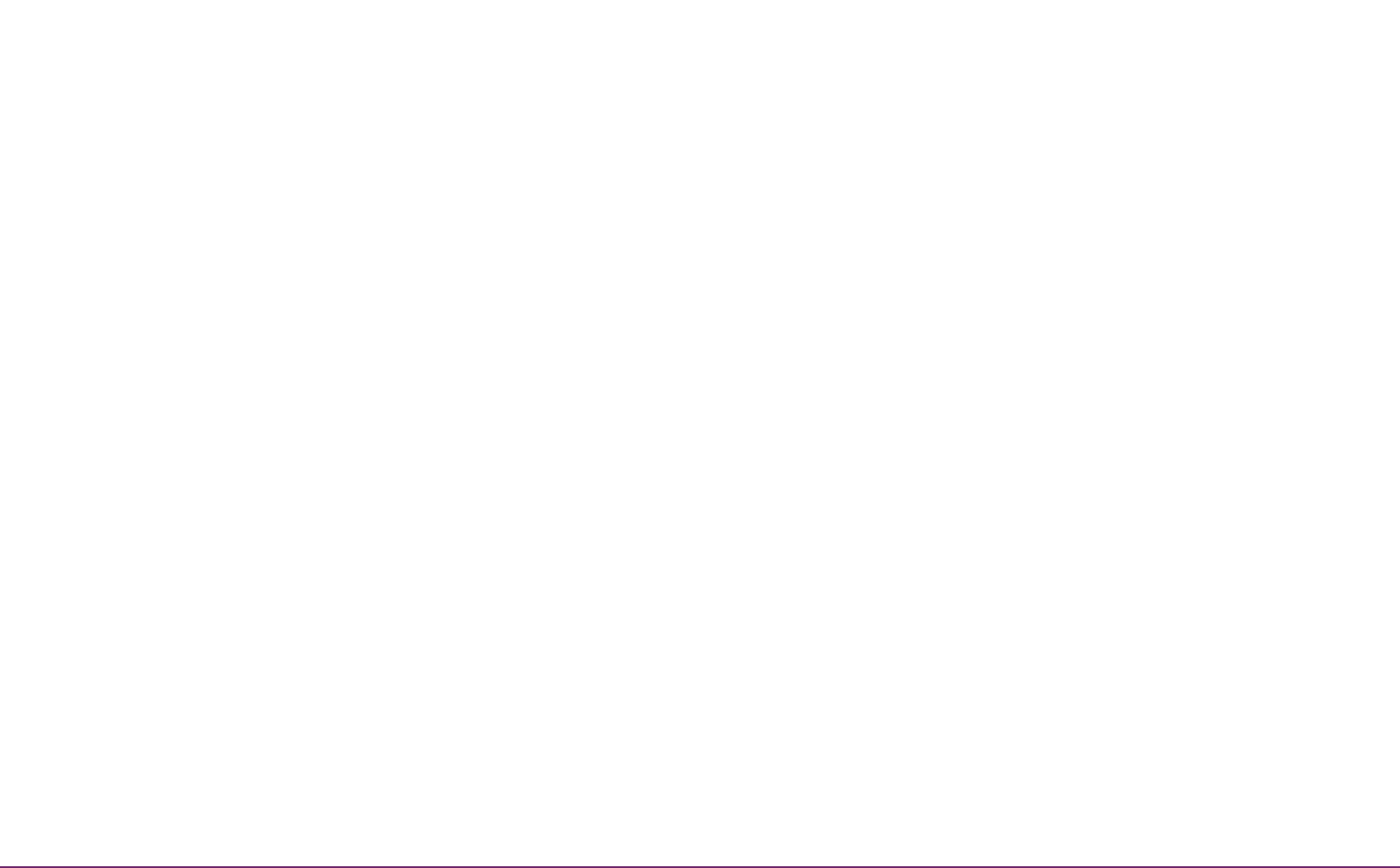
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# Performance report

# Overview

## Chair's statement



This is my last annual report as I approach my final year of service, having completed two terms as Chair of the Judicial Appointments Commission, leading the board of independent Commissioners who select candidates, on the basis of merit, for judicial office across England and Wales.

During my tenure, the focus of the JAC has been on ensuring that our recruitment exercises are run efficiently and effectively, attracting high quality candidates for judicial roles and delivering a positive experience for candidates. This has been successfully achieved despite the substantial increase in the volume of recruitment, over three times greater than when I began my term, and the significant disruption caused by COVID-19.

This increase in recruitment was due, in part, to the pauses in judicial recruitment before my tenure and also the widely acknowledged pressure on courts and tribunals, increased further by the recent COVID-19 pandemic.


There is more to do to improve the diversity of the judiciary, especially at the most senior levels. Creating a more diverse bench and pipeline to the judiciary requires continuous, consistent effort to support talented lawyers and legal executives from all backgrounds to succeed.

To that end, the Judicial Diversity Forum has brought together all those in the legal services' landscape who hold the levers to build greater diversity in the judiciary. The Combined Statistical Report shows all too clearly the need to work together to achieve our aim of a more representative judiciary for the future.

The way judges are appointed to serve in our courts is always, and quite rightly, subject to intense scrutiny and interest. On publication of the review of Statutory Consultation earlier this year, every aspect of JAC's performance has now been independently reviewed, and recommendations to improve or enhance our processes have been fully accepted and are being implemented.

Notwithstanding the continued efforts to improve set out above, the independence, quality and integrity of the judiciary in England and Wales is highly respected across the world. That is something of which I think we should be proud.

Finally, I would like to pay tribute to the Lord Chancellor, the Lord Chief Justice, fellow Commissioners, JAC staff and all of the judiciary and the legal professions for their work with the JAC. It has been a privilege to serve as its Chair and I wish the JAC every success for the future.



**Professor Lord Ajay Kakkar**

Chair, Judicial Appointments  
Commission



## Chief Executive's statement



This has been once again a year dominated by managing the JAC's response to restrictions placed on our operations by the COVID-19 pandemic, learning the lessons from that, and then ensuring a smooth transition as restrictions were lifted in the later half of the year.

I am pleased to report that all of this was achieved by the JAC and, once again, the full planned programme of judicial recruitment was successfully completed. I would like once again to pay tribute to our staff, panel members (judicial and lay), applicants, Commissioners and the judiciary for their resilience, commitment and adaptability to new ways of working.

Under the restrictions still in place at the beginning of the year the JAC continued, as it had done during 2020-21, with full remote working by all staff and Commissioners and with all candidate assessment activity, including video interviewing, undertaken remotely.

In order to ensure lessons learned during this period and to prepare for the anticipated easing of restrictions later in the year, we undertook a full evaluation of remote assessment, with independent external expert validation during the first half of the year. The evaluations covered 25 exercises run remotely, totalling nearly 2,000 selection day interviews, and concluded that the move from a face-to-face approach to a remote approach to assessment was very successfully achieved by the JAC and with no adverse impact on quality, diversity, or the candidate experience.

In light of this evaluation the Commission Board agreed a new approach to future exercises, when restrictions due to COVID-19 allowed, that would embrace a hybrid approach of both face-to-face and remote selection day activity depending on the role being recruited to. From September 2021 therefore, across all exercises, all assessments up to selection day were conducted remotely. For salaried roles, selection days were run face-to-face, and for most fee-paid legal roles and all fee-paid non-legal roles, selection days were conducted remotely. As a result, the first face-to-face selection days since March 2020 took place during November 2021 for the Circuit Judge exercise and over 120 selection day interviews were successfully delivered. Our approach is being run initially for 12 months from the ending of all restrictions, when the board will evaluate the approach again before agreeing next steps.

In addition to meeting these operational challenges, the JAC has continued with its ongoing programme of review and improvement of its selection tools and processes. In particular, and following an announcement in June 2021 in an evidence session to the Justice Select Committee by our Chair, Lord Kakkar, we commissioned an independent review of our approach to statutory consultation, within the existing statutory framework, to ensure best practice. This independent review was conducted by Work Psychology Group and published with the response from the Commission on 31 March 2022.

The review highlighted a number of important positive findings on how the process of statutory consultation is currently undertaken and also made some important recommendations about how the approach taken to statutory consultation could be improved. The Commission Board considered all of the points made in the review carefully and agreed that a revised approach within the existing statutory framework should be introduced to help develop the process and practice to secure fairness, practicality, and transparency while maintaining the important role that statutory consultation can play. Work is now underway to implement all of the review recommendations for selection exercises beginning from September 2022.

Taken together I believe that the JAC remains well placed to meet the historically high demands for judicial recruitment in the coming year, and to continue to recruit talented and diverse candidates with the skills and abilities needed for the full range of roles across our judiciary.

Looking ahead, the process for recruiting the JAC's next Chair is due to begin shortly. I would personally like to thank Lord Kakkar for his support, enthusiasm and commitment to the work of the JAC as he finishes his second term as Chair later this year.



**Richard Jarvis**

Chief Executive,  
Judicial Appointments Commission

## Purpose and activities

### The Commission’s role and structure

In this report the JAC refers to the organisation as a whole, and the Commission refers to its governing board. The Commission consists of a lay Chair and 14 other Commissioners.

The Commission includes five lay Commissioners, who are drawn from a variety of professional fields. Membership of the Commission is also drawn from the courts and tribunals judiciary, the legal professions, and the lay magistracy or non-legal tribunal members.

Commissioners are recruited through open competition, with the exception of three senior judicial members: two of these members are selected by the Judges’ Council and the third is selected by the Tribunal Judges’ Council.

### The JAC’s key statutory duties:

- to select candidates solely on merit
- to select only people of good character
- to have regard to the need to encourage diversity in the range of people available for selection

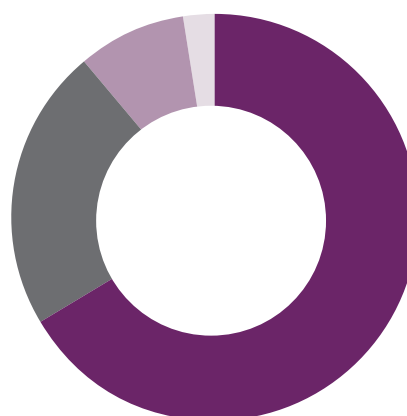
### Budget

The JAC’s allocated resource budget in 2021-22 was £8.19m (£7.75m in 2020-21). It spent £7.74m (£7.28m in 2020-21).

In addition to funding it received, the JAC incurred £0.5m (£1.01m in 2020-21) of overhead recharges from the Ministry of Justice (MoJ), giving a total expenditure of £8.24m (£8.29m in 2020-21).

### Total expenditure

- Pay: £5.49m
- Programme: £1.84m
- Non-cash charges: £0.72m
- Administration: £0.19m



## The JAC's aims

The JAC's aims were set out in the JAC Strategy 2020-23:

- 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
- attract well-evidenced applications from the widest range of high-calibre candidates, supporting greater judicial diversity
- ensure the JAC is widely recognised as the trusted expert body on independent, merit-based appointment to the judiciary
- support delivery of Commission aims in line with our values, including by way of a new digital application system and tools

Working to support a world-class judiciary that better reflects the society it serves is at the heart of what we do at the JAC, and we are committed to continual review and improvement of our selection tools and processes.

## Performance summary

### What we spend our money on

Further details of the progress made by the JAC against the aims in the business plan 2021-22 are in the performance report on pages 8 to 49.

We reported on 31 selection exercises in 2021-22 (35 in 2020-21) and launched a further 21 exercises continuing into 2022-23. The number of selections made and applications received during the year is dependent on the mix of vacancies we are asked to fill by the Lord Chancellor.

In 2021-22 we made a similar number of selections compared with 2020-21, and the expenditure reflects this. The statement of comprehensive net expenditure shows that net expenditure for the year was £8,243k compared with £8,288k the previous year. Excluding recharges from the MoJ, net expenditure increased from £7,274k to £7,742k, a 6.4% increase.

Due to the impacts of the COVID-19 pandemic, the JAC incurred additional spend in the region of £5k (£11k in 2020-21) to support its staff working remotely from home. These costs relate to the purchasing of various equipment such as keyboards, monitors and desk chairs to ensure staff were able to work from home effectively.

Overall, there was:

- a decrease of £128k (2%) in pay costs
- an increase of £596k (83%) in other operating costs
- a decrease of £511k (50%) in MoJ recharges

We underspent against the budget allocation by £444k (5%), which was originally £8,661k, and subsequently reduced to £8,186k, spending £7,742k of our net allocation.

We continue to make extensive use of shared services for central functions, such as the provision of accommodation, some HR, IT and finance by the MoJ, to benefit from economies of scale. These costs are generally 'soft' charged, with no funds exchanged. Further details of the soft charges can be found in Note 5 to the financial statements.

## Selection exercise programme

### Selection exercises reported in 2021-22

Exercises reported	Applications received	Selections made
31	8,928	1,244



## Tribunal selection exercises

### Fee-paid roles

Legal/ Non-legal	Judicial role	Reference	Selections made
Non-legal	Fee-paid Lay Members of the First-tier Tribunal, Health Education and Social Care Chamber and Fee-Paid Specialist Lay Members of the Mental Health Review Tribunal for Wales	00010	136
Legal	Fee-paid Legal Members of the Mental Health Review Tribunal (Wales)	00014	19
Legal	Fee-paid Judges of the First-tier Tribunal and Fee-paid Judges of the Employment Tribunals	00021	374
Non-legal	Fee-paid Medical Members of the Mental Health Review Tribunal (Wales)	00031	14
Non-legal	Lay Members of the Employment Appeals Tribunal	00037	13
Non-legal	Fee-paid Specialist (environment) Lay Members of the First-tier Tribunal, General Regulatory Chamber	00052	2
Non-legal	Fee-paid Valuer Chairs and Members of the First-tier Tribunal, Property Chamber	00048	14
Non-legal	Fee-paid Specialist (transport) Members of the Upper Tribunal assigned to the Administrative Appeals Chamber and First-tier Tribunal General Regulatory Chamber	00017	6
Legal	Fee-paid Judges of the Restricted Patients Panel, First-Tier Tribunal, Health Education and Social Care Chamber (mental health)	00068	9
Non-legal	Chair of the Plant Varieties and Seeds Tribunal	00069	1
Legal	Deputy Judges of the Upper Tribunal, Tax Chamber	00073	3
Non-legal	Chairs of the Valuation Tribunal for England*	00027	41

\* There is no remuneration for the post of Chair of the Valuation Tribunal for England. It is carried out on a voluntary basis.

## Salaried roles

Legal/ Non-legal	Judicial role	Reference	Selections made
Legal	President of the Competition Appeal Tribunal	00049	1
Legal	Salaried Judges of the Upper Tribunal assigned to the Administrative Appeals Chamber	00061	4
Legal	Regional Judges of the First-tier Tribunal, Social Entitlement Chamber	00063	2
Legal	President of the First-tier Tribunal, General Regulatory Chamber	00090	1

## Courts selection exercises

### Fee-paid roles

Legal/ Non-legal	Judicial role	Reference	Selections made
Legal	Deputy District Judge	00007	136
Legal	s9(4) Deputy High Court Judge	00024	40
Legal	s9(1) authorisation to act as a Judge of the High Court	00035	39
Legal	Deputy District Judge (Magistrates' Courts)	00051	55
Legal	Deputy Costs Judge	00044	5
Legal	Recorder	00033	164



### Salaried roles

Legal/ Non-legal	Judicial role	Reference	Selections made
Legal	District Judge	00019	57
Legal	District Judge (Magistrates' Courts)	00032	32
Legal	High Court Judge	00020	9
Legal	Chief Chancery Master	00036	1
Legal	Chancery Master	00056	0
Legal	Senior Circuit Judge, Designated Civil Judge	00065	1
Legal	Senior Circuit Judge, Resident Judge	00064	1
Legal	Circuit Judge	00062	62
Legal	Specialist Civil Circuit Judge	00092	2

### Other judicial selection activity

#### Selection exercise for senior roles

Exercise title	Selections made
Court of Appeal 2021	3

Under the Constitutional Reform Act 2005, the Lord Chancellor can request the JAC to convene a panel to select candidates for senior judicial posts such as Lord Chief Justice, Heads of Division, Senior President of Tribunals and Lord and Lady Justices of Appeal.

#### Concurrence required from the JAC

Exercise title	Selections made
Circuit Judges to sit in the Court of Appeal Criminal Division 2021-22	12

We have agreed a process with the senior judiciary that allows for the selection and ongoing consideration of Circuit Judges suitable for authorisation to sit in the Court of Appeal Criminal Division. Following an expression of interest exercise initiated by the judiciary, a panel made up of the Vice-President of the Court of Appeal Criminal Division and a JAC Lay Commissioner will consider all the material and prepare a merit list. The Commission, sitting as the Selection and Character Committee, will provide concurrence of the recommendations, as provided by the Vice-President of the Court of Appeal Criminal Division.

## Selection of candidates requiring s9(1) authorisation

Vacancy	Selections made
Designated Family Judge; Nottingham	1
Designated Civil Judge; Devon, Cornwall and Dorset	1
Designated Family Judge; Cornwall	1
Designated Family Judge; Leicester	1

For some selection exercises that fall outside the JAC's remit, in order to carry out the full functions of the role, the post holder will require authorisation to act as a judge of the High Court under s9(1) of the Senior Courts Act 1981. This requires the JAC to consider the suitability of the judge and to recommend them for inclusion to a pool from which such an authorisation can be granted.

### Exercises launched, but not completed, in 2021-22

A further 21 selection exercises were in progress as of 31 March 2022, which are due to report in 2022-23. These exercises have a combined total of more than 900 vacancies and collectively attracted more than 7,000 applications.

## Key issues and risks

The key issues the JAC is faced with are the delivery of the selection exercise programme and complying with our statutory duties. The risks to the delivery of these are summarised in the Corporate Risk Register.

On the date the accounts in this report were authorised for issue there were:

- three risks rated low
- seven risks rated medium
- zero risks rated high

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### 1. Failure of the Digital Service

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**Risk:** That the Digital Platform and the JAC website are not available to candidates, independent assessors or staff.

**Rating at end of 2020-21:** Medium

**Where we started:** A road map was implemented which consisted of full digital platform development and build of a new website.

**What we've done:** During the year we developed the digital platform further, which included improvements to the reporting functionality and creating new ways for data to be provided to users. In July 2021, we commissioned a specialist digital agency, Deeson, to conduct a technical consultation review of the structure and technology of our platform. That review included an assessment of the platform's suitability for the current and future needs of the JAC and provided advice on what the next generation of platform might look like. Deeson reported their findings in November 2021, and confirmed that our current technology is modern, flexible and appropriate for current and future needs, and that no better alternatives had been identified. From this, we are able to take assurance that our platform remains suitable to deliver our business over the next five years. In January 2022, the MoJ conducted an IT health check of the digital platform and found no serious issues. Following the work on the platform throughout the year, a revised Digital Strategy to 2025 was signed off by the board in March 2022.

**Rating at end of 2021-22:** Medium

**What we're going to do in 2022-23:** The JAC will continue to take forward the recommendations made in the MoJ IT health check and Deeson report on the digital platform. We will also improve our user research and design processes to develop new functionality to better meet user needs and strengthen the resilience and security of the platform.

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## 2. Diversity of applicants and progression

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**Risk:** That target groups do not apply or progress in line with the eligible pool.

**Rating at end of 2020-21:** Medium

**Where we started:** A new JAC-led Judicial Diversity Forum (JDF) research project was launched, looking in more detail at the reasons behind the proportions of applicant target group progression at the qualifying test stage. The Pre-Application Judicial Education programme judge-led discussion groups continued to be delivered remotely with a view to expand the programme in 2021 subject to agreement by the JDF. The JAC's targeted outreach programme continued to engage with candidates, and a tailored 'guide pack' was drafted to further support candidates in preparing for application.

**What we've done:** During the year, two new content series focusing on judicial pathways and salaried part-time working were launched on social media, which have attracted good levels of engagement for all posts. A second JDF combined statistical report was published containing more detailed ethnicity data and intersectionality analysis. The Pre-Application Judicial Education programme judge-led discussion groups were delivered throughout the year with expanded sessions covering competency frameworks. The JDF has agreed to extend this pilot to 2023. A formal 'gateway' process was introduced to support ethnic diversity of selection panels. Monitoring of that process has shown that ethnically diverse panels are being convened across the large majority of selection exercises. The JAC's targeted outreach programme continued to engage with candidates and commissioned NatCen Social Research to deliver a research project looking at diversity approaches in international common law jurisdictions. This report is a useful addition to our existing evidence base that informs our ongoing work, and indicates again that there is no single solution to improving diversity within the professions and judiciary. Positively, it has benchmarked the JAC's and Judicial Diversity Forum's efforts in an extremely good light. We published our 'deep dive' statistical analysis into the progression of target group candidates through selection exercises. Building upon this analysis, emerging findings from the JAC-led research project into candidate progression through the qualifying test stage were presented to the JDF Officials Group in March 2022.

**Rating at end of 2021-22:** Medium

**What we're going to do in 2022-23:** A third combined statistical report is being developed by the JDF which will include further analysis on intersectionality and black, Asian and minority ethnic data breakdowns. The JDF will also continue to explore how to best evaluate diversity initiatives and assess impact, based upon the findings of a rapid evidence assessment about judicial diversity and support commissioned by the Legal Services Board from the Bridge Group.

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### 3. Staff engagement and morale

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**Risk:** That staff engagement and morale are negatively affected due to increased workloads, reduction in staff complement or poor performing systems.

**Rating at end of 2020-21:** Medium

**Where we started:** Three key themes emerged from the results of the 'ways of working' survey, which was completed by staff at the end of last year. Those three key themes were:

1. working remotely and meeting the needs of the business
2. practical issues that need to be addressed
3. embedding our values in future ways of working

**What we've done:** To gain a more in-depth view on what worked well under remote working, a range of staff engagement sessions were held to discuss key themes on the JAC's future ways of working. Those discussions informed new guidance on working post COVID-19 restrictions, incorporating flexible working arrangements for staff while ensuring that business needs were met. The annual Civil Service People Survey was completed in November 2021 with a response rate of 84%. The JAC's overall engagement score rose to 67% from 65% the previous year. Scores in all areas increased, placing the JAC above the Civil Service average. Individual comments from the survey included positive feedback from our staff on the new ways of working guidance. Changes were also made to the JAC's office environment during the year to support a gradual return to office-based working. The JAC People Plan has also been updated to reflect and respond to the results of the 2021 People Survey.

**Rating at end of 2021-22:** Medium

**What we're going to do in 2022-23:** We plan to undertake a mid-year Pulse Survey which will include a focus on gauging staff experiences during the early stage of our ways of working process. We will also continue to take forward other planned initiatives in line with the updated JAC People Plan.

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## 4. Loss of corporate knowledge

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**Risk:** That sufficient experience and knowledge of staff and Commissioners is lost and affects delivery of business priorities.

**Rating at end of 2020-21:** Low

**Where we started:** At the beginning of the year, the JAC was carrying a staff headcount of 104, made up of 81 permanent staff and 23 temporary agency staff. Over the past few years, following the impact COVID-19, the JAC had increased its use of agency staff to respond to sudden changes in the way in which the organisation delivered its business.

**What we've done:** In response to the continuing high demand for judicial recruitment expected in the coming years, the JAC has made efforts to increase its permanent headcount. Newly recruited permanent staff have undergone full inductions overseen by our dedicated training team. Staff numbers at the end of the year reflect a permanent headcount of 94 permanent staff and six posts occupied by temporary agency staff. A new interactive operations manual has also been developed to assist new and existing staff, which includes updated guidance on the approaches to remote and face-to-face selection day activities.

**Rating at end of 2021-22:** Low

**What we're going to do in 2022-23:** The JAC will continue to ensure it is properly resourced to deliver the agreed programme of judicial recruitment. Recruitment is also underway for three of our Commissioners, including the JAC Chair, whose terms are due to end in 2022-23.

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## 5. Confidence in the selection process

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**Risk:** That stakeholders, including candidates, the judiciary, Commissioners, panel members, the MoJ, or staff do not have sufficient confidence in the selection process.

**Rating at end of 2020-21:** Medium

**Where we started:** In April 2021, a full evaluation of our approach to remote assessment covering the period from March 2020 to December 2020 was presented to the Commission Board. The evaluation covered the 22 exercises run by the JAC over that period and over 1,000 selection day interviews. The evaluation was externally and independently validated by Work Psychology Group and concluded that pivoting from a face-to-face approach to a remote approach to assessment was successfully achieved.

**What we've done:** The Government Internal Audit Agency conducted an audit of our complaints handling process in which that report received the highest possible rating of substantial. In June 2021, Lord Kakkar announced a review of statutory consultation within the selection process when appearing before the Justice Select Committee to be undertaken by Work Psychology Group. Following discussions with our key delivery partners, the review of statutory consultation and the Commission's response were published at the end of March 2022. The board also endorsed a review of the operation of equal merit provisions at the shortlisting stage and noted the positive impact on the diversity of candidate progression and the finding that the published policy was being followed in operational practice. Our approach to remote assessment has been incorporated into the Commission's refreshed 2020-23 Strategy. We are confident that this will allow us to take the best of remote working and effectively deliver a blended approach to assessment for these important roles across the judiciary while making best use of judicial resource.

**Rating at end of 2021-22:** Medium

**What we're going to do in 2022-23:** Following publication of the independent review of the operation of statutory consultation, we will be moving into an implementation phase to be driven by a cross-organisational working group.

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## 6. Confidence in the effective delivery of selection exercises

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**Risk:** That stakeholders do not have sufficient confidence that the JAC can deliver the selection exercise programme in an efficient and effective manner.

**Rating at end of 2020-21:** Medium

**Where we started:** The JAC completed its recovery phase for all judicial recruitment exercises that had previously been paused due to COVID-19.

**What we've done:** During the year, the JAC returned to some face-to-face recruitment activities following the easing of COVID-19 restrictions. A new interactive operations manual has been developed to assist new and existing staff, which includes updated guidance on the approaches to remote and face-to-face selection day activities. Various outreach activities were also undertaken in order to meet vacancy requests and ensure a diverse pool of candidates.

**Rating at end of 2021-22:** Medium

**What we're going to do in 2022-23:** We are developing a candidate self-booking system which has been requested by candidates and should reduce the workload on our selection teams. We are also planning further enhancements to our digital recruitment platform to strengthen security, automate more operational processes and develop more detailed reporting directly to our business partners.

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## 7. Financial resources

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**Risk:** That overall financial resources are insufficient, either in the current year or next year, particularly if major exercises are brought forward or delayed.

**Rating at end of 2020-21:** Low

**Where we started:** The JAC secured a budget of £8.7m for the year to deliver the agreed programme of selection exercises for 2021-22.

**What we've done:** Following a change in interview dates for two large recruitment exercises that were originally due to launch in 2021-22, the JAC returned £0.5m of its resource budget to the MoJ Central Fund during the year. That activity is now due to take place in 2022-23. As a result, the JAC's 2022-23 funding bid was amended to reflect the movement in the programme. The JAC has also fed into the department's multi-year spending review return to HM Treasury which set out our spending projections to 2024-25. In November 2021, the Government Internal Audit Agency carried out an audit of the JAC's financial management, focusing primarily on payroll. That report received the highest possible assurance rating of substantial, concluding that there were sufficient and compliant processes in operation, including validation checks, reconciliations and monitoring checks.

**Rating at end of 2021-22:** Low

**What we're going to do in 2022-23:** We will continue to work with our partners to agree forthcoming levels of judicial recruitment. This will allow us to ensure that the JAC is properly resourced and funded to deliver the agreed programme of work.



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## 8. Information security

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**Risk:** That data will be lost or presumed to be lost, or obtained by unauthorised persons, including through activities of third parties.

**Rating at end of 2020-21:** Medium

**Where we started:** Following the Government Internal Audit Agency's report on GDPR and information assurance, which included ten recommendations for the JAC to take forward in 2020-21, two recommendations were carried over into 2021-22.

**What we've done:** The two outstanding recommendations relating to the temporary storage of data from the old Judicial Appointments Recruitment System and disposal of data at the end of the retention period were completed by October 2021. During the year, we observed an increase of phishing and spam emails, most likely due to the increase in remote working. Those emails were reported centrally to the MoJ security team and relevant actions were taken to address those emails. Revised staff guidance was produced to ensure material was kept safe and secure when working remotely. MoJ provided assurance over a selection of software packages which could be deployed to assist staff in achieving business objectives while working in a remote environment.

**Rating at end of 2021-22:** Medium

**What we're going to do in 2022-23:** The JAC will continue to develop its guidance now that staff have returned to the office. This will include reminders on keeping material safe while travelling and ensuring that a clear desk policy is followed.

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## 9. Provision of finance, procurement and human resources through shared services

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**Risk:** That the shared services system does not meet the JAC's needs.

**Rating at end of 2020-21:** Low

**Where we started:** The JAC Audit and Risk Committee was scheduled to review the findings of the deep dive into the shared service risk at its meeting in April 2021.

**What we've done:** The Committee decided that the shared services risk should remain on the JAC's Corporate Risk Register but that this would be kept under review. This risk was originally added to the register in 2016 to recognise the transition to a new system known as SOP (Single Operating Platform). Despite the length of time that has passed since its inception, the committee recognised that the JAC has a significant reliance on the system in the facilitation of HR, finance and recruitment processes.

**Rating at end of 2021-22:** Low

**What we're going to do in 2022-23:** The JAC Audit and Risk Committee will continue to monitor the use and performance of the SOP system.

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## 10. Business continuity arrangements – COVID-19

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**Risk:** That the JAC is unable to deliver its business objectives due to the impact of COVID-19.

**Rating at end of 2020-21:** Medium

**Where we started:** Following the impacts of COVID-19 we have implemented a range of activities to mitigate the risks associated with our business continuity with a primary goal of ensuring that we are meeting our business objectives while protecting the wellbeing of our staff.

**What we've done:** As part of the 2021-22 internal audit plan, the Government Internal Audit Agency conducted an audit of our business continuity arrangements. The outcome of their review was a moderate rating which provided assurance that we have resilient business continuity arrangements in place to enable continued delivery of our services following an incident. As part of the audit, staff views were sought on management's response to the COVID-19 outbreak which also reflected well on the organisation's overall handling and communication. Since the publication of the report, we have reviewed and amended our Business Continuity Plan. We have also added the business continuity e-learning packages, provided by Learning for Government, as a mandatory course for all staff.

**Rating at end of 2021-22:** Medium

**What we're going to do in 2022-23:** We will continue to update our business continuity plans in line with government advice and respond to instances where face-to-face activity will occur in our recruitment processes. We will also continue to monitor the suitability of our office space arrangements to allow staff to work safely in the office.

# Performance analysis

## How the JAC measures performance

The JAC's aims were set out in the JAC Strategy 2020–23 which incorporated the 2021-22 business plan. The aims are to:

- 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
- attract well-evidenced applications from the widest range of high-calibre candidates, supporting greater judicial diversity
- ensure the JAC is widely recognised as the trusted expert body on independent, merit-based appointment to the judiciary
- support delivery of Commission aims in line with our values, including by way of a new digital application system and tools

Working to support a world-class judiciary that better reflects the society it serves is at the heart of what we do at the JAC, and we are committed to continual review and improvement of our selection tools and processes.

Every month the detailed objectives behind these measures are reviewed by JAC senior leaders, with a full review every quarter. Information on progress is detailed in the JAC's internal management information pack. This pack is provided to the Commissioners at every board meeting for consideration and review. It is then sent to the MoJ to inform its sponsorship discussions with the JAC.

## Key indicators

The data gathered here shows how the JAC has performed in key areas.

The data covers 2021–22 and will be used throughout the coming years for benchmarking purposes. We are continuing to develop new indicators in line with our strategy and have started to build year-on-year comparisons for the below indicators.

In February 2022 the Commission agreed to how it would measure and report on those parts of the selection exercise timeline that the JAC has direct control over. As part of this process the Commission agreed to define exercises based on size (vacancy request) and role (fee-paid, salaried, leadership and non-legal). For each type the Commission has agreed an indicator of the normal length of these exercises, which is in the form of a range of weeks. These indicators are based on past exercise data but allow for recent changes and efficiencies in our processes. From April 2022 we will monitor and report on the compliance with these indicators. Where exercises fall outside of the indicator range, this will be explained in the annual report. We will review the indicators annually and any adjustments will be signed off by the Commission.

Key area	Performance 2021-22	Performance 2020-21
Proportion of candidates rating the selection process as 'good' or 'excellent'	71% of candidates rated the selection process as either good or excellent. (This figure is based on 625 candidate responses to surveys post selection day and in relation to 15 completed selection exercises)	70% of candidates (522 out of 737) who responded to our surveys in 17 selection exercises
Website usage	Approximately 550,000 page views from 134,000 users between 1 April 2021 and 31 March 2022	Approximately 600,000 page views from 152,000 users between 1 April 2020 and 31 March 2021
Proportion of recommendations accepted by the appropriate authority	100% of appropriate authority responses have been accepted (two responses are outstanding)	100%
Complaints upheld by the Judicial Appointments and Complaint Ombudsman	0 out of 6 (3 currently under investigation) For 2021-22 we are aware that six cases have been taken by the Judicial Appointments and Conduct Ombudsman (JACO). Three cases have been investigated by JACO and have not been upheld, with JACO commenting on the thoroughness of the JAC investigation. Three are still being investigated by JACO	0 out of 4 (3 currently under investigation) For 2020-21 we are aware that seven cases have been taken by the Judicial Appointments and Conduct Ombudsman (JACO). Four cases have been investigated by JACO and have not been upheld, with JACO commenting on the thoroughness of the JAC investigation. Three are still being investigated by JACO

Key area	Performance 2021-22	Performance 2020-21
<p>Annual JAC People Survey indicators comparison with other MoJ arm's length bodies (ALBs) – benchmarks in brackets</p>	<p>Response rate: 84% (71%)  Engagement index: 67% (67%)  My work: 80% (79%)  Organisational objectives: 95% (87%)  My manager: 82% (72%)  My team: 94% (82%)  Learning and development: 57% (51%)  Inclusion and fair treatment: 89% (79%)  Resources and workload: 85% (76%)  Pay and benefits: 38% (38%)  Leadership and managing change: 76% (61%)</p>	<p>Response rate: 88% (79%)  Engagement index: 65% (67%)  My work: 76% (80%)  Organisational objectives: 93% (88%)  My manager: 74% (72%)  n/a  Learning and development: 56% (48%)  Inclusion and fair treatment: 80% (79%)  Resources and workload: 73% (75%)  Pay and benefits: 30% (33%)  Leadership and managing change: 66% (62%)</p>
<p>Proportion of applications from under-represented groups, and progression through selection exercises when compared to the pool of eligible candidates</p>	<p>Will be included in the JDF's combined statistical report, which will be published in July 2022</p>	<p>Will be included in the JDF's combined statistical report, which will be published in July 2021</p>

### Analysis and explanation of the performance of the JAC

Other measures on performance are also in the management information pack, including sections on selection exercise activity, finance, staffing and outreach activity, as well as a summary risk analysis. This allows the Commission Board a complete overview of performance and to gain an understanding of the overall position of the JAC.

The budget allocation provided by the MoJ will increase from £8,661k in 2021-22 to £8,723k in 2022-23 (a 1% increase).

## Achievement against our aims

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

#### Evaluating the approach to remote assessment and taking forward lessons learned

For much of 2021-22, we continued running all assessment remotely, as we had done since March 2020, when, in response to government guidance, the JAC suspended all face-to-face selection activity and immediately transitioned to remote working. We acted rapidly and updated our processes to meet this challenge. As highlighted in last year's report, a cross-organisational working group led by our Head of Selection Policy was established to develop and refine our remote assessments during the year. During 2021-22, this working group led on the evaluation of remote assessment so far, and on the further development of our remote assessment approach.

The Commission Board considered a full evaluation of the remote approach in April 2021. The evaluation covered 22 exercises run by the JAC from March to December 2020, totalling over 1,000 selection day interviews. The evaluation was validated by Work Psychology Group who were appointed on a three-year call-off contract in April 2021, following an open procurement exercise, to provide independent expert advice to the JAC on selection processes. The evaluation 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 delivery of their remote selection days, including a roleplay, all of which had concluded in the first two quarters of 2021-22.

Key findings include:

- in terms of assessment, the remote approach was accurately and effectively undertaken with no negative impact seen on panels assessing and grading candidates
- no new diversity impacts were identified as a result of remote assessment
- candidate and panel feedback was largely positive
- a remote approach was on the whole more cost effective than a face-to-face approach

Considering both of these formal evaluations, the Commission Board agreed a new approach to future exercises that would embrace a hybrid approach of both face-to-face and remote selection day activity depending on the role being recruited to. When restrictions due to COVID-19 allowed, the approach was:

- across all exercises, all assessment up to selection day conducted remotely
- for salaried roles, selection days run face-to-face
- for fee-paid non-legal roles, selection days conducted remotely
- for most fee-paid legal roles, selection days conducted remotely

The first face-to-face selection days since March 2020 took place during November 2021 for the Circuit Judge exercise and over 120 selection day interviews were successfully delivered. Our approach is being run initially for 12 months from the ending of restrictions, and the board will evaluate the approach before agreeing next steps. The Commission Board will also continue to review, seek feedback and consider its longer-term approach as the situation develops. Any changes will be carefully considered and clearly communicated to candidates, in good time wherever possible, in line with government guidance.

Due to the updated government guidance in December 2021 that people should work from home where possible, the JAC once again suspended face-to-face selection days until restrictions would allow, and all selection activity reverted to remote selection days. The safety of candidates, panel members and staff remained a priority for the JAC, alongside business need. Face-to-face selection days for salaried exercises resumed in January when government guidance allowed and we returned to our hybrid approach.



### Implementing improvements to selection tools

We continued to implement improvements to our selection tools as planned.

- We have continued to develop banks of situational questions for use in leadership exercises. These banks help us run candidate testing in a way that is consistent and sustainable, especially in times where we have high levels of recruitment activity. These banks also help to reduce the need for support in drafting bespoke material, reducing a pressure on the court and tribunals system at busy times. There is ongoing work to develop other banks, with support from the judiciary in drafting these questions.
- As highlighted in last year's annual report, a pre-recorded roleplay was used on selection days in March 2021 for the Fee-Paid Judge of the First-Tier Tribunal and Judge of the Employment Tribunal (England and Wales) exercise. Work Psychology Group ran a full evaluation and concluded that the tool enhanced standardisation, improved cost efficiencies, differentiated between candidates and presented no adverse impact on the progression of target subgroups. This evaluation was presented to the Commission Board in September 2021, and the board agreed to conduct a further pilot of the tool for the Road User Charging Adjudicator exercise scheduled that launched in March 2022. This pilot will be an opportunity to further enhance the technical capabilities of the tool. To reflect better what the tool achieves, the name of the tool was changed to a situational video assessment.
- Following on from the evaluation of the streamlined and standardised approach to selection processes for non-legal tribunal roles (endorsed by the Commission Board in April 2020), we undertook a review of the bank of non-legal situational questions. A statistical review of the non-legal situational questions was completed by the judicial statistics team in early 2021. Following careful review including by the Advisory Group in June 2021, amendments were made to the questions in the non-legal bank of situational questions. In addition, the JAC commissioned drafting judges from Judicial Office to create new questions to refresh the non-legal bank. These new questions were reviewed as part of our quality assurance process, including review by the Advisory Group in September 2021. The JAC will continue to conduct reviews of the performance of the questions from the non-legal bank to ensure a best practice approach is followed for the development and enhancement of the bank.

- In July 2021, the Welsh Matters Committee conducted a review of how we assess candidates' Welsh language ability where this is required for Welsh posts. The committee recommended some minor amendments to the process but were content that the process worked effectively and in line with the JAC's Welsh Language Scheme.

### Evaluating streamlined and updated selection processes

In October 2021, the Commission Board considered an evaluation of the standardised approach to selection processes, including the streamlined application format and concise 'skills and abilities' which has been used for leadership roles from 2019. The board endorsed the process, which had been well received by candidates, panel members and all stakeholders involved. The evaluation highlighted an increased number of applications overall and that there was no adverse impact on diversity or any other aspect. The Commission Board agreed to extend the use of the concise 'skills and abilities' into other exercises, ensuring all similar exercises were assessed against the same framework. Full details of the assessment framework used in each exercise will be clearly explained in the individual information pages for each exercise.

In 2021, we evaluated the operation of the 'equal merit' provisions at shortlisting (introduced in 2019). This had been originally planned for 2020-21, but was reprogrammed for 2021 so that we could prioritise the evaluation of our approach to remote assessment. The evaluation found that equal merit provisions at shortlisting are working appropriately and flexibly for different exercise types and have had a positive impact on the diversity of candidate progression. We continue looking for ways to further strengthen their application in line with our published policy. In 2020-21 we also continued piloting a new equal merit provisions approach for later in the selection process. Where tie-break is needed to select between candidates of equal merit who share the same protected characteristics, we previously used a second interview, and last year developed a new approach using online written situational questions. The situational questions for non-legal roles had been successfully piloted in February 2021 and in November 2021 were further piloted for legal roles on the Deputy District Judge (Magistrates' Court) exercise. The questions were successfully used to differentiate between candidates and the board has agreed to continuing this pilot and undertaking a full evaluation when we have made use of further questions from the bank.

### Review of statutory consultation

In June 2021, in an evidence session to the Justice Select Committee, our Chair, Lord Kakkar announced a review of our approach to statutory consultation, within the existing statutory framework, to ensure best practice. This independent review was conducted by Work Psychology Group and published with the response from the Commission on 31 March 2022.

The methodology included an in-depth review of a range of exercises run by the Commission, and a number of interviews with Commissioners, Judges, and members of the JDF including the Law Society, the Bar Council, and the Chartered Institute of Legal Executives. The Commission was particularly grateful to those interviewees who took the time to gather views and provide their thoughts on statutory consultation.

Work Psychology Group highlighted a number of important positive findings on how the process of statutory consultation is currently undertaken, including that:

- overall, the process of arranging and conducting statutory consultation is consistent for all candidates involved in a particular exercise

- there is no direct evidence that the statutory consultation process impacts disproportionately on recommendations for appointment for any group
- the importance of statutory consultation comments being evidence-based is understood by the JAC and the judiciary, and there is evidence of efforts by the JAC and the judiciary to improve the evidence base of statutory consultation
- statutory consultation comments received before a selection day can support the selection panel when assessing candidates

Work Psychology Group also made some important findings about how the approach taken to statutory consultation could be improved. The Commission Board considered all of the points made in the review carefully and agreed that a revised approach to the operation of statutory consultation within the existing statutory framework should be introduced. The revised approach to statutory consultation will begin with exercises launching from September 2022. Full details are available on the JAC website.

The main changes to the approach are:

- the Commission will consider requesting a dispensation of statutory consultation by the relevant appropriate authority on a case-by-case basis on fee-paid exercises where the consultee is unlikely to have relevant information on a substantial number of candidates
- where statutory consultation is retained in exercises, consultation will always take place before interview to assist panels' overall assessment of candidates
- we will revise, strengthen and publish the guidance and documentation provided to the statutory consultee so all candidates are aware of how evidence is collated, weighted and used in the process
- we will ensure that the consultee has sufficient time to complete a well-evidenced based response which will fulfil the requirements set out in the guidance
- candidates who are already judicial office holders will be able to separately request a conversation with their leadership judge around their application and suitability for the role

This approach will be reviewed after a full cycle of recruitment activity and ahead of each individual exercise so any lessons or improvements can be made throughout this process.

### Sharing best practice

In order to support the effective assessment of merit, we share best practice with selection bodies from other sectors, as well as other judicial appointments bodies in the United Kingdom and internationally. Notably, this year we made a written submission to the Irish Joint Committee on Justice, took part in a remote international conference hosted by the Kazakhstan judiciary and shared selection tools, work flow processes and details of our digital platform with the Judicial Appointments Board for Scotland.

## 2

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

**We believe the judiciary should reflect the society it serves and we aim to attract diverse, suitably qualified applicants from a wide field.**

During 2021-22, diversity continued to sit at the heart of the JAC's work and response to the ongoing COVID-19 pandemic. Careful consideration was given to ensuring there were no disproportionate negative impacts on candidates from the JAC's four target groups or any other protected characteristic group. So far as possible, we assisted candidates through the provision of reasonable adjustments and flexibility within the selection process.

Working in partnership with the legal professions, judiciary and government continued to be a central theme of the JAC's work to promote and encourage diversity. Joint work focused on developing remote outreach approaches and delivering judicial appointment support programmes to encourage and prepare a diverse range of candidates.

Throughout the year the JAC engaged actively with Parliament, academics, mainstream and legal media, and others to increase understanding of diversity and judicial appointments. The JAC contributed to government publications such as the response to the Commission on Racial and Ethnic Disparities report and the National Strategy for Disabled People, and gave evidence to the House of Commons Justice Select Committee on increasing judicial diversity.

In December 2021 we published our regular diversity update. The update details the ongoing work to attract and better prepare potential candidates from under-represented groups for judicial appointments and ensure selection processes are fair and non-discriminatory. Diversity updates are published every six months and can be found on the JAC website.

## Statutory diversity and equality duties

Under the Constitutional Reform Act 2005, the JAC must select candidates solely on merit, while also encouraging diversity in the range of people available for selection.

The Equality Act 2010 applies a general equality duty to all public authorities to have due regard to the:

- elimination of discrimination
- advancement of equality of opportunity
- fostering of good relations between diverse groups

There are three aspects to the JAC's diversity strategy:

- outreach
- fair and non-discriminatory selection processes
- working with others to break down barriers

## Outreach

The JAC carries out exercise-specific and broader outreach activity to attract a diverse range of candidates to apply when they are ready.

Activities in 2021-22 included the following.

- We continued to deliver most outreach activity remotely, working with partners in the legal professions to build upon the benefits of remote outreach events. We supported targeted events for prospective candidates

organised by associations and societies within the legal professions, including the Crown Prosecution Service, the Chartered Institute of Legal Executives, the Employment Lawyers Association, the Northern Circuit, the Muslim Lawyers Action Group, the Society of Legal Scholars and the Lincoln's Inn Social Mobility Committee.

The remote approach enabled us to deliver more tailored jurisdictional outreach events and events targeted at lawyers from specialist backgrounds. We took part in a larger number of regional outreach events than would have been possible with face-to-face, for example including six region-specific outreach events to promote the District Judge competition. We also made use of interactive functions offered by remote platforms to encourage interaction during Q&As and provide facilities for in-event anonymous questioning. Some in-person outreach activity recommenced when restrictions allowed, and attendance at remote events remained high.

- JAC messaging was tailored across platforms where necessary to reflect the challenging circumstances that many candidates and stakeholders were experiencing as a result of the pandemic.

- We participated in preparatory workshops for potential candidates, alongside partners in the legal professions and Judicial Office. As part of this work, the JAC supported the development of tailored online resources for use by the Law Society Solicitor Judges Division and the Chartered Institute of Legal Executives Judicial Development Programme.
- We advertised all judicial vacancies via the JAC website, monthly newsletter and social media channels.
- We promoted case studies of successful candidates on the JAC website and social media channels to highlight pathways into and within the judiciary. In 2021 the JAC ran a 'pathways' series on social media containing case study features on a range of judges from non-traditional backgrounds.
- We published articles in specialist media to encourage potential candidates to consider judicial careers, and to inform them about the selection process and forthcoming selection exercises.

### Targeted outreach and research team

Since September 2020, the targeted outreach and research team, a separate unit within the JAC, has been tasked to engage with, and provide advice and guidance

to, potential candidates from underrepresented backgrounds for specific senior court and tribunal roles. The pilot focuses specifically on senior salaried roles, and their main fee-paid pipelines, which remain particularly underrepresented in terms of ethnicity (and to a lesser extent gender, professional background, and disability). Candidates benefit from tailored advice, guidance and access to wider support. The programme has been designed to complement existing diversity initiatives currently available to candidates.

In year one of the pilot programme, the team received 278 applications, of which 136 applicants were accepted. 69% of applicants taking part in the programme were women, 68% were from a black, Asian and minority ethnic background, 52% were from a solicitor professional background and 16% declared a disability. The annual survey concluded that 96% of successful candidates agreed or strongly agreed that their conversation with a Commissioner was tailored and useful, while 93% of successful candidates agreed or strongly agreed that following their consultation with a Commissioner, they felt more informed and confident about making a judicial application. In year one of the pilot programme, 10 candidates were recommended to judicial appointment, supported by the targeted outreach team.

In the first year of the pilot scheme, it became clear that many candidates did not understand the range of judicial roles, the JAC process or how to navigate it. To tackle the issue, it was agreed to informally recruit volunteer guides to help steer candidates through the JAC selection exercise process. With thanks to the senior Courts and Tribunals Judiciary, the pilot has 157 judicial volunteer guides to date. Responses show that 92% of candidates felt that their guide made them feel more confident and informed about a judicial application.

We are grateful to Dame Anne Rafferty and Lady Justice Simler for their endorsement of the Diversity and Inclusion strategy, and Lord Justice Haddon-Cave, Senior Presiding Judge, for his support of the judicial guide scheme. In collaboration, we have appointed HHJ Nigel Lickley QC as Director of Training, who will oversee the support provided to judicial guides and in turn, candidates. Lady Justice Simler continues to endorse the programme and closely monitors our use of voluntary judicial resource to ensure minimal impact on existing workloads and commitments.

The pilot programme commissioned and trialled a candidate guidance pack, which contains in-depth advice on the selection process and tips on how to prepare, which received 89% positive feedback from targeted outreach candidates. The document was launched on

the JAC website in November 2021, forming part of a suite of resources for all candidates. The JAC also continues to highlight the programme at an increasing number of outreach events, and remains flexible to amend the communications approach if needed, in line with the application numbers.

### Fair and non-discriminatory selection processes

The JAC takes several steps to ensure that the selection processes are fair, open and transparent, including:

- seeking independent review of selection tools from occupational psychologists: this year we completed a two-year programme of work on our shortlisting tools, following recommendations from Work Psychology Group as part of a 2018 review of JAC shortlisting tools – while the review concluded that the JAC approach is in line with good practice and no explanation was found within the process for different progression rates between particular groups, Work Psychology Group made a number of recommendations for further improvement
- using name-blind shortlisting in all selection exercises
- training JAC panel members on fair selection and bias, and refreshing this training in the panel briefing session before every selection exercise



- targeted outreach and broad person specifications to recruit a diverse cohort of lay selection panel members
- offering feedback to unsuccessful candidates, and tailored feedback to ‘near-miss’ candidates, to encourage and assist them in making potential future applications, via our targeted outreach scheme
- with the assistance of its Advisory Group of professionals and judges, reviewing all selection materials – this helps ensure that they will not adversely affect equality or diversity, and do not inadvertently advantage or disadvantage candidates from a particular practice area or jurisdiction
- ensuring that the content and tone of selection exercise materials do not contain inappropriate stereotypes, colloquialisms or language that may be off-putting to different groups, and that role plays and scenarios feature characters from diverse backgrounds
- seeking feedback from candidates after each stage of the selection process
- testing all materials with volunteer candidates and analysing the results, making any necessary adjustments to the content, timing, preparation materials or other aspects of selection materials
- observing live interviews and role plays to ensure consistency
- completing equality impact assessments for any significant changes to the selection process
- assigning a Commissioner to all exercises to oversee quality assurance and fair selection
- making reasonable adjustments as requested for candidates who need them

The JAC wants to make sure that disabled candidates and those with long-term health conditions can participate fully and fairly in all stages of the selection process. The JAC publishes a reasonable adjustments policy on its website which sets out the process for requesting adjustments, and an indicative list of adjustments that have been provided to candidates in the past.

### Working with others to promote diversity

We continued to work with our partners in the Judicial Office, the judiciary, the MoJ and the legal professional bodies to break down barriers to increasing diversity among the judiciary. We worked with these partners individually and through the JDF, which is chaired by the JAC Chair. This partnership working was important in bringing together collective efforts, insights and expertise to deliver a broad programme of work aimed at supporting greater judicial diversity, and ensuring that diverse

candidates were fully supported and encouraged during the ongoing challenges of the pandemic.

The leaders of all the partner organisations meet as the JDF twice-yearly and are supported by an Officials' Group made up of senior representatives from each organisation. 2021 marked two years of the JDF in its new format and the forum published an update on the wide range of actions that its members are undertaking, either collectively or individually to help increase judicial diversity. As part of its new action plan, the JDF is progressing a project to develop a common monitoring and evaluation framework for diversity initiatives.

In July 2021 the JDF published a second combined statistical report, the first having been published in 2020. These reports bring together data on the diversity of the judiciary, judicial appointments and from the relevant legal professions (solicitors, barristers and legal executives), offering a window into factors which impact upon judicial diversity. The JDF published an accompanying statement summarising where positive improvements have been made, and where more remains to be done. The 2021 report included additional chapters providing a more detailed analysis of ethnicity and the intersection of diversity characteristics.

In 2020 the JDF commissioned a rapid evidence assessment about barriers and initiatives relating to judicial diversity in England and Wales. In 2021 the JAC commissioned a programme of research and analysis from the National Centre for Social Research (NatCen) to supplement the work done in the rapid evidence assessment, into measures used in other common law jurisdictions to achieve improved judicial diversity outcomes. This report is due to be published in summer 2022. The next stage of this project will involve consultation and engagement with stakeholders on potential lessons for England and Wales.

The JAC took part in a number of events, hosted by its partners, to better understand barriers to judicial application and progression through selection exercises for groups such as solicitors and lawyers from ethnic minority backgrounds. This included an event held by the legal reform group JUSTICE about race equality in the judiciary, and a judicial appointments conversation session at the annual Law Society in-house lawyers conference. Through events, roundtable discussions and other stakeholder meetings, the JAC actively seeks feedback on its processes and uses the information gathered to inform the development of its selection tools.

### Pre-Application Judicial Education programme

The Pre-Application Judicial Education programme launched in April 2019. This is a joint initiative of the JDF and supports potential candidates from under-represented groups in developing their understanding of the role and skills required of a judge. An expert group made up of current judges and JAC Commissioners was formed to prepare the online materials and workshop elements of the programme.

The programme offers an online learning platform, which is open to all, containing short videos and podcasts covering five modules:

- judgecraft
- job framework
- judicial ethics
- resilience
- equality and diversity

The programme also offers courses of judge-facilitated discussion groups with priority being given to lawyers from underrepresented groups. In 2021-22 the programme was expanded and 221 lawyers from underrepresented groups participated. As in 2020-21, these sessions were delivered online instead of in physical groups. In 2021 the JDF undertook an initial evaluation of the Pre-Application Judicial Education programme. Feedback from candidates was

found to be very positive and the JDF agreed to extend the pilot and carry out a more in-depth evaluation once a greater data set is available.

The JAC will continue to work with the MoJ, the Lord Chief Justice and other partners to consider all practical actions that could be taken either individually or in partnership to improve diversity, assess the impact of existing activity and to measure progress.

### Monitoring diversity

The JAC continued to monitor the diversity of applicants and those selected for judicial posts. The selection process is carefully monitored, including analysis of progression of target groups at key points in the selection process and investigating reasons for significant drops in target groups.

In 2021-22 the JAC continued to work with its statisticians to identify and explore the reasons for difference in application rates and performance for diverse groups. The JDF combined statistical report provided a fuller picture of the eligible pools for 'entry-level' and more senior roles. This data was used alongside other evidence to inform the continual review and development of JAC selection tools and outreach approaches.

In 2021 the JAC published a report of the 'deep dive' statistical analysis that was commissioned in 2018 to examine the differences in success

rates for target group candidates in selection exercises. The report provided some useful insights – such as no difference in success rates being seen for black, Asian and minority ethnic candidates in non-legal tribunal exercises – but also raised further questions. In building upon the ‘deep dive’ findings the JAC has begun a further piece of work with JDF partners to fill gaps in the collective understanding about the differences in progression for some groups within legal exercises.

### Further steps to increase diversity

In 2021 the JAC introduced an internal monitoring policy (alongside gender) to account for panel diversity and ensure that selection panels, on aggregate, have representative ethnic diversity

in line with the general population. Our commitment to convening ethnically diverse panels has been embedded at all relevant stages of the selection exercise process. This is evaluated and reported upon on a monthly and quarterly basis, ensuring we can monitor the average of ethnic minority panel member representation (including Lay, Judicial members and Commissioner panel members) across each selection exercise. In parallel, the Judicial Office refreshed the pool of judges for deployment on JAC exercises, ensuring a greater proportion of ethnic minority judges were available to serve on selection panels. Aggregated diversity monitoring data on judicial panel members was published for the first time in our December 2021 diversity update.

#### Selection exercises taking recommendations (concluding) between 1 April 2021 and 31 March 2022

Grouping	All exercises
Exercise count	29
Total panel members	343
Declaration rate (ethnicity)	90% (307)
Selection panels declarations (BAME)	16% (48)
Exercises with selection panels reflecting the average (14%) <sup>1</sup> ethnic minority population of England and Wales <sup>2</sup>	13 of 29

1 This is in line with the most recent estimate (based on 2011 Census data, that 14% of the working age population in England and Wales are from black, Asian and minority ethnic backgrounds.

2 Around half of all exercises evaluated (13) were small in size, using single panels comprised of four people or fewer.

<b>Legal exercises</b>	21	296	89% (264)	16% (41)	8 of 21
<b>Non-legal exercises</b>	8	47	91% (43)	16% (7)	5 of 8

Following the launch of the JAC’s new-look website in 2020, further improvements have been made to enhance the navigation and signposting. New and expanded guidance was introduced to help potential candidates prepare for the selection process including an updated ‘Am I ready?’ tool, guidance and videos for non-legal applicants, and a candidate guidance pack covering in-depth explanations and advice about the JAC selection process. The website will continue to be developed and updated in response to feedback and user research.

### Equal merit policy

The JAC continues to apply its policy on equal merit during selection exercises at the shortlisting and final decision making stages.

The approach enables the JAC to select a candidate for the purpose of increasing judicial diversity where two or more candidates are considered to be of equal merit. This approach ensures that the JAC continues to take all measures possible, consistent with the statutory framework, to support the aim of increasing diversity.

In 2021-22, 25 selections were made following application of the equal merit approach. The equal merit approach was applied to four exercises at the shortlisting stage, which enabled 183 candidates to progress to the next stage in those exercises.

## 3

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

As we continued to operate under changing restrictions during 2021-22, it remained important to keep partners and candidates up-to-date with our business continuity and longer-term approach to assessment. Delivery partners and professional bodies have been kept informed of the JAC's approaches and candidates and panel members have also been regularly updated.

### Sharing best practice

In order to support the effective assessment of merit, we share best practice with selection bodies from other sectors, as well as other judicial appointments bodies in the United Kingdom and internationally. We have responded to requests for information regarding our approach to remote assessment, so far received from the Judicial Appointments Board for Scotland, the Northern Ireland Judicial Appointments Commission and Queen's Counsel Appointments. We also met with the Judicial Appointments Board for Scotland (to discuss approaches to online qualifying tests, work flows and processes, and our digital platform for larger exercises).

### Sharing evidence and insight with government, judiciary and legal professions to ensure JAC and partners maximise and co-ordinate support for independent, diverse appointments through fair and open competition

We continued to work alongside the Judicial Office and the Foreign, Commonwealth and Development Office to support and engage with judicial appointments bodies and judicial office holders from other jurisdictions. The JAC contributed to the 2021 Commonwealth survey on judicial diversity to promote activities undertaken by the JAC and partners as part of a wide-ranging exploration on efforts to improve judicial diversity across the Commonwealth. The JAC also participated in a conference hosted by the Venice Commission about judicial responses to the pandemic.

As part of a programme of sharing knowledge and good-practice, the JAC continues to work closely with the bodies responsible for judicial appointments in Scotland and Northern Ireland. Our Chief Executive attended the Judicial Appointment Board for Scotland's strategy day and provided an overview of our current operating model and our approach to continual business improvement. We also attended the annual UK judicial appointments meeting in Belfast to facilitate the sharing of knowledge and the discussion of areas of mutual interest among the three bodies.

The JAC Chief Executive made a written submission on behalf of the JAC to the Irish Joint Committee on Justice outlining the history of the establishment of the JAC, its statutory duties, and how the JAC engages with central government and the senior judiciary.

In June 2021, the JAC Chair, Lord Kakkar, appeared before the Justice Select Committee alongside the Chief Executive and Commissioner Sarah Lee to provide evidence on judicial appointments.

## 4

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

In 2021-22, wellbeing continued to be a major priority. We made sure that all colleagues had the support they needed to deliver business aims in line with our values of fairness, respect, professionalism, learning, and clarity and openness. The wellbeing of our staff, panel members, Commissioners and our candidates remained important as COVID-19 restrictions changed, including when restrictions were lifted in July 2021. These wellbeing considerations were central to our decision making.

During April to June, we ran a comprehensive consultation with staff about returning to working in the office. We wanted to learn from good practices developed over the period of fully remote working and understand what would work for staff and the business long-term. Hybrid working guidance was produced following this consultation process. We made changes to our office in line with our landlord's risk assessments of our building to support hybrid working and to allow for increased collaborative working in a safe environment. During the autumn of 2021, we returned to face-to-face selection days for

some selection exercises, but only after full risk assessments were made. An additional cleaning regime of premises was implemented, and we provided the necessary materials to ensure that staff, panel members and candidates felt as safe as possible.

Following the government's revised advice on COVID-19 restrictions in December we reverted back to remote working remotely, including running all selection days remotely. Following the lifting of restrictions again in January 2022, we returned to our hybrid approach, for both selection activity and staff working.

To maintain the delivery of selection activity and to assist staff with their workloads we continued to monitor our staff levels, moving quickly to replace those who leave the JAC. At the end of March 2022, we had 94 permanent staff and six agency staff, similar to the position at the end of March 2021. All new staff went through our comprehensive programme developed by our learning and development team, which is reviewed regularly and updated where needed based on feedback. For existing staff, we offer



further development programmes and this year we introduced our own mentoring programme, which is now available for all staff to join. Our Race Champions (who act as a point of contact for colleagues with concerns and to challenge and inform our work on race and equality) continued to organise a range of events, including external speakers. The events were run remotely, well attended, and received positive feedback. Our Change Agents (who work to promote JAC values and help staff apply them to all we do) have reviewed the JAC values and behaviours to ensure that they reflect our new ways of working and to increase their emphasis on diversity and inclusion.

In order to enable as many colleagues as possible to join, social events that are open to all staff continue to be held remotely and we have held a number of virtual social activities throughout the year.

### Developing our new digital tools

We continued to enhance our digital platform, introduced in January 2020. New features and functionality were added in order to improve the candidate experience and make our internal processes easier and more effective. The platform allows candidates to apply for judicial office and to sit qualifying tests online, and enables staff to process applications and qualifying tests, and to share applications and test scripts with panel members for

assessment. Over the past year, we successfully ran eight qualifying tests with a combined total of more than 7,500 candidates. Our online platform allows candidates to take the test at a time and location which suits their needs. We have enhanced the security of the platform, streamlined the administrator workflow to make the processing of applications more intuitive for staff and introduced more automated tests to ensure core functions operate accordingly.

The digital platform is user friendly and has drawn positive feedback including from new staff, who are able to quickly and easily learn the processes.

We also asked a specialist digital agency to review our platform and they reported back in November 2021. They made a number of recommendations for future development but, overall, found no technology that was more suitable for the JAC to use. This, along with an IT health check completed by an MoJ contractor, provided assurance that the platform is secure and fit-for-purpose. We are using both reports to help us plan our future development.

### Refreshing the People Plan

The annual People Survey took place in October 2021 and the results show we have maintained overall improvement across all the main indicators, including the overall engagement index which rose

from 65% to 67%. While it is not always appropriate to compare year on year, as many different issues can impact the results, including the turnover of staff, it is a good indicator of the support the staff feel they are getting, especially during a difficult time.

We have refreshed our People Plan to reflect the outcomes of the survey and to build upon the work completed over the last two years, that sets out some additional priorities for the year ahead.

### **Supporting panel members and increasing diversity**

We continued to provide support to panel members, who are key in assisting with our selection activity. We maintained regular communication through various newsletters and held an online panel event in February 2022 which provided an opportunity for panel members to share experience and discuss best practice, as well as asking questions of our senior leadership team. We also took the opportunity to seek views on what additional support could be useful. Through targeted outreach we have strengthened and increased the diversity of our cadre of panel members with 19% black, Asian and minority ethnic members as of the end of the year. Panel diversity will continue to be closely monitored and evaluated over the next 12 months.

## Plans for the future

Judicial recruitment remains at a high level, partially as a result of the impact of COVID-19 and the courts and tribunals recovery programme. The JAC will continue to respond to these demands, efficiently and effectively, using the hybrid approach of remote and face-to-face candidate assessment it has developed, evaluating this again toward the end of the year.

Alongside a focus on the effective and efficient delivery of a substantial judicial recruitment programme, the JAC will also prioritise:

- delivery of our extensive programme on diversity: in particular the further development of our targeted outreach programme and as part of continuing to work with the JDF on delivery – both independently and in partnership – of activity in the JDF Action Plan
- implementation of all the recommendations and changes in the Commission's response to the review of the operation of statutory consultation published in March 2022
- evaluation and enhancement of the support offered to our panel members including enhanced training on revisions to process and new ways of working, a new programme of continuous professional development, and more consistent assessment and digital support of panel members

Taken together with the work over the last two years, this will form a key part in achieving the aims of the Commission's four strategic objectives for 2020-23:

- 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
- attract well-evidenced applications from the widest range of high-calibre candidates, supporting greater judicial diversity
- ensure the JAC is widely recognised as the trusted expert body on independent, merit-based appointment to the judiciary
- support delivery of Commission aims in line with our values, including by way of a new digital application system and tools

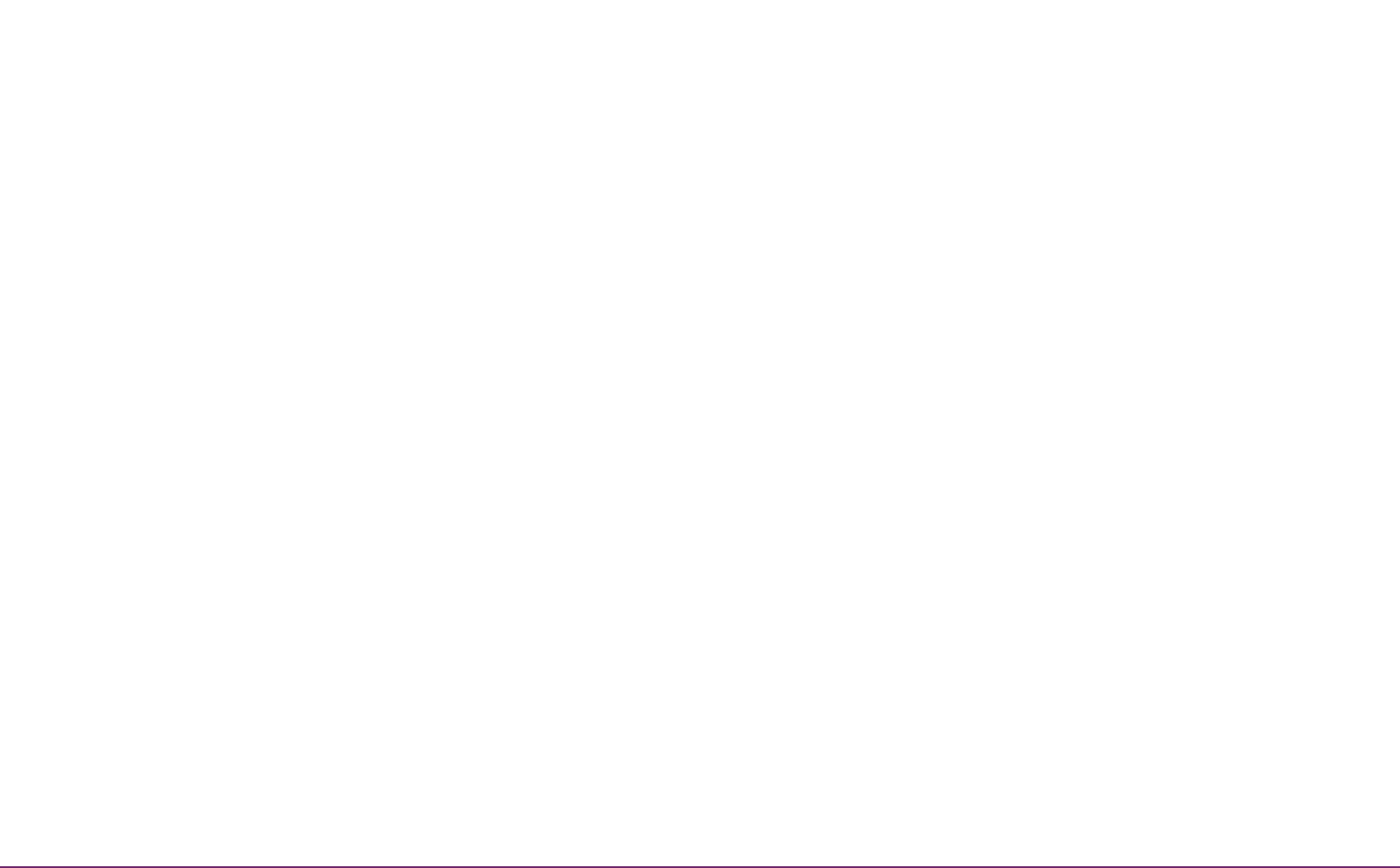
This will provide a firm basis for the JAC to continue to move forward under the leadership of a new Chair in 2023-24



**Richard Jarvis**

Accounting Officer  
Judicial Appointments Commission  
11 July 2022





# Accountability report

# Corporate governance report

## Director's report

For the purposes of this report, Directors are defined as those who influence the decisions of the JAC as a whole, including Commissioners and those in the Senior Civil Service. Commissioners and the Chief Executive who served during 2021-22 are set out in the remuneration and staff report on pages 66 to 81.

In accordance with the Code of Conduct for the Judicial Appointments Commissioners, a register of financial and other interests was maintained and updated throughout the year by the Commissioners' Secretariat. It is published online: <https://judicialappointments.gov.uk/wp-content/uploads/2022/07/registerofinterest-commissioners-2021-22.pdf>. The Secretariat can be contacted at 5th floor, Clive House, 70 Petty France, London SW1H 9EX or by emailing [enquiries@judicialappointments.gov.uk](mailto:enquiries@judicialappointments.gov.uk)

There were no losses of personal data during the year – as set out in the governance statement (nil in 2020-21).

## The Commission (as at 31 March 2022)

The members of the Commission are drawn from the lay public, the legal professions, courts and tribunals judiciary, and lay magistracy or non-legal tribunal members.

Twelve Commissioners, including the Chair, are appointed through open competition. The other three are selected by the Judges' Council (two senior members of the courts judiciary) and the Tribunal Judges' Council (one senior member of the tribunals judiciary).

The Chair of the Commission must always be a lay member. Of the fourteen other Commissioners:

- five must be lay members
- six must be judicial members (including two tribunal judges)
- two must be professional members (each of which must hold a qualification listed below but must not hold the same qualification as each other\*)
- one must be a non-legally qualified judicial member

The Commissioners are appointed in their own right and are not representatives of the professions that they may come from. Commissioners during 2021-22 were:

- Professor Lord Ajay Kakkar KBE, Chair
- Lady Justice Sue Carr DBE (judicial), Vice Chair
- District Judge Mathangi Asokan (judicial)
- Judge Christa Christensen (judicial)
- Her Honour Judge Anuja Dhir (judicial)
- Mrs Justice Sarah Falk (judicial)
- Emir Feisal JP (lay magistrate)
- Jane Furniss CBE (lay)
- Susan Hoyle (lay)
- Andrew Kennon (lay)
- Sarah Lee (professional: solicitor)
- Rt Rev Dr Barry Morgan (lay)
- Judge Greg Sinfield (judicial: tribunal)
- Brie Stevens-Hoare QC (professional: barrister)
- Professor Sir Simon Wessely (lay)

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\* The legal qualifications are:

- barrister in England and Wales
- solicitor in England and Wales
- fellow of the Chartered Institute of Legal Executives



**Commission Board, Selection and Character Committee (SCC), and Audit and Risk Committee (ARC) attendance 1 April 2021 to 31 March 2022**

Commissioners	Meetings attended by members out of those eligible to attend		
	Board	SCC	ARC
Number of meetings: 1 April 2021 to 31 March 2022	12	20	5
Professor Lord Ajay Kakkar (Chair)	12 of 12	20 of 20	–
Lady Justice Sue Carr (Vice Chair)	12 of 12	19 of 20	–
District Judge Mathangi Asokan	9 of 12	16 of 20	–
Judge Christa Christensen	12 of 12	18 of 20	–
Her Honour Judge Anuja Dhir	10 of 12	15 of 20	3 of 5
Mrs Justice Sarah Falk	12 of 12	19 of 20	–
Emir Feisal JP	10 of 12	16 of 20	1 of 4
Jane Furniss CBE	11 of 12	18 of 20	5 of 5
Susan Hoyle	12 of 12	20 of 20	–
Andrew Kennon	10 of 12	16 of 20	–
Sarah Lee	11 of 12	18 of 20	–
Rt. Rev. Dr Barry Morgan	9 of 12	17 of 20	–
Judge Greg Sinfield	11 of 12	18 of 20	–
Brie Stevens-Hoare QC	10 of 12	17 of 20	–
Professor Sir Simon Wessely	10 of 12	17 of 20	–

## Statement of Accounting Officer's responsibilities

Under the Constitutional Reform Act 2005, the Lord Chancellor with the consent of HM Treasury has directed the Judicial Appointments Commission (JAC) to prepare for each financial year a statement of accounts in the form and on the basis set out in the Accounts Direction. The accounts are prepared on an accruals basis and must give a true and fair view of the state of affairs of the JAC and of its income and expenditure, statement of financial position and cash flows for the financial year.

In preparing the accounts, the Accounting Officer is required to comply with the requirements of the Government Financial Reporting Manual and in particular to:

- confirm that, as far as he is aware, there is no relevant audit information of which the entity's auditors are unaware
- confirm that he has taken all steps that he ought to have taken to make himself aware of any relevant audit information and to establish that the entity's auditors are aware of that information
- confirm that the annual report and accounts as a whole is fair, balanced and understandable

- confirm that he takes personal responsibility for the annual report and accounts and judgements required for determining that it is fair, balanced and understandable
- observe the Accounts Direction issued by the Lord Chancellor including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis
- make judgements and estimates on a reasonable basis
- state whether applicable accounting standards as set out in the Government Financial Reporting Manual have been followed, and disclose and explain any material departures in the accounts
- prepare the accounts on a going concern basis

The Accounting Officer of the MoJ has designated the Chief Executive as Accounting Officer of the JAC. The responsibilities of an Accounting Officer, including responsibility for the propriety and regularity of the public finances for which the Accounting Officer is answerable, for keeping proper records and for safeguarding the JAC's assets, are set out in *Managing Public Money* published by HM Treasury.

## Auditors

Under paragraph 31(7) Schedule 12 of the Constitutional Reform Act 2005, the Commission's external auditor is the Comptroller and Auditor General. The cost of the audit is disclosed in Note 4 to the financial statements and relates solely to statutory audit work.

The JAC framework document requires that internal audit arrangements should be maintained in accordance with the Public Sector Internal Audit Standards. Internal audit services are provided by the Government Internal Audit Agency, which provides an independent and objective opinion to the Accounting Officer on the adequacy and effectiveness of the organisation's risk management, control and governance arrangements through a dedicated internal audit service to the JAC. Internal audit attends the JAC Audit and Risk Committee, which provides oversight on governance and risk management.

## Governance statement

As Accounting Officer for the JAC, I have overall responsibility for ensuring the JAC applies high standards of corporate governance – including effective support for the board’s performance and management of risks – to ensure it is well placed to deliver its objectives and is sufficiently robust to face its challenges.

I have responsibility for maintaining a sound system of internal control that supports the achievement of the JAC’s policies, aims and objectives, while safeguarding public funds and JAC assets for which I am responsible, in accordance with the responsibilities assigned to me in Managing Public Money.

### Committee structure

In order to achieve these aims we have the following committee structure in place, which is supported by a senior leadership team who in turn are supported by our staff. The Chair and other Commissioners are served by a Secretariat.

- The Commission (made up of 15 Commissioners including the Chair as set out in the Constitutional Reform Act 2005 as amended, and the Judicial Appointments Regulations 2013) meets monthly (except in January and August). Members of the Commission come from a range of backgrounds and are drawn from the lay public, academia, governance, the legal profession and the judiciary – both courts and tribunals.
- The Commission has overall responsibility for our strategic direction, within the provisions of the Constitutional Reform Act as amended, and as set out in the framework document agreed between the MoJ and the Chair of the JAC.
- The Selection and Character Committee generally meets twice a month (with some variation depending on business need). Membership is the same as the Commission, and the committee is chaired by the JAC Chair. The committee identifies candidates suitable for recommendation to the appropriate authority for appointment to all judicial offices under Schedule 14 to the Constitutional Reform Act, as amended by the Crime and Courts Act, and to other offices as required by the Lord Chancellor under Section 98 of the Constitutional Reform Act.
- The Audit and Risk Committee is made up of the Chair (a Commissioner), an independent (non-JAC) member and two other Commissioners. The committee meets four times a year, with an additional meeting to consider the annual accounts, and advises the Chief Executive on the adequacy and effectiveness of risk management and internal control, including the strategic risk register processes. The committee assesses the internal and external audit activity plans and the results of such activity.

### Working with partners

In addition to various ad hoc meetings throughout the year, the JAC either hosts or participates in the following forums, to assist it in achieving its aims, in collaboration with its partners.

### Judicial Diversity Forum

The JDF brings together organisations from across the legal sector to identify ways of improving judicial diversity. The forum provides strategic direction in the areas of: challenging structural barriers to appointment, analysing and addressing the reasons behind differential progression, the gathering and use of data and evidence, resolving issues of common concern and the co-ordination of agreed activities aimed at encouraging greater judicial diversity.

The forum meets twice-yearly and is supported by an Officials' Group comprising senior representatives from each of the member organisations.

The members of the JDF are the:

- Chair of the Judicial Appointments Commission (also Chair of the JDF)
- Lord Chancellor
- Lord Chief Justice
- Chair of The Bar Council
- President of The Law Society
- President of the Chartered Institute of Legal Executives
- Chair of the Legal Services Board

### JAC Advisory Group

The JAC Advisory Group meets every one or two months as required. The group comprises the Chair and Deputy Chair (both are JAC Commissioners) and members of the judiciary and legal professions. The Advisory Group considers the suitability of materials to be used in selection processes for specific exercises. The membership of this group was recently expanded to increase diversity.

### Lord Chancellor and Lord Chief Justice

Bi-lateral and tri-lateral meetings between the JAC Chair and the Lord Chancellor and/or Lord Chief Justice take place three times a year to discuss judicial strategy, resourcing and policy matters. Judicial diversity is a standing agenda item.

## Board and committee performance

### Board papers

Board papers follow a standard template to ensure they are comprehensive, taking account of all dependencies such as finance, risk, digital requirements, presentation and handling, General Data Protection Regulation (GDPR) and diversity and equality implications. This enables board members to make sound decisions.

### Board discussions

I am content with the wide range of issues covered over the year, including:

- reviewing the delivery of the external Communications and Engagement Strategy 2019-2022
  - reviewing the deep dive analysis of target group progression
  - reviewing the JAC 2020-2023 Strategy
  - reviewing the Forward Selection Exercise Project update
  - evaluating the statutory consultation review and recommendations
  - reviewing the Complaints and Feedback Report 2020-21
  - reviewing the approach to the combined qualifying tests
  - reviewing the JAC Digital Strategy
  - reviewing the board evaluation
- The board also discussed high-level arrangements for a number of exercises run by the JAC, where these were either large, high profile, or involved a change to the selection processes applied previously:
- COVID-19 business continuity arrangements
  - reviewing the remote assessment working group evaluation
  - reviewing the Targeted Outreach International Research Project
  - evaluating the pre-recorded roleplay in the First-tier Tribunal and Employment Tribunal
  - evaluating remote assessment in large fee-paid exercises
  - evaluating the streamlined leadership approach including review of skills and abilities
  - reviewing the work of the communications team
  - reviewing the application of the equal merit provision
  - evaluating skills and abilities and the standardised leadership process
  - reviewing Commission Board terms of reference
  - Circuit Judge
  - Deputy District Judge
  - Health Education and Social Care Chamber (Restricted Patients Panel)
  - Fee Paid First-tier Tribunal and Employment Tribunal
  - s9(4) Deputy High Court Judge
  - District Judge
  - Employment Judge

- Recorder
- District Judge (Magistrates, Court)
- High Court

The Chairs of the Audit and Risk Committee, Advisory Group, Welsh Matters Committee and Digital Programme Board briefed the board on the highlights of their respective meetings.

### Changes to the Commission

There were no changes to the Commission during 2021-22.

### Board performance evaluation

The board assessed its performance in March 2021 with results being reviewed at the May 2021 board meeting. The responses were very positive with the majority agreeing or strongly agreeing with the statements on the areas questioned. The next scheduled review will take place in 2022-23 and will take account of the new Cabinet Office guidance, 'Arm's length body boards: guidance on reviews and appraisals'.

### Audit and Risk Committee performance

The committee conducted a self-assessment in March 2021. The results of the self-assessment questionnaires were discussed at the committee's meeting in October 2021. Compliance with the checklist was found to be good with only minor recommendations for change. This included formally identifying a member of the board to have overall responsibility for the organisation's whistleblowing arrangements and widening the scope of future committee self-assessments to include the views of all its attendees.

Commission Board, Selection and Character Committee, and Audit and Risk Committee attendance is on page 54.

### COVID-19

The JAC has continued to update and implement its Business Continuity Plan in response to the impacts of COVID-19. Working closely with the MoJ, the JAC's office space has been redesigned to enable staff to make a return to office-working where there has been a business need. Operationally, the JAC continued to deliver the majority of its judicial recruitment programme remotely. For all salaried judicial recruitment, the JAC adopted face-to-face selection processes. It is expected that this approach will continue into 2022-23.

## Corporate governance

### Guidance followed

The JAC follows HM Treasury/ Cabinet Office guidance in 'Corporate governance in central government departments: code of good practice 2011', as far as possible in its capacity as a small arm's length body. As such it does not comply with the code provisions relating to a minister, nor have a separate professionally qualified finance director sitting on the board given its independent status. The JAC is under a finance service model where support is provided through a Finance Business Partner based in MoJ Corporate Finance. The board membership is also governed by the requirements of the Constitutional Reform Act, as amended by the Crime and Courts Act.

There is no formal Nominations and Governance Committee in place identifying leadership potential. Compliance with corporate governance guidance is outlined in much greater depth in the Triennial Review report, issued in January 2015.

### Responsibility

The JAC Board and its other committees provide the necessary leadership, effectiveness, accountability and sustainability to ensure the JAC delivers its objectives, while maintaining an open and transparent dialogue with the MoJ and other key interested parties. As Accounting Officer, I also take seriously my responsibilities on the use of public funds that have been provided to the JAC, to ensure the most effective and efficient use of those funds.

The JAC has a balanced board in place, which consists of the Chair and the Commissioners, who all have equal decision-making rights. As Chief Executive I attend board meetings, in a non-voting capacity. Of utmost importance is that all board members uphold the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.



## Assurance

### Assurance process

Each member of the senior leadership team reports on exceptions that occurred in their areas of responsibility where processes have not operated as intended. These are scrutinised through the Audit and Risk Committee, and so I am confident that all assurance matters have been brought to my attention, and that assurance is well managed. There were no significant control exceptions identified this year.

### Internal audit

The JAC uses the Government Internal Audit and Assurance service, which is accountable to me as Accounting Officer. The service operates to Public Sector Internal Audit Standards and submits regular reports, which include the Head of Internal Audit's annual independent opinion on the adequacy and effectiveness of the arrangements for risk management, and control and governance, together with recommendations for improvement.

The annual report from the Head of Internal Audit reflects well on the organisation and they provided an annual opinion of 'moderate' on the adequacy and effectiveness of the framework of governance, risk management and control. This gives me additional assurance that the organisation is managed well.

### External audit

The Comptroller and Auditor General, through Deloitte and the National Audit Office, provides the external audit function for the JAC, and provided an unqualified opinion on our financial statements. In addition, they identified no significant internal control weaknesses, no issues concerning the regularity of expenditure, nor any material misstatements.

### Sponsor department (MoJ)

I have regular meetings with the Lord Chancellor's officials to discuss progress in meeting the JAC's strategic objectives as set out in our Business Plan. These meetings are very constructive and demonstrate that there is a great deal of co-operation between us.

## Data quality

### Data considered by the board

At each board meeting, Commissioners consider the management information pack. The pack contains progress against business plan objectives, statistical data relating to selection exercises (including diversity data), finance, human resources, Freedom of Information Act request, outreach activity and a summary of the corporate risks. The pack is updated each month, and reviewed by the senior leadership team prior to board meetings.

Immediately prior to the release of annual official statistics, including diversity data, the reports are circulated to all Commissioners for information, in addition to key partners, in line with the Code of Practice for Official Statistics. Data produced as a result of selection processes is regularly checked to ensure it is up-to-date and that figures are correct and consistent.

### Data considered by the Selection and Character Committee

At its meetings, the Selection and Character Committee considers proposal papers when agreeing its recommendations to the appropriate authority. The committee looks at the progress of candidates of different backgrounds through selection processes. To help the committee do this, it is provided with the diversity statistics for each exercise.

If the equal merit provision is applied, the JAC will rely on the diversity data provided in the candidate's application form. The information provided on diversity does not, under any other circumstances, play a part in the selection process.

### Data considered by the Audit and Risk Committee

As stated above, the Audit and Risk Committee is provided with a copy of the latest management information pack when it meets. In addition, the committee considers data presented in other documents, including a summary of the JAC's quarterly accounts that are consolidated with MoJ.

## Risk

Risk is managed in the JAC through the embedded risk registers throughout the organisation, underpinned by a supporting Risk Management Policy and Framework and Risk Improvement Manager. This provides guidance and assistance as required, whether through the handling of individual queries, attendance at various meetings, or to support my role as Accounting Officer.

### Audit and Risk Committee

The committee monitors the key risks to achieving our strategic objectives through the Corporate Risk Register, which is updated by the senior leadership team. Commissioners have delegated to the committee responsibility for advising on the adequacy and effectiveness of risk management and internal control, including the risk management process.

### Risk Management Policy and Framework

The JAC's Risk Management Policy and Framework outlines the key principles underpinning the JAC's approach to risk management and explains the risk management processes and the roles and responsibilities of staff. The JAC has a low to medium risk appetite, which means that the JAC is prepared to accept, tolerate or be exposed to a low to medium level of risk at any one point in time. The framework is reviewed annually by the Audit and Risk Committee. We maintain risk at a tolerable level rather than try to eliminate all risk of failure to achieve policies, aims and objectives. We can

therefore only provide reasonable and not absolute assurance of effectiveness. I am satisfied that this is a proportionate approach.

### Risk management and training

All staff have been informed of their responsibility for managing risk and new staff receive a summary on managing risk in their induction packs. Many staff members are involved actively in the management of risk through reporting at individual project boards and other forums.

### Risk registers

The JAC regularly reviews risks to its objectives and monitors controls to mitigate these risks through the effective use of risk registers. We follow the guidance in HM Treasury's The Orange Book (2004), by evaluating risks in terms of their impact on corporate objectives and likelihood of occurrence.

There is a hierarchy of risk registers, starting with the organisation-wide Corporate Risk Register at the top (the key risks in the Corporate Risk Register are set out in the overview section of the performance report (page 16). Feeding into this are detailed registers on: health and safety, digital, information security, and operational and policy risks as identified and discussed at regular selection exercise checkpoints which escalate risks, as appropriate, to the senior leadership team. I consider this to be appropriate for the JAC.

## Information security, fraud and whistleblowing

### Senior Information Risk Owner

The Senior Information Risk Owner is responsible for managing information risk on behalf of myself, as Accounting Officer, and the board, and for providing the necessary assurance.

Any data recorded on the JAC's digital platforms are subject to specific legislative provisions set out in the Constitutional Reform Act, the Data Protection Act 2018 and Freedom of Information Act 2000. User access is strictly controlled and trail logs are kept for security checks and audit purposes. Requests for information are handled in full compliance with both the Data Protection Act and the Freedom of Information Act.

Any operational requirements to deviate from the JAC Security Policy regarding data security require Senior Information Risk Owner agreement.

13 security incidents were reported during 2021-22, slightly above the number as in the previous year. Of the incidents, two were considered to be high but did not have to be reported to the Information Commissioner's Office. The majority of incidents involved information going to the wrong recipient via email. Considering the increase of transmitting information via email, the total number of incidents remained relatively low. We have revised our guidance on security to reflect remote working and the move to hybrid working, while taking opportunities in our fortnightly communication notices to remind colleagues of the need to be extra vigilant.

A Counter Fraud Strategy and Response Plan have been reviewed and are available to staff on our intranet and we have a whistleblowing policy in place. I am content that the measures we have in place are effective for the JAC to enable staff to report any concerns that they may have and that we are well placed to deal with such concerns should they arise.

### Summary

As Accounting Officer, I have responsibility for reviewing the effectiveness of the system of internal control, including the risk management framework. My review is informed by the work of the internal auditors and the senior leadership team within the JAC who have responsibility for the development and maintenance of the internal control framework, and comments made by the external auditors in their management letter and other reports.

I have been advised on the implications of the result of my review by the board and the Audit and Risk Committee. I am particularly satisfied that systems have been reviewed following the need to work remotely and that the system of internal controls remains robust. I am also satisfied that all material risks have been identified, and that those risks are being properly managed.

I am therefore able to confirm that there have been no known significant governance issues that could undermine the integrity or reputation of the JAC up to 31 March 2022 and up to the date of this report.

# Remuneration and staff report

## Remuneration policy

### Chief Executive

The Chief Executive (a senior civil servant) is a permanent member of the JAC. Details of his contract are set out below. The terms and conditions of his appointment, including termination payments, are governed by his contract.

The remuneration of senior civil servants is set by the Prime Minister following independent advice from the Senior Salaries Review Board. The board also advises the Prime Minister from time to time on the pay and pensions of Members of Parliament

and their allowances, on peers' allowances, and on the pay and pensions and allowances of ministers and others whose pay is determined by the Ministerial and Other Salaries Act 1975.

Further information about the work of the Senior Salaries Review Board is on the Office of Manpower Economics website at [www.gov.uk/ome](http://www.gov.uk/ome)

The Chief Executive served during the year, and details of his appointment are set out below:

	Date of appointment	Date of leaving	Contract
Chief Executive: Richard Jarvis	15/02/2017	n/a	Permanent member of staff (three-month notice period)

## Service contracts

The Constitutional Reform and Governance Act 2010 requires Civil Service appointments to be made on merit on the basis of fair and open competition. The recruitment principles published by the Civil Service Commission specify the circumstances when appointments may be made otherwise.

Unless otherwise stated below, the officials covered by this report hold appointments which are open-ended. Early termination, other than for misconduct, would result in the individual receiving compensation as set out in the Civil Service Compensation Scheme.

Further information about the work of the Civil Service Commission can be found at [www.civilservicecommission.org.uk](http://www.civilservicecommission.org.uk)

## Panel members

The JAC has appointed panel members who are used, when required, to assess candidates for selection. Panel members may be required to chair the panel or participate as another member alongside the chair. The panel chairs provide a summary report for Commissioners on candidates' suitability for selection. These panel chairs and members are paid a fee for each day worked and are entitled to reimbursement for travel and subsistence. The taxation on such expenses is borne by the JAC. They do not have any pension entitlements.

## Commissioners

Commissioners are appointed by the Lord Chancellor for fixed terms in accordance with Schedule 12 of the Constitutional Reform Act 2005. No Commissioner is permitted to serve for periods (whether or not consecutive) for longer than 10 years. Commissioners are public appointees and provide strategic direction to the JAC and select candidates for recommendation for judicial office to the appropriate authority.

Commissioners, excluding the Chair and those who are members of the judiciary, are paid a fee by the JAC. The fee is neither performance-related nor pensionable. Any increase in the level of fees is at the discretion of the Lord Chancellor. Commissioners who are in salaried state employment, including judges, receive no additional pay for their work for the JAC. Commissioners do not receive any pension benefits.

Commissioners who are entitled to a fee are paid an annual amount of £9,473 in respect of 28 days' service a year. In exceptional circumstances they may be paid for additional days' work at £338.33 per day. In 2021-22, in recognition of the increased demand on the judicial recruitment programme, an additional 10 days' service was paid to all Commissioners who were entitled to a fee. The remuneration of the Chair is included in the Chief Executive's remuneration table on page 69.

The members of the Commission during 2021-22 and details of their appointments are set out below.

<b>Commissioner</b>	<b>Date of original appointment</b>	<b>End of term</b>
Chair: Professor Lord Ajay Kakkar	03/10/2016	02/10/2022
Vice Chair: Lady Justice Sue Carr	27/07/2020	26/07/2023
District Judge Mathangi Asokan	01/09/2017	31/12/2022
Christa Christensen	06/07/2020	05/07/2023
Her Honour Judge Anuja Dhir QC	09/06/2018	07/06/2024
Emir Feisal JP	01/09/2017	31/08/2023
Jane Furniss CBE	01/09/2017	31/08/2023
Andrew Kennon	01/09/2017	31/08/2023
Sarah Lee	09/04/2018	08/04/2024
Brie Stevens-Hoare QC	09/04/2018	08/04/2024
Professor Sir Simon Wessely	01/09/2017	31/08/2023
Sue Hoyle OBE	01/08/2019	31/07/2022
Mrs Justice Sarah Falk	01/10/2019	27/04/2022
Greg Sinfield	09/06/2020	08/06/2023
Rt. Rev. Dr Barry Morgan	06/07/2020	05/07/2023

## Total figure of remuneration

### Remuneration (including salary) and pension entitlements (including the Chair)

The following sections provide details of the remuneration and pension interests of the Chair and Chief Executive of the JAC, which were as follows:

#### Single total figure of remuneration:

Officials	Salary £'000		Bonus payments £'000		Benefits in kind (to nearest £100)		Pension benefits <sup>1</sup> £'000		Total £'000	
	2021-22	2020-21	2021-22	2020-21	2021-22	2020-21	2021-22	2020-21	2021-22	2020-21
Professor Lord Ajay Kakkar	55-60 <sup>2</sup>	55-60 <sup>2</sup>	–	–	–	–	–	–	55-60	55-60
Richard Jarvis	95-100	95-100	5-10	5-10	–	–	18	39	120- 125	140- 145

#### Notes:

- 1 The value of pension benefits accrued during the year is calculated as (the real increase in pension multiplied by 20) plus (the real increase in any lump sum) less (the contributions made by the individual). The real increase excludes increases due to inflation or any increase or decrease due to a transfer of pension rights.
- 2 The figure is the rate based on a 0.4 full-time equivalent, full-year equivalent rate being £135-140k.

### Benefits in kind

The monetary value of benefits in kind covers any benefits provided by the JAC and treated by HM Revenue and Customs as a taxable emolument. The Chair and Chief Executive have no entitlement to benefits in kind and did not receive any (nil 2020-21). In 2021-22 no Director received any benefits in kind.

### Commissioners' remuneration

The Commissioners' remuneration for the year is as shown below (for joining or leaving dates see the governance statement), including payments to Commissioners for acting as panellists in selection exercises: 1 April 2021 to 31 March 2022.



	2021-22			2020-21		
	Remuneration <sup>1</sup> (to nearest £500) £'000	Benefits in kind <sup>2</sup> (to nearest £100)	Total £'000	Remuneration <sup>1</sup> (to nearest £500) £'000	Benefits in kind <sup>2</sup> (to nearest £100)	Total £'000
Her Honour Judge Anuja Dhir QC <sup>3</sup>	-	-	-	-	-	-
Sue Hoyle OBE	17	-	17	23.5	-	23.5
Mrs Justice Sarah Falk <sup>3</sup>	-	-	-	-	-	-
Lady Justice Sue Carr <sup>3</sup>	-	-	-	-	-	-
District Judge Mathangi Asokan <sup>3</sup>	-	-	-	-	-	-
Sarah Lee	13	-	13	13	-	13
Brie Stevens-Hoare	13	-	13	13	0.3	13.3
Emir Feisal JP	13	-	13	19.5	0.1	19.6
Jane Furniss CBE	16.5	-	16.5	19.5	-	19.5
Andrew Kennon	13.5	0.7	14.2	29	-	29
Professor Sir Simon Wessely	13	-	13	17.5	-	17.5
Rt. Rev. Dr Barry Morgan	13	0.3	13.3	9.5	-	9.5
Greg Sinfield <sup>3</sup>	-	-	-	-	-	-
Christa Christensen <sup>3</sup>	-	-	-	-	-	-

1 Remuneration in excess of the £9k payable for their role as a Commissioner is due to additional days worked as a panellist on selection exercises.

2 Commissioners' benefits in kind are reimbursed in cash for expense claims relating to their travel and subsistence costs in relation to JAC business.

3 Nil balances are disclosed for Judicial Commissioners as they are not directly paid by the JAC.

All remuneration is based on the time each Commissioner was in office, so does not necessarily represent a full year's service – see dates for original appointments on page 68.

### Benefits in kind

Commissioners may be reimbursed for their travel and subsistence costs in attending Commission business if the cost of their journey is greater than what they would otherwise have incurred with their other employment. Since non-judicial Commissioners are deemed to be employees of the JAC, the amounts of these reimbursements are treated as benefits in kind and are disclosed in the table above and incorporated into the benefits in kind amounts. The taxation on such expenses is borne by the JAC. There are no other benefits in kind.

Judicial Commissioners are not deemed to be employees of the JAC, and therefore their travel and subsistence costs are not treated as benefits in kind. There were no claims made by Judicial Commissioners.

### Pension entitlements

The pension entitlements of the Chair and Chief Executive were as follows:

	<b>Total accrued pension at pension age as at 31 March 2022 and related lump sum</b>	<b>Real increase in pension and related lump sum at pension age</b>	<b>CETV at 31 March 2022</b>	<b>CETV at 31 March 2021</b>	<b>Real increase in CETV</b>
	£'000	£'000	£'000	£'000	£'000
Professor Lord Ajay Kakkar <sup>1</sup>	–	–	–	–	–
Richard Jarvis	40-45 plus a lump sum of 80-85	0-2.5 plus a lump sum of 0	779	732	4

1 Is not entitled to pension benefits

The cash equivalent transfer value (CETV) figures are provided by approved pensions administration centres, who have assured the JAC that they have been correctly calculated following guidance provided by the Government Actuary's Department.

## Civil Service pensions

Pension benefits are provided through the Civil Service pension arrangements. From 1 April 2015 a new pension scheme for civil servants was introduced – the Civil Servants and Others Pension Scheme or **alpha**, which provides benefits on a career average basis with a normal pension age equal to the member's State Pension Age (or 65 if higher). From that date all newly appointed civil servants and the majority of those already in service joined **alpha**. Prior to that date, civil servants participated in the Principal Civil Service Pension Scheme (PCSPS). The PCSPS has four sections: three providing benefits on a final salary basis (**classic**, **premium** or **classic plus**) with a normal pension age of 60, and one providing benefits on a whole career basis (**nuvos**) with a normal pension age of 65.

These statutory arrangements are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under **classic**, **premium**, **classic plus**, **nuvos** and **alpha** are increased annually in line with Pensions Increase legislation. Existing members of the PCSPS who were within 10 years of their normal pension age on 1 April 2012 remained in the PCSPS after 1 April 2015. Those who were between 10 years and 13 years and 5 months from their normal pension age on 1 April 2012 will switch into **alpha** sometime between 1 June 2015 and 1 February 2022. All members who switch to **alpha** have their PCSPS benefits 'banked', with those with earlier benefits in one of the final salary sections of the PCSPS

having those benefits based on their final salary when they leave **alpha**. (The pension figures quoted for officials show pension earned in PCSPS or **alpha** – as appropriate. Where the official has benefits in both the PCSPS and **alpha** the figure quoted is the combined value of their benefits in the two schemes). Members joining from October 2002 may opt for either the appropriate defined benefit arrangement or a 'money purchase' stakeholder pension with an employer contribution (partnership pension account).

Employee contributions are salary-related and range between 4.6% and 8.05% for members of **classic**, **premium**, **classic plus**, **nuvos** and **alpha**. Benefits in **classic** accrue at the rate of one-eightieth of final pensionable earnings for each year of service. In addition, a lump sum equivalent to three years' initial pension is payable on retirement. For **premium**, benefits accrue at the rate of one-sixtieth of final pensionable earnings for each year of service. Unlike **classic**, there is no automatic lump sum. **Classic plus** is essentially a hybrid with benefits for service before 1 October 2002 calculated broadly as per **classic** and benefits for service from October 2002 worked out as in **premium**. In **nuvos** a member builds up a pension based on their pensionable earnings during their period of scheme membership. At the end of the scheme year (31 March) the member's earned pension account is credited with 2.3% of their pensionable earnings in that scheme year and the accrued pension is uprated in line with Pensions Increase legislation. Benefits

in **alpha** build up in a similar way to **nuvos**, except that the accrual rate is 2.32%. In all cases members may opt to give up (commute) pension for a lump sum up to the limits set by the Finance Act 2004.

The partnership pension account is a stakeholder pension arrangement. The employer makes a basic contribution of between 8% and 14.75% (depending on the age of the member) into a stakeholder pension product chosen by the employee from a panel of providers. The employee does not have to contribute, but where they do make contributions, the employer will match these up to a limit of 3% of pensionable salary (in addition to the employer's basic contribution). Employers also contribute a further 0.5% of pensionable salary to cover the cost of centrally-provided risk benefit cover (death in service and ill health retirement).

The accrued pension quoted is the pension the member is entitled to receive when they reach pension age, or immediately on ceasing to be an active member of the scheme if they are already at or over pension age. Pension age is 60 for members of **classic**, **premium** and **classic plus**, 65 for members of **nuvos**, and the higher of 65 or State Pension Age for members of **alpha**. (The pension figures quoted for officials show pension earned in PCSPS or **alpha** – as appropriate. Where the official has benefits in both the PCSPS and **alpha** the figure quoted is the combined value of their benefits in the two schemes, but note that part of that pension may be payable from different ages.)

Further details about the Civil Service pension arrangements can be found at the website [www.civilservicepensionscheme.org.uk](http://www.civilservicepensionscheme.org.uk)

### Cash equivalent transfer values

A cash equivalent transfer value (CETV) is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are the member's accrued benefits and any contingent spouse's pension payable from the scheme. A CETV is a payment made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement when the member leaves a scheme and chooses to transfer the benefits accrued in their former scheme. The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a senior capacity to which disclosure applies.

The figures include the value of any pension benefit in another scheme or arrangement which the member has transferred to the Civil Service pension arrangements. They also include any additional pension benefit accrued to the member as a result of their buying additional pension benefits at their own cost. CETVs are worked out in accordance with the Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2008 and do not take account of any actual or potential reduction to benefits resulting from Lifetime Allowance Tax which may be due when pension benefits are taken.

### Real increase in CETV

This reflects the increase in CETV that is funded by the employer. It does not include the increase in accrued pension due to inflation, contributions paid by the employee (including the value of any benefits transferred from another pension scheme or arrangement) and uses common market valuation factors for the start and end of the period.

## Fair Pay Disclosure

The JAC is required to disclose the relationship between the remuneration of the highest-paid director in the organisation and the lower quartile, median and upper quartile remuneration of the organisation's workforce.

### Percentage change from previous year in total salary and bonuses for the highest paid director and the staff average.

	2021-22		2020-21	
	Total salary	Bonus Payments	Total salary	Bonus Payments
Staff average	-0.68%	-14.79%	9.15%	-53.53%
Highest paid director	0.98%	12.50%	0.79%	-1.23%

### Ratio between the highest paid directors' total remuneration and the pay and benefits of employees in the lower quartile, median and upper quartile.

	Lower quartile	Median	Upper quartile
2021-22	3.58:1	2.94:1	2.46:1
2020-21	3.65:1	2.98:1	2.47:1

### Lower quartile, median and upper quartile for staff pay for salaries and total pay and benefits.

	Lower quartile		Median		Upper quartile	
	2021-22	2020-21	2021-22	2020-21	2021-22	2020-21
Basic Salary	28,313	26,769	34,262	34,000	41,747	37,849
<b>Total Pay and Benefits</b>	<b>28,622</b>	<b>28,108</b>	<b>34,851</b>	<b>34,381</b>	<b>41,747</b>	<b>41,438</b>

The banded remuneration of the highest-paid director in the JAC in 2021-22 was £100k-105k (2020-21: £100k-£105k). This was 2.94 times (2020-21: 2.98) the median remuneration of the workforce, which was £34,851 (2020-21: £34,381).

In 2021-22, nil (2020-21, nil) employees received remuneration in excess of the highest-paid director. Remuneration ranged from £20,000-£25,000 to £100,000-£105,000 in 2021-22 (2020-21 £20,000-£25,000 to £100,000-£105,000).

Total remuneration includes salary, non-consolidated performance-related pay and benefits-in-kind. It does not include severance payments, employer pension contributions and the cash equivalent transfer value of pensions.

In 2020-21, following approval from Cabinet Office and HM Treasury, a three year pay deal was implemented for JAC employees. The three year pay deal runs from 1 August 2020 until 31 July 2023, years one and two were implemented in September and October 2021 respectively (and backdated); year three is due to be implemented in August 2022.

The implementation of the pay award in 2021-22 increased average staff remuneration and reduced the ratio between the highest paid directors' remuneration and the staff lower quartile and upper quartile ratio. Staff median pay increased leading to a slight reduction in the median pay ratio against the banded figure of the highest paid Director's salary, which remained the same.

## Staff report

### Staff composition

The split of the staff as at 31 March 2022 is as follows:

	Male	Female	Total
Director (senior civil servant)	1	–	1
Senior leaders	2	1	3
Other staff	38	52	90
<b>Total</b>	<b>41</b>	<b>53</b>	<b>94</b>

These correspond to the total numbers of permanent, fixed-term contracts and seconded staff as set out below:

							2021-22	2020-21
	Commissioners	Panel chairs and lay panel members	Permanent staff	Seconded staff	Fixed term contracts	Other contracted staff	Total	Total
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Wages and salaries	113	839	3,536	74	–	487	5,049	5,392
Social security costs	14	101	397	–	–	–	512	479
Other pension costs	–	–	867	–	–	–	867	685
<b>Total</b>	<b>127</b>	<b>940</b>	<b>4,800</b>	<b>74</b>	<b>–</b>	<b>487</b>	<b>6,428</b>	<b>6,556</b>

During the year, no staff costs were capitalised (£489k in 2020-21).



In 2021-22 the JAC employed its own staff (permanent staff, on loan and those on fixed-term contracts). Other contracted staff are supplied by agencies. All irrecoverable value-added tax (VAT) is included within wages and salaries. No VAT is included in social security or other pension costs.

The JAC did not have any costs associated with staff who were relevant trade union officials during 2021-22.

The PCSPS and the Civil Servants and Others Pension Scheme – known as ‘alpha’, – are unfunded multi-employer defined benefit schemes where the JAC is unable to identify its share of the underlying assets and liabilities. The Scheme Actuary valued the scheme as at 31 March 2020. Details can be found in the Civil Superannuation annual accounts 2020 to 2021 at: [https://www.civilservicepensionscheme.org.uk/media/erxdr53t/hc\\_948\\_co\\_civil\\_superannuation\\_account\\_2021.pdf](https://www.civilservicepensionscheme.org.uk/media/erxdr53t/hc_948_co_civil_superannuation_account_2021.pdf)

For 2021-22, employers’ contributions of £867k were payable to the PCSPS (2020-21: £685k) at one of four rates that ranged from 26.6% to 30.3% (2020-21: 26.6% to 30.3%) of pensionable pay, based on salary bands. The Scheme Actuary reviews employer contributions usually every four years following a full scheme valuation. The contribution rates are set to meet the cost of the benefits accruing during 2021-22 to be paid when the member retires and not the benefits paid during this period to existing pensioners.

Employees can opt to open a partnership pension account, a stakeholder pension with an employer contribution. Employers’ contributions to partnership pension accounts in 2021-22 were £2,641 (2020-21: £0). Employer contributions, which are age-related, ranged from 8.00% to 14.75% (2020-21: 8.00% to 14.75%) of pensionable pay. Employers also match employee contributions up to 3% of pensionable pay.

In addition, employer pension contributions equivalent to 0.5% (2020-21: 0.5%) of pensionable pay were payable to the PCSPS to cover the cost of the future provision of lump sum benefits on death in service and ill health retirement of employees in the PCSPS.

The average numbers of full-time equivalent persons employed during the year were as follows:

	Commissioners	Panel chairs and lay panel members	Permanent staff	Seconded staff	Fixed term contracts	Other contracted staff	Total
2021-22	2	10	87	1	2	12	114
2020-21	2	17	71	1	1	20	112

The average numbers for Commissioners, panel chairs and lay panel members represent their total respective input into the JAC in full-time equivalent terms.

#### Civil Service and other compensation schemes: exit packages

There were no departures, voluntary or otherwise, in 2021-22 (2020-21: nil departures).

#### Spend on consultancy

During 2021-22, the JAC spent £146k on consultancy (2020-21: £59k). This related to media support for the Commission, an evaluation of remote assessment in large fee-paid exercises, a review of statutory consultation and a targeted outreach research project on measures used successfully by other common law jurisdictions to improve judicial diversity.

#### Off-payroll engagements

During the financial year 2021-22, the JAC has reviewed off-payroll engagements where we are required to consider intermediaries (IR35) legislation using HM Revenue and Customs' guidance and online status indicator. We have advised our contracting body of the outcome of the status determinations so that, where appropriate, tax deductions are made at source from payments made in respect of the engagement with the JAC. Further details of off-payroll engagements in the JAC can be found in the MoJ departmental resource accounts.

#### Sickness absence data

Despite the COVID-19 pandemic, levels of staff sickness absence fell this year and remain below the average compared with other Civil Service organisations. For 2021-22 an average figure of 3.02 days for each member of staff was lost due to absences (compared to a figure of 5.51 days in 2020-21). Of this figure, 2.42 days relate to short-term absence and 0.69 days relate to long-term absence for each member of staff.

### Staff turnover

In 2021-22, staff turnover was 12% (2020-21: 16%). This includes transfers of staff within the Civil Service. The JAC continues to monitor turnover rates and support initiatives to maintain a healthy level of turnover. The annual Civil Service People Survey, coupled with other research, helps us to understand our people's experience of working in the JAC and take appropriate action to improve effectiveness, including where turnover becomes problematic.

### Staff policies

We have continued to support staff during the COVID-19 pandemic to ensure that they can work flexibly, in line with the relevant government advice, while meeting our business requirements. We undertook a wide-ranging consultation exercise with staff to learn from good practices developed during the pandemic and have made arrangements for staff to return to the office where it supports business and individual needs. We have continued to take advantage of the improved video techniques to support collaborative working and have made alterations to our office working environment to support flexible working while ensuring that staff feel comfortable when returning to the office.

The annual People Survey in 2021 showed a response rate of 84% (86% in 2020), with an overall engagement score of 67% (65% in 2020). In keeping with the aims of the JAC People Plan, senior leaders agreed further actions to be taken forward in 2022 to address the main issues arising from the survey and additional matters following the return to office working where it meets business and individual requirements.

The wellbeing of our staff, Commissioners, panel members and stakeholders including our candidates remains our priority.

We have continued to revise our staff policies, including our health and safety policies, to ensure that they remain current and to take into account good practices developed during the pandemic. We are encouraging more staff to become fire wardens and first aid officers to ensure that there is cover in the office at all times. We did have one reportable health and safety incident in 2021-22 following a slippage while working at home. We reminded staff of their responsibilities to make sure that their working environment is made safe.

The JAC fully considers human rights issues in relation to its staff and candidates.

The JAC works to ensure that disability is not regarded as a barrier to recruitment, learning and development or promotion. We are committed to ensuring that staff with a disability have access to the same opportunities when they first join the JAC and at all stages in their career. We have registered with the government's Disability Confident Scheme, which provides us with increased knowledge and skills on how to attract, recruit, retain and develop disabled people in the workplace. We continue to ensure that staff have the right workplace adjustments to be fully effective in their roles, irrespective of whether their condition is pre-existing or acquired while employed by the JAC. Additionally, we provide internal support to staff with disabilities through the MoJ disability network.

The JAC meets its responsibilities under the Equality Act 2010 and uses name-blind recruitment for all staff appointments.

The JAC continues to promote equality of opportunity, both in the selection of candidates for judicial office and in the recruitment, training and promotion of staff.

# Parliamentary accountability and audit report

In addition to the primary financial statements prepared under International Financial Reporting Standards (IFRS), the Government Financial Reporting Manual requires the JAC to report on losses, special payments and remote contingent liabilities. These notes and disclosures were audited.

## Regularity of expenditure

### Losses statement

There were no losses during the year (nil in 2020-21) and no irregular spend.

### Special payments

There were no special payments made during the year (£159k in 2020-21).

### Remote contingent liabilities

In addition to contingent liabilities reported within the meaning of International Accounting Standard (IAS) 37, the JAC is also required to disclose details of any liabilities for which the likelihood of a transfer of economic benefit in settlement is too remote to meet the definition of contingent liability.

As at 31 March 2022, the JAC has no remote contingent liabilities.



### Richard Jarvis

Accounting Officer  
Judicial Appointments Commission  
11 July 2022

# The certificate and report of the Comptroller and Auditor General to the Houses of Parliament

## Opinions on financial statements

I certify that I have audited the financial statements of the Judicial Appointments Commission for the year ended 31 March 2022 under the Constitutional Reform Act 2005.

The financial statements comprise the Judicial Appointments Commission's:

- Statement of Financial Position as at 31 March 2022;
- Statement of Comprehensive Net Expenditure, Statement of Cash Flows and Statement of Changes in Taxpayers' Equity for the year then ended; and
- the related notes including the significant accounting policies.

The financial reporting framework that has been applied in the preparation of the financial statements is applicable law and UK adopted International Accounting Standards.

In my opinion, the financial statements:

- give a true and fair view of the state of the Judicial Appointments Commission's affairs as at 31 March 2022 and its net expenditure for the year then ended; and
- have been properly prepared in accordance with the Constitutional Reform Act 2005.

## Opinions on regularity

In my opinion, in all material respects, the income and expenditure recorded in the financial statements have been applied to the purposes intended by Parliament and the financial transactions recorded in the financial statements conform to the authorities which govern them.

## Basis for opinions

I conducted my audit in accordance with International Standards on Auditing (UK) (ISAs UK), applicable law and Practice Note 10 Audit of Financial Statements of Public Sector Entities in the United Kingdom. My responsibilities under those standards are further described in the Auditor's responsibilities for the audit of the financial statements section of my certificate.

Those standards require me and my staff to comply with the Financial Reporting Council's Revised Ethical Standard 2019. I have also elected to apply the ethical standards relevant to listed entities. I am independent of the Judicial Appointments Commission in accordance with the ethical requirements that are relevant to my audit of the financial statements in the UK. My staff and I have fulfilled our other ethical responsibilities in accordance with these requirements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

### Conclusions relating to going concern

In auditing the financial statements, I have concluded that the Judicial Appointments Commission's use of the going concern basis of accounting in the preparation of the financial statements is appropriate.

Based on the work I have performed, I have not identified any material uncertainties relating to events or conditions that, individually or collectively, may cast significant doubt on the Judicial Appointments Commission's ability to continue as a going concern for a period of at least twelve months from when the financial statements are authorised for issue.

My responsibilities and the responsibilities of the Accounting Officer with respect to going concern are described in the relevant sections of this certificate.

The going concern basis of accounting for the Judicial Appointments Commission is adopted in consideration of the requirements set out in HM Treasury's Government Financial Reporting Manual, which require entities to adopt the going concern basis of accounting in the preparation of the financial statements where it is anticipated that the services which they provide will continue into the future.

### Other information

The other information comprises information included in the Annual Report, but does not include the financial statements nor my auditor's certificate thereafter. The Accounting Officer is responsible for the other information.

My opinion on the financial statements does not cover the other information and, except to the extent otherwise explicitly stated in my certificate, I do not express any form of assurance conclusion thereon.

In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit or otherwise appears to be materially misstated.

If I identify such material inconsistencies or apparent material misstatements, I am required to determine whether this gives rise to a material misstatement in the financial statements themselves. If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact.

I have nothing to report in this regard.

### Opinion on other matters

In my opinion, based on the work undertaken in the course of the audit:

- the parts of the Accountability Report subject to audit have been properly prepared in accordance with the Constitutional Reform Act 2005; and
- the information given in the Performance and Accountability Reports for the financial year for which the financial statements are prepared is consistent with the financial statements and is in accordance with the applicable legal requirements.

### Matters on which I report by exception

In the light of the knowledge and understanding of the Judicial Appointments Commission and its environment obtained in the course of the audit, I have not identified material misstatements in the Performance and Accountability Reports.

I have nothing to report in respect of the following matters which I report to you if, in my opinion:

- I have not received all of the information and explanations I require for my audit; or
- adequate accounting records have not been kept by the Judicial Appointments Commission or returns adequate for my audit have not been received from branches not visited by my staff; or
- the financial statements and the parts of the Accountability Report subject to audit are not in agreement with the accounting records and returns; or
- certain disclosures of remuneration specified by HM Treasury's Government Financial Reporting Manual have not been made; or
- the Governance Statement does not reflect compliance with HM Treasury's guidance.



### Responsibilities of the Judicial Appointments Commission and Accounting Officer for the financial statements

As explained more fully in the Statement of Accounting Officer's Responsibilities, the Judicial Appointments Commission and Accounting Officer are responsible for:

- maintaining proper accounting records;
- the preparation of the financial statements and Annual Report in accordance with the applicable financial reporting framework and for being satisfied that they give a true and fair view;
- ensuring that the Annual Report and accounts as a whole is fair, balanced and understandable;
- internal controls as the Judicial Appointments Commission and Accounting Officer determines is necessary to enable the preparation of financial statement to be free from material misstatement, whether due to fraud or error; and
- assessing the Judicial Appointments Commission's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Judicial Appointments Commission and Accounting Officer anticipates that the services provided by the Judicial Appointments Commission will not continue to be provided in the future.

### Auditor's responsibilities for the audit of the financial statements

My responsibility is to certify and report on the financial statements in accordance with the Constitutional Reform Act 2005.

My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue a certificate that includes my opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

### Extent to which the audit was considered capable of detecting non-compliance with laws and regulations including fraud

I design procedures in line with my responsibilities, outlined above, to detect material misstatements in respect of non-compliance with laws and regulations, including fraud. The extent to which my procedures are capable of detecting non-compliance with laws and regulations, including fraud is detailed below.

### Identifying and assessing potential risks related to non-compliance with laws and regulations, including fraud.

In identifying and assessing risks of material misstatement in respect of non-compliance with laws and regulations, including fraud, we considered the following:

- the nature of the sector, control environment and operational performance including the design of the Judicial Appointments Commission's accounting policies.
- Inquiring of management, Judicial Appointments Commission's head of internal audit and those charged with governance, including obtaining and reviewing supporting documentation relating to the Judicial Appointments Commission's policies and procedures relating to:
  - identifying, evaluating and complying with laws and regulations and whether they were aware of any instances of non-compliance;
  - detecting and responding to the risks of fraud and whether they have knowledge of any actual, suspected or alleged fraud; and
  - the internal controls established to mitigate risks related to fraud or non-compliance with laws and regulations including the Judicial Appointments Commission's controls relating to the Judicial Appointments Commission's compliance with Constitutional

Reform Act 2005, the Judicial Appointments Commission Regulations 2013, and Managing Public Money.

- discussing among the engagement team regarding how and where fraud might occur in the financial statements and any potential indicators of fraud.

As a result of these procedures, I considered the opportunities and incentives that may exist within the Judicial Appointments Commission for fraud and identified the greatest potential for fraud in the following area: posting of unusual journals. In common with all audits under ISAs (UK), I am also required to perform specific procedures to respond to the risk of management override of controls.

I also obtained an understanding of the Judicial Appointments Commission's framework of authority as well as other legal and regulatory frameworks in which the Judicial Appointments Commission operates, focusing on those laws and regulations that had a direct effect on material amounts and disclosures in the financial statements or that had a fundamental effect on the operations of the Judicial Appointments Commission. The key laws and regulations I considered in this context included the Constitutional Reform Act 2005, Managing Public Money, Employment Law, and Tax Legislation.

### Audit response to identified risk

As a result of performing the above, the procedures I implemented to respond to identified risks included the following:

- reviewing the financial statement disclosures and testing to supporting documentation to assess compliance with provisions of relevant laws and regulations described above as having direct effect on the financial statements;
- enquiring of management and the Audit Committee concerning actual and potential litigation and claims;
- reading and reviewing minutes of meetings of those charged with governance and the Board and internal audit reports; and
- in addressing the risk of fraud through management override of controls, testing the appropriateness of journal entries and other adjustments; assessing whether the judgements made in making accounting estimates are indicative of a potential bias; and evaluating the business rationale of any significant transactions that are unusual or outside the normal course of business.

I also communicated relevant identified laws and regulations and potential fraud risks to all engagement team members and remained alert to any indications of fraud or non-compliance with laws and regulations throughout the audit.

A further description of my responsibilities for the audit of the financial statements is located on the Financial Reporting Council's website at: [www.frc.org.uk/auditorsresponsibilities](http://www.frc.org.uk/auditorsresponsibilities). This description forms part of my certificate.

### Other auditor's responsibilities

I am required to obtain evidence sufficient to give reasonable assurance that the income and expenditure reported in the financial statements have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

### Report

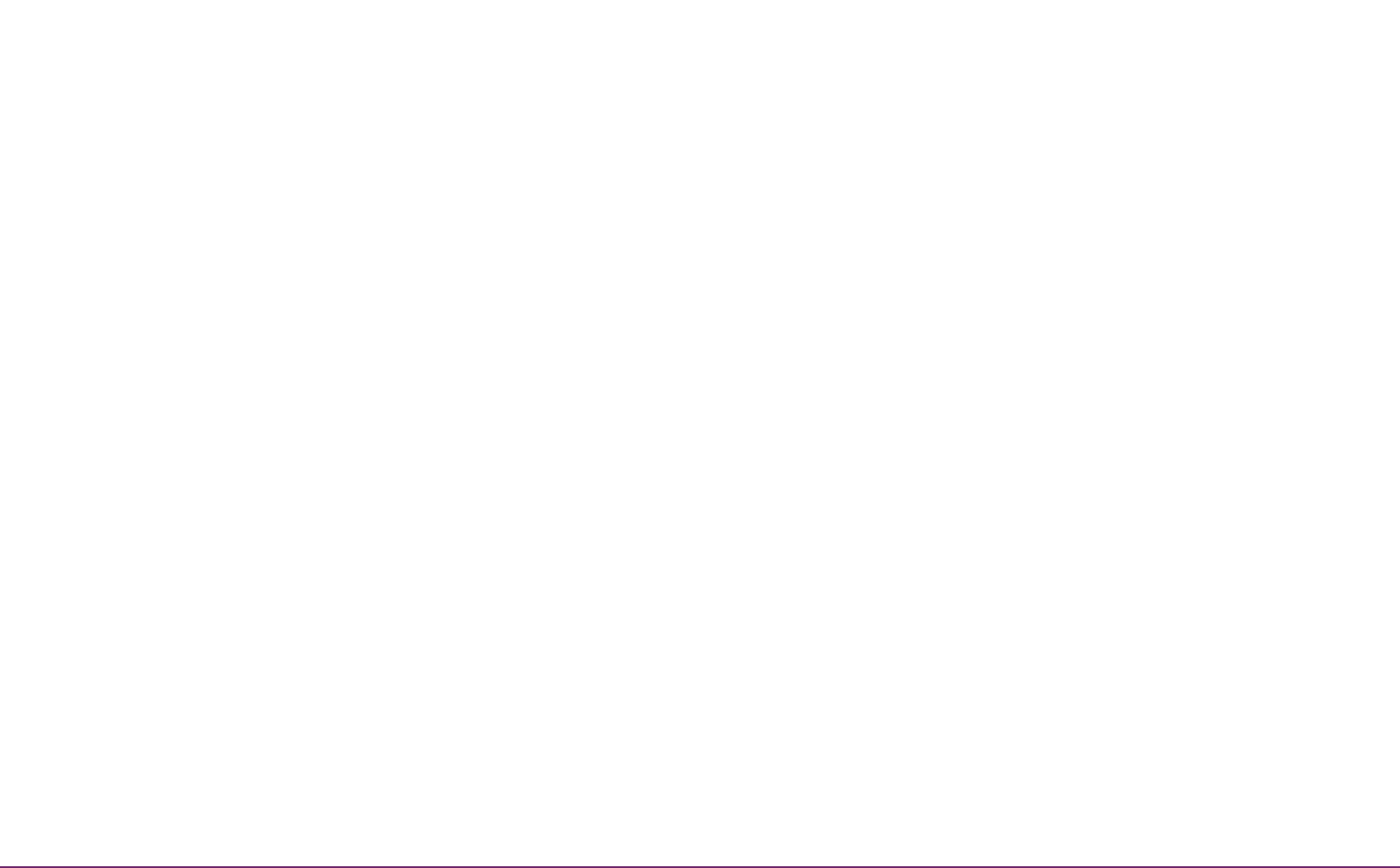
I have no observations to make on these financial statements.

### Gareth Davies

Comptroller and Auditor General  
13 July 2022

National Audit Office  
157-197 Buckingham Palace Road  
Victoria  
London  
SW1W 9SP





# Financial statements

## Statement of comprehensive net expenditure

for the year ended 31 March 2022

		2021-22 12 months	2020-21 12 months
	Notes	£'000	£'000
<b>Income</b>	2	(2)	0
<b>Expenditure</b>			
Staff costs	3	6,428	6,556
Other operating costs	4	1,314	718
Services and facilities provided by sponsoring department	5	503	1,014
<b>Net expenditure for the year</b>		<b>8,243</b>	<b>8,288</b>
<b>Other comprehensive net expenditure</b>			
Net loss/(gain) on revaluation of:			
Intangible assets	6	11	(31)
<b>Comprehensive net expenditure for the year</b>		<b>8,254</b>	<b>8,257</b>

The notes on pages 96 to 104 form part of these accounts.

## Statement of financial position

as at 31 March 2022

		31 March 2022	31 March 2021
	Notes	£'000	£'000
<b>Non-current assets</b>			
Intangible assets	6	837	945
<b>Total non-current assets</b>		<b>837</b>	<b>945</b>
Current assets			
Trade and other receivables	7	72	48
Cash at bank	8	546	705
<b>Total current assets</b>		<b>618</b>	<b>753</b>
<b>Total assets</b>		<b>1,455</b>	<b>1,698</b>
<b>Current liabilities</b>			
Trade and other payables	9	(78)	(156)
Other liabilities	9	(608)	(832)
Provisions	10	(10)	–
<b>Total current liabilities</b>		<b>(696)</b>	<b>(988)</b>
<b>Total assets less current liabilities</b>		<b>759</b>	<b>710</b>
<b>Taxpayers' equity:</b>			
Revaluation reserve		15	34
General reserve		744	676
<b>Total taxpayers' equity</b>		<b>759</b>	<b>710</b>

The notes on pages 96 to 104 form part of these accounts.



**Richard Jarvis**

Accounting Officer  
Judicial Appointments Commission  
11 July 2022



## Statement of cash flows

for the year ended 31 March 2022

		<b>2021-22</b>	<b>2020-21</b>
	Notes	<b>31 Mar</b>	<b>31 Mar</b>
		£'000	£'000
<b>Cash flows from operating activities</b>			
Net expenditure for the year		(8,243)	(8,288)
Adjustments for non-cash transactions:			
– MoJ overhead recharges	5	503	1,104
– Write off of intangible asset value	6	–	3
– Amortisation	4	214	176
– Provisions provided in the year	10	10	–
(Increase)/Decrease in trade and other receivables	7	(24)	39
(Decrease)/Increase in trade and other payables	9	(302)	352
<b>Net cash outflow from operating activities</b>		<b>(7,842)</b>	<b>(6,704)</b>
<b>Cash flows from investing activities</b>			
Purchase of intangible assets	6	(117)	(489)
<b>Net cash outflow from investing activities</b>		<b>(117)</b>	<b>(489)</b>
<b>Cash flows from financing activities</b>			
Grant-in-aid received from the MoJ		7,800	7,200
<b>Net cash inflow from financing activities</b>		<b>7,800</b>	<b>7,200</b>
<b>Net (decrease)/increase in cash and cash equivalents in the year</b>		<b>(159)</b>	<b>7</b>
Cash and cash equivalents at the beginning of the year		705	698
<b>Cash and cash equivalents at the end of the year</b>	<b>8</b>	<b>546</b>	<b>705</b>

The Notes on pages 96 to 104 form part of these accounts.

## Statement of changes in taxpayers' equity

for the year ended 31 March 2022

	General reserve	Revaluation reserve	Total
	£'000	£'000	£'000
<b>Balance at 31 March 2020</b>	<b>750</b>	<b>3</b>	<b>753</b>
<b>Changes in taxpayers' equity – 2020-21</b>			
Net expenditure for year ended 31 March 2021	(8,288)	–	(8,288)
Grant-in-aid towards expenditure	7,200	–	7,200
Grant-in-aid received, being costs settled by the MoJ	1,014	–	1,014
Revaluation of intangible assets	–	31	31
<b>Balance at 31 March 2021</b>	<b>676</b>	<b>34</b>	<b>710</b>
<b>Changes in taxpayers' equity – 2021-22</b>			
Net expenditure for year ended 31 March 2022	(8,243)	–	(8,243)
Grant-in-aid towards expenditure	7,800	–	7,800
Grant-in-aid received, being costs settled by the MoJ	503	–	503
Revaluation of intangible assets	–	(11)	(11)
Transfers between reserves	8	(8)	–
<b>Balance at 31 March 2022</b>	<b>744</b>	<b>15</b>	<b>759</b>

The notes on pages 96 to 104 form part of these accounts.

# Notes to the accounts

for the year ended 31 March 2022

## Note 1: Statement of accounting policies

These financial statements are prepared on a going concern basis in accordance with the Constitutional Reform Act 2005 and with the 2021-22 Government Financial Reporting Manual issued by HM Treasury. The accounting policies contained in the Government Financial Reporting Manual apply International Financial Reporting Standards (IFRS) as adapted or interpreted for the public-sector context.

Where the Government Financial Reporting Manual permits a choice of accounting policy, the accounting policy which is judged to be most appropriate to the circumstances of the JAC for the purpose of giving a true and fair view has been selected.

The policies adopted by the JAC are described below. They have been applied consistently in dealing with items that are considered material to the account and are in a form as directed by the Lord Chancellor with the approval of HM Treasury.

### a) The impact of new International Financial Reporting Standards (IFRS) on the 2021-22 accounts

New standards, amendments and interpretations were issued and effective for the financial year beginning 1 April 2021.

## IFRS 16 Leases

IFRS 16 provides a single lessee accounting model, requiring lessees to recognise assets and liabilities for all leases unless the lease term is 12 months or less, or the underlying asset is of low value. Under the Government Financial Reporting Manual, the standard is effective from 1 April 2022, with the option to adopt early. The JAC has adopted IFRS 16 in the financial year 2021-22.

The JAC occupies office space at Clive House under agreement with the core department, which is recognised in the annual charges for accommodation. The core department may amend accommodation arrangements at relatively short notice as part of its wider management of the estate, and the JAC cannot exclusively control the right to use the space. It has therefore been determined that this arrangement does not meet the definition of a lease under IFRS 16.

Lease assets and liabilities relating to Clive House are recognised in the MoJ annual report and accounts, with the relating accommodation charges continuing to be recognised in these accounts under accommodation costs.

There are no other material arrangements that meet the definition of a lease under the new standard and the application of IFRS 16 has no impact on the JAC accounts.

**b) Funding**

The JAC receives funding as grant-in-aid, which is accounted for as funding through the general fund.

**c) Accounting for VAT**

The JAC is not permitted to recover any VAT on expenditure incurred. All VAT is therefore non-recoverable and charged to the relevant expenditure category.

**d) Accounting estimates and judgements**

The valuation of the JAC's intangible assets is based on historical cost and expectation of future events that would impact the value of the assets. There are presently no estimates or assumptions that have a significant risk of causing a material adjustment to the carrying amounts of intangible assets.

**e) Intangible assets**

An intangible asset, as specified in IAS 38 'Intangible assets', is an identifiable asset without physical substance. Intangible assets are capitalised if it is probable that future service potential attributable to them will flow to the JAC and if their cost can be measured reliably.

The intangible asset associated with the development of the new digital platform, which will replace the existing Judicial Appointments Recruitment System, comprises internally developed software for internal use and software developed by third parties. Development costs that are directly attributable to the design and testing of this identifiable and unique software product controlled by the JAC are capitalised when they meet the

criteria specified in the Government Financial Reporting Manual, which has been adapted from IAS 38 'Intangible assets'. Other development expenditures that do not meet these criteria are recognised as an expense as incurred. Development costs previously recognised as an expense are not recognised as an asset in a subsequent period.

Subsequent to initial recognition, intangible assets are recognised at fair value. As no active market exists for the JAC's intangible asset, fair value is assessed as replacement cost less any accumulated amortisation and impairment losses. This is known as depreciated replacement cost.

The capitalisation threshold for software projects and for subsequent additions that enhance the economic benefit of the asset is £5,000. Intangible assets are revalued at each reporting date using the Producer Price Index produced by the Office for National Statistics. The accumulated amortisation is eliminated against the gross carrying amount of the asset. The policy is to revalue at the year-end through indexation unless any other information is available which gives a better indication of fair value, in which case this takes precedence.

The new digital platform went live on 21 January 2020 with the initial useful economic life of the asset set at seven years.

**f) Pensions policy**

Past and present employees are covered by the provisions of the Principal Civil Service Pension Scheme (PCSPS). The defined benefit scheme is unfunded except in respect of dependants' benefits. The JAC recognises the expected cost of these elements on a systematic and rational basis over the period during which it benefits from the employees' services, by payments to the PCSPS of amounts calculated on an accruing basis. Liability for payment of future benefits is a charge on the PCSPS.

**g) Provisions**

In line with accounting standard IAS 37 Provisions, Contingent Liabilities and Contingent Assets, the JAC recognises a provision as a present legal or constructive obligation as a result of past events. Where the likelihood of a liability crystallising is deemed probable and a reliable estimate can be made of the amount of the obligation. See note 10 for further information.

**h) Employee benefits**

In compliance with IAS19 'Employee benefits', an accrual is made for holiday pay in respect of leave which has not been taken at the year end and this is included within payables.

**i) Services and facilities provided by sponsoring department**

In accordance with the framework document, the JAC does not meet the costs of certain services as these are provided by the MoJ and are non-cash charges. These services are agreed between the JAC and MoJ, and include communications, finance support, estates management, human resources, the provision of IT equipment and internet/intranet facilities, shared services, and commercial and contract management advice. An analysis of these charges can be found in Note 5.

**j) Contingent liabilities**

A contingent liability is disclosed when the likelihood of a payment is less than probable, but more than remote. Where the time value of money is material, contingent liabilities required to be disclosed under IAS 37 'Provisions, Contingent Liabilities and Contingent Assets' are stated as discounted amounts.

## Note 2: Income

	2021-22	2020-21
	£'000	£'000
Recovery of selection exercise costs	(2)	–
	<b>(2)</b>	<b>–</b>

## Note 3: Staff and member costs

	Commissioners	Panel chairs and lay panel members	Permanent staff	Seconded staff	Other contracted staff	Total
	£'000	£'000	£'000	£'000	£'000	£'000
<b>2021-22</b>						
Wages and salaries	113	839	3,536	74	487	5,049
Social security costs	14	101	397	–	–	512
Pension contributions	–	–	867	–	–	867
<b>Total</b>	<b>127</b>	<b>940</b>	<b>4,800</b>	<b>74</b>	<b>487</b>	<b>6,428</b>
<b>2020-21</b>						
Wages and salaries	144	1,174	2,904	79	1,091	5,392
Social security costs	18	145	316	–	–	479
Pension contributions	–	–	685	–	–	685
<b>Total</b>	<b>162</b>	<b>1,319</b>	<b>3,905</b>	<b>79</b>	<b>1,091</b>	<b>6,556</b>

Note 4: Other operating costs

	2021-22	2020-21
	£'000	£'000
<b>Selection exercise programme</b>		
Panel members' travel and subsistence	25	7
Selection day costs	126	96
Advertising	5	14
Direct selection process costs	19	10
	<b>175</b>	<b>127</b>
<b>Other programme costs</b>		
Outsourced accommodation costs	63	(6)
Commissioners' travel and subsistence	1	(1)
Consultancy	146	59
Digital support costs	516	207
	<b>726</b>	<b>259</b>
<b>Administration costs</b>		
Staff training	12	17
Office expenses	78	32
Legal services	24	21
External audit	34	33
Internal audit	38	37
Bank charges	3	13
	<b>189</b>	<b>153</b>
<b>Non-cash items</b>		
Provision expense	10	–
Amortisation	214	176
Write off of intangible asset value	–	3
	<b>224</b>	<b>179</b>
<b>Total other operating costs</b>	<b>1,314</b>	<b>718</b>

## Note 5: Services and facilities provided by sponsoring department

	2021-22	2020-21
	£'000	£'000
Communications	6	2
Finance	90	100
Estates*	152	575
Human resources	13	9
Information communication technology	202	262
Shared services	40	64
Commercial and contract management	–	2
<b>Total corporate overhead charge</b>	<b>503</b>	<b>1,014</b>

## Note 6: Intangible assets

	Information technology	Total
	£'000	£'000
<b>Movements in 2021-22</b>		
<b>Cost or valuation</b>		
At 1 April 2021	1,225	1,225
Additions	117	117
Disposals	(342)	(342)
Revaluations	(15)	(15)
<b>At 31 March 2022</b>	<b>985</b>	<b>985</b>
<b>Amortisation</b>		
At 1 April 2021	280	280
Charged in year	214	214
Disposals	(342)	(342)
Revaluations	(4)	(4)
<b>At 31 March 2022</b>	<b>148</b>	<b>148</b>
<b>Carrying value at 31 March 2022</b>	<b>837</b>	<b>837</b>
<b>Carrying value at 31 March 2021</b>	<b>945</b>	<b>945</b>

\* JAC's work-settings allocation reduced from 58 in 2020-21 to 36 in 2021-22



	Information technology	Total
Movements in 2020-21	£'000	£'000
<b>Cost or valuation</b>		
At 1 April 2020	695	695
Additions	489	489
Write off of intangible asset value	(3)	(3)
Revaluations	44	–
<b>At 31 March 2021</b>	<b>1,225</b>	<b>1,225</b>
<b>Amortisation</b>		
At 1 April 2020	91	91
Charged in year	176	176
Write off of intangible asset value	–	–
Revaluations	13	13
<b>At 31 March 2021</b>	<b>280</b>	<b>280</b>
<b>Carrying value at 31 March 2021</b>	<b>945</b>	<b>945</b>
<b>Carrying value at 31 March 2020</b>	<b>604</b>	<b>604</b>

Note 7: Trade and other receivables

	31 March 2022	31 March 2021
Amounts falling due within one year	£'000	£'000
Deposits and advances	40	46
Other receivables	–	2
Prepayments	32	–
<b>Total</b>	<b>72</b>	<b>48</b>

## Note 8: Cash at bank

	31 March 2022	31 March 2021
	£'000	£'000
Balance at 1 April	705	698
Net change in cash and cash equivalent balances	(159)	7
Balance at 31 March	546	705
<b>Total cash held at Government Banking Service</b>	<b>546</b>	<b>705</b>

## Note 9: Trade and other payables

	31 March 2022	31 March 2021
	£'000	£'000
<b>Amounts falling due within one year</b>		
Trade payables	(6)	84
Other payables	84	72
	<b>78</b>	<b>156</b>
<b>Other liabilities</b>		
Tax and social security	153	175
Accruals	311	520
Accrued holiday pay	144	137
	<b>608</b>	<b>832</b>
<b>Total</b>	<b>686</b>	<b>988</b>

## Note 10. Provisions for Liabilities

	31 March 2022	31 March 2021
	£'000	£'000
Balance at 1 April 2021	–	–
Provided in year	10	–
Provisions utilised in year	–	–
<b>Balance at 31 March 2022</b>	<b>10</b>	<b>–</b>

The provision relates to a legal claim against the JAC in which another party's reasonable legal costs may need to be covered in order to reach a settlement.

The £10k provided in the accounts represents the best estimate of the amount payable based on an assessment by the Government Legal Department (GLD).

### **Note 11: Contingent liabilities disclosed under IAS 37**

The JAC deemed that legal claims that could succeed with the worst possible outcome cannot be estimated reliably and are therefore disclosed as contingent liabilities.

### **Note 12: Financial instruments**

Financial instruments play a limited role as the cash requirements of the JAC are met through grant-in-aid provided by the MoJ. The majority of financial instruments relate to contracts to buy non-financial items in line with the JAC's expected purchase and usage requirements and the JAC is therefore exposed to little credit, liquidity or market risk.

### **Note 13: Related party transactions**

The JAC is a non-departmental public body sponsored by the MoJ. The MoJ is regarded as a related party with which the JAC has had various material transactions during the year. No board members or senior executives of the JAC engaged in activities that gave rise to related party transactions during the 2021-22 year. The remuneration report provides information on key management compensation.

### **Note 14: Events after the reporting period**

There were no significant events after the reporting period.

In accordance with the IAS 10 'Events after the reporting period', accounting adjustments and disclosures are considered up to the point where the financial statements are 'authorised for issue'. In the context of the JAC, this is interpreted as the date on the Comptroller and Auditor General's audit certificate.

There are no events after the reporting period which require disclosure.

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