

Judicial Appointments Commission

Annual report and accounts 2022-2023

For the period 1 April 2022
to 31 March 2023

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accounts 2022-2023**

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Presented to the House of Parliament pursuant to paragraph 32(4) and paragraph 31(7) of Schedule 12 to the Constitutional Reform Act 2005.

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Judicial Appointments Commission
5th floor
70 Petty France
London SW1H 9EX

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Performance report

Overview

Foreword by Professor Lord Ajay Kakkar



This is my final annual report about the work of the commission, having served for just over six years as its chair. It has been an immense privilege to play a part in appointing talented individuals on merit to serve in judicial roles in England and Wales.

Looking back, it is striking to note the increased volume of recruitment carried out by the JAC over this period. When I started my first term as chair in 2016, the commission made 290 recommendations and handled 2,199 applications. This year the JAC made 1,094 recommendations from 7,366 applications. This continues the high volumes of appointments in recent years and is expected to remain at this level as the courts and tribunals continue to address the backlog of outstanding cases caused by the COVID-19 pandemic. The commission delivered its full programme of selection exercises this year as it did throughout the pandemic, making greater use

of the benefits of digital tools and virtual/hybrid working to bring greater efficiency, speed and flexibility to our work.

Attracting and recruiting talented individuals from a wide range of backgrounds to serve in the judiciary cannot be achieved by one organisation alone; we work extensively with our partners in the legal sector through the Judicial Diversity Forum (JDF) to tackle barriers and support increased judicial diversity. The JDF's latest action plan published in December 2022 brings together the wide range of work underway by all the partners to challenge barriers to appointment and support the progression of diverse candidates using data and evidence.

The evaluation of our first cohort of the JAC's Targeted Outreach pilot – which, working alongside the judiciary, supported 246 candidates from underrepresented groups – showed positive impact. 88% of candidates said that the support has or will contribute to success in a judicial application with 15% of the cohort already appointed to a judicial role. Similarly, the Pre-Application Judicial Education (PAJE) scheme led by the Ministry of Justice is showing positive outcomes from supporting candidates in better preparation before applying for judicial roles. With our partners,

we must continue to maintain a relentless focus on creating a broadly based, well-prepared pool of applicants and to review and analyse all stages in the journey to judicial appointment to ensure it is open, fair and based on merit.

Finally, I would like to pay tribute to my fellow JAC commissioners, to panel members, the judiciary, candidates, our staff and other stakeholders who all play a part in helping to build a judiciary that is appointed on merit and becoming more representative of the country it serves.

I was pleased at the end of 2022 to welcome Helen Pitcher as the new JAC chair; she comes with a strong background in board leadership across a range of sectors, and I wish her and the JAC the very best for the future.



Professor Lord Ajay Kakkar

Chair of the Judicial Appointments
Commission until 31 December 2022

Foreword by Helen Pitcher OBE



Since joining the Judicial Appointments Commission in January of this year, I have been deeply impressed by the calibre of staff and the clear commitment to constantly improve our approach to selecting on merit, while also supporting the extensive diversity initiatives that contribute towards 'increasing the pool'. The rigour of our processes is second to none in order to ensure that we are both fair and accessible to our candidates.

We will continue to play our part to work with our partners in the professions and the judiciary to remove barriers and support candidates from currently underrepresented groups and assist them to prepare for judicial appointment. The recently expanded Targeted Outreach programme is further evidence of our desire to help build a strong pipeline of diverse candidates, representative of our society, to apply for judicial roles in the future. Diversity and inclusion is an area about which I am passionate.

Looking ahead, the forthcoming review of the Judicial Skills and Abilities Framework is a welcome opportunity to refine the qualities and skills required for a modern judiciary and for us to ensure that these are fully reflected in the JAC selection processes. In doing so, we will continue to focus on being able to select from the widest possible range of candidates in terms of diversity and professional experience.

I'd like to thank and commend my predecessor, Ajay Kakkar, for his stewardship of the commission for the last six years. I am already greatly enjoying working with commissioners, panel members and the judiciary to continue the important work of assessing and recommending talented candidates on merit to sit as judges and non-legal members in our courts and tribunals.

A handwritten signature in dark ink, appearing to read 'H. Pitcher', written in a cursive style.

Helen Pitcher OBE

Chair of the Judicial Appointments Commission since 1 January 2023

Chief Executive's statement



This has been our first full year of operations since the lifting of COVID-19 restrictions and in delivering another very large programme of judicial recruitment using the hybrid approach of both face-to-face and remote selection day activity depending on the role being recruited to.

I am pleased to report that the full planned annual programme of judicial recruitment was completed and that the hybrid approach is now well embedded and continues to be received well by those involved in the recruitment process, as evidenced by our positive candidate feedback results. The hybrid approach has also enabled us to respond quickly to the impact of industrial action and minimise the impact on candidates and ensure important selection exercises were not delayed. 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 these new ways of working.

The judicial recruitment programme completed this year, and reported on in more detail in later sections, has seen a significant number of recommendations made, to meet the needs of the courts and tribunals. Combined, there were over 600 recommendations to the roles of fee-paid judges of the First-tier and Employment Tribunals, Deputy District Judges and Recorders combined. For these roles the JAC continues to see a large and strong field of candidates.

For salaried roles, it was encouraging that the High Court vacancy request was met for the first time in over five years and that this bench is now at its full statutory complement. However, at the District Bench, the recruitment of District Judges once again fell below the vacancy request and this remains an area of concern given the pressures currently faced by the County Courts. We are working closely with the judiciary, the Courts and Tribunal Service and the Ministry of Justice on measures to attract more suitable candidates for this role in future exercises.

During the year, the JAC has continued with its ongoing programme of review and improvement of its selection tools and processes. In particular, we have implemented all the recommendations from the independent review of our approach to statutory consultation 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. All of these have been implemented for selection exercises beginning from September 2022, including the waiving of the requirement for statutory consultation for fee-paid exercises where the consultee is unlikely to have relevant information on a substantial number of candidates. Almost all of the exercises reporting in 2023-24 will have been undertaken using this revised approach, which 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.

Finally, the JAC has continued its extensive programme of work to attract and recruit talented individuals from a wide range of backgrounds to serve in the judiciary, working with our partners in the Judicial Diversity Forum, and as detailed in other parts of this report, there are some early signs of positive impact from the Targeted Outreach and Pre-Application Judicial Education programmes. In this, my last annual report as Chief Executive, I offer the sincere hope that the collective efforts to address the systemic barriers to a more diverse judiciary will continue to expand and deliver faster progress within an independent merit-based appointments system.

I retire from this role in the early part of 2023-24 and I would like to record my deepest thanks to all JAC staff, commissioners, panel members, the judiciary, and candidates for their help, support and engagement over the last six years.

I also wish my successor well in continuing the good work of the JAC.



Richard Jarvis

Chief Executive from 15 February 2017
to 16 June 2023

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 profession, 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

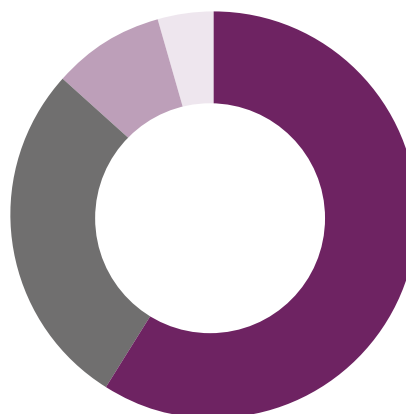
Budget

The JAC's allocated resource budget in 2022-23 was £9.07 million (£8.19 million in 2021-22). It spent £8.77 million (£7.75 million in 2021-22).

In addition to funding it received, the JAC incurred £0.68 million (£0.5 million in 2021-22) of overhead recharges from MoJ, giving a total expenditure of £9.46 million (£8.24 million in 2021-22).

Total expenditure:

	Pay: £5.58m
	Programme: £2.61m
	Non-cash charges: £0.86m
	Administration: £0.40m



The JAC's aims

The JAC Strategy 2020-23 set out our aims 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

Performance summary

What we spend our money on

The JAC contributes to the Ministry of Justice's outcome delivery plan in delivering swift access to justice. Further details of the progress made by the JAC against the aims in the business plan 2022-23 are in the performance report on pages 32 to 49.

We reported on 36 selection exercises in 2022-23 (31 in 2021-22) and launched a further 19 exercises continuing into 2023-24. 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 2022-23 we made a similar number of selections compared with 2021-22, and the expenditure reflects this. The statement of comprehensive net expenditure shows that net expenditure for the year was £9.46 million compared with £8.24 million the previous year. Excluding recharges from the MoJ, net expenditure increased from £7.74 million to £8.77 million, a 13.4% increase.

Overall, there was:

- an increase of £0.48 million (7%) in pay costs
- an increase of £0.55 million (42%) in other operating costs
- an increase of £0.18 million (36%) in MoJ recharges

We underspent against the budget allocation by £0.3 million (3%), which was originally £8.72 million, and subsequently increased to £9.07 million, spending £8.77 million of our net allocation.

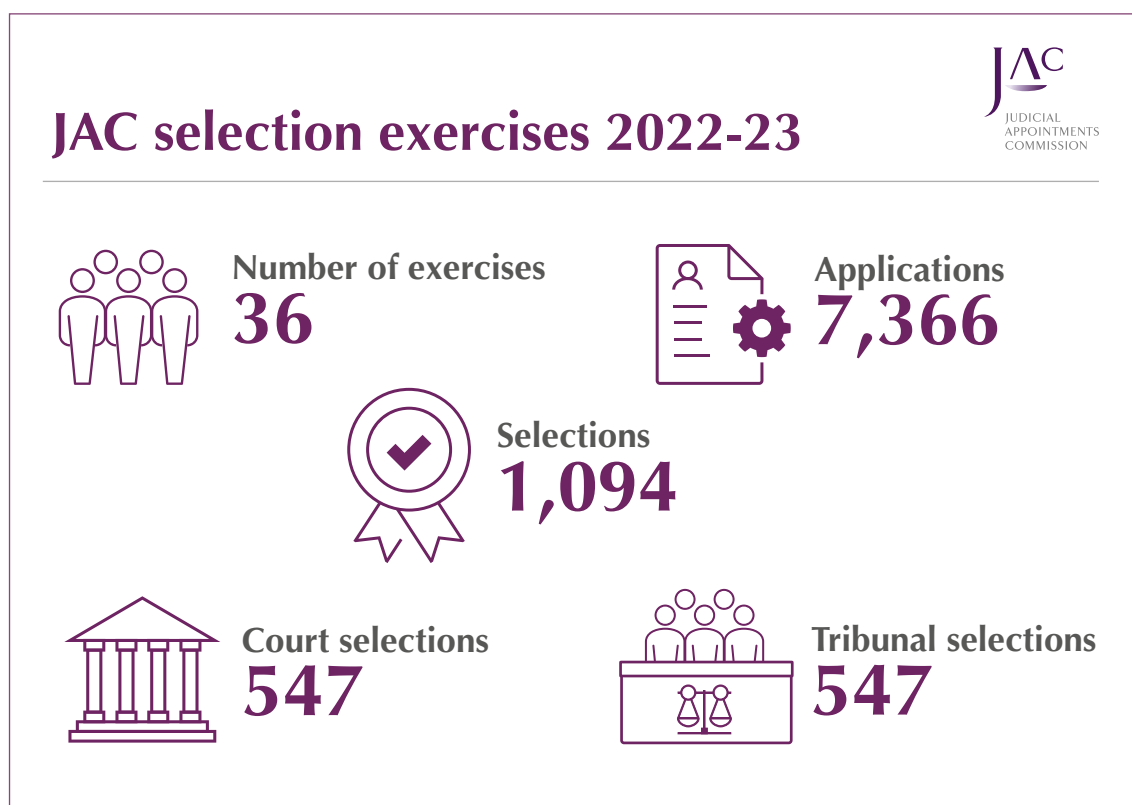
In addition to an increase in pay costs for the year due to a slight increase in the JAC's headcount, an increase in other operating costs was also observed in light of a gradual return to face-to-face selection day activity and an increase in legal costs for the year. Further details can be found in Note 4 to the financial statements.

We continue to make extensive use of shared services for central functions, such as the provision of accommodation, some HR, IT and finance by 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 2022-23

Exercises reported	Applications received	Selections made
36	7,366	1,094



Tribunal selection exercises

Fee-paid roles

Legal/ Non-legal	Judicial role	Reference	Selections made
Legal	Fee-paid Legal Chair of the Education Tribunal for Wales	00071	3
Non-Legal	Fee-paid Medical Members of the First-tier Tribunal, Health Education and Social Chamber (Mental Health)	00072	52
Legal	Fee-paid judge of the First-tier Tribunal and fee-paid judge of the Employment Tribunals (England and Wales)	00070	217
Non-Legal	Fee-paid Specialist Member of the First-tier Tribunal, Health Education and Social Care Chamber – Extended Appeals, Special Educational Needs and Disability	00046	23
Legal	Deputy Judges of the Upper Tribunal assigned to Administrative Appeals Chamber	00050	4
Non-Legal	Fee-paid Specialist Member of the First-tier Tribunal, General Regulatory Chamber (Immigration Services Jurisdiction)	00098	3
Legal	Road User Charging Adjudicators	00080	34
Non-Legal	Fee-paid Specialist Lay Members of the First-tier Tribunal, Special Educational Needs and Disability	00105	75
Non-Legal	Fee-paid Specialist Lay Member of the First-Tier Tribunal, Health Education and Social Care Chamber (Mental Health)	00106	44
Non-Legal	Fee-paid Financially Qualified Members, First-tier Tribunal, Social Entitlement Chamber (Social Security and Child Support)	00103	13
Non-Legal	Fee-Paid Financial Services Member of the Upper Tribunal, Tax and Chancery Chamber	00111	5
Legal	Chamber President of the Education Tribunal for Wales	00112	1
Non-Legal	Chair of the Valuation Tribunal for England ¹	00083	26

1. 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	Employment Judge of the Employment Tribunal (England and Wales)	00081	35
Legal	Salaried Judge of the Mental Health Review Tribunal for Wales	00060	0
Legal	Resident Judge of the First-tier Tribunal, Immigration and Asylum Chamber and Regional Judge of the First-tier Tribunal, Social Entitlement Chamber	00094	4
Non-legal	Chief Medical Member of the First-tier Tribunal, Social Entitlement Chamber	00108	1
Non-legal	Regional Medical Member of the First-tier Tribunal, Social Entitlement Chamber	00104	3
Legal	Chamber President of the First-tier Tribunal, Immigration and Asylum Chamber	00107	1
Legal	Principal Judge of the First-tier Tribunal, Social Entitlement Chamber (Criminal Injuries Compensation)	00116	1
Legal	Judge of the First-tier Tribunal, Property Chamber (Land Registration)	00118	2

Courts selection exercises

Fee-paid roles

Legal/ Non-legal	Judicial role	Reference	Selections made
Legal	Deputy District Judge	00066	213
Legal	Recorder	00082	164
Legal	s9(4) Deputy High Court Judge	00086	29 ¹
Legal	s9(1) authorisation to act as a Judge of the High Court	00085	30
Legal	Deputy Master of the King's Bench Division	00113	4

1. One candidate was recommended for a s9(4) appointment via the High Court Judge selection exercise. The information page for the High Court exercise explained that: "The Lord Chancellor has agreed that up to five of the most meritorious near misses (if any) can be recommended for appointment as a Deputy High Court Judge under s9(4) of the Senior Court Act 1981."

Salaried roles

Legal/ Non-legal	Judicial role	Reference	Selections made
Legal	District Judge	00077	67
Legal	High Court Judge	00078	10
Legal	Insolvency and Company Court Judge	00091	1
Legal	Senior Circuit Judge, Designated Civil Judge	00093	1
Legal	Senior Circuit Judge, Resident Judge	00099	2
Legal	District Judge (Magistrates' Courts)	00084	19
Legal	Senior Circuit Judge, Designated Family Judge	00095	1
Legal	Chancery Master	00109	2
Legal	Master of the King's Bench Division	00119	1
Legal	Senior Circuit Judge, Central Criminal Court	00121	3

Other judicial selection activity

Selection exercise for senior roles

Exercise title	Selections made
Court of Appeal 2022	1

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 2022-23	9

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

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. In 2022-23, the JAC provided concurrence for three Designated Civil Judges and two Designated Family Judges.

Exercises launched, but not completed, in 2022-23

A further 19 selection exercises were in progress as of 31 March 2023, which are due to report in 2023-24. These exercises have a combined total of more than 745 vacancies and collectively attracted more than 6,800 applications.

Timeline indicator data

In March 2022, the JAC agreed a metric for assessing performance in relation to the length of time it takes to deliver selection exercises, from close of applications to recommendations. Selection exercises are categorised by type and by size, with a range of weeks indicating how long an exercise should, usually, take to deliver. Exercises that fall outside of the range are detailed below.

Exercise type	Salaried or Fee-paid	Size	Indicator (weeks from when the application window closes to SCC recommendation to the appropriate authority)	No. of exercises within indicator	Exceptions
Leadership	Both	Small (up to 2 vacancies)	14-22	9	00119: Master of the King's Bench Division – 23 weeks. This exercise ran parallel to 00113: Deputy Master of the King's Bench Division. This required the sharing of resources and dovetailing of the process in both exercises, marginally extending the timelines.
Legal	Salaried	Small (up to 5 vacancies)	18-24	4	
		Medium (6 to 30 vacancies)	28-38	2	
		Large (31+ vacancies)	40-50	2	
	Fee-paid	Small (up to 5 vacancies)	18-22	0	00071: Legal Chairs SENTW – The exercise was 4 weeks longer than the indicator. The late delivery of documentation for the exercise by stakeholders meant the launch had to be pushed back and the revised timeline subsequently clashed with other activity that needed to be delivered at the same time. Following consultation with HMCTS it was agreed to extend the exercise by 4 weeks to manage JAC resources.

Exercise type	Salaried or Fee-paid	Size	Indicator (weeks from when the application window closes to SCC recommendation to the appropriate authority)	No. of exercises within indicator	Exceptions
					and 00050: Deputy Judges of the UT (AAC) – 30 weeks. Timeline based on an original requirement of 7 vacancies, later reduced to 4.
					and 00113: Deputy Master of the King’s Bench Division – 23 weeks. This exercise ran parallel to 00119 Master of the King’s Bench Division. This required the sharing of resources and dovetailing of the process in both exercises, marginally extending the timelines.
		Medium (6 to 30 vacancies)	30-38	1	00080: RUCA – 48 weeks. This exercise piloted use of a recorded situational video assessment, requiring additional time in the process for quality assurance.
		Large (31+ vacancies)	42-50	3	00082: Recorder – 52 weeks. This was a particularly large exercise, seeking to fill 125 vacancies initially, rising to 164 throughout the course of the exercise.
Non-legal	Both	Small (up to 10 vacancies)	16-22	2	00104: Regional Medical Member of the First-tier Tribunal (SEC) – 24 weeks due to judicial availability.
		Medium (11 to 30 vacancies)	24-30	2	00046: FP Specialist Member of the First-tier Tribunal (SEND) – 35 weeks. This exercise launched in October 2021, before the indicators were introduced.
		Large (31+ vacancies)	30-40	3	

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:

- one risk rated low
- nine risks rated medium
- zero risks rated high

1. Failure of the Digital Service

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

Rating at end of 2021-22: Medium

Where we started: A dummy application was developed to allow for more large-scale testing of the system. A service offline feature was also introduced so candidates are aware if our digital platform is down or undergoing maintenance.

What we've done: During the year we have recruited to a number of key posts, including a new project manager and business analyst. We also appointed a new external independent member to the JAC Digital Board to provide additional scrutiny over the management of our platform. The Government Internal Audit Agency conducted an audit on our handling of the digital contracts that are currently in place to support our platform. This was a broadly positive report with some recommendations for improvement around KPI tracking and further training of our in-house digital team. The JAC digital team was also restructured to embed defined roles for signing off various stages of a project to reduce the risk of errors. An updated version of the JAC's qualifying test platform was also deployed to allow for more frequent code releases and fixes, improving the overall operation of the platform.

Rating at end of 2022-23: Medium

What we're going to do in 2023-24: The JAC will continue to take forward the recommendations made in the Government Internal Audit Agency's report. We will also submit to a further audit covering the governance, risk management and operational effectiveness of the JAC's Digital Board.

2. Diversity of applicants and progression

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

Rating at end of 2021-22: Medium

Where we started: An academic expert reviewed the report from NatCen on their research into diversity approaches in international common law jurisdictions. The report showed that the JAC is a leader in the area of supporting diversity. A new 'Am I Ready?' content series was launched on the website and social media, bringing together resources and signposting to help candidates to better assess when they might be ready to apply.

What we've done: A third combined judicial diversity statistical report was published in July 2022, alongside a joint statement from the Judicial Diversity Forum (JDF). The report included detailed analysis on intersectionality and ethnic minority data breakdowns. A practice qualifying test tool was launched on the JAC website to help familiarise potential candidates with our recruitment process. The JAC attended a Judicial College event on neurodiversity in October 2022 and subsequently reviewed its reasonable adjustment policy to ensure that we are following best practice for candidates. A comprehensive evaluation of the targeted outreach pilot was undertaken during the year, which showed an overall positive impact from the scheme. A future strategy for this scheme was approved by the board in November 2022 and will become part of the JAC's core business model from April 2023 onwards. The JAC supported a Legal Services Board led working group to create common monitoring and evaluation principles and a new strategic approach for the JDF in line with a 'theory of change' model. In November 2022, a report was published by the Bridge Group providing an assessment of JDF partners' evaluation approaches. In December a new JDF action plan was published including a joint statement which set out the ongoing priorities for the forum. A JDF working group was convened to take forward the second qualitative phase of a qualifying test research project. The group worked with the Work Psychology Group to design and launch a survey to 4,000 candidates from key target groups.

Rating at end of 2022-23: Medium

What we're going to do in 2023-24: The formal gateway process to support ethnic diversity of selection panels will continue to be monitored to ensure that ethnically diverse panels are being convened across the majority of exercises. A training session on neurodiversity will also be arranged for lay panel members as part of our annual panel event. Further improvements will be made to the JAC website, including a review of site navigation and new candidate digital support tools. The JDF will continue to develop its action plan, enhancing the evaluation framework and creating a model of seniority for legal professions.

3. Staff engagement and morale

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

Rating at end of 2021-22: Medium

Where we started: The JAC conducted its annual pulse staff survey in May 2022, which focused on the key themes that came out of last year's Civil Service People Survey and included additional questions to evaluate the effectiveness of the organisation's hybrid working policy.

What we've done: Following the results of the pulse survey, we revised our 'Ways of Working' guidance to include best practice for remote and office-based working procedures and advice for engagement between the two. Further guidance was developed to support managers and staff with the formal eight weekly touch point meetings. An accommodation help desk email account was also introduced to enable staff to flag issues with the facilities and services in the Clive House office space. The outcomes of 2022 Civil Service wide People Survey were published in December 2022. The JAC's engagement index rose to 70% compared with 67% the previous year. From those results, various members of the JAC senior leadership team have taken forward specific areas of focus including wellbeing, dignity at work, race champions and change agents, which will be developed further in 2023 via staff presentations and engagement sessions.

Rating at end of 2022-23: Medium

What we're going to do in 2023-24: Themes for action will be included in the extended People Plan to cover the period 2020 to 2024 and will coincide with the new Business Plan. The organisation will also conduct its annual pulse survey in June 2023 with the Civil Service People Survey expected to launch in October 2023.

4. Loss of corporate knowledge

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

Rating at end of 2021-22: Low

Where we started: At the beginning of the year, the JAC was carrying a staff headcount of 102, made up of 95 permanent staff and seven temporary agency staff. The JAC has reduced its reliance on temporary agency staff since the previous year in light of the continuing high demand for judicial recruitment.

What we've done: The turnover of staff has remained at a similar level to previous years with an additional need to secure temporary cover for posts left vacant due to staff on maternity leave. All new staff have continued to receive full inductions overseen by our dedicated training team. During the year, the commissioner induction guide was updated to help ensure a smooth transition in the post of the JAC chair, which took place in January 2023. Considering the recent appointment of a new JAC chair and upcoming changes in the membership of the JAC's senior leadership team, including the Chief Executive position, our risk score in this area has increased, though recruitment plans are in place to manage the change. The JAC's headcount at the end of the year reflected a permanent headcount of 98 permanent staff in addition to four posts that are currently occupied by temporary agency staff.

Rating at end of 2022-23: Medium

What we're going to do in 2023-24: The JAC will continue to monitor its staff turnover and recruitment plans to ensure it is properly resourced to deliver the agreed programme of judicial recruitment.

5. Confidence in the selection process

Risk: That stakeholders, including candidates, the judiciary, commissioners, panel members, the Ministry of Justice, or staff do not have sufficient confidence in the selection process.

Rating at end of 2021-22: Medium

Where we started: Following the lifting of COVID-19 restrictions and the evaluation of remote selection activity during 2020-21, the Commission Board agreed to a hybrid approach to selection days which involved the majority of fee-paid exercises being conducted remotely while salaried exercises involved face-to-face selection days. In March 2022, the independent review of the operation of statutory consultation undertaken by Work Psychology Group was published alongside the commission's response regarding the revised approach to the operation of statutory consultation.

What we've done: The Commission Board considered an update following the implementation of all the recommendations of the 2018 independent review conducted by Work Psychology Group into our shortlisting and selection day tools which included changes to the situational judgement test element of the online qualifying test. Following the publication of the independent review of the operation of statutory consultation in March 2022, a cross-organisational working group was established to drive the implementation of these recommendations, working in conjunction with the Judicial Office. The documentation provided to statutory consultees was revised to provide more specific advice and guidance. This is now published on the information page for every exercise where statutory consultation is retained. The revised approach began from September 2022 and included detailed information regarding the statutory consultation process on each individual exercise's information page.

Rating at end of 2022-23: Medium

What we're going to do in 2023-24: We will continue to evaluate all of our shortlisting and selection tools in line with best practice in assessment and selection to ensure the candidates recommended for judicial appointment are selected on merit.

6. Confidence in the effective delivery of selection exercises

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 2021-22: Medium

Where we started: The JAC returned to face-to-face recruitment processes for all salaried judicial roles following the lifting of COVID-19 restrictions.

What we've done: During the year, we continued to deliver the judicial recruitment programme using our hybrid model, which continues to be received well by our stakeholders and candidates. The Government Internal Audit Agency also conducted an audit of our feedback to candidates in which their report reflected positively on the JAC's policy for providing feedback with minor recommendations for improvement. We also implemented all recommendations that came out of the Work Psychology Group's report on our approach to statutory consultation.

Rating at end of 2022-23: Medium

What we're going to do in 2023-24: We will continue to reflect on our internal training and induction processes to ensure that these align with the latest functionality and operation of our digital recruitment platform. We will also address the recommendations that were raised in the candidate feedback audit report.

7. Financial resources

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

Rating at end of 2021-22: Low

Where we started: The JAC secured a budget of £8.7 million for the year to deliver the agreed programme of selection exercises for 2022-23.

What we've done: Following a significant increase in legal costs this year, the JAC requested additional funding in the amount of £0.35 million to manage the risk of overspending against its allocated budget. This additional allocation was approved by the Ministry of Justice in December 2022 and the JAC finished the year within budget while delivering the full programme of judicial recruitment. The impact of the costs for legal advice on the JAC's budget is expected to continue into 2023-24 and has been flagged to the Ministry of Justice in the latest spending projections that were reported to HM Treasury.

Rating at end of 2022-23: Medium

What we're going to do in 2023-24: We will continue to monitor spend across all areas of our business to ensure that the JAC is properly funded to deliver the agreed programme of work.

8. Information security

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 2021-22: Medium

Where we started: The JAC has moved to a fully hybrid form of working where staff, commissioners and panel members work both remotely and in the JAC's office where there is a business need. To support this, revised guidance was produced to ensure that information is kept safe and secure.

What we've done: We have continued to liaise with our partners in the Ministry of Justice fraud and security teams, who advise us on any emerging or current threats to data security. In the last year there have been six instances where potential vulnerabilities have been flagged in the systems we use. Each case was investigated by our digital team and the appropriate action was taken. Of the 13 security incidents reported within the JAC during the year, none required further escalation to the Information Commissioner's Office. The annual information assurance e-learning course, published on Civil Service Learning, was also completed by all staff during the year.

Rating at end of 2022-23: Medium

What we're going to do in 2023-24: The JAC will continue to monitor the ongoing threats to information security and evaluate its hybrid working model to ensure that the JAC security policy is fit for purpose.

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

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

Rating at end of 2021-22: Low

Where we started: The JAC continued to make use of the Single Operating Platform (SOP) and Shared Services providers to facilitate its HR and finance functions.

What we've done: User experience of SOP continued to be satisfactory during the year. Maintenance of the system was generally scheduled to take place at weekends to avoid an interruption of service. Shared Services Connect Limited continued to operate an acceptable service overall with a minimal number of errors affecting JAC staff.

Rating at end of 2022-23: Low

What we're going to do in 2023-24: The JAC will continue to monitor the use and performance of the SOP system and services of Shared Services Connect Limited.

10. Business continuity arrangements

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

Rating at end of 2021-22: Medium

Where we started: The JAC attended a meeting with business continuity leads across the Ministry of Justice to share best practice around post-COVID-19 restriction operational delivery.

What we've done: During the year, our business continuity plan was put into practice following the death of Her Majesty the Queen and the resulting bank holiday which impacted on planned selection activity. Industrial action has also impacted on the judicial recruitment programme at various times throughout the year. In each case, we responded swiftly to the news and took the appropriate action, moving to remote processes where necessary.

Rating at end of 2022-23: Medium

What we're going to do in 2023-24: We will continue to update our business continuity plans in line with government advice and evaluate the impact of further industrial action and how this can be managed effectively.

Going concern

The Statement of Comprehensive Net Expenditure shows a deficit in 2022-23. Due to timing of the draw-down of grant-in-aid funding, the Statement of Financial Position at 31 March 2023 shows an excess of assets over liabilities of £0.53 million. The closing bank balance relates to grant-in-aid drawn down by the JAC to pay its liabilities due shortly after the year end.

We know of no intention to suspend the JAC's activities. It has therefore been considered appropriate to adopt a 'going concern' basis for the preparation of the financial statements in this report. Grant-in-aid for 2023-24, taking into account the amounts required to meet the JAC's liabilities, has already been included in the departmental estimate.

Performance analysis

How the JAC measures performance

The JAC's aims were set out in the JAC Strategy 2020-23 which incorporated the 2022-23 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 MoJ to inform its sponsorship discussions with the JAC.

Key indicators

Key area	Performance 2022-23	Performance 2021-22
Proportion of candidates rating the selection process as 'good' or 'excellent'	64% of candidates rated the selection process as either good or excellent. (This figure is based on 612 candidate responses to surveys post-selection day and in relation to 15 completed selection exercises).	71% of candidates rated the selection process as either good or excellent (based on 625 candidate responses to surveys post selection day and in relation to 15 completed selection exercises).
Website usage	Approximately 570,000 views from 187,000 users between 1 April 2022 and 31 March 2023.	Approximately 550,000 page views from 134,000 users between 1 April 2021 and 31 March 2022.
Proportion of recommendations accepted by the appropriate authority	Of the responses received from the appropriate authority, 100% of recommendations have been accepted (one response is outstanding).	Of the responses received from the appropriate authority, 100% of recommendations have been accepted.
Complaints upheld by the Judicial Appointments and Complaint Ombudsman (JACO)	For 2022-23 we are aware that two cases have been taken to JACO. Both are still being investigated by JACO. Of the three cases still under investigation from last year, these have now been cleared and none of them were upheld by JACO.	0 out of 6 (3 currently under investigation). For 2021-22 we are aware that six cases have been taken by 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.

Key area	Performance 2022-23	Performance 2021-22
Annual JAC People Survey indicators comparison with other MoJ arm's length bodies – benchmarks in brackets	<p>Response rate: 67% (75%)</p> <p>Engagement index: 70% (68%)</p> <p>My work: 86% (80%)</p> <p>Organisational objectives: 94% (89%)</p> <p>My manager: 79% (79%)</p> <p>My team: 87% (82%)</p> <p>Learning and development: 53% (54%)</p> <p>Inclusion and fair treatment: 87% (82%)</p> <p>Resources and workload: 78% (78%)</p> <p>Pay and benefits: 28% (30%)</p> <p>Leadership and managing change: 74% (63%)</p>	<p>Response rate: 84% (71%)</p> <p>Engagement index: 67% (67%)</p> <p>My work: 80% (79%)</p> <p>Organisational objectives: 95% (87%)</p> <p>My manager: 82% (72%)</p> <p>My team: 94% (82%)</p> <p>Learning and development: 57% (51%)</p> <p>Inclusion and fair treatment: 89% (79%)</p> <p>Resources and workload: 85% (76%)</p> <p>Pay and benefits: 38% (38%)</p> <p>Leadership and managing change: 76% (61%)</p>
Proportion of applications from underrepresented groups, and progression through selection exercises when compared to the pool of eligible candidates	Will be included in the JDF's combined statistical report, which will be published in July 2023.	<p>Legal exercises</p> <p>Women: 49% of applicants, 48% of recommendations (eligible pool 51%)</p> <p>Ethnic minorities: 23% of applicants, 11.3% of recommendations (eligible pool 17%)</p> <p>Solicitors: 55% of applicants, 37% of recommendations (eligible pool N/A)</p> <p>Declared disability: 7% of applicants, 6% of recommendations (eligible pool not available)</p> <p>Non-legal exercises</p> <p>Women: 54% of applicants, 56% of recommendations</p> <p>Ethnic minorities: 19% of applicants, 21% of recommendations</p> <p>Declared disability: 12% of applicants, 11% of recommendations</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 MoJ will decrease from £9.07 million in 2022-23 to £8.93 million in 2023-24 (a 2% decrease). It should be noted that the initial 2022-23 allocation was £8.72 million, which subsequently increased to £9.07 million as a result of an in-year funding pressure.

Achievement against our aims (2020-23 Strategy)

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

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 revised approach to statutory consultation began with exercises launching from September 2022. Full details are available on the JAC website.

The main changes to the approach:

- 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. The reasoning for any dispensation of

statutory consultation is clearly explained on the information page for each specific exercise.

- Where statutory consultation is retained in exercises, consultation will always take place before interview to assist panels' overall assessment of candidates.
- We have revised, strengthened and published 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. This is published on the specific exercise information page at the start of an exercise, so all candidates are aware of the purpose of statutory consultation within the wider framework of their assessment.
- 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 and as agreed with the Judicial Office.

- 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.

Implementing improvements to selection tools

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

- We have continued to evaluate candidate survey responses to identify any trends or themes between exercises to ensure best practice and to continually make improvements to our processes, including candidate communication, technical support for remote selection days and guidance included on our website.
 - We have continued to develop banks of situational questions for use in leadership exercises. These question banks help us run candidate testing in a way that is consistent and sustainable, especially during times of high recruitment activity. These banks also help to reduce the need for judicial support in drafting bespoke material, reducing a pressure on the court and tribunals system at busy times.
- All the question banks are continually refined and tailored to suit each specific exercise in order to select the best candidates to fill the roles effectively.
- As highlighted in last year's annual report, a situational video assessment (previously called a pre-recorded roleplay) was used on selection days in October and November 2022 for the Road User Charging Adjudicator exercise. The evaluation of this was considered by the board in March 2023 and found that it was an effective selection tool in assessing candidates. The board agreed that this will be added to the available suite of shortlisting and selection day tools in use by the JAC depending on the needs and requirements of the role being recruited to.
 - The Welsh Matters Committee agreed to run a pilot for assessing candidates' knowledge of the administration of justice in Wales using a non-live interview format to improve the consistency of candidate experience. This is usually done after candidates' selection days. The pilot will be undertaken on the upcoming Deputy District Judge exercise, with selection days due to be held later in 2023. An evaluation will be considered by the board in due course which will include any next steps for the use of this technology within the selection process.

- Following statistical analysis of our first stage qualifying tests we launched a project specifically looking at the critical analysis test. This was independently reviewed by Work Psychology Group who offered a number of recommendations for continuous improvement in the drafting, guidance and quality assurance. This will be considered by the board in 2023-24 to enhance and develop the critical analysis tests.

Evaluating streamlined and updated selection processes

The board considered the evaluation of the 'equal merit' provision online tiebreak test pilot in February 2023. This covered the use of the online tiebreak test in three exercises since 2021. Overall, the online tiebreak is an effective and resource-efficient process to differentiate between candidates in a tiebreak situation and the board agreed to implement this process as a permanent policy for fee-paid entry level roles, below Deputy High Court Judge, following a successful pilot phase. The board agreed to maintain the equal merit provision second interview for Deputy High Court Judge exercises, due to the seniority of the role.

2

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

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

During 2022-23 diversity continued to sit at the heart of the JAC's work as we embedded our hybrid approach to assessment – an approach which has brought a number of benefits to date particularly with regard to increased flexibility for candidates. Our approach was kept under regular review to ensure 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 for reasons relating to COVID-19 or other reasons.

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 a return to some in-person outreach events while further developing remote approaches, delivering judicial appointment support programmes to encourage and

prepare a diverse range of candidates, and enhancing the monitoring and evaluation of judicial diversity initiatives.

Throughout the year the JAC engaged actively with Parliament, academics, mainstream and legal media and others, sharing evidence and insight to increase understanding of diversity and judicial appointments. We contributed to the overarching evidence base in this area through publication of a research report. The report followed an international research project which examined measures used by other common law jurisdictions to improve judicial diversity.

In January 2023 we published our regular 'Diversity Update'. The update details the ongoing work to attract and better prepare potential candidates from underrepresented groups for judicial appointments and ensure selection processes are fair and non-discriminatory. This update also included some insights drawn from the JDF's annual combined statistical report, providing useful additional context around the legal candidate pools and the progression of diverse applicants. 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 activities to attract a diverse range of candidates to apply when they are ready:

- Delivering a mixture of remote and in-person outreach activity, working with partners in the legal professions to further build on the benefits of remote outreach events and reach wider audiences. We supported targeted events for prospective candidates organised by associations and societies

within the legal professions, including the Association of Women Solicitors, the Inns of Court Diversity Forums, the Northern Circuit, the North West Ethnic Minority Working Group, the Property Bar Association and a number of university law schools across the country. Following a positive reception to more tailored jurisdictional outreach events in the previous year, we were able to support the delivery of events targeted at lawyers from specialist backgrounds, such as employment lawyers and lawyers working in third sector roles. The remote approach to outreach allowed us to participate in region-specific events to promote the District Judge competition, and in large online events in advance of the Deputy District Judge competition. In-person events have been organised for smaller audiences where a workshop-style approach has been preferable, for example confidence-building sessions for candidates from underrepresented groups who may have made unsuccessful applications in the past. Attendance at outreach events remained high across the year, particularly at those events with the option to join remotely.

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

- Participating 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 CILEx Judicial Development Programme.
- Advertising all judicial vacancies via the JAC website, monthly newsletter and social media channels.
- Promoting case studies of successful candidates on the JAC website and social media channels to highlight pathways into and within the judiciary. In 2022 the JAC ran a follow-up to its original 'pathways' series on social media containing further case study features on a range of judges from non-traditional backgrounds, focusing in particular on disability and flexible working.
- Publishing articles in specialist media – both legal and non-legal – to encourage potential candidates to consider judicial careers, to inform them about the selection process and to promote forthcoming selection exercises.

Targeted Outreach programme

Since September 2020, the Targeted Outreach pilot programme has supported potential candidates from underrepresented backgrounds for specific senior court and

tribunal roles. The pilot programme focused 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). Since its launch in September 2020, the programme has received 457 applications, with over 246 candidates receiving direct support from a Targeted Outreach former commissioner. 63% of applicants taking part in the programme are women, 60% from an ethnic minority background, 59% are from a solicitor professional background and 15% have declared a disability.

Following the evaluation of the pilot programme, 96% of candidates said that the advice received made candidates feel more confident and informed about making an application. Analysis has shown that the Targeted Outreach pilot programme has been impactful, with early signs of success for candidates in our target groups. With the support of the Targeted Outreach programme, female ethnic minority solicitors (three of four target groups) were appointed at rates more than three times higher than the comparator group of candidates with those characteristics over the last three years. Female white solicitors on the Targeted Outreach programme were also appointed at rates twice as high than the comparator group of candidates with those characteristics over the last three years.

As of April 2023, the programme has been expanded to include all legal selection exercises, to assist candidates into the judiciary from varied pathways and fee-paid experience. Importantly, this will now formally include all salaried and legal fee-paid positions within the Courts and Tribunals Judiciary.

The JAC's Targeted Outreach team has streamlined routes of support for candidates, with more responsibilities moving to judicial guides alongside the former commissioners. This will enable the programme to expand to include all salaried and fee-paid legal roles and at the same time retain a focus on supporting diverse talent and potential for senior salaried and fee-paid roles where former commissioners will continue to provide their direct engagement and support to those candidates.

By streamlining the process, the programme will be able to support and advise more aspirational and existing judicial applicants, increasing the throughput and steady recruitment of candidates to the programme. The team will also continue to improve the evaluation of outcomes for candidates with regular data analysis, to track both the progression through exercise stages and recommendation rates of our target groups.

In line with the formalisation of the judicial guide scheme element under the leadership of

HHJ Nigel Lickley KC, Director of Training, and the agreement of Lady Justice Simler, the programme will as of April 2023, be jointly badged with the judiciary. With thanks to Senior Courts and Tribunals Judiciary, as well as Judicial Office, the scheme has a number of judicial volunteer guides to date. The team has commenced accredited training specifically to support candidates with the JAC selection exercise process in mind. The accredited judicial guides are experienced in the way the JAC selection process application works, from application forms, to sift, to in-person (or remote) interview and role play or situational questions, to interpreting feedback. The programme will have over 120 accredited guides from a wide range of jurisdictions as of April 2023. The longevity and impact of the Targeted Outreach programme will largely rely on limited protected time of judicial guides, alongside our former commissioners in guiding and advising applicants.

The pilot programme also commissioned a High Court pathways information pack, which primarily assists solicitor candidates and those from non-traditional backgrounds on how to reach Deputy High Court Judge/High Court positions. The pack considers the personal experiences and views of 22 High Court and Deputy High Court Judges, who come from a wide range of backgrounds, jurisdictions, and target groups.

Following 89% positive feedback from Targeted Outreach participants that the document is useful, it has been published on the JAC website as part of the suite of resources available to support all applicants.

Fair and non-discriminatory selection processes

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

- Seeking independent reviews of selection tools from occupational psychologists. The Work Psychology Group delivered a review of JAC shortlisting tools in 2018. 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. The Work Psychology Group also made a number of recommendations for further improvement, all of which have been implemented. The 2022 independent review of the operation of statutory consultation found no direct evidence that the statutory consultation process impacts disproportionately on recommendations for appointment for any candidate group, and updated guidance on this part of the process was published on our website for clarity.
- Using name-blind shortlisting in all selection exercises.
- Training JAC panel members on fair selection, bias, and assessing transferable evidence. This training is refreshed 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, including via the Targeted Outreach programme.
- 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 candidates with disabilities 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, 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. The leaders of all the partner organisations meet at the forum twice-yearly and are supported by an officials' group made up of senior representatives from each organisation.

During 2022, JDF members worked together to develop a common monitoring and evaluation framework – underpinned by a 'theory of change' methodology – to better assess the impact of partners' diversity initiatives. The JDF's priorities and actions have been aligned to four key outcomes, providing clear aims for its programme of targeted and collaborative action. A new action plan was published in December 2022 setting out the activities that JDF partners will undertake in the next year to deliver against these outcomes and how the impact of each initiative will be measured and evaluated. In further developing this strategic approach, in 2023 the JDF will focus on producing a more up-to-date model of seniority in the legal professions. Existing models of seniority may not reflect the real range of senior roles, currently limiting the extent to which we can track progress towards diversity and inclusion at a senior level.

In July 2022 the JDF published a third annual combined statistical report. 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 insight into factors which impact on judicial diversity. The JDF

published an accompanying statement summarising where positive improvements have been made, and where more remains to be done to improve judicial diversity. The 2022 report represented the second year in which detailed chapters on ethnicity and intersectionality were included in the publication, allowing for more detailed analysis in these areas.

In October 2022 we published a report following an international research project. The project, run by the National Centre for Social Research (NatCen), looked into measures used by other common law jurisdictions to improve judicial diversity, in order for JDF partners to better understand if any of these could be successful in England and Wales. The report reinforced that the steps already taken by the JAC and JDF go beyond what is being done in other common law jurisdictions to improve judicial diversity. The report is a useful addition to our existing evidence base that informs our ongoing work and emphasises that there is no single solution to improving diversity within the legal professions and judiciary.

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, ethnic minority lawyers and candidates with disabilities. This included the delivery of a session on fair selection and independent

assessments at the annual conference of the Council of Circuit Judges, and attendance at a conference about providing reasonable adjustments for neurodiverse individuals. 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

The Pre-Application Judicial Education (PAJE) programme launched in April 2019. PAJE is a joint initiative of the JDF and supports potential candidates from underrepresented 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 PAJE 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

PAJE also offers courses of judge-facilitated discussion groups with priority being given to lawyers from underrepresented groups. In 2022-23,

two rounds of judge-led discussion group courses were run and 146 lawyers from underrepresented groups participated. As in 2021-22, these workshops were delivered online instead of in physical groups. In 2022 the JAC worked MoJ to undertake an in-depth evaluation of PAJE using quantitative and qualitative data, in line with the new evaluation principles that had been developed by the JDF. The evaluation found that PAJE attendance strongly correlated with improved success rates in judicial selection exercises and the forum agreed that programme should continue, with some refinement of the course materials and syllabus.

The JAC will continue to work with 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 2022-23 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 provides 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.

We continued our research into the outcomes of the qualifying test (QT) stage of shortlisting. This research builds upon the findings of our 'deep dive' analysis commissioned in 2018 which found that the QT stage of the selection process is where the steepest drop-offs of target group candidates in legal exercises are seen, whereas similar drop-offs are not seen in exercises for non-legally qualified candidates. A quantitative first phase of the research project analysed QT data stored on the JAC's digital platform to provide further insight into the differential performance of target groups. We took action in response to the findings of phase one of the research, in particular to review the 'critical analysis' element of the QT in more detail. Work began on a qualitative second phase of the project, working in partnership with our JDF partners. 2023 will see the JDF using surveys and structured interviews with target group candidates to build a deeper understanding of the differences in profile between successful and unsuccessful candidates at the QT, allowing us to make any improvements to our selection tools and identify how all partners can tailor candidate support accordingly.

Further steps to increase diversity

In 2021 the JAC introduced an internal monitoring policy to account for panel diversity and ensure that selection panels, on aggregate, have representative ethnic diversity (alongside gender 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 to our internal Selection Exercise Programme Board, ensuring we can monitor the average of ethnic minority

panel member representation (including lay judicial members and commissioner panel members) across each selection exercise. To support this aim, throughout 2022-23 we have provided ethnic minority panel members with tailored training and mentoring. In parallel, the Judicial Office have 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 is now published annually in the JAC Annual Report:

Selection exercises taking recommendations (concluding) between 1 April 2022 and 31 March 2023

Grouping	All exercises	Legal exercises	Non-legal exercises
Exercise count	36	26	10
Total panel members	428	334	94
Declaration rate (ethnicity – all declarations)	89% (383)	92% (308)	80% (75)
Ethnic minority panel members (as a percentage of those declared)	16% (61)	16% (50)	15% (11)
Exercises with over 17% ethnic minority panel representation ¹	12 of 36	7 of 26	5 of 10

Around half of all exercises evaluated (18) used single panels comprised of four people or fewer. While our target is 17%, in practice, we have limited opportunities to meet this when only one panel is engaged for a selection exercise. 11 of the 18 exercises with more than four panel members (61%) met the 17% target.

1. The current target of 17% aligns with the ethnicity comparison figure agreed for the JDF's annual statistical publication. This is drawn from 2021 Census data released by the ONS in November 2022 and represents the proportion of adults in England and Wales aged 25 to 74 who identify as coming from an ethnic minority background.

We have continued to review and update our website to provide candidates with clear guidance on the selection process – including new information about how to prepare for selection days and advice from previous candidates in the form of case studies. In September 2022 we launched a practice qualifying test (PQT) tool on the JAC website to enable those applying for judicial roles to better prepare themselves for the appointment process. The introduction of the PQT was in response to candidate feedback and requests for more resources to assess their readiness to apply and help to prepare for judicial application. It was designed to help candidates familiarise themselves with the format, software and question style used in qualifying tests. 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 2022-23, the equal merit provision was applied at the shortlisting stage in four exercises, resulting in 101 candidates proceeding to the next stage. The equal merit provision was applied at the selection stage in four exercises, resulting in 25 recommendations.

3

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

We have developed and refined our approach to remote assessment, building on experiences from the COVID-19 pandemic. We have continued to keep delivery partners and professional bodies informed of the JAC's approach to assessment. 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. Notably, this year we have responded to requests for information regarding our approach to senior appointments and statistical reporting methodologies from the Northern Ireland Judicial Appointments Commission and have provided information regarding our approach to remote assessments to the Judicial Appointment Board for Scotland and the King's Counsel Selection Panel. We also met with the Home Office in respect of the Investigatory Powers Tribunal to discuss best practices in the consideration of good character.

We shared knowledge and best practice with officials from the Judicial Office of Victoria, Australia, the Singapore Tribunals Conference and the Conference of European Judges about the judicial appointments process. The JAC have also been asked to share knowledge and best practice with the governing council of the Australian Judicial Officers Association, the Judicial Appointments Commission of Liechtenstein, and the Judicial Office of South Korea.

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. In January the JAC met with members of the Tribunals Diversity Taskforce to share insight and learning about outreach approaches for tribunal vacancies and consider how we can work collectively to explore issues of judicial diversity in the tribunals. 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.

As part of our work within the JDF, we continue to provide input into partners' professional development programmes and judicial appointment schemes, including supporting impact evaluations.

4

Support the delivery of commission aims in line with our values, including by way of a new digital system and tools

In 2022-23 we have continued to make sure that our colleagues have the relevant support they need in order to deliver our 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 remains a priority. In making any decisions we were careful to ensure that these considerations were paramount.

We undertook a mid-year pulse survey with staff during June to obtain views of how they perceived our new ways of working which were introduced following the pandemic to ensure that they supported business need while considering personal circumstances. The outcome was encouraging, though there were some areas that needed clarification, including the need to encourage increased face-to-face staff and work meetings to ensure increased levels of collaboration. We revised our hybrid working guidance to respond to these concerns though remain committed to ensuring continued delivery of our aims. We have retained our online weekly office-wide meeting, where our Chief Executive and other senior

leaders update staff on activity. It also provides an opportunity for staff to ask questions, as well as inviting guest speakers.

We continue to make best use of our premises to support hybrid working and to allow for increased collaborative working in a safe environment. We also continue to support staff working at home, providing them with equipment to support their working facilities, and being flexible to meet increased care issues.

Where we have returned to face-to-face selection days, we continue to ensure that full risk assessments are undertaken to ensure that staff, panel members and candidates feel as safe as possible. For smaller exercises, where there is only one panel, we are encouraging greater use of our own premises, following the process we adopted prior to the pandemic.

Though we returned to face-to-face selection day activity for salaried roles, there were occasions when as a result of disruption to public transport, it was necessary to revert to remote selection day. The decision was only taken following a business

continuity decision, and to ensure that we could continue to deliver our business objective without delay.

To maintain the delivery of selection activity and to assist staff with their workloads we have continued to monitor our staff levels, moving quickly to replace those who leave the JAC. At the end of March 2023, we had 96 permanent staff and four agency staff, similar to the position at the end of March 2022. All new staff have gone through our comprehensive programme developed by our Learning and Development Team, which is reviewed regularly to take into account lessons learnt and feedback. This enables new staff to have a solid foundation and provides them with the information they need to undertake their roles. For existing staff, we offer further development programmes, including our own mentoring programme which is available to all to join either as a mentor or mentee. Several staff have gained internal promotions, and also external promotions within the wider Civil Service, with the support of the development opportunities.

Our race champions have again been active within the JAC organising a range of events. Though delivered remotely these have been well attended. Our change agents have also reviewed our values and behaviours to ensure that they reflect our new ways of working with an emphasis on diversity. We are however, looking at ways we can

widen this work, with each senior leader having specific responsibility for our groups.

Developing our new digital tools

We have continued to enhance our digital platform, which launched in January 2020 following extensive user research. New features and functionality have been added to support internal policies and processes, to make the processing of applications easier to administer, and to enhance the user experience for candidates, independent assessors and staff. We have also increased the security and stability of the platform, migrating to the latest stable versions of the software we use to host and build the platform, and rolling out updates and patches to ensure the platform remains resistant to vulnerabilities.

We have held several successful online tests throughout the year. The online tests are integrated with the JAC's digital platform and are used to shortlist candidates for selection day. The online tests are easy for candidates to access and navigate and can be undertaken at a time and place that best suits their needs.

We have also designed a practice tool for candidates to familiarise themselves with the format, software and question style used in qualifying tests. The practice tool is accessible to everyone on the JAC website, along with other useful guidance to help candidates prepare before applying for judicial office.

The questions used are examples reflecting tests we use for legally qualified applicants but are not role or jurisdiction specific. The practice test is also shorter than normal qualifying tests. This is to ensure the practice tool is easily accessible to all those interested in applying for judicial office and wanting to familiarise themselves with the process.

Refreshing the People Plan

The annual People Survey took place in October 2022 and the results have maintained our overall improvement across all the main indicators, including the overall engagement index which rose from 67% to 70%. While it is not always appropriate to compare year-on-year, as many different issues can impact, including the turnover of staff, it is a good indicator of the support the staff feel they are getting and of the overall organisational culture.

Supporting panel members and increasing diversity

We continue to provide support to panel members who are key in assisting with our selection activity. We have maintained regular communication through various newsletters and provide feedback on performance. We are continually refreshing our cadre of panel members, and this year have taken on four new panel members, all of whom have received induction training. We have delivered induction training to judicial panel members

delivered by an experienced lay member. Nearly 100 new judicial panel members have attended these sessions. We have also provided online training for all lay panel members.

We have strengthened and increased the diversity of our cadre of panel members with 11 (18%) from an ethnic minority as of the end of the year.

We continue to learn from good practices that have been developed following the pandemic and where necessary have made change to our processes. We will continue to engage with staff to find out what has worked well and what we can learn, with the overall aim of supporting all colleagues to assist with the delivery of our business objectives.

Plans for the future

Judicial recruitment continues to remain at a high level, in part to meet the courts and tribunals ongoing recovery programme following the pandemic. The JAC will continue to respond to these demands, efficiently and effectively, using its hybrid approach of remote and face-to-face candidate assessment. Further improvements to the hybrid approach will be implemented after an evaluation due to be completed this year.

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

- developing a new three-year strategic plan for the JAC for the period 2024 to 2027 through consultation with delivery partners and key stakeholders
- delivery of our extensive programme on diversity, in particular the expansion of our Targeted Outreach programme to include all legal selection exercises and continuing to work with the JDF on delivery – both independently and in partnership – of activity in the JDF Action Plan
- begin compiling evidence and data from relevant exercises to evaluate the changes introduced to the operation of statutory consultation in September 2022

- further enhance the support offered to our panel members, included increased training that directly links to their professional development, fair selection and more consistent assessment
- continuing our ongoing review and improvement of selection processes and trend analysis of survey feedback to better understand the candidate experience

Taken together with the work over the last three years, this will form a key part in achieving the aims of the commission's four strategic objectives for 2020 to 2024:

- 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

Sustainability report

We are committed to operating sustainably, effectively and efficiently providing value for the taxpayer, reducing our environmental impact and enabling transformation of the way the Judicial Appointments Commission works as one of MoJ's arm's length bodies. Sustainability is a key enabler for MoJ to contribute to the Greening Government Commitments and is embedded within the JAC's overall governance and decision making in the delivery of its recruitment programme.

- Environmental awareness – waste minimisation and recycling are well practised within our day-to-day operations. We also promote procurement and waste management practices as part of working within the MoJ Procurement framework. The Department for Environment, Food and Rural Affairs provides details of Government Buying Standards for a range of products. As part of all tendering activity where they apply, the requirements of the Government Buying Standards are mandated by us.
- Climate change awareness – MoJ's Sustainability Team manages and reviews buildings and sites including the sole building that the Judicial Appointments Commission occupies. This serves in highlighting any premises susceptible to the effects of climate change, such as temperature, flooding, and other adverse climatic conditions.

- Digitisation – following the impacts of COVID-19 and the implementation of our hybrid working policy, the Judicial Appointments Commission has improved its use of digital tools to deliver its business and support its staff. All fee-paid judicial recruitment activity continues to be delivered remotely, utilising our digital recruitment platform and online videos tools such as Microsoft Teams. We also rely on digital ways of working across a number of our key delivery boards and day-to-day staff meetings which allow staff to work more efficiently and flexibly. As a result, paper usage has fallen by 32%, demonstrating the continued benefits of an approach that embraces digital ways of working.

In addition, efficiency has been sought through the use of shared functions with MoJ, including finance and HR business partners, analytical services and Shared Services Connected Limited who provide support to the Judicial Appointments Commission and other government departments. This reduces the Judicial Appointments Commission's requirement in terms of staff, resources and office space and the resulting emissions that might otherwise have been produced.

Environmental sustainability measure reporting

Our progress against the 2020 Greening Government Commitments is outlined below.

The JAC has previously been exempt from sustainability reporting requirements. However, due to a change in exemption thresholds, the JAC is now in scope. As a result, sustainability data is unavailable prior to the start of the 2021-22 financial year. It should also be noted that data for the 2022-23 financial year is only available up to December 2022 and so the full calendar year data is provided below. The JAC will build upon the current available data year on year to aid in future reporting. This data is supplied to us by MoJ's Sustainability Team and covers our use of the Clive House office space, which equates to 397 square metres and is part of the MoJ estate. It should be noted that MoJ does not capture financial information for the following measures by individual location and instead reports on the MoJ estate as a whole.

Greenhouse gas (GHG) emissions from buildings and travel		FY 2021-22	Jan-Dec 2022
Non-financial indicators (tonnes CO ₂ e)	Total Gross Scope 1 (direct) GHG emissions	9.47	6.21
	Total Gross Scope 2 (energy indirect) emissions	39.68	20.57
	Total Gross Scope 3 (official business travel) emissions	-	-
	Total emissions	49.15	26.78
Non-financial indicators (kWh)	Electricity	186,884.85	55,818.54
	Electricity: renewable	-	-
	Gas	51,707.96	21,220.55
	Other energy sources	-	-
	Total energy consumption	238,592.81	77,039.09

Air travel	FY 2021-22	Jan-Dec 2022
Domestic flights km	-	-
Domestic flights emissions tCO ₂	-	-
International flights km	-	-
International flights emissions tCO ₂	-	-

Water consumption		FY 2021-22	Jan-Dec 2022
Non-financial indicators (m ³ 000)	Total water consumption	479.65	299.32

Waste production		FY 2021-22	Jan-Dec 2022
Non-financial indicators (tonnes)	Landfill	-	-
	Recycled/reused	1.01	0.98
	Composted/food waste from 2022	0.88	0.22
	Incinerated with energy recovery	0.32	0.17
	Incinerated without energy recovery	-	0.12
	Total waste	2.21	1.49

A. McMurtrie

Alex McMurtrie

Accounting Officer
Judicial Appointments Commission
10 July 2023



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 2022-23 are set out in the remuneration and staff report on pages 71 to 85.

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/2023/02/registerofinterest-commissioners-2022-23.pdf>

The Secretariat can be contacted at 5th floor, Clive House, 70 Petty France, London SW1H 9EX or by emailing jacsecretariat@judicialappointments.gov.uk. There were no losses of personal data during the year – as set out in the governance statement (nil in 2021-22).

The commission (as at 31 March 2023)

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.

12 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 2022-23 were:

- Professor Lord Ajay Kakkar KBE, Chair (until 31 December 2022)
- Helen Pitcher OBE, Chair (from 1 January 2023)
- Lady Justice Sue Carr – (judicial), Vice Chair (until 27 January 2023)
- Mr Justice Adam Johnson (judicial), Interim Vice Chair (from 2 February 2023)
- District Judge Mathangi Asokan (judicial)
- Judge Christa Christensen (judicial: tribunal)
- Her Honour Judge Anuja Dhir (judicial)
- Mrs Justice Sarah Falk (until 27 April 2022)
- 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 KC (professional: barrister)
- Professor Sir Simon Wessely (lay)

* 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 2022 to 31 March 2023

Commissioners	Meetings attended by members out of those eligible to attend		
	Board	SCC	ARC
Number of meetings: 1 April 2022 to 31 March 2023	10	20	5
Professor Lord Ajay Kakkar (Chair)	8 of 8	14 of 14	
Helen Pitcher OBE (Chair)	2 of 2	4 of 6	
Lady Justice Sue Carr (Vice Chair)	8 of 8	15 of 16	
Mr Justice Adam Johnson (Interim Vice Chair)	5 of 5	10 of 10	
District Judge Mathangi Asokan	7 of 10	17 of 20	
Judge Christa Christensen	8 of 10	13 of 20	
Her Honour Judge Anuja Dhir	9 of 10	16 of 20	3 of 5
Mrs Justice Sarah Falk	1 of 1	1 of 1	
Emir Feisal JP	5 of 10	14 of 20	
Jane Furniss CBE	8 of 10	16 of 20	5 of 5
Susan Hoyle	10 of 10	18 of 20	
Andrew Kennon	10 of 10	17 of 20	
Sarah Lee	9 of 10	19 of 20	5 of 5
Rt Rev Dr Barry Morgan	9 of 10	19 of 20	
Judge Greg Sinfield	6 of 10	15 of 20	
Brie Stevens-Hoare KC	7 of 10	14 of 20	
Professor Sir Simon Wessely	4 of 10	14 of 20	

Statement of the commission's and accounting officer's responsibilities

Under the Constitutional Reform Act 2005, the Lord Chancellor with the consent of HM Treasury has directed the 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 MoJ accounting officer 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

Introduction

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. My predecessor, Richard Jarvis, has provided me with a letter of assurance as part of the handover of accounting officer responsibilities to me on 16 June 2023.

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 2013, 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 coordination 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:

- Chair of the Judicial Appointments Commission (also chair of the forum)
- 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.

Lord Chancellor and Lord Chief Justice

Bi-lateral meetings between the JAC chair and the Lord Chancellor and the JAC chair and the 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 Targeted Outreach pilot programme 2022
- reviewing the first year update on diverse panels policy 2022
- reviewing the JAC Strategy 2020-23 and Business Plan 2022-23
- reviewing the annual report of the ARC Chair
- reviewing the Complaints and Feedback Report 2021-22
- reviewing the digital solutions for SCC and board papers
- reviewing the Annual Report and Accounts 2021-22
- reviewing the use of Statutory Consultation for exercises in line with published policy
- reviewing an update on qualifying test analysis
- reviewing Senior Appointments resourcing 2022-23
- reviewing the proposals for the JAC Board Effectiveness Review 2022-23
- evaluating the selection tool development work programme
- reviewing the publication of the NatCen international research project
- reviewing the board sub-committee and commissioner roles transition arrangements 2023
- reviewing an update on JAC diversity progress – statistics and risks
- reviewing the Targeted Outreach programme 2020-2022 and three-year strategy April 2023 onwards
- reviewing judicial diversity insights and risks
- reviewing the 2022-2023 Board Effectiveness Review
- reviewing Conflict of Interest guidance
- evaluation of pilot for the Equal Merit Provision online tiebreak test
- evaluation of the situational video assessment tool

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:

- Circuit Judge
- High Court
- District Judge
- Deputy District Judge
- S9(4) Deputy High Court Judge
- Salaried Judges of the First-tier Tribunal
- Deputy District Judge (magistrates' court)
- fee-paid judge of the First-tier Tribunal and fee-paid judge of the Employment Tribunals (England and Wales)
- Employment Judge (England and Wales)

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

The following changes to the commission took place during the year:

- Two commissioner's resigned: Mrs Justice Sarah Falk on 27 April 2022 and Lady Justice Sue Carr on 27 January 2023.
- One commissioner was appointed on 1 October 2022: Mr Justice Adam Johnson.
- Lord Kakkar's term as chair came to an end on 31 December 2022.
- Helen Pitcher OBE was appointed as chair on 1 January 2023.

Board performance evaluation

The board assessed its performance in December 2022 in line with the new Cabinet Office guidance, 'Arm's length body board: guidance on review and appraisals'. In addition, the board questionnaires were also issued to the Executive Team, Audit and Risk Committee and key delivery partners. The board reviewed the result at the February 2023 board meeting. The responses were very positive with the majority agreeing or strongly agreeing with the statements on the areas questioned. A working group of commissioners will develop an action plan to address comments raised in the review. The next scheduled review will take place in the third quarter of 2023-24.

Audit and Risk Committee performance

The committee assessed its performance in December 2022 using the National Audit Office's Audit and Risk Assurance Committee effectiveness tool. Following a recommendation that came out of the previous year's assessment, all Audit and Risk Committee attendees were invited to complete the questionnaire. The results of the self-assessment questionnaires were discussed at the committee's meeting in January 2023. Compliance with the checklist was found to be good with only a few areas identified for improvement. This included developing a new skills matrix to reflect the current membership of the committee and identifying a proportionate solution to assurance mapping via the Government Internal Audit plan for 2023-24. Commission Board, Selection and Character Committee, and Audit and Risk Committee attendance is on page 58.

Business continuity

The JAC delivered its judicial recruitment programme in line with the commission's decision that all salaried judicial recruitment should return to face-to-face selection processes, while recruitment to fee-paid roles would continue to be delivered remotely. Throughout the year, in response to various industrial action, we implemented our business continuity plan to ensure that delivery of the programme remained on track.

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 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 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, complaints, Freedom of Information Act requests, 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 the JAC chair and vice-chair 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 on page 19). 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 and 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.

Thirteen security incidents were reported during 2022-23, the same number as in the previous year. Of the incidents reported, two were considered to be high, but neither had to be reported to the Information Commissioner's Office. The majority of incidents involved information being sent to the wrong email recipient. Staff are regularly reminded of their responsibilities when handling sensitive information via the fortnightly communication notice.

A Counter Fraud Strategy and Response Plan are available to all staff, panel members and board members

and we have a whistleblowing policy in place. I am content that the measures we have in place are effective to enable anyone in the JAC 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 letter of assurance provided to me by the previous accounting officer, the work of the internal auditors, 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 satisfied that a plan to address weaknesses in the system of internal control and ensure continuous improvement of the system is in place. 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 2023 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

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	30/06/2023	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 and remit of the Civil Service Commission can be found at: 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 2022-23, 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 74.

The members of the commission during 2022-23 and details of their appointments are set out below.

Commissioner	Date of original appointment	End of term
Chair: Professor Lord Ajay Kakkar	03/10/2016	31/12/2022
Chair: Helen Pitcher OBE	01/01/2023	31/12/2026
Vice Chair: Lady Justice Sue Carr	27/07/2020	27/01/2023
District Judge Mathangi Asokan	01/09/2017	31/08/2023
Christa Christensen	06/07/2020	05/07/2023
Her Honour Judge Anuja Dhir KC	09/06/2018	07/06/2024
Mr Justice Adam Johnson	01/10/2022	30/09/2025
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 KC	09/04/2018	08/04/2024
Professor Sir Simon Wessely	01/09/2017	31/08/2023
Sue Hoyle OBE	01/08/2019	31/07/2025
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 (audited), which were as shown below:

Single total figure of remuneration:

Officials	Salary £000		Bonus payments £000		Benefits in kind (to nearest £100)		Pension benefits ¹ £000		Total £000	
	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22
Richard Jarvis	95-100	95-100	5-10	5-10	0	0	(9) ³	18	95-100	120-125
Helen Pitcher OBE ²	10-15	0	0	0	0	0	0	0	10-15	0
Professor Lord Ajay Kakkar ²	40-45	55-60	0	0	0	0	0	0	40-45	55-60

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 FTE, full-year equivalent rate being £135,000-140,000.
3. The figure is a negative amount and so is deducted from the stated total for the individual

Benefits in kind

The monetary value of benefits in kind covers any benefits provided by 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 2021-22). In 2022-23 no director received any benefits in kind.

Commissioners' remuneration

The commissioners' remuneration (audited) 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 2022 to 31 March 2023.

	2022-23			2021-22		
	Remuneration ¹ £000	Benefits in kind ² (to nearest £100) £000	Total £000	Remuneration ¹ £000	Benefits in kind ² (to nearest £100) £000	Total £000
Her Honour Judge Anuja Dhir KC ³	-	-	-	-	-	-
Sue Hoyle OBE	18	-	18	17	-	17
Mrs Justice Sarah Falk ³	-	-	-	-	-	-
Lady Justice Sue Carr ³	-	-	-	-	-	-
District Judge Mathangi Asokan ³	-	-	-	-	-	-
Sarah Lee	13	-	13	13	-	13
Brie Stevens-Hoare KC	13	-	13	13	-	13
Emir Feisal JP	13	-	13	13	-	13
Jane Furniss CBE	18	-	18	16.5	-	16.5
Andrew Kennon	19	2.9	22	13.5	0.7	14
Professor Sir Simon Wessely	17	-	17	13	-	13
Rt. Rev. Dr Barry Morgan	13.5	2.3	16	13	0.3	13
Greg Sinfield ³	-	-	-	-	-	-
Christa Christensen ³	-	-	-	-	-	-
Mr Justice Adam Johnson ³	-	-	-	-	-	-

1. Remuneration in excess of the £9,000 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 73.

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 (audited) were as follows:

	Total accrued pension at pension age as at 31/03/2023 and related lump sum £000	Real increase in pension and related lump sum at pension age £000	CETV at 31/03/23 £000	CETV at 31/03/22 £000	Real increase in CETV £000
Professor Lord Ajay Kakkar ¹	-	-	-	-	-
Helen Pitcher OBE ¹	-	-	-	-	-
Richard Jarvis	40-45 plus a lump sum of 80-85	0-2.5 plus a lump sum of 0	848	779	-22 ²

1. Is not entitled to pension benefits.

2. Taking account of inflation, the CETV funded by the employer has decreased in real terms.

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 switched into **alpha** sometime between 1 June 2015 and 1 February 2022. All members who switched to **alpha** had 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 left **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).

In 2018, the Court of Appeal found that the rules put in place in 2015 to protect older workers by allowing them to remain in their original scheme were discriminatory on the basis of age. As a result, steps are being taken to remedy those 2015 reforms, making the pension scheme provisions fair to all members. The 2015 remedy (McCloud) aims to rectify the discrimination that has happened between 2015 and 2022. The PCSPS is currently working on new scheme regulations and processes in readiness for this.

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

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.

CETV figures are calculated using the guidance on discount rates for calculating unfunded public service pension contribution rates that was extant at 31 March 2023. HM Treasury published updated guidance on 27 April 2023; this guidance will be used in the calculation of 2023-24 CETV figures.

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 their organisation and the lower quartile, median and upper quartile remuneration of the organisation's workforce (audited).

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

	2022-23		2021-22	
	Total salary	Bonus payments	Total salary	Bonus payments
Staff average	10.37%	-58.81%	-0.68%	-14.79%
Highest paid director	2.28%	0.00%	0.98%	12.50%

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
2022-23	3.49:1	3.00:1	2.45:1
2021-22	3.58:1	2.94:1	2.46:1

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

	Lower quartile		Median		Upper quartile	
	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22
Basic salary	29,664	28,313	35,405	34,262	43,647	41,747
Total pay and benefits	30,838	28,622	35,791	34,851	43,822	41,747

The banded remuneration of the highest-paid director, who we have deemed to be the Chief Executive in the JAC in 2022-23 was £105,000-£110,000 (2021-22, £100,000-£105,000). This was 3 times (2021-22, 2.94) the median remuneration of the workforce, which was £35,791 (2021-22, £34,851).

In 2022-23, nil (2021-22, nil) employees received remuneration in excess of the highest-paid director. Remuneration ranged from £25,000-£30,000 to £105,000-£110,000 in 2022-23 (2021-22 £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 was implemented in August 2022.

The implementation of the pay award in 2022-23 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 increase 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 2023 is as follows:

	Male	Female	Total
Director (senior civil servant)	1	-	1
Senior leaders	2		2
Other staff	37	59	96
Total	40	59	99

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

	Staff costs comprise							2022-23	2021-22
	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	131	1166	3,533	58	-	544	5,432	5,049	
Social security costs	17	156	416	-	-	-	589	512	
Other pension costs	-	-	885	-	-	-	885	867	
Total	148	1,322	4,834	58	-	544	6,906	6,428	

During the year, no staff costs were capitalised (£0 in 2021-22).

In 2022-23 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 2022-23.

The PCSPS and the Civil Servants and Others Pension Scheme (CSOPS) – 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 2016. Details can be found in the Civil Superannuation annual accounts 2021 to 2022 at: www.gov.uk/government/publications/civil-superannuation-annual-account-2021-to-2022/civil-superannuation-annual-report-and-account-2021-22-html

For 2022-23, employers’ contributions of £887,000 were payable to the PCSPS (2021-22: £867,000) at one of four rates that ranged from 26.6% to 30.3% (2021-22: 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 2022-23 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 2022-23 were £6,335 (2021-22: £2,641). Employer contributions, which are age-related, ranged from 8% to 14.75% (2021-22: 8% 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% (2021-22: 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 (audited):

	Commissioners	Panel chairs and lay panel members	Permanent staff	Seconded staff	Fixed term contracts	Other contracted staff	Total
2022-23	2	17	92	1	0	10	122
2021-22	2	10	87	1	2	12	114

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 (audited), in 2022-23 (2021-22: nil departures).

Spend on consultancy

During 2022-23, the JAC spent £106,000 on consultancy (2021-22: £146,000). This related to media support for the commission, a qualifying test research project and a review of the JAC’s critical analysis test.

Off-payroll engagements

During the financial year 2022-23, the JAC has reviewed off-payroll engagements where we are required to consider intermediaries (IR35) legislation using HMRC’s 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

Staff sickness absence levels continue to be below the average when compared with other Civil Service organisations. For 2022-23 an average figure of 4.32 days for each member of staff was lost due to absences (compared to a figure of 3.02 days in 2021-22). Of this figure 2.87 days relate to long term absence and 1.45 days short-term absence for each member of staff.

Staff turnover

In 2022-23, staff turnover was 15.69% (2021-22: 12%). 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 as we transition out of the impacts of the COVID-19 pandemic. We have reviewed our hybrid ways of working, encouraging increased collaborative working, while making the most effective use of video techniques to ensure that business priorities are maintained. We continue to make alterations to our office space so that it effectively supports our hybrid approach.

The annual People Survey in 2022 showed a response rate of 67% (84% in 2021), with an overall engagement score of 70% (67% in 2021). In keeping with the aims of the JAC People Plan we have agreed further actions to be taken forward in 2023 to address the main emerging issues around Learning and Development and resources.

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 take into account the good practices that have been developed as our hybrid working model has evolved.

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. This includes making sure that they 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. We also link into a range of other MoJ networks where staff with disabilities can obtain peer support and advice.

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

Government Functional Standards

The Government Functional Standards provide a mandate for the various corporate and professional functions that operate within the JAC and includes:

- Analysis
- Commercial
- Communications
- Counter Fraud
- Debt
- Digital
- Finance
- Grants
- People
- Project Delivery
- Property
- Security

We also work closely with the Government Internal Audit Agency to test our resilience across these areas where necessary.

These Functional Standards were mandated across government in September 2021 and help to:

- set a coherent way of doing business, bringing together what needs to be done and why
- support the governance, planning, delivery and assurance of functional work
- provide a key reference point that allows users to organise and manage all the other guidance that people are expected to follow
- support continuous improvement and professional development

The JAC is an arm's length body of the MoJ. The MoJ's Functional Reform Directorate leads in driving forward a broad agenda of functional reform. This directorate is responsible for:

- ensuring that best practice from the standards is integrated into functional operating models by monitoring continuous improvement and establishing a realistic level of ambition for improvement via the Functional Forum

- measuring quality of services through the annual functions quality survey, while keeping a strong and consistent focus on positive outcomes for the department and all its agencies
- ensuring that functional stakeholders receive a seamless service from MoJ's professional functions, via engagement activities with users of those functional services
- identifying opportunities to build capability and improve cross cutting skills throughout the functional workforce

The JAC adopts and utilises many of the MoJ functions in the delivery of its business. This includes the use of the MoJ's Commercial, Property, Digital, Finance, Security, Analysis and Counter Fraud teams. The JAC has developed plans to embed each functional standard proportionately and where relevant. The MoJ have self-assessed all of its functions, except for security, as meeting the mandatory elements of the relevant standard. We understand that the MoJ have added Functional Standards to its internal audit plan for independent scrutiny by the Government Internal Audit Agency. In addition, some MoJ functions will be part of a cross-government Functional Standards audit which will take place in 2023.

Regularity of expenditure

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

Losses statement

There was one write-off of £4,156 (nil in 2021-22) representing income tax and national insurance adjustments recoverable from HMRC for financial years 2014-15 and 2016-17 for which the JAC could not agree a settlement.

Special payments

There was one special payment of £10,250 (nil in 2021-22) made in the 12 months to 31 March 2023, which was paid as a result of a legal settlement.

Remote contingent liabilities

In addition to the contingent liabilities reported in accordance with IAS 37, the JAC is 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 2023, the JAC had no remote contingent liabilities.

A. McMurtrie

Alex McMurtrie

Accounting Officer
Judicial Appointments Commission
10 July 2023

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

Opinion on financial statements

I certify that I have audited the financial statements of the Judicial Appointments Commission for the year ended 31 March 2023 under the Constitutional Reform Act 2005.

The financial statements comprise the Judicial Appointments Commission's

- Statement of Financial Position as at 31 March 2023;
- 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 2023 and its net expenditure for the year then ended; and
- have been properly prepared in accordance with the Constitutional Reform Act 2005 and the Lord Chancellor directions issued thereunder.

Opinion 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 and Regularity of Public Sector Bodies in the United Kingdom (2022). 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 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 the information included in the Annual Report, but does not include the financial statements nor my auditor's certificate. 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.

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 the part of the Remuneration and Staff Report to be audited has been properly prepared in accordance with directions issued by the Lord Chancellor under the Constitutional Reform Act 2005.

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 directions issued by the Lord Chancellor under the Constitutional Reform Act 2005; and
- the information given in the Accountability Report and Performance Report 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 Accountability Report and Performance Report.

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

- 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

- I have not received all of the information and explanations I require for my audit; 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 parts of the Remuneration and Staff Report to be audited is not in agreement with the accounting records and returns; 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;
- providing the C&AG with access to all information of which management is aware that is relevant to the preparation of the financial statements such as records, documentation and other matters;
- providing the C&AG with additional information and explanations needed for his audit;

- providing the C&AG with unrestricted access to persons within the Judicial Appointments Commission from whom the auditor determines it necessary to obtain audit evidence;
- ensuring such internal controls are in place as deemed necessary to enable the preparation of financial statement to be free from material misstatement, whether due to fraud or error;
- ensuring that the financial statements give a true and fair view and are prepared in accordance with the directions issued by the Lord Chancellor under the Constitutional Reform Act 2005;
- ensuring that the annual report, which includes the Remuneration and Staff Report, is prepared in accordance with directions issued by the Lord Chancellor under the Constitutional Reform Act 2005; 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 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 noncompliance 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 nature of the sector, control environment and operational performance including the design of the Judicial Appointments Commission’s accounting policies.
- inquired of management, the 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 on:
 - identifying, evaluating and complying with laws and regulations;
 - detecting and responding to the risks of 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 the Constitutional Reform Act 2005 and Managing Public Money.

- inquired of management, the Judicial Appointments Commission’s head of internal audit and those charged with governance whether:
 - they were aware of any instances of non-compliance with laws and regulations;
 - they had knowledge of any actual, suspected, or alleged fraud;
- discussed with 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 areas: posting of unusual journals, complex transactions and bias in management estimates. In common with all audits under ISAs (UK), I am also required to perform specific procedures to respond to the risk of management override.

I obtained an understanding of the Judicial Appointments Commission’s framework of authority and other legal and regulatory frameworks in which the Judicial Appointments Commission operate. I focused 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 Constitutional Reform Act 2005, Managing Public Money, Employment Law and Tax Legislation.

Audit response to identified risk

To respond to the identified risks resulting from the above procedures:

- I reviewed 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;
- I enquired of management, the Audit and Risk Committee and legal counsel concerning actual and potential litigation and claims;
- I reviewed 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, I tested the appropriateness of journal entries and other adjustments; assessed whether the judgements on estimates are indicative of a potential bias; and evaluated the business rationale of any significant transactions that are unusual or outside the normal course of business.

I 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. 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
12 July 2023

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 2023

		2022-23	2021-22
	Notes	£000	£000
Income	2	-	(2)
Expenditure			
Staff costs	3	6,906	6,428
Other operating costs	4	1,867	1,314
Services and facilities provided by sponsoring department	5	684	503
Net expenditure for the year		9,457	8,243
Other comprehensive net expenditure			
Net (gain)/loss on revaluation of:			
Intangible assets		(18)	11
Comprehensive net expenditure for the year		9,439	8,254

The notes on pages 100 to 109 form part of these accounts.

Statement of financial position

as at 31 March 2023

		2022-23 31 Mar	2021-22 31 Mar
	Notes	£000	£000
Non-current assets			
Intangible assets	6	686	837
Total non-current assets		686	837
Current assets			
Trade and other receivables	7	103	72
Cash at bank	8	458	546
Total current assets		561	618
Total assets		1,247	1,455
Current liabilities			
Trade and other payables	9	(106)	(78)
Other liabilities	9	(608)	(608)
Provisions	10	(6)	(10)
Total current liabilities		(720)	(696)
Total assets less total liabilities		527	759
Taxpayers' equity:			
Revaluation reserve		28	15
General reserve		499	744
Total taxpayers' equity		527	759

The notes on pages 100 to 109 form part of these accounts.

A. McMurtrie

Alex McMurtrie

Accounting Officer
Judicial Appointments Commission
10 July 2023

Statement of cash flows

for the year ended 31 March 2023

		2022-23	2021-22
	Notes	£000	£000
Cash flows from operating activities			
Net expenditure for the year		(9,457)	(8,243)
Adjustments for non-cash transactions:			
- MoJ overhead recharges	5	684	503
- Intangible asset value adjustment	6	(7)	-
- Amortisation	4	177	214
Revaluation of intangible asset	4	(1)	-
- Provisions provided in year	10	6	10
(Increase)/decrease in trade and other receivables	7	(31)	(24)
Increase/(decrease) in trade and other payables	9	28	(302)
Utilisation of provisions	10	(10)	-
Net cash outflow from operating activities		(8,611)	(7,842)
Cash flows from investing activities			
Purchase of intangible assets	6	-	(117)
Net cash outflow from investing activities		-	(117)
Cash flows from financing activities			
Grant-in-aid received from MoJ		8,523	7,800
Net financing		8,523	7,800
Net increase/(decrease) in cash and cash equivalents in the year		(88)	(159)
Cash and cash equivalents at the beginning of the year		546	705
Cash and cash equivalents at the end of the period	8	458	546

The notes on pages 100 to 109 form part of these accounts.

Statement of changes in taxpayers' equity

as at 31 March 2023

	General reserve	Revaluation reserve	Total
	£000	£000	£000
Balance at 1 April 2021	676	34	710
Changes in taxpayers' equity – 2021-22			
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 MoJ	503	-	503
Revaluation of intangible assets	-	(11)	(11)
Transfers between reserves	8	(8)	-
Balance at 31 March 2022	744	15	759
Changes in taxpayers' equity – 2022-23			
Net expenditure for the period ended 31 March 2023	(9,457)	-	(9,457)
Grant-in-aid towards expenditure	8,523	-	8,523
Grant-in-aid received, being costs settled by MoJ	684	-	684
Revaluation of intangible assets	-	18	18
Transfers between reserves	5	(5)	-
Balance at 31 March 2023	499	28	527

The notes on pages 100 to 109 form part of these accounts.

Notes to the accounts

for the period ended 31 March 2023

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 2022-23 Government Financial Reporting Manual (FReM) issued by HM Treasury. The accounting policies contained in the FReM apply International Financial Reporting Standards (IFRS) as adapted or interpreted for the public-sector context.

Where the FReM 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) Changes in accounting policy and disclosures, and accounting standards issued but not adopted

New and amended standards adopted

There have been no new or amended standards adopted in the financial year beginning 1 April 2022.

New standards, amendments and interpretations issued but not effective for the financial year beginning 1 April 2022 and not early adopted.

IFRS 17 Insurance Contracts requires a discounted cash flow approach to accounting for insurance contracts. Subject to UK adoption, it may come into effect for accounting periods commencing on, or after, 1 January 2023 and should be included in the 2023-24 FReM at the earliest. To assess the impact of the standard, we are reviewing contracts which meet the definition of insurance contracts.

We do not consider that any other new, or revised standard, or interpretation will have a material impact.

b) Funding

The JAC receives funding as grant-in-aid. This government grant-in-aid received is accounted for as funding through the general fund.

c) Accounting for value added tax

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.

The recognition and measurement of provisions rely on the application of professional judgement, historical experience, and other factors expected to influence future events. The provision for legal claims has been estimated based on an assessment by the Government Legal Department (GLD) and past experience of settling claims.

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 current digital platform 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 JAC are capitalised when they meet the criteria specified in the FReM, 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 current digital platform went live on 21 January 2020 with the initial useful economic life of the asset set at seven years.

f) 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.

g) 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.

h) 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.

i) 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.

j) 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 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.

Note 2. Income

	2022-23	2021-22
	£000	£000
Recovery of selection exercise costs	-	(2)
	-	(2)

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
2022-23						
Wages and salaries	131	1,166	3,533	58	544	5,432
Social security costs	17	156	416	-	-	589
Pension contributions	-	-	885	-	-	885
Total	148	1,322	4,834	58	544	6,906
2021-22						
Wages and salaries	113	839	3,536	74	487	5,049
Social security costs	14	101	397	-	-	512
Pension contributions	-	-	867	-	-	867
Total	127	940	4,800	74	487	6,428

Note 4. Other operating costs

	2022-23	2021-22
	£000	£000
Selection exercise programme		
Panel members' travel and subsistence	36	25
Selection day costs ¹	376	187
Advertising	18	5
Direct selection process costs	28	19
	458	236
Other programme costs		
Communications ¹	11	2
Commissioners ¹ travel and subsistence	5	1
Consultancy	106	146
Digital support costs	707	516
Write offs	4	-
	833	665
Administration costs		
Staff training	13	12
Office expenses	9	78
Legal services	298	24
External audit	39	34
Internal audit	40	38
Bank charges	2	3
	401	189
Non-cash items		
Amortisation	177	214
Provision expense	6	10
(Increase)/decrease in the valuation of intangible assets	(1)	-
Intangible asset reclassification	(7)	-
	175	224
Total other operating costs	1,867	1,314

1. 2021-22 comparators have been re-presented to reflect a more accurate allocation of selection exercise costs.

Note 5. Services and facilities provided by sponsoring department

	2022-23	2021-22
	£000	£000
Communications	6	6
Finance	156	90
Estates	211	152
HR	14	13
Digital (incl. Info Ops)	244	202
Shared Services	53	40
Total corporate overhead charge	684	503

Note 6. Intangible assets

	Information Technology	Total
	£000	£000
Movements in 2022-23		
Cost or valuation		
At 1 April 2022	985	985
Additions	-	-
Disposals	7	7
Revaluation	32	32
Reclassification	132	132
At 31 March 2023	1,156	1,156
Amortisation		
At 1 April 2022	148	148
Charged in year	177	177
Revaluation	13	13
Disposals	-	-
Reclassification	132	132
At 31 March 2023	470	470
Carrying value at 31 March 2023	686	686
Carrying value at 31 March 2022	837	837

The cost and amortisation reclassification, and disposal adjustment of £7,000, have been made to reflect the total cost and amortisation values related to the intangible assets currently in use by the JAC.

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

Note 7. Trade and other receivables

	2022-23 31 Mar	2021-22 31 Mar
Amounts falling due within one year	£000	£000
Deposits and advances	61	40
Other receivables	6	-
Prepayments	36	32
Total	103	72

Note 8. Cash at bank

	2022-23	2021-22
	31 Mar	31 Mar
	£000	£000
Balance at 1 April	546	705
Net change in cash and cash equivalent balances	(88)	(159)
Balance at 31 March	458	546
Total cash held at Government Banking Service	458	546

Note 9. Trade and other payables

	2022-23	2021-22
	31 Mar	31 Mar
Amounts falling due within one year	£000	£000
Trade payables	7	(6)
Other payables	99	84
	106	78
Tax and social security	136	153
Accruals	332	311
Accrued holiday pay	140	144
	608	608
Total	714	686

Note 10. Provisions for liabilities and charges

	2022-23	2021-22
	£000	£000
Balance at 1 April	10	-
Provided in the year	6	10
Provisions utilised in the year	(10)	-
Provisions released in the year	-	-
Balance at 31 March 2023	6	10

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 £6,000 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

There are ongoing legal cases against the JAC that may lead to possible obligations. These cases are at an early stage and at present they are unquantified as the timing is uncertain and they cannot be reliably measured. Disclosing further details of these cases in accordance with IAS 37 (provisions, contingent liabilities and contingent assets) could be expected to seriously prejudice ongoing litigation.

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 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 MoJ. 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 2022-23 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 International Accounting Standard 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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