

# JUDICIAL APPOINTMENTS COMMISSION (JAC)

12 April 2018

## Minutes of Board Meeting

<b>Present</b>	
<b>Board members</b>	<b>Staff</b>
Ajay Kakkar (Chairman) Anne Rafferty (Vice Chairman) Mathangi Asokan (EA) Emir Feisal (EF) Jane Furniss (JF) Usha Karu (UK) Andrew Kennon (AK) Sarah Lee (SL) Noel Lloyd (NL)- by telephone Fiona Monk (FM) Brie Stevens-Hoare (BSH) Valerie Strachan (VS) Phillip Sycamore (PS) Simon Wessely (SW) Philippa Whipple (PW)	Head of Strategy and Policy Head of Operations Head of Secretariat/Board Secretary Head of Selection Policy Senior Selection Policy Advisor Senior Selection Exercise Managers Senior Communications Manager

### 1. Apologies and matters arising

- 1.1 No apologies were received.
- 1.2 The minutes of the 8<sup>th</sup> March meeting were agreed.
- 1.3 No interests were declared by any Board member in respect of any matter under discussion on the agenda.
- 1.4 The Chairman formally welcomed Sarah Lee and Brie Stevens-Hoare to the Board.

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

2.1 The Chief Executive reported on:

- JAC finances;
- the progress of current exercises;
- current staffing levels;
- the updated General Data Protection Regulations (GDPR); and
- Judicial Appointments Board Scotland visit on 13<sup>th</sup> March 2018.

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

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

Noel Lloyd reported back on the JARS Programme Board (Programme Board) meeting held on 21<sup>st</sup> March 2018. NL reported that the digital suppliers reported on the First-tier Tribunal Judge Qualifying Test and “rocket launch” process. The Programme Board discussed lessons learned and an action plan to implement changes for the upcoming Deputy District Judge exercise. NL advised the Board that the Programme Board received an update on the development of a back-up system as well as the plans for a full business continuity plan test. NL also reported to the Board that the Programme Board received an update on the future digital strategy including updates on JARS developments and plans to implement any changes resulting from the updated GDPR.

### **4. Chairman’s Report**

- 4.1 The Chairman reported on his activities since the March Board meeting. He reported that he had met with the Lord Chief Justice and Lord Chancellor on 22<sup>nd</sup> March 2018, focussing on the Pre-Application Judicial Education (“PAJE”) project and other initiatives to attract and develop a strong, diverse candidate pool. He advised the Board that they also discussed the high-volume selection exercise programme and resources needed to deliver those exercises, as well as the particular challenges involved in recruiting to the High Court.
- 4.2 The Chairman went on to update the Board on potential additional diversity measures being considered as part of the follow up from the strategy discussion held after the last Board meeting in March.
- 4.3 The Chairman reported that he had recently participated in the Court of Appeal sift exercise as well as interviewing for three other posts for the Supreme Court.
- 4.4 As the Assigned Commissioner on the High Court competition, the Chairman had provided oversight and support to the panel during sift and selection day stages of the competition, and he thanked all involved for their contribution to this exercise.
- 4.5 The Chairman advised the Board that he had attended a drinks reception hosted by the Society of Legal Scholars on 14<sup>th</sup> March 2018.

4.6 The Chairman invited Board members to comment on relevant activities of particular interest with which they had been involved. Simon Wessely reported that he had attended the eligibility moderation session for the Fee-paid Medical Member of First-Tier Tribunal, Health Education and Social Care Chamber exercise. Emir Feisal reported that he had observed a Judicial Office Regional Diversity event. Noel Lloyd advised the Board that he had attended a meeting of the Senior Salaries Review Body (SSRB) Advisory and Evidence Group whilst Valerie Strachan reported that she had recently commenced observation of telephone assessments on the Deputy High Court Judge exercise.

## **5. Name-blind sifting pilot**

5.1 The Head of Diversity and Engagement presented a paper outlining a proposal to pilot name-blind paper sifting of candidates following on from the Board Strategy Day last month.

5.2 It was proposed that the pilot should be carried out for the paper sift part of the process but that it would not be practicable to undertake name-blind shortlisting across all selection tools such as telephone assessments or selection day. It was noted that as the online qualifying tests were marked automatically by JARS, this part of the process was already marked name-blind and that the pilot would enable a trial approach to manually work around the development of functionality of JARS to expand this to other parts of the process.

5.3 Following further discussion, the Board endorsed the proposal in the paper.

## **6. Protecting Integrity of Selection Process**

6.1 The Head of Selection Policy presented a paper updating the Board on the project to strengthen the integrity of the JAC selection processes. This work forms one of the strategic objectives agreed by the Board in October 2017. First, the Commission noted the revised wording for the Statement of Understanding and Confidentiality Agreement (“Statement”) as agreed by the Board in March 2018 and in particular that the Statement had now been incorporated on Qualifying Test materials and the Application Form.

6.2 Secondly, the paper sought the approval of the Board for a process for considering disqualification where there was evidence of the Confidentiality Agreement having been breached. The Board approved the proposed process for considering disqualification,

subject to candidates being invited to provide a written explanation of their view of any suspected breach; and clarifying the wording of the policy to reflect that all single breaches will be considered on a case by case basis such that any repeated incident will be considered as part of the character decision in subsequent applications made by the candidate.

6.3 The paper also sought approval for a pilot to develop our understanding of instances where candidates have sought advice or paid a professional service to assist with their application form. Following discussion, the Commission did not feel that there was a compelling reason to take forward the pilot at this time. The Head of Selection Policy also asked the Board to note the review of internal policies that had been undertaken as part of this work

## **7. Alternative approach to overall grading of candidates**

7.1 The Head of Selection Policy provided an oral update to the Board on proposals outlining a revised approach to the overall final grading of candidates as brought to the Board at the previous meeting. The Head of Selection Policy informed the Board that in view of the discussion at the previous Board meeting, the grading structure would remain unchanged. However, a recommendation to strengthen the internal guidance used by panels for the grading structure during the selection process was proposed to the Board.

7.2 Following discussion, the Board approved the proposal to strengthen the guidance for panel members and noted that the approach to the final grading of candidates would remain unchanged.

## **8. Salaried Employment Tribunal Judge: Selection Process**

8.1 The Senior Selection Exercise Team Manager presented a paper to the Board outlining the plans for the forthcoming exercise to select candidates to recommend for the post of Salaried Employment Tribunal Judge.

8.2 The Board noted the timetable and approved the high level process for the exercise.

## **9. AOB and Date of next meeting**

9.1 This concluded the business of the Board.

9.2 The Chairman confirmed the next meeting would take place on 10<sup>th</sup> May 2018.