

JUDICIAL APPOINTMENTS COMMISSION (JAC) MEETING

8 February 2018

Minutes of Board Meeting

Present	
Commissioners	Staff
Ajay Kakkar (Chairman) Anne Rafferty (Vice Chairman) Mathangi Asokan Jane Furniss Usha Karu Andrew Kennon Noel Lloyd Fiona Monk Valerie Strachan Phillip Sycamore Simon Wessely Philippa Whipple	Chief Executive Head of Strategy and Policy Head of Operations Head of Secretariat Head of Judicial Statistics Head of Senior and International Appointments Senior Selection Exercise Managers

1. Apologies and matters arising

1.1 Apologies were received from Emir Feisal.

1.2 The minutes of the 14 December 2017 meeting were agreed.

1.3 No interests were declared by any Commissioner in respect of any matter under discussion on the agenda.

1.4 The Commissioners thanked Naomi Turner for her support as Head of Secretariat and welcomed Sharon Athwal as successor to the role.

2. Chief Executive's Report and Management Information Pack

2.1 The Chief Executive reported on:

- JAC finances;
- the progress made on delivering the People Plan;
- the progress of current exercises and recommendations accepted by the Lord Chief Justice; and
- current staffing levels at the JAC including reference to the new posts for Senior Panel Secretaries currently being recruited.

3. Report back from Committees and Working Groups

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

3.2 Valerie Strachan reported on the Audit and Risk Committee (ARC) held on 25 January 2018. VS advised the Board that the ARC had considered the Management Information Pack, the Corporate Risk Register and noted progress of the internal and external audits for the year. Specifically, VS reported that all internal audits concluded for the year had received the highest possible assurance rating of 'Substantial' compliance including the audits on 'Governance of the finance function' and 'Staff Engagement'. VS informed the Board that the ARC had also reviewed the security incident reports for the year.

3.3 Noel Lloyd reported back on the JARS Programme Board meetings ("the Programme Board") held on 19 December 2017 and 25 January 2018. NL reported that the Programme Board considered progress on new features and disaster recovery and updates on future procurement and product backlog.

3.4 NL also reported back on the Welsh Matters Committee meeting on 14 December. Following a meeting with the Welsh Government (Welsh Tribunals Unit) to jointly review the arrangement under section 83 Wales Act 2006 between the Welsh Government and the Judicial Appointments Commission, minor changes had been discussed and agreed and the revised agreement would be brought to the Board for endorsement.

4. Chairman's Report

4.1 The Chairman reported on his activities since his last report at the December meeting.

Since the last Board meeting on 14 December the Chairman reported that he had met with the Lord Chancellor and the Lord Chief Justice and also met with the House of Commons Justice Select Committee in a closed session. The Chairman further reported that he had met with JUSTICE to discuss their report on judicial appointments.

4.2 As Assigned Commissioner, the Chairman reported that he had also provided oversight and support to a panel during the sift and moderation stages of the High Court competition throughout January and early February.

4.3 The Chairman also reported that he had attended various events including the Swearing-In Ceremony for the new Lord Chancellor, and attended a Reception to celebrate recently retired senior judges.

4.4 The Chairman had also interviewed candidates for the two currently vacant professional Commissioner posts, and the circuit judge Commissioner post which would become vacant in the summer. It was hoped that the professional members would be in post from early April in time for the Board meeting that month.

4.5 The Chairman then asked Commissioners to report on JAC-related activities they had been involved in since the last Board meeting.

5. Alternative approach to applying the Equal Merit Provision

5.1 The Head of Diversity and Engagement presented a paper outlining two separate proposals to improve how the JAC applies the Equal Merit Provision. The first proposal was that selection panels would be asked to identify candidates considered to be of equal merit at selection day moderation, to form any zones of equal merit for subsequent consideration by the Commission. Secondly, where it is not practicable to apply the EMP-style approach at shortlisting stage, it was proposed that panel members would be asked whether it is possible to identify a smaller group of candidates of equal merit at the cut-off point. The Board noted that, if there were candidates with under-represented characteristics in that group, all candidates in the zone would then progress to the next stage, where practicable to do so.

5.2 Following discussion, the Board agreed the recommendations outlined in the paper and noted that the recommendations would be implemented from 1 April 2018.

6. Use of Merit List for Deployment Purposes

6.1 The Head of Selection Policy presented a paper outlining a proposal to share the merit list of successful candidates with the Judicial Office (once relevant recommendations had been accepted by the Appropriate Authority) in certain exercises for the purposes of deployment to specific locations or jurisdictions. This proposal had been developed in response to a request from the Judicial Office.

6.2 Following discussion the Board agreed to the proposal, on the conditions set out in the paper: there would need to be agreement on an exercise-by-exercise basis ahead of launch, in order that the JAC could inform candidates that their relative merit position may be used to inform decisions on deployment; and the needs of the courts or tribunals would continue to be the primary factor in making deployment decisions.

7. Information Assurance Arrangements

7.1 The Head of Digital and IT Services presented a paper, providing an update on four key improvements to cybersecurity and information assurance arrangements as agreed by the Board in October 2017.

7.2 Following discussion, the Board endorsed the progress of the information assurance and cybersecurity arrangements including the improvements to the Risk Register and implementation of the National Cyber Security Centre (NCSC) webcheck service for JARS.

7.3 Following discussion, the Board endorsed the progress of the information assurance and cybersecurity arrangements.

8. Evidence to the Senior Salaries Review Board major review of judicial salaries

8.1 The Head of Strategy and Policy presented a paper enclosing the proposed evidence to be submitted to the Senior Salaries Review Board (SSRB) in relation to their major review of judicial salaries. Noel Lloyd, as lead Commissioner and member of the SSRB judicial sub-committee Advisory and Evidence Group, endorsed the evidence for publication. Following discussion, the Board agreed to submit the evidence to the SSRB and publish it at the same time on the JAC website.

8.2 Philippa Whipple then gave a brief update on the *McCloud* Judgement by the Employment Appeal Tribunal, which had upheld the original tribunal decision that transitional pension arrangements amount to unlawful age discrimination.

9. Forward Look

9.1 The Board noted the Forward Look including the updated details of current policy workstreams planned for delivery in Q1 2018/19.

9.2 This concluded the business of the Board.

9.3 The Chairman reminded the Board that the Annual Board Dinner would be held on Wednesday 7 March 2018 and that the Board meeting and Annual Strategy Discussion would be held the following day on Thursday 8 March 2018.